

5.2. REQUEST FOR OWNERS CONSENT- REX CREEK RESERVE, MOSSMAN GORGE

REPORT AUTHOR(S)	Daniel Lamond, Planning Officer
GENERAL MANAGER	Michael Kriedemann, Acting General Manager Operations
DEPARTMENT	Development Assessment and Coordination
PROPOSAL	Request for Owners Consent to facilitate lodgement of a Development Application for a Material Change of Use (Impact Assessment) – Telecommunications Facility
APPLICANT	Mossman Gorge Centre C/- Urban Sync PO Box 2970 Cairns QLD 4870
LOCATION OF SITE	Gorge Rd, Shannonvale
PROPERTY	Lot 94 on SR257

LOCALITY PLAN



Figure 1 - Locality Plan

ZONE	Conservation
PLANNING SCHEME	2018 Douglas Shire Planning Scheme

RECOMMENDATION

That Council delegate authority to the Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009* to provide Owner's Consent with respect to Lot 94 on SR257 and sign the DA Form 1 to enable a development application to be considered properly made in accordance with section 51 of the *Planning Act 2016*.

EXECUTIVE SUMMARY

The Indigenous Land Corporation has a trustee lease with Council over the reserve for water purposes known as the Rex Creek Reserve at lot 94 on SR257.

The Indigenous Land Corporation is represented by the Mossman Gorge Centre who use the site as part of their cultural tour operations. The site is accessed by one road with shuttle busses transporting patrons from the Mossman Gorge Centre to parts of the Mossman Gorge waterway and surrounds. The locality is dense with remnant native vegetation and characterised by valley's and hills which make radio communications between the shuttle busses, tour guides and the Mossman Gorge Centre difficult to establish. No mobile phone signal exists at the site and in the event of an emergency on the trails or in the waterway, telecommunications need to be made back to the Mossman Gorge Centre. To increase the efficiency of the logistics and for day to day operations, communications from the remote areas of the site back to the visitor centre are necessary.

The Mossman Gorge Centre is seeking to develop an 18 metre high monopole radio tower to facilitate radio connections from the remote areas of the locality to the visitor centre.

This radio tower constitutes the 'telecommunications facility' land use under the 2018 Douglas Shire Planning Scheme but is not of the large size and scale of the traditional monopole structures that mobile carriers develop around the shire (See attachment 1). The establishment of the tower will require impact assessment as it is within the Conservation Zone. In order for the applicant to make a properly made development application, owners consent must be provided in accordance with section 51 of the Planning Act 2016. As Council is trustee of the reserve, Council is devolved with the power to provide owners consent for the land.

TOWN PLANNING CONSIDERATIONS

Proposal

A request for owners consent has been lodged with Council to enable the Mossman Gorge Centre to make a properly made development application for an 18 metre high telecommunications monopole at the Rex Creek Reserve.

The establishment of the monopole is within an existing cleared and maintained area on the site but may require the trimming of some branches of surrounding trees.

Officer Comment

No concerns are raised with the proposal at this point, notwithstanding that the development application when properly made will undergo impact assessment and will be recommended for approval or refusal on the basis of that assessment at that time. Council's Property Services Unit have raised no issue with the request for Council to provide Owner's Consent but have advised that the trustee lease will require a minor amendment to one of the terms of lease to accommodate the construction of the tower prior to construction commencing.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following area outlines where Council has a clear responsibility to act:

Regulator: Meeting the responsibilities associated with regulating activities through legislation or local law.

Council is the trustee of the State owned land and under section 257 of the *Local Government Act 2009* can delegate authority for owner's consent to the Chief Executive Officer.

