

5.3. MATERIAL CHANGE OF USE (TELECOMMUNICATION FACILITIES) 441R CAPE TRIBULATION ROAD, KIMBERLEY

REPORT AUTHOR(S)	Simon Clarke, Technical Planning Officer
GENERAL MANAGER	Nicholas Wellwood, General Manager Operations
DEPARTMENT	Development Assessment and Coordination
PROPOSAL	Material Change of Use - Telecommunication Facilities
APPLICANT	Optus Mobile Pty Ltd C/- Urbis Pty Ltd Level 7, 124 Albert Street BRISBANE QLD 4000
LOCATION OF SITE	441R Cape Tribulation Road, Kimberley
PROPERTY	Lot 84 on RP675

LOCALITY PLAN

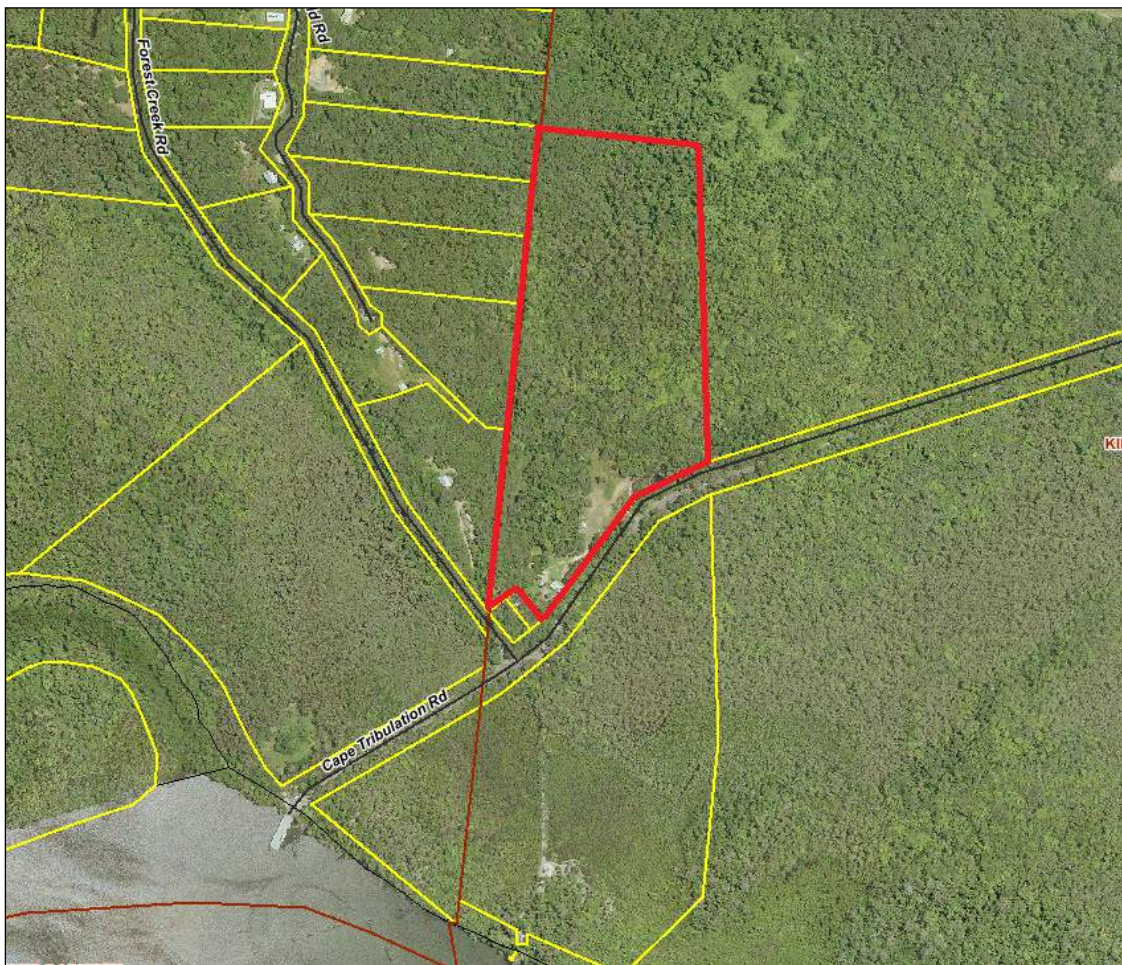


Figure 1 - Locality Plan

LOCALITY	Settlement Areas North of the Daintree River
PLANNING AREA	Rural
PLANNING SCHEME	Douglas Shire Planning Scheme 2006
REFERRAL AGENCIES	None
NUMBER OF SUBMITTERS	Not applicable
STATUTORY ASSESSMENT DEADLINE	26 March 2018
APPLICATION DATE	8 November 2017

