5.3. MATERIAL CHANGE OF USE - TELECOMMUNICATIONS FACILITY -LOT 1 PRINS ROAD LOWER DAINTREE

REPORT AUTHOR(S)	Neil Beck Team Leader Planning
GENERAL MANAGER	Michael Kriedemann Acting General Manager Operations
DEPARTMENT	Development Assessment and Coordination
PROPOSAL	Material Change of Use for (Telecommunications Facility)
APPLICANT	Visionstream Pty Ltd PO Box 5452 WEST END QLD 4101
LOCATION OF SITE	Prins Road LOWER DAINTREE
PROPERTY	Lot 1 on RP706308

LOCALITY PLAN



Figure 1 - Locality Plan

PLANNING AREA	Rural
PLANNING SCHEME	Douglas Shire Planning Scheme 2018
REFERRAL AGENCIES	None Applicable
NUMBER OF SUBMITTERS	Not Applicable
STATUTORY ASSESSMENT DEADLINE	3 October 2018
APPLICATION DATE	26 July 2018

RECOMMENDATION

That Council approves the development application for a Telecommunications Facility over land described as Lot 1 on RP706308 located on Prins Road Lower Daintree, 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
Site Access & Locality Plan	Q115284 – S1	11 July 2018
Site Layout Plan	Q115284 – S1-1	11 July 2018
Antenna Layout	Q115284 – S1-2	11 July 2018
West Elevation	Q115284 – S3	11 July 2018
Antenna Configuration Table	Q115284 – S3-1	11 July 2018

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.

Limited Approval

4. The Development hereby approved lapses at the expiry of agreement to lease the land from the land owner or entity from which a lease may be attained. Prior to the lapse of the life of the approval the telecommunications tower and all associated infrastructure, buildings, structures and fencing must be decommissioned and removed and the site reinstated to its original condition to the satisfaction of the Chief Executive Officer. All costs associated with the decommissioning and final removal shall be borne by the Applicant or entity that operates the tower at the time of removal.

Health

5. 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 radiofrequency electromagnetic energy or other Standard of the Commonwealth of Australia more relevant at the time.

Colours

6. Colours of the facility must be non-reflective and must blend with the natural colours of the surrounding environment. The exterior finishes of factory grey is approved for use. This requirement extends to attachments added to the monopole in terms of being non-reflective.

Fencing and Signage

7. 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.

Landscaping

8. Prior to the commencement of use the Applicant must establish, to the reasonable satisfaction of the Chief Executive Officer, a landscaped screening buffer to the north and western side of the compound and tower site, specifically comprising native species endemic to the locality including trees that will achieve a mature height of approximately 15 metres (or greater) to obscure direct view of the lower half of the tower, and additional low level trees and shrubs to screen the direct ground level view of the compound and equipment shelter.

A landscape plan detailing the above requirements must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Access

- 9. The construction of the cross-over and apron onto Prins Road must be undertaken in accordance with the following requirements:
 - a. The cross-over to access the Telecommunications Facility must be constructed in accordance with Standard Drawing S1105 Issue E for Rural Allotment Accesses as detailed in the FNQROC Development Manual and contained at Attachment 2.
 - b. Any batters located within the road reserve of Prins Road must not exceed 1:4 in slope for maintenance purposes.
 - c. All works must be completed to the satisfaction of the Chief Executive Officer with the site and road entrance being left in a clean and tidy manner once works are complete.

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 2018 Douglas Shire Planning Scheme the approved land use is defined as follows.

Column 1 Use	Column 2 Definition	Column 3 Examples	Column 4 Does not include the include following examples
Telecommunications Facility	Premises used for systems that carry communications and signals by means of radio, including guided or unguided electromagnetic energy, whether such facility is manned or remotely controlled	Telecommunication tower, broadcasting station, television station.	Aviation facility, "low-impact telecommunications facility" as defined under the Telecommunications Act 1997.

*This definition is provided for convenience only. This Development Approval 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.

- **B.** Further Permits
 - 1. The following Development Permits are required to be obtained before the development can be carried out:
 - a. Development Permit for Building Works.
- C. Currency period for the approval

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

D. Reasons for Decision

The reasons for this decision are:

- 1. Sections 60, 62 and 63 of the *Planning Act 2016*:
 - a. A Telecommunications Facility is code assessable development in the Rural zone and are expected forms of development to establish in rural areas.
 - b. To ensure the development satisfies the associated benchmarks of the applicable codes within the 2018 Douglas Shire Planning Scheme;
 - c. Where non-compliant with the applicable benchmark, the development does not compromise the corresponding Performance Outcome of the applicable code.
 - d. To ensure compliance with the *Planning Act 2016*.
- 2. Findings on material questions of fact:
 - a. The development application was properly lodged to the Douglas Shire Council on 26 July 2018 under section 51 of the *Planning Act* 2016 and Part 1 of the Development Assessment Rules; and
 - b. The development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2018 Douglas Shire Planning Scheme in making its decision as Assessment Manager.
- 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 zone code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. The applicant's reasons have been considered and the following findings are made:

i. Subject to compliance with conditions of this Development Permit the development satisfactorily meets the Planning Scheme requirements.