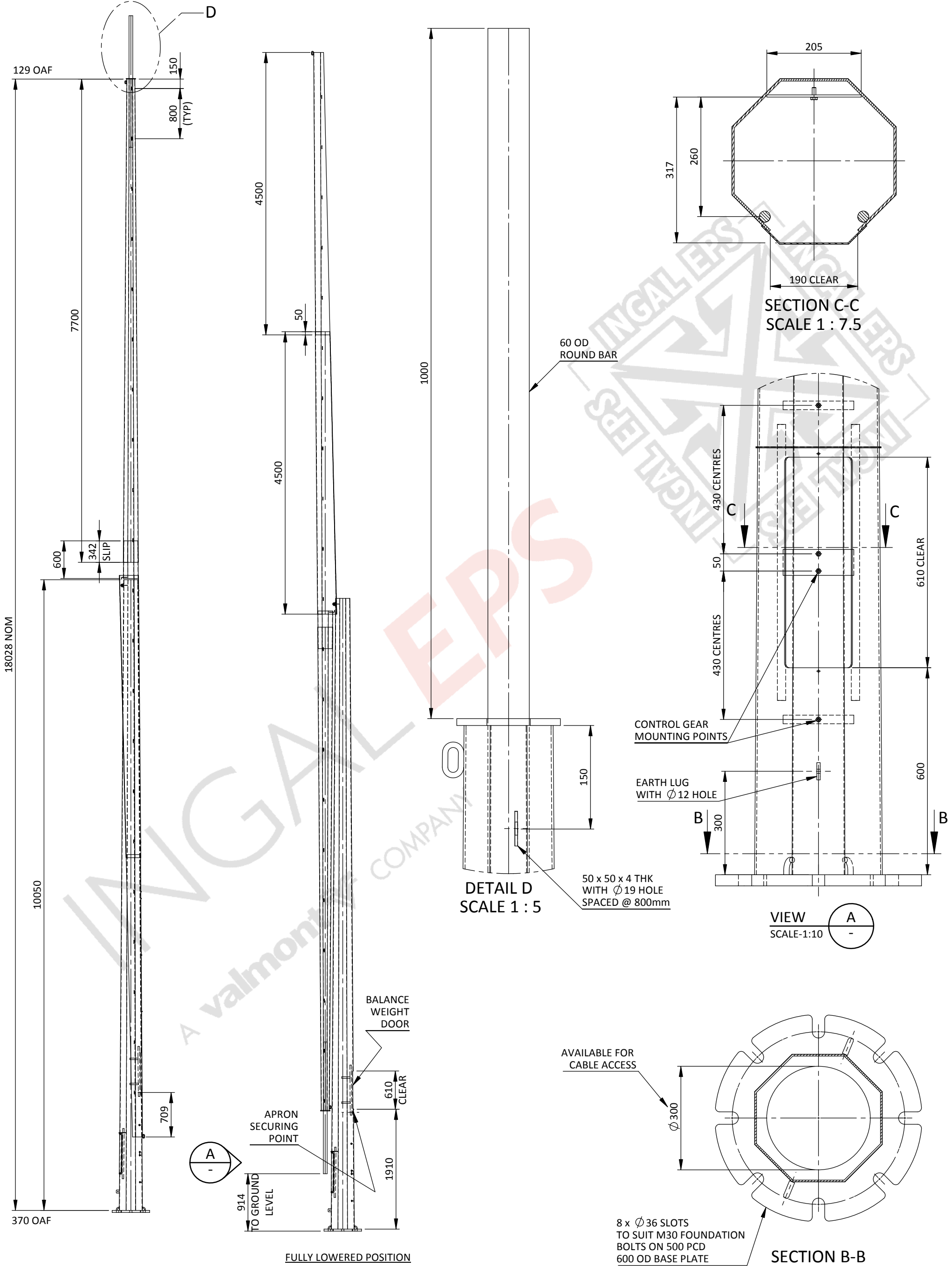
CONSULTATION

Internal: Comment has been sought from Council's Property Services Unit as discussed above.

External: None required under the *Planning Act 2016*.

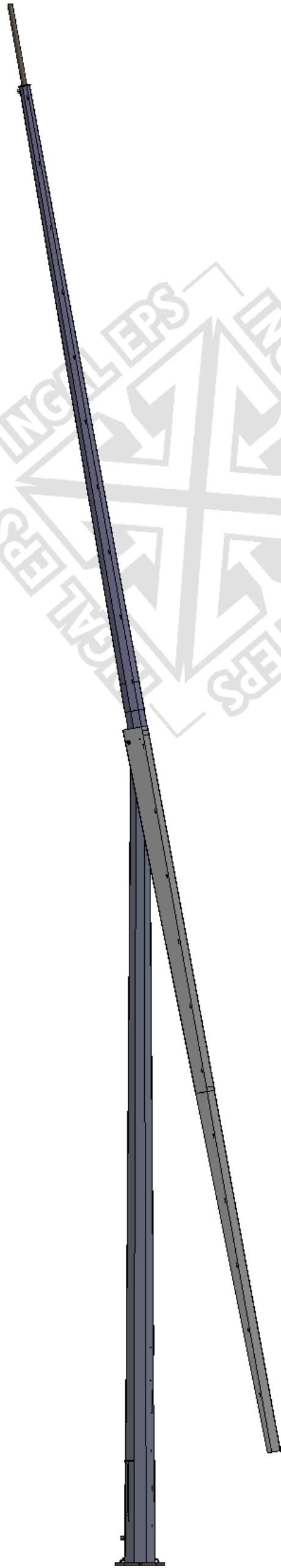
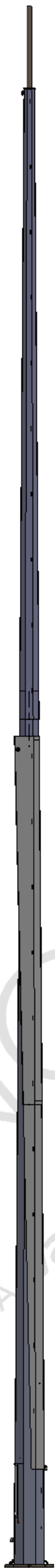
ATTACHMENTS