RECOMMENDATION

- A. That Council approves the development application for Telecommunication Facilities over land described as Lot 84 on RP675, located at 441R Cape Tribulation Road, Kimberley, subject to the following:

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Draft Site Layout	B1431-P1 Rev 01	15 March 2017
Draft Site Elevation	B1431-P2 Rev 01	15 March 2017

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Health

- 3. The facility must comply with all relevant State and National Standards in relation to emission of light, vibration, odour and radiation.**

The telecommunications facility must be operated in accordance with Radio Communications (Electromagnetic Radiation – Human Exposure) Standard 2003 in relation to the limits for continuous exposure of the general public to radio-frequency electromagnetic energy or other Standard of the Commonwealth of Australia more relevant at the time.

Colours

- 4. The exterior finishes and colours of the facility must be non-reflective and must blend with the natural colours of the surrounding environment.**

Fencing and Signage

- 5. Construct fencing for the perimeter of the facility with a minimum 1.8 metre high mesh security fence being of a dark colour. The facility is to be signed with appropriate hazard and warning signs.**

Acid Sulfate Soils

- 6. The footing excavation proposed may result in disturbance of potential acid sulfate soils (PASS). Prior to excavation, an acid sulfate soil investigation must be undertaken. The investigation must be performed in accordance with the latest 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' produced by the Department of Natural Resources and Mines (previously DNRW), and State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils. Where it is found that PASS exist, treatment of soil must be undertaken on-site to neutralise acid, prior to disposal as fill, in accordance with the DNRM 'Queensland Acid Sulfate Soil Technical Manual'.**

Vegetation Clearing

- 7. Existing vegetation on the subject land must be retained in all areas except those affected by the construction of roadworks / access driveways, the installation of services as detailed on the approved plans as stated in Condition 1. Any further clearing requires an Operational Works Approval.**

ADVICE

- 1. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.**
- 3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.**

LAND USE DEFINITIONS*

In accordance with the *Douglas Shire Planning Scheme 2006*, the approved land use of Telecommunication Facilities is defined as:

Means the use of premises for the provision of telecommunication services.

The use excludes Low Impact Telecommunications Facilities as defined by the Telecommunications (Low Impact Facilities Determination) 1997 under the Telecommunications Act.

*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

B. Further Development Permits

Development Permit for Building Works

C. Properly made submissions

None, no part of the application required public notification.

D. Referral agencies for the application

None, no part of the application required a referral.

E. Currency period for the approval

Under section 85(1)(a)(i) of the *Planning Act 2016*, the relevant period for the Preliminary Approval is to be six (6) years starting from the day the approval takes effect.

F. Reasons for Decision

The reasons for this decision are:

1. Section 60 of the *Planning Act 2016*:

- a. to apply the conditions and advices as per Recommendation A above;
- b. to ensure the development satisfies the benchmarks of the 2006 Douglas Shire Planning Scheme (as amended); and
- c. to ensure compliance with the *Planning Act 2016*.

2. Findings on material questions of fact:

- a. the development application was properly lodged with the Douglas Shire Council on 8 November 2017 under section 51 of the *Planning Act 2016* and Part 1 of the Development Assessment Rules; and
- b. the development application contained a report, a response to Council's request for information and further advice from the applicant

which Council reviewed together with Council's own investigation in making its assessment of the application.

3. **Evidence or other material on which findings were based:**
 - a. **the development triggered code assessable development under the Assessment Table associated with the Rural Areas and Rural Settlements Locality, 2006 Douglas Shire Planning Scheme (as amended);**
 - b. **Council undertook an assessment in accordance with the provisions of section 60 of the *Planning Act 2016*; and**
 - c. **the applicant's reasons have been considered and the following findings are made:**
 - i. **The proposed development complies, or can be conditioned to comply, with the assessment benchmarks contained in the 2006 Douglas Shire Planning Scheme (as amended).**

EXECUTIVE SUMMARY

In order to enhance its wireless telecommunications network, Optus proposes a new 40 metre high lattice telecommunications tower at 441 Cape Kimberley Road, Kimberley. The proposed development is found to be compliant with the 2006 Douglas Shire Planning Scheme and is therefore recommended for approval, subject to conditions.