EXECUTIVE SUMMARY

In order to improve customer services with respect to providing faster and more reliable voice and data services, Telstra seeks approval to establish a new Telecommunications Facility comprising of a 40 metre high monopole at Lot 1 Prins Road, Lower Daintree.

The proposed development does not comply with the height limits anticipated by the Planning Scheme for these types of structures and does not comply with the applicable building setbacks for land within the Rural zone. These elements are discussed further within the body of the report.

Notwithstanding the non-compliance with height and setbacks provisions of the Planning Scheme, the proposed development is found to be an acceptable form of development for the site and the broader rural area and is therefore recommended for approval, subject to conditions.

TOWN PLANNING CONSIDERATIONS

Background

The site is located at Lot 1 Prins Road Lower Daintree being a large rural lot utilised for sugar cane production. Land surrounding the site is also used for sugar cane production with two houses located between 650 - 700 metres from the site of the facility.

The site over which the application is made is approximately 30.06 hectares; with the proposed facility to occupy the north eastern corner of the property.

The site is currently vacant.

Proposal

The layout plans are included in Attachment 1.

The proposed telecommunication facility will form part of Telstra's mobile network infrastructure. The development consists of the following:

- The construction of a 40 metre monopole;
- The installation of eight (8) antennas mounted on a headframe attached to the monopole at an elevation of 40 metres. The highest antennae will be at an elevation of 43.41 metres;
- Installing new operational equipment within an equipment shelter located at the base of the monopole on a 1 metre high elevated platform above ground level;

- The installation of a 2.4 m high chain link security compound fence (compound area 10m x 11m), with 3 m wide access gate; and
- The compound will have a setback of 6 metres from Prins Road.

The installation of associated feeder cables that will run underground from the equipment cabinets, and then internally within the monopole to the antennas.

Details of the proposed development forms Attachment 1.

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 Douglas Shire planning scheme 2018 reflects the applicable State Interests to the extent relevant to the proposed development. Therefore further assessment against the SPP is not necessary.

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

A review of Schedule 10 of the Planning Regulation revealed that the proposed development does not trigger referral to the State Assessment and Referral Agency (SARA) within the Department of State Development, Manufacturing and Planning.

The development application therefore was not referred to any state agencies for assessment.

Douglas Shire Planning Scheme 2018 Assessment

Definition

The proposed use is defined as Telecommunications Facility in the Douglas Shire Planning Scheme 2018, as follows:

"Premises used for systems that carry communications and signals by means of radio, including guided or unguided electromagnetic energy, whether such facility is manned or remotely controlled."

Planning Area

The site is included in the Rural Zone under the Douglas Shire Planning Scheme 2018. Telecommunications Facility is identified as code assessable development in the Rural Zone.

The following Codes apply to the development.

Table 1.

Douglas Shire Port Douglas and Environs Planning Locality		Code Applicability	Compliance
Zone	Rural		Complies - See
			comment below
Defined Use	Telecommunications Facility		Does not comply –
			See comment below
Overlay	Acid Sulfate Soils Code		Complies
Codes	Flood and Storm Tide Inundation		Complies – see
	Overlay		comment below
	Landscape Values Overlay		Complies – see
			comment below
Applicable	Access parking & servicing code		Complies
General Codes	Filling and excavation code		Complies
Codes	Landscaping Code		Complies – see
	-		comment below on
			Landscape Values

Compliance Issues

Rural Zone

The Rural Zone code requires a setback of 20 metres from the road frontage for all building and structures in order to "*maintain the rural character and achieve separation from buildings on adjoining properties.*"

The proposal provides a setback of 6 metres from Prins Road. The development application does not provide any additional justification other than to say that the setbacks of the development comply with those setbacks as nominated in the land use code (which relate to setbacks from sensitive land uses).

Despite providing no justification for the setback, siting the development 6 metres from Prins Road is supported having regard to the following:-

- The development is not bulky in terms of building appearance or form with the compound having a footprint of 110m² and less for the building / structural components within the compound.
- Prins Road is a low order rural road which services a limited number of rural properties most of which are vacant. The location of the development is well setback from Cape

Tribulation Road being an Iconic Recreation Route and a Sub-arterial road as detailed in the Transport Network Overlay.