1. Attachment 1- Monopole Plans **[5.2.1]**
2. Attachment 2- Site Plan **[5.2.2]**



FULLY LOWERED POSITION

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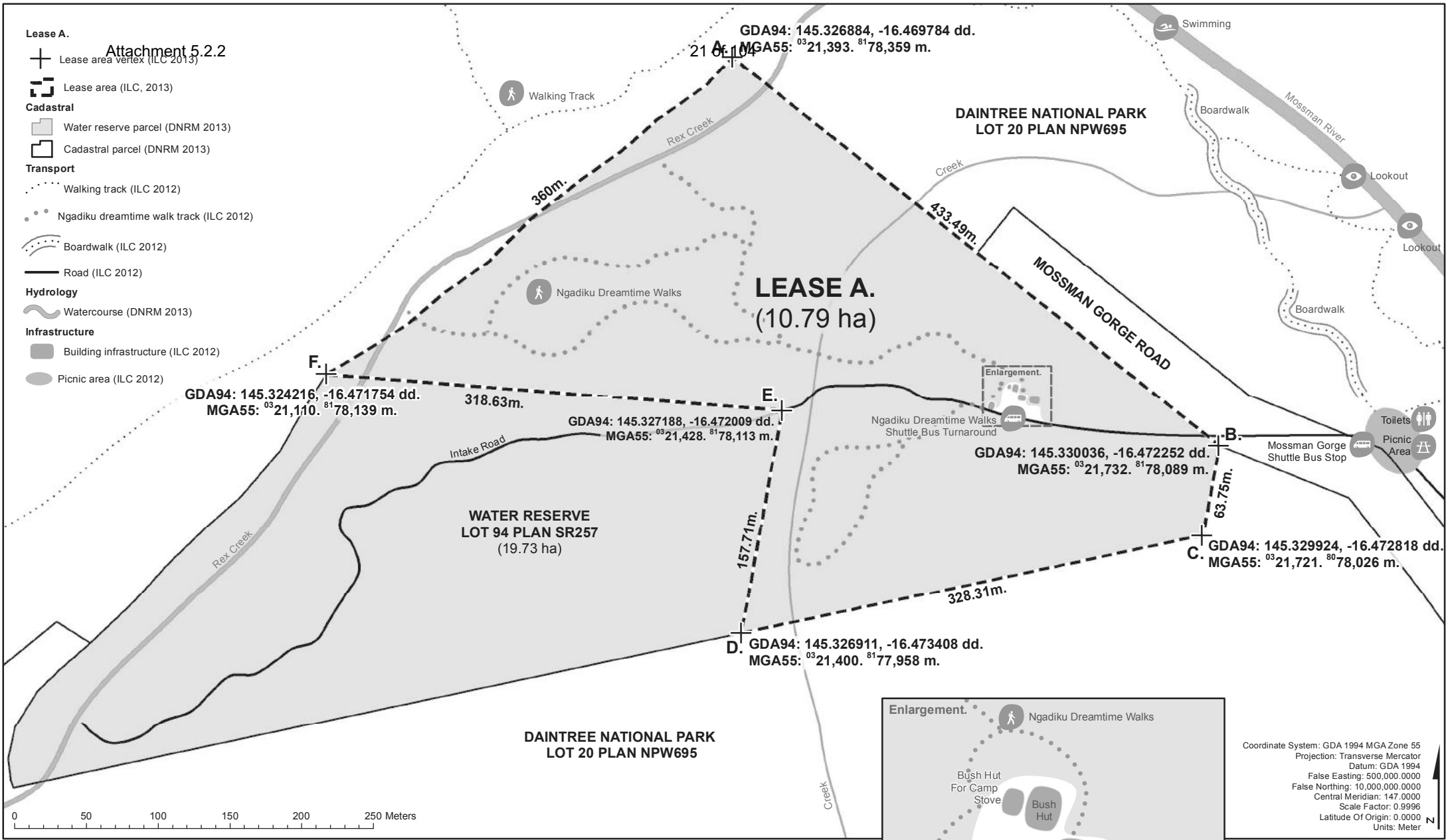
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CUSTOMER NAME / PROJECT Ordinary Council Meeting - 18 December 2018		DATE 23/02/18		DRAWN BY Y.LIU		SCALE 1:55	
						CAD FILE No. GA12337_DRG	



Lease Area for Mossman Gorge Walking Tracks

Water Reserve, Lot 94 on Plan SR257,
 CAIRNS REGIONAL SHIRE, QLD.

See attached data attribution for more information.

01-AUG-2013
 ILC Map No.2206

Australian Government
 Indigenous Land Corporation

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 MGA Zone 55 Projected Coordinate System based on GDA94 Datum.