TOWN PLANNING CONSIDERATIONS

Background

The site is located at 441 Cape Tribulation Road, Kimberley in an area characterised by dense vegetation and nearby agricultural uses, predominantly cattle grazing. The site over which the application is made is approximately 12 hectares and is cleared, vacant land in the location of the proposed Telecommunication facility. The site also contains a residential dwelling and another telecommunications facility, with the balance land mostly heavily vegetated.

Proposal

The layout plan is included in Attachment 1. The proposed telecommunication facility has been designed to form part of Optus wireless network and consists of the following:

- The construction of a 40 metre lattice tower with the attachment of three panel antennas that are 2.8 metres long.
- The attachment of nine (9) Remote Radio Units to be installed at an elevation of 40m behind the antennas on the proposed Optus triangular headframe.
- The attachment of one (1) Parabolic Antenna with a diameter of 1.2m;

- The construction of an equipment shelter on concrete piers, consisting of the following dimensions:
 - 3.15m x 2.38m
- Associated ancillary equipment, including a solar array for power and underground conduits to the existing shed.
- The proposed Optus lease area of 360m².

State Planning Requirements

State Planning Policy

The State Planning Policy ('SPP') was introduced on 3 July 2017 as part of the state's planning system. The SPP defines the Queensland Government's policies about matters of state interest in land use planning and development, and provides direction for the preparation of local planning instruments and assessment of development applications. The SPP also includes assessment benchmarks for some development applications, if the planning scheme does not appropriately integrate the relevant state interest.

The mapping indicates that the following SPP matters apply to the site:

- Agriculture – Agriculture land classification – class A and B;
- Biodiversity – MSES: Wildlife habitat, Regulated vegetation (category B), Regulated vegetation (essential habitat), Regulated vegetation (wetland), Regulated vegetation (intersecting a watercourse) and High ecological significance wetlands; and
- Natural Hazards – (Flood Hazard Area – Local Government Flood Mapping Area), Bushfire prone area, Medium storm tide inundation area and High storm tide inundation area.

The SPP contains assessment benchmarks that are expressed as performance outcomes for the purpose of development assessment. Importantly, these assessment benchmarks apply to the extent the SPP has not been identified in the planning scheme as appropriately integrated in the Planning Scheme. The 2006 Douglas Shire planning scheme does not reflect the SPP. Therefore assessment against the SPP is necessary.

The proposed development has been assessed against, and demonstrated to comply with the following SPP assessment benchmarks:

- Natural Hazard Risk and Resilience – Flood hazard area level 1 Queensland flood plain assessment overlay, Bushfire hazard area (Bushfire prone area), Coastal hazard area (medium and high storm tide inundation area)

The proposed Telecommunications facility is not located on that part of the site identified at being affected by Agriculture under the SPP. Further, the Telecommunications facility is in a cleared portion of the land and will have minimal, if any impact on any of the State Planning Policy Biodiversity interests.

Far North Queensland Regional Plan 2009-2031

The Far North Queensland Regional Plan 2009-2031 ('FNQ Regional Plan') provides the framework for the sustainable management of growth and development in Far North Queensland. The site is contained within the Regional Landscape and Rural Production Area of the FNQ Regional Plan. The proposed development is consistent with the Regional Landscape and Rural Production Area designation of the site.

State Assessment and Referral Agency

There are no requirements to refer this application to the State Assessment and Referral Agency.

Douglas Shire Planning Scheme 2006 Assessment

Definition

The proposed use is defined as Telecommunication facilities in the 2006 Douglas Shire Planning Scheme, as follows:

“the use of premises for the provision of telecommunication services.

The use excludes Low Impact Telecommunications Facilities as defined by the Telecommunications (Low Impact Facilities Determination) 1997 under the Telecommunications Act.”

Planning Area

The site is included in the Rural Planning Area within the Settlement Areas North of the Daintree Locality under the 2006 Douglas Shire Planning Scheme. Telecommunication facilities are code assessable in the Rural Planning Area

The following Codes apply to the development.