- To locate the compound a minimum of 20 metres into the rural lot would impact quite heavily and unnecessarily constrain farming operation on the site.
- Conditions require the external perimeter of the compound to assist with screening and softening the appearance of the compound over time.

Telecommunications Facility Code

The Telecommunications Facility code anticipates a maximum height of 30 metres. The proposed facility has a height of 40 metres for the monopole and some upper height of the antennae to 43.41 metres.

The corresponding Performance Outcome of the acceptable measure nominating a maximum height of 30 metres states:-

Telecommunication towers are limited to a reasonable height to achieve their coverage objectives while minimising impacts on visual amenity and the character of the area.

In support of the increase in height, the Applicant has provided the following justification:-

"To ensure there are no 'dead spots' or 'drop outs' within the coverage perimeter and in order to achieve its desired coverage in the area, Telstra needs to sufficiently elevate its antennas above physical obstructions, such as built form and vegetation. While the proposed antennas will adequately meet the required Telstra coverage objectives, due care was taken in the design and positioning of the facility so as to minimise impact on the surrounding areas. The proposal is located within a previously cleared area, the natural topography of the land and distance to the closest resident provides adequate separation to ensure visual amenity is retained. Furthermore, the size and configuration of the installation represents the lowest impact option available for the site while ensuring coverage is achieved in the area, and will not impact on the existing use of the site or the surrounding land uses."

The above justification for the increase in height is supported. The extent of coverage provided by the proposed facility is substantial and avoids the requirement to locate another telecommunications facility in another location which may not necessarily be as favourable in terms of site constraints and visual appearance as that of the proposed site. The image below illustrates the extent of coverage achieved by the proposed monopole.

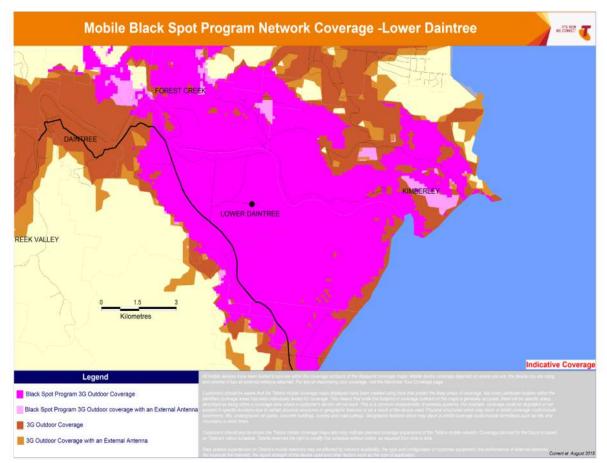


Figure 2 – Mobile Black Spot Program Network Coverage – Lower Daintree

The following advice was also provided by the Applicant when asked the question of the ability to co-locate on other structures which is a desired outcome of the Telecommunications Facility code:-

Telstra selected the proposed site to service the Lower Daintree and surrounding areas while minimising impacts on the receiving environment through the design and positioning of the proposed facility. As part of its site selection process, Telstra investigated co-locating on the existing 23 metre Telstra tower (Figure 2) on the northern side of the Daintree River. This investigation included factors such as constructability, access and services. The outcome of Telstra's investigation was that the existing facility on the northern side of the Daintree River was unsuitable for co-location as it does not have connection to mains power and so cannot be configured to meet the MBSP Priority Locations coverage requirements.

Flood & Storm Tide Inundation

The site is identified as being impacted on by the flood and storm tide. To overcome this constraint, the Applicant has advised that the equipment shelter will be located on an elevated platform approximately 1 metre above the existing ground level.

No issues are raised with this approach and it is the responsibility of the Applicant to satisfy themselves of the height required to achieve the immunity for the equipment shelter.

Landscape Values Overlay

The site is identified as having a medium landscape value in the Landscape Values Overlay. The purpose of the code is to avoid against obtrusive and inappropriate development in rural settings and to blend development with the natural environment using appropriate materials and colours.

The proposed facility is located on a flat site that is not constrained in terms of vegetation and slope. The facility will take the form of a monopole being visually less obtrusive than a lattice construction type. Conditions of approval requires landscaping to be installed around the north and western elevations of the compound to assist with the screening of this feature overtime with the use of appropriate species. The colour of the monopole with be grey in colour and will not include reflective materials. Conditions of approval have also reinforced this requirement.

Referral Agency Requirements

The development application did not trigger referral any State agencies.

Public Notification / Submissions

The development application is code assessable development and public notification of the proposal is not required.

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.