Douglas Shire Settlement Areas North of the Daintree Locality		Code Applicability	Compliance
Locality	Settlement Areas North of the Daintree Locality	✓	See comment below
Planning Area	Rural	✓	Complies
Defined Use	Telecommunication Facilities	✓	Complies
Overlay Codes	Acid Sulfate Soils Code	✓	Conditioned to comply
	Cultural Heritage and Valuable Sites Code	x	-
	Natural Hazards Code	x	-
General Codes	Design and Siting of Advertising Devices Code	x	-
General Codes	Filling and Excavation Code	✓	Complies
	Landscaping Code	✓	Complies

Douglas Shire Settlement Areas North of the Daintree Locality		Code Applicability	Compliance
	Natural Areas and Scenic Amenity Code	x	-
	Reconfiguring a Lot Code	x	-
	Vehicle Parking and Access Code	✓	Complies
	Sustainable Development Code	x	-
	Vegetation Management Code	x	-

Compliance Issues

Settlement Areas North of the Daintree Locality Code

The proposed development, because of its functionality, needs to be on a structure that exceeds the height of development nominated in the Acceptable Measure with the Locality code, which specifies a maximum height of 6.5 metres for unroofed structures. The corresponding Performance Outcome requires the development to complement the height of surrounding development. The dense vegetation along Cape Tribulation Road provides an effective visual screen of the subject site to the extent that the telecommunications tower will be scarcely visible from most external views.

Furthermore, the tower will be almost indistinguishable when viewed from the ferry crossing on the southern bank of the Daintree River (see Figure 2 below).



Figure 2 - Photomontage of the proposed facility from the southern bank of the Daintree River

Despite this minor conflict, the development is considered to be consistent with the Code purpose of meeting community need and supporting improved communications north of the Daintree River

Access

Access will be via an existing property track off Cape Tribulation Road. The proposal is equipped with adequate access for the purpose of the development. As the facility will be unstaffed and operated remotely, access for the operation is not required on a regular basis. Occasional access for maintenance purposes is typically required no more than 5 – 6 times per year.

Acid Sulfate Soils.

Conditions of approval will address Acid Sulfate Soil Management.

Referral Agency Requirements

Not applicable.

Public Notification / Submissions

Not applicable

ADOPTED INFRASTRUCTURE CHARGES

The proposed development does not trigger Adopted Infrastructure Charges.

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.

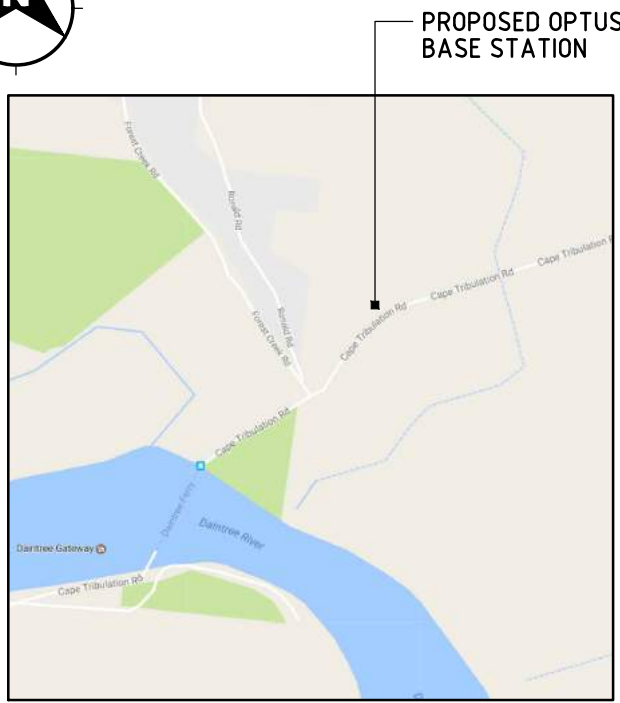
The following area outlines where Council has a clear responsibility to act:

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

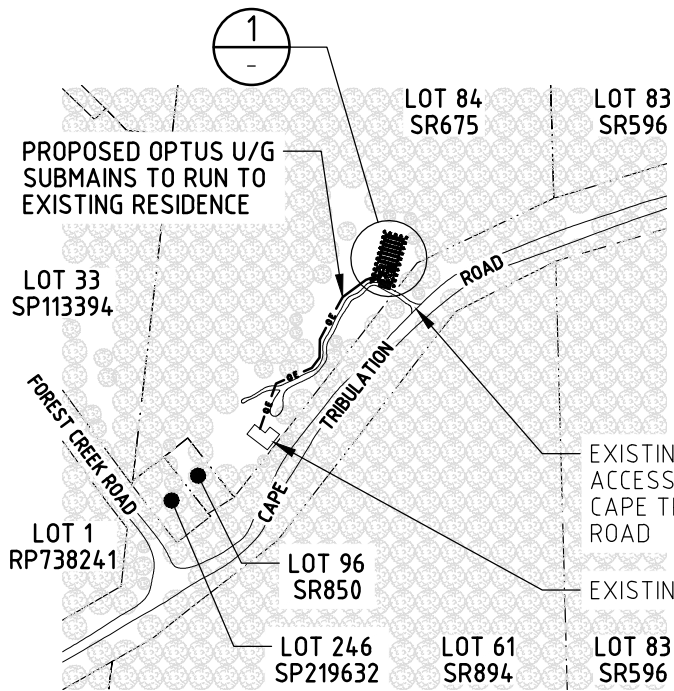
Under the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the assessment manager for the application.