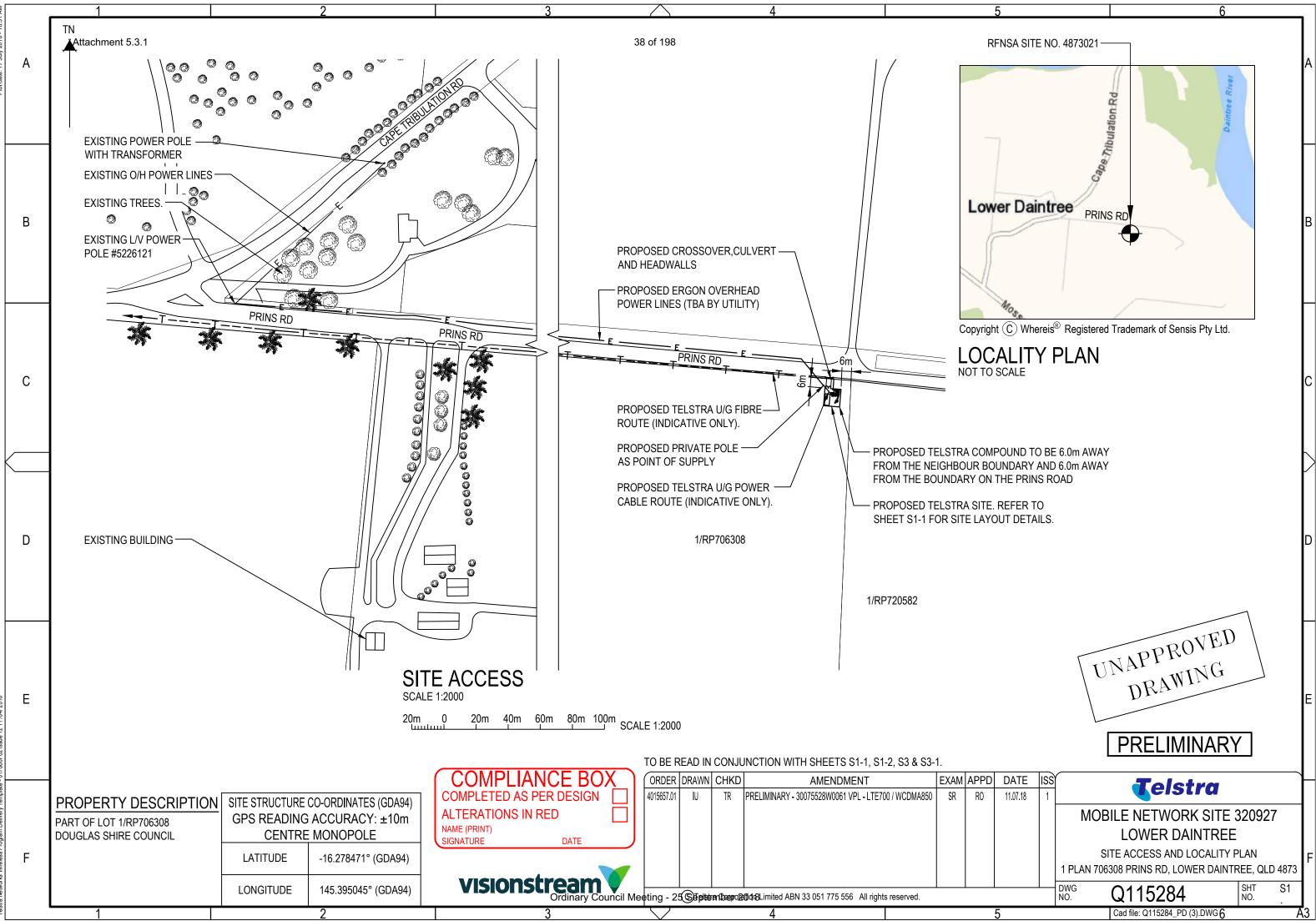
The following area outlines where Council has a clear responsibility to act:

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

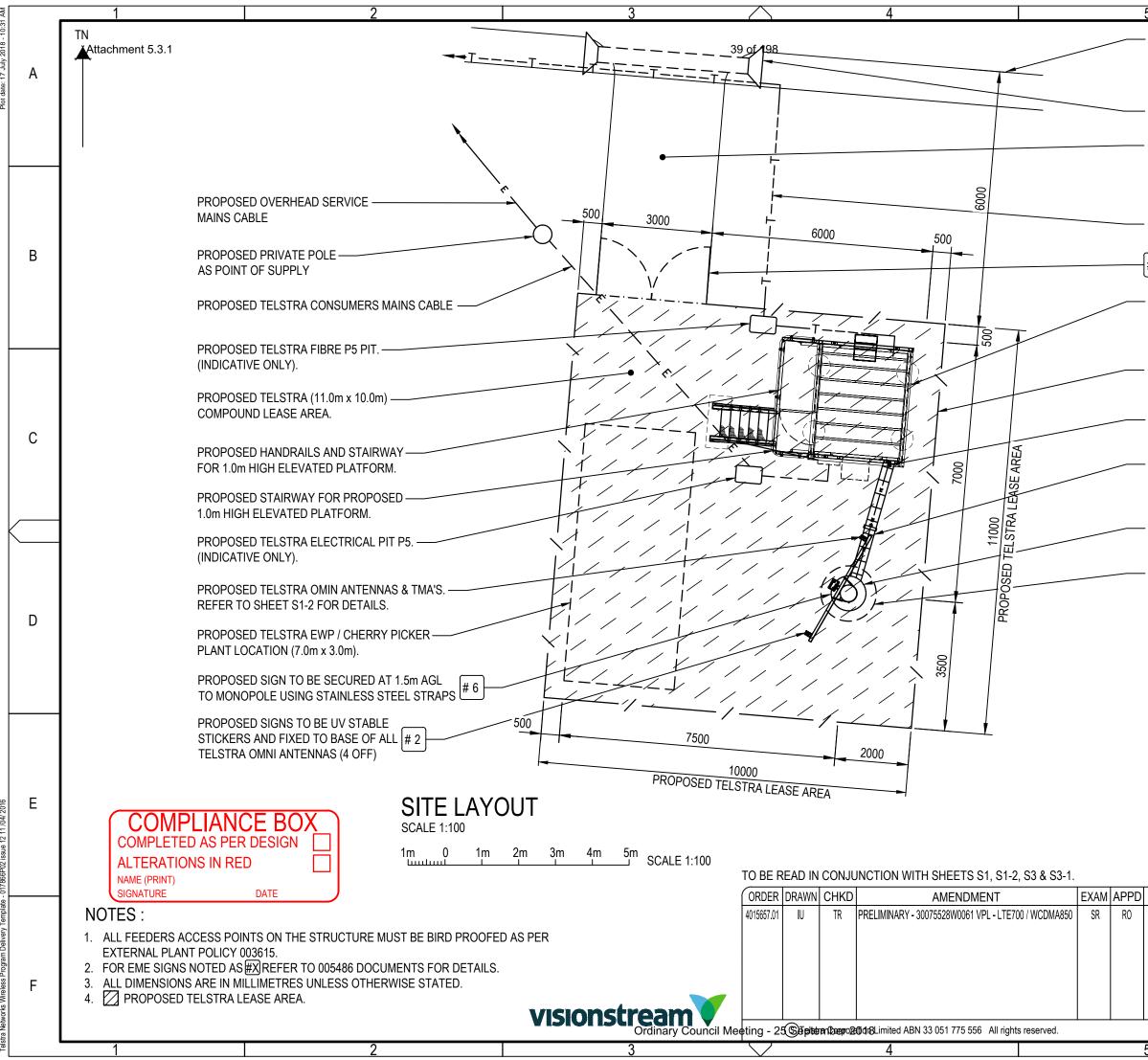
Under the *Planning Act 2016 and the Planning Regulation 2017*, Council is the assessment manager for the application.

ATTACHMENTS

- 1. Attachment 1 Approved Plans [5.3.1]
- 2. Attachment 2 Rural Allotment Access [5.3.2]
- 3. Attachment 3 Non- Compliance with Assessment Benchmarks [5.3.3]