ATTACHMENTS

1. Attachment 1 - Approved Plans and Documents **[5.3.1]**



LOCALITY MAP
COPYRIGHT © GOOGLE MAPS

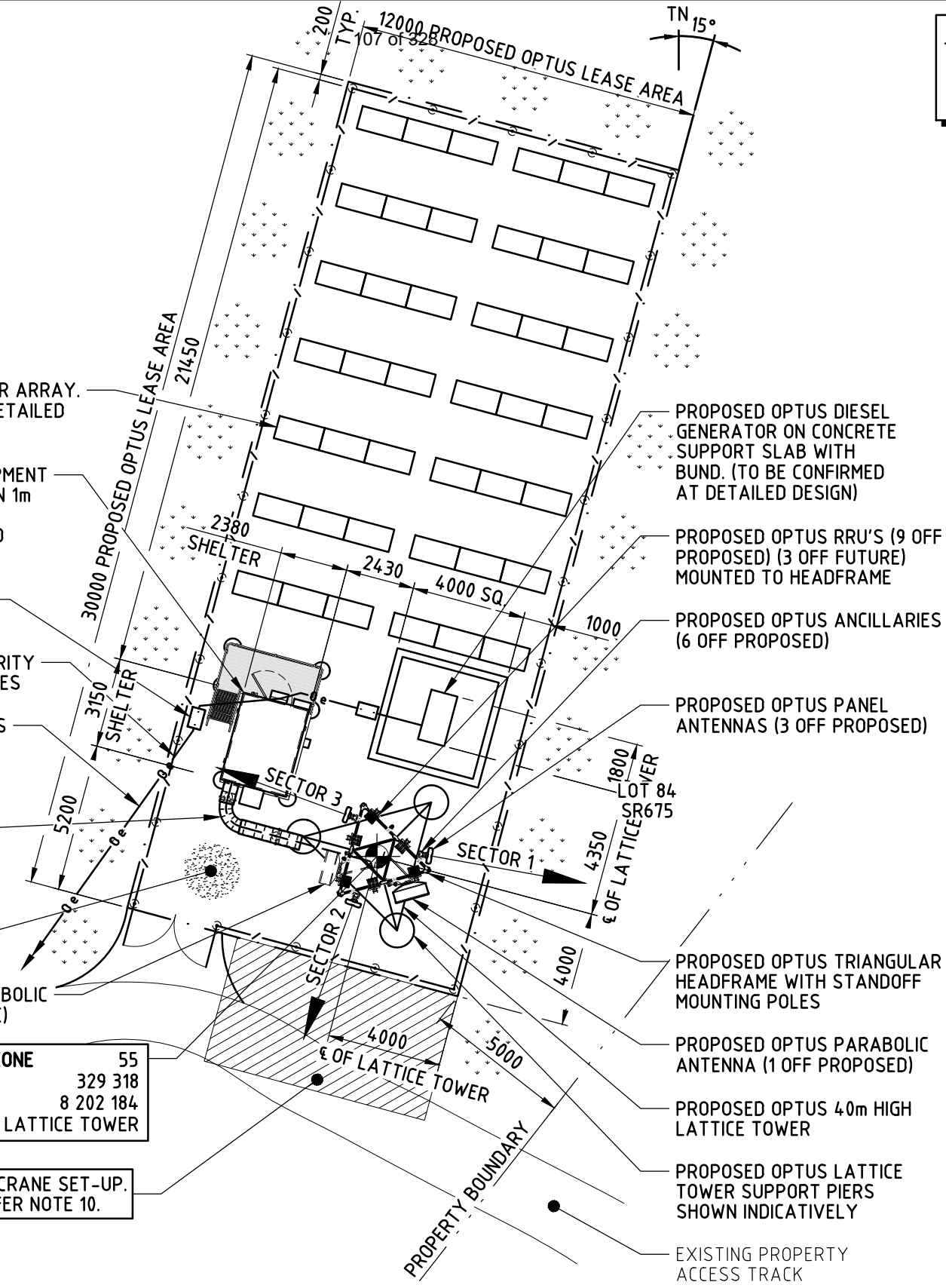


OVERALL SITE PLAN
SCALE 1:5000

- PROPOSED OPTUS SOLAR ARRAY. (TO BE CONFIRMED AT DETAILED DESIGN)
- PROPOSED OPTUS EQUIPMENT SHELTER SUPPORTED ON 1m FLOOD FRAME. (TO BE CONFIRMED AT DETAILED DESIGN)
- PROPOSED OPTUS AC POWER DRAW PIT
- PROPOSED OPTUS SECURITY FENCE AND ACCESS GATES
- PROPOSED LANDOWNERS U/G AC POWER TO RUN FROM PROPOSED OPTUS METER PANEL
- PROPOSED OPTUS FEEDERS TO RUN IN 450 WIDE ELEVATED CABLE LADDER
- PROPOSED GRAVEL GROUND COVER
- PROPOSED OPTUS PARABOLIC ANTENNA (1 OFF FUTURE)

MGA ZONE	55
E	329 318
N	8 202 184
AT ϵ LATTICE TOWER	

EWP/ CRANE SET-UP. REFER NOTE 10.



DETAIL 1
SCALE 1:200

NOTE:
THIS DRAWING IS DIAGRAMMATIC ONLY AND SHOULD NOT BE SCALED. DIMENSIONS, COORDINATES, AND LEVELS SHOWN ARE NOMINAL AND SUBJECT TO CONFIRMATION BY SURVEYOR.

SITE ADDRESS:
441 CAPE TRIBULATION ROAD,
KIMBERLEY, QLD, 4873

- NOTES:**
- 1. BASIS OF DESIGN**
 - > SITE INSPECTION 28/02/2017
 - 2. PANEL ANTENNAS**
 - > 1-OFF PROPOSED HUAWEI ASI4517R1 12 PORT ANTENNA PER SECTOR (EACH 2.8m MAX. LONG) AT EL 39.00m.
 - > SECTOR 1 - 100°, SECTOR 2 - 200°, SECTOR 3 - 290°
 - > MOUNTED ON A TRIANGULAR HEADFRAME.
 - 3. TRANSMISSION**
 - > ϕ 1200 PARABOLIC ANTENNA AT EL 37.00m (1 OFF PROPOSED)
 - > LINK SITE - B0093 PORT DOUGLAS (TO BE CONFIRMED VIA L.O.S. AT DETAILED DESIGN)