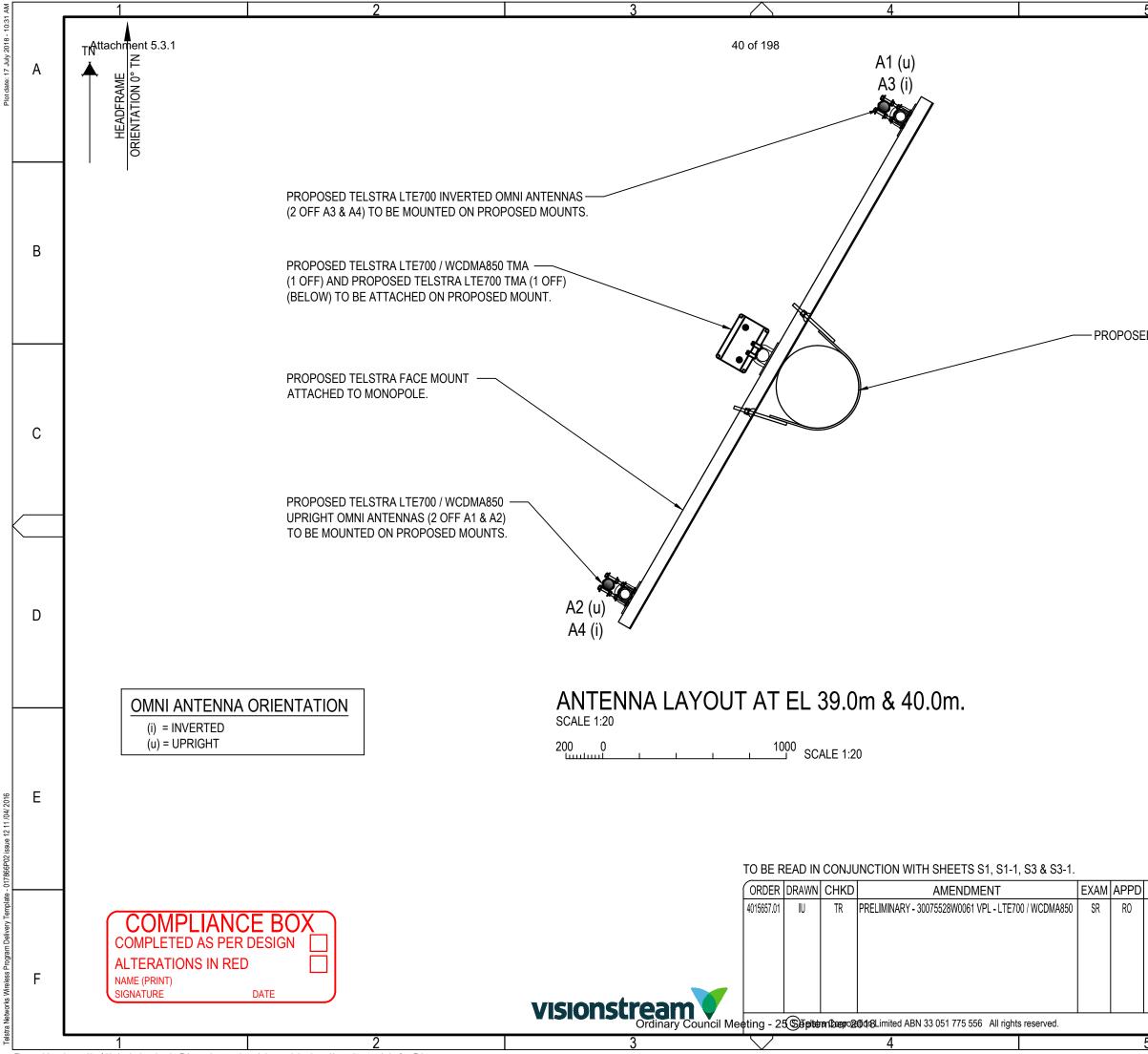


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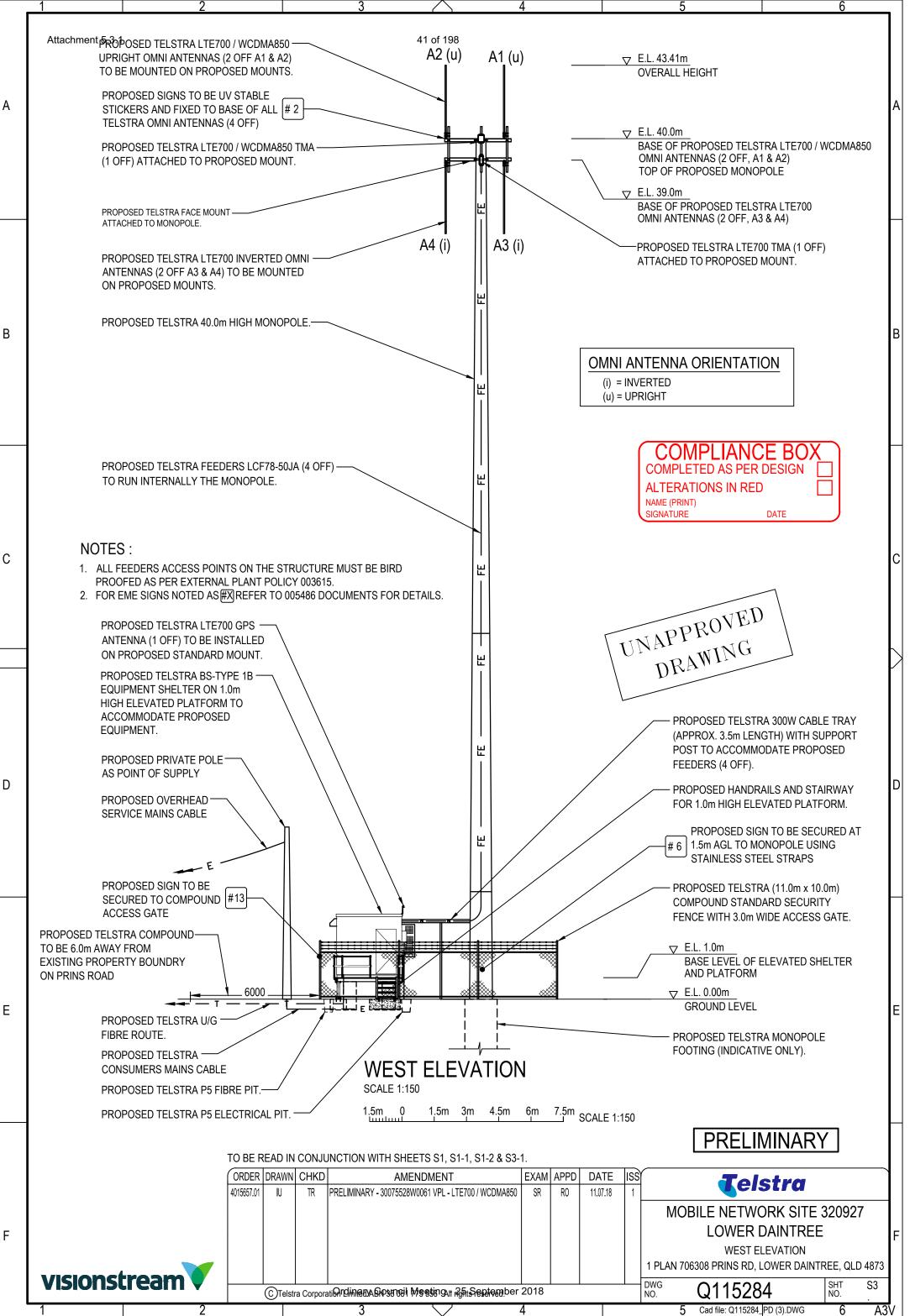
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PROPOSED TELSTRA 3.0 (APPROX. 6.0m AWAY)	IM WIDE ACCESS ROUTE.	
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PROPOSED TELSTRA BS SHELTER ON 1.0m HIGH TO ACCOMMODATE PRO	ELEVATED PLATFORM	
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Plot date: 17 July 2018 - 10:31 AM