 - > ϕ 1200 PARABOLIC ANTENNA AT EL 35.00m (1 OFF FUTURE)
 - 4. EQUIPMENT SHELTER**
 - > PROPOSED VOS 1.3 (3.15m x 2.38m) SANDWICH PANEL.
 - > CYCLONIC RATED SHELTER.
 - > SUPPORTED ON A 1m FLOOD FRAME (TO BE CONFIRMED AT DETAILED DESIGN).
 - 5. OPTUS LATTICE TOWER**
 - > PROPOSED 40m HIGH LATTICE TOWER WITH TRIANGULAR HEADFRAME.
 - > FOUNDATION TYPE TO BE CONFIRMED AT DETAILED DESIGN.
 - > LATTICE TOWER MAY REQUIRE ADJUSTMENT. ADJUSTING EXPECTED <2m TO BE CONFIRMED AT DETAILED DESIGN.
 - 6. FEEDER CABLES**
 - > SIZE: 6/12 TRUNK CABLES (2 OFF PROPOSED)
 - > LENGTH: 50m ALL SECTORS
 - > PROPOSED FEEDERS TO RUN FROM SHELTER IN 450 WIDE ELEVATED HORIZONTAL CABLE LADDER THEN RUN UP LATTICE TOWER LEG WITH FEEDER BRACKETS.
 - 7. SITE ACCESS**
 - > PROPOSED SITE ACCESS OFF CAPE TRIBULATION ROAD VIA EXISTING PROPERTY DIRT ACCESS TRACK.
 - > 35m EXISTING DIRT ACCESS TRACK LENGTH.
 - 8. ANTENNA ACCESS**
 - > LADDER AND LAD-SAF PROVIDED ON LATTICE TOWER.
 - 9. POWER SUPPLY**
 - > PROPOSED OPTUS 3-PHASE AC POWER TO BE PROVIDED FROM PROPOSED OPTUS SOLAR ARRAY AND DIESEL GENERATOR. OPTUS TO PROVIDE AC POWER SUBMAINS FROM COMPOUND TO EXISTING RESIDENCE.
 - > PROPOSED U/G OPTUS AC POWER SUBMAINS >140m
 - > DETAILS TO BE CONFIRMED AT DETAILED DESIGN.
 - 10. OTHER (PAINTING, LANDSCAPING, SCREENING)**
 - > EWP HARDSTAND AREA TO BE DESIGNED, INSPECTED, AND MAINTAINED BY CONTRACTOR PRIOR TO EACH USE.
 - > SETOUT OF COMPOUND TO BE AGREED ON SITE WITH SURVEYOR PRIOR TO LEASE PEGGING.

01	15.03.17	ISSUED FOR APPROVAL	URBIS	AW	AP	BC	JH
Rev	Date	Revision Details	Consultant	CAD	Designer	Verifier	Approver

HUAWEI TECHNOLOGIES (AU) PTY LTD
ABN 49 103 793 380
SYDNEY
LEVEL 6 TOWER B 799 PACIFIC HIGHWAY
CHATSWOOD NSW 2067
TEL: +61 2 9526 3888 FAX: +61 2 9411 8533
MELBOURNE
LEVEL 24 499 COLLINS STREET
MELBOURNE VIC 3000
TEL: +61 3 8610 0600 FAX: +61 3 9621 1575

Client: **OPTUS**

Project: **MOBILE NETWORK AUSTRALIA**
SITE No. B1431 - B CAPE KIMBERLEY
441 CAPE TRIBULATION ROAD, KIMBERLEY

Drawing Title: **DRAFT SITE LAYOUT**

Drawing Status: **FOR APPROVAL**

Drawing No. **B1431-P1**

Revision **01**

CAD File: G:\Projects - Current\Q-B4460-72 - Urbis - Greenfield Sites\Q-B4460-72 - Cape Kimberley\3 - Opus Drawings and Sketches\2 - Drawings\B1431 - CAPE KIMBERLEY - DSL.dwg Date: 19.11.2013 2:33 PM

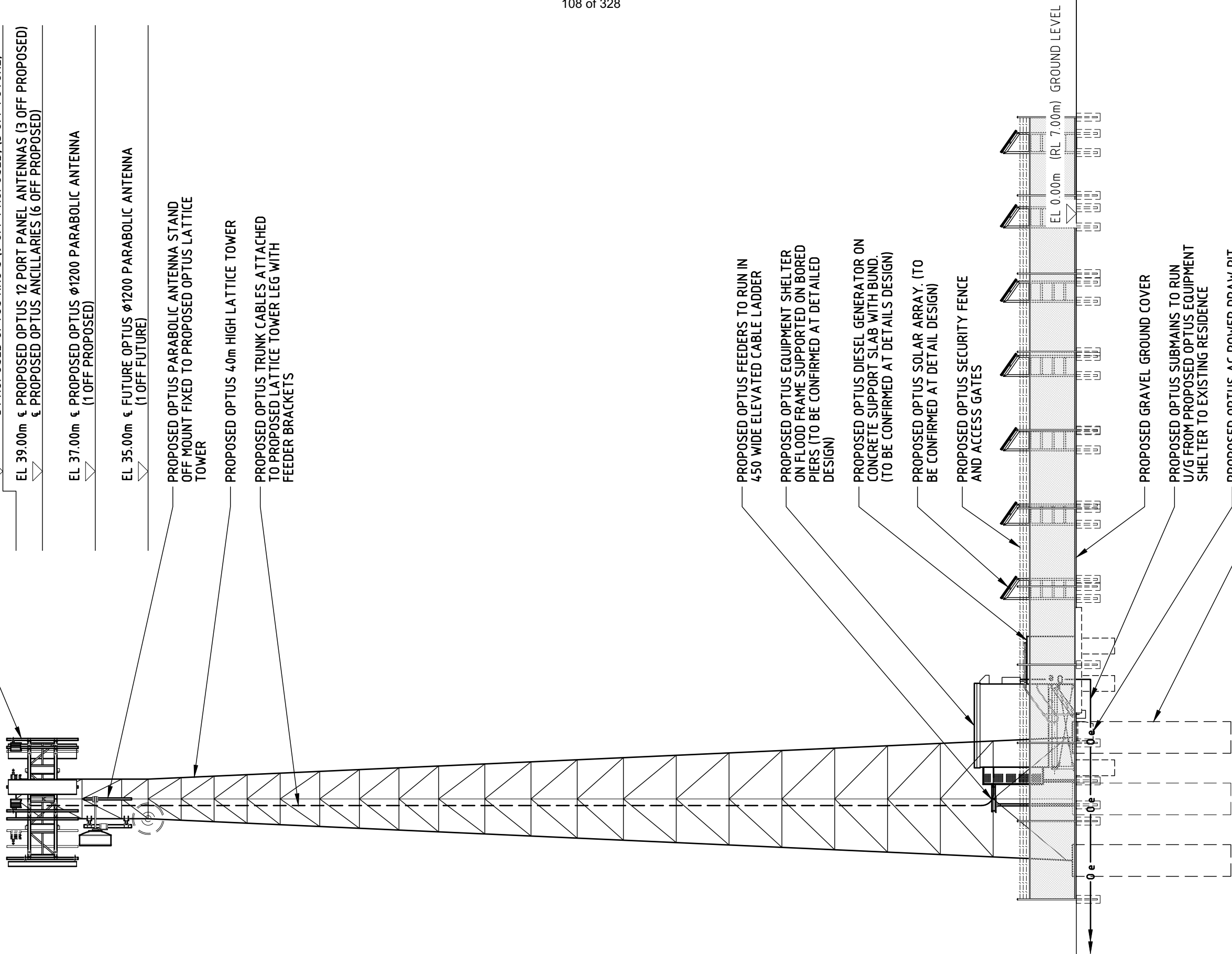
NOTE:
THIS DRAWING IS DIAGRAMMATIC ONLY
AND SHOULD NOT BE SCALED.