Attachment 5.3.1

Plot date: 17 July 2018 - 10:31 AM

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	TELSTRA ANTENNA CONFIGURATION TABLE				
ANTENNA NO	ANTENNA TYPE & SIZE H x W x D	ANTENNA ACTION REQUIRED	ANTENNA HEIGHT C/L A.G.L.	ANTENNA BEARING (x°T)	SECTOR NO. & TECHNOLOGY
A1	ARGUS UNA010F-0-V2 OMNI Ø56 x 3414mm	INSTALL	BASE OF OMNI 40.0m	0°	S0: LTE700 / WCDMA850
A2	ARGUS UNA010F-0-V2 OMNI Ø56 x 3414mm	INSTALL	BASE OF OMNI 40.0m	0°	S0: LTE700 / WCDMA850
A3	ARGUS UNA010FI-0-V2 OMNI Ø56 x 3414mm	INSTALL	BASE OF OMNI 39.0m	0°	S0: LTE700
A4	ARGUS UNA010FI-0-V2 OMNI Ø56 x 3414mm	INSTALL	BASE OF OMNI 39.0m	0°	S0: LTE700
A200	GPS ANTENNA KRE 101 2082/1 Ø68 x 96	INSTALL	BASE OF GPS 3.0m	0°	-





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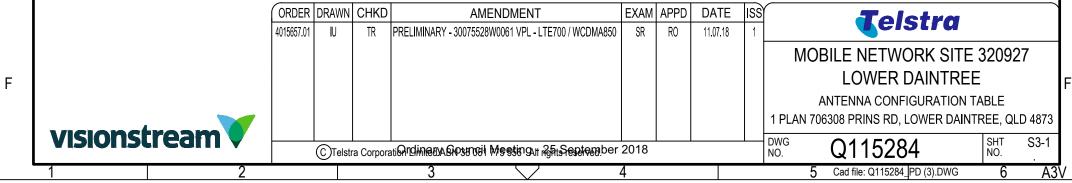
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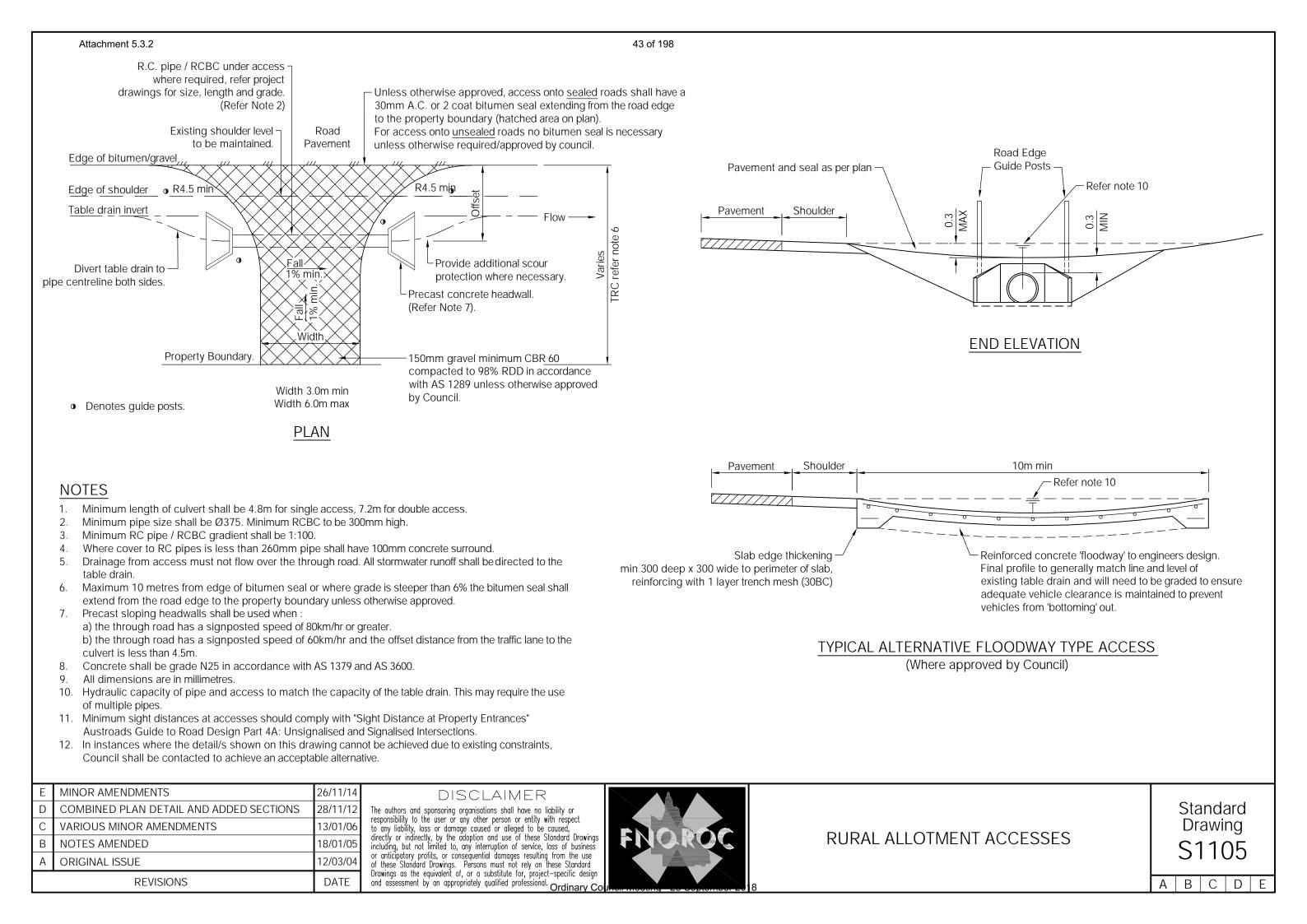


TO BE READ IN CONJUNCTION WITH SHEETS S1, S1-1, S1-2 & S3.



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Telstra Networks Wireless Program Delivery Template - 017866P02 issue 12 11 /04/ 2016



ATTACHMENT 3 - NON-COMPLIANCE WITH ASSESSMENT BENCMARKS

ASSESSMENT BENCHMARKS

Assessment Benchmark	Reasons for approval despite non-compliance with benchmark		
Rural zone code			
AO2 (c) Building and structures are setback 20 from the boundary with any other road.	 The development is not bulky in terms of building appearance or form with the compound having a footprint of 110m² and less for the building / structural components within the compound. Prins Road is a low order rural road which services a limited number of rural properties most of which are vacant. The location of the development is well setback from Cape Tribulation Road being an Iconic Recreation Route and a Sub-arterial road as detailed in the Transport Network Overlay. To locate the compound a minimum of 20 metres into the rural lot would impact quite heavily and unnecessarily constrain farming operation on the site. Conditions require the external perimeter of the compound to assist with screening and softening the appearance of the compound over time. 		
Telecommunications Facility Code			
AO2.1 The maximum height of the tower is 30 metres;	The monopole is at the proposed height to achieve the necessary coverage objectives as provided by in the corresponding Performance Outcome. The extent of coverage provided by the proposed facility is substantial and avoids the requirement to locate another telecommunications facility in another location which may not necessarily be as favourable in terms of site constraints and visual appearance as that of the proposed site.		