- PROPOSED OPTUS ANTENNA HEADFRAME WITH STAND OFF MOUNTS FIXED TO PROPOSED OPTUS LATTICE TOWER
- EL 40.00m € TOP OF PROPOSED OPTUS LATTICE TOWER (9 OFF PROPOSED) (3 OFF FUTURE)
- EL 39.00m € PROPOSED OPTUS 12 PORT PANEL ANTENNAS (3 OFF PROPOSED) (6 OFF PROPOSED)
- EL 37.00m € PROPOSED OPTUS φ1200 PARABOLIC ANTENNA (1 OFF PROPOSED)
- EL 35.00m € FUTURE OPTUS φ1200 PARABOLIC ANTENNA (1 OFF FUTURE)

- PROPOSED OPTUS PARABOLIC ANTENNA STAND OFF MOUNT FIXED TO PROPOSED OPTUS LATTICE TOWER
- PROPOSED OPTUS 40m HIGH LATTICE TOWER
- PROPOSED OPTUS TRUNK CABLES ATTACHED TO PROPOSED LATTICE TOWER LEG WITH FEEDER BRACKETS

- PROPOSED OPTUS FEEDERS TO RUN IN 450 WIDE ELEVATED CABLE LADDER
- PROPOSED OPTUS EQUIPMENT SHELTER ON FLOOR FRAME SUPPORTED ON BORED PIERS (TO BE CONFIRMED AT DETAILED DESIGN)
- PROPOSED OPTUS DIESEL GENERATOR ON CONCRETE SUPPORT SLAB WITH BUND. (TO BE CONFIRMED AT DETAILED DESIGN)
- PROPOSED OPTUS SOLAR ARRAY. (TO BE CONFIRMED AT DETAILED DESIGN)
- PROPOSED OPTUS SECURITY FENCE AND ACCESS GATES
- PROPOSED GRAVEL GROUND COVER
- PROPOSED OPTUS SUBMANS TO RUN U/G FROM PROPOSED OPTUS EQUIPMENT SHELTER TO EXISTING RESIDENCE
- PROPOSED OPTUS AC POWER DRAW PIT
- PROPOSED OPTUS LATTICE TOWER SUPPORT PIERS SHOWN INDICATIVELY.

EAST ELEVATION
SCALE 1:150



Rev	Date	Revision Details	Consultant	CAD	Designer	Verifier	Approver
01	15.03.17	ISSUED FOR APPROVAL	URBIS	AW	AP	BC	JH



HUAWEI TECHNOLOGIES (AU) PTY LTD
ABN 49 103 793 380
SYDNEY
LEVEL 6 TOWER B 799 PACIFIC HIGHWAY
CHATSWOOD NSW 2067
TEL: +61 2 9526 3888 FAX: +61 2 9411 8533
MELBOURNE
LEVEL 24 459 COLLINS STREET
MELBOURNE VIC 3000
TEL: +61 3 8610 0600 FAX: +61 3 9621 1575

Client:



Project:
MOBILE NETWORK AUSTRALIA
SITE No. B1431 - B
CAPE KIMBERLEY
441 CAPE TRIBULATION ROAD, KIMBERLEY

Drawing Title:
DRAFT SITE ELEVATION

Drawing Status:
FOR APPROVAL

Drawing No.
B1431-P2

Revision
01