5.4. MATERIAL CHANGE OF USE FOR TELECOMMUNICATION FACILITIES AT 1746 MOSSMAN-DAINTREE ROAD, WONGA BEACH

REPORT AUTHOR(S)	Simon Clarke, Planning Coordinator
GENERAL MANAGER	Nicholas Wellwood, General Manager Operations
DEPARTMENT	Development Assessment and Coordination
PROPOSAL	Material Change of Use - Telecommunication Facilities
APPLICANT	NBN Co Limited c/- Aurecon Australasia Pty Ltd Locked Bag 331 BRISBANE QLD 4001
LOCATION OF SITE	1746R Mossman-Daintree Road, Wonga Beach
PROPERTY	Lot 12 on SP118430

LOCALITY PLAN



Figure 2 - Locality Plan

LOCALITY	Coastal Suburbs, Villages and Townships
PLANNING AREA	Community & Recreational Facilities
PLANNING SCHEME	Douglas Shire Planning Scheme 2006
REFERRAL AGENCIES	State Assessment and Referral Agency (SARA)
NUMBER OF SUBMITTERS	Not applicable
STATUTORY ASSESSMENT DEADLINE	15 March 2018
APPLICATION DATE	22 December 2018

RECOMMENDATION

That Council approves the development application for Telecommunication Facilities over land described as Lot 12 on SP118430, located at 1746R Mossman-Daintree Road Wonga Beach, 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
Overall Site Plan	4WNB-51-04-WNGA-C2	15 January 2018
Site Setout Plan	4WNB-51-04-WNGA-C3	15 January 2018
Site Elevations and Details	4WNB-51-04-WNGA-C4	15 January 2018
NBN Antenna Configuration and Setout Plan	4WNB-51-04-WNGA-A1	15 January 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.

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 radiofrequency 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'.

REFERRAL AGENCY CONDITIONS & REQUIREMENTS

Referral Agency	Referral Agency Reference	Date	Council Electronic Reference
State Assessment & Referral Agency (Department of Infrastructure, Local Government & Planning	1801-3404 SRA	13 February 2018	843230

Refer to Attachment 2: Referral Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

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 to the Doulas Shire Council on 22 December 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 manager decision.
- 3. Evidence or other material on which findings were based:
 - a. the development triggered code assessable development under the Assessment Table associated with the Coastal Suburbs, Villages and Townships 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 improve its fixed wireless network coverage to Wonga Beach, **nbn**[™] proposes a new 30 metre high monopole telecommunications tower at 1746R Mossman-Daintree Road, Wonga Beach. 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 1746R Mossman-Daintree Road, Wonga Beach on a rural lot characterised by open cleared grazing land to the west of the main Wonga Beach settlement. The site over which the application is made is approximately 14.79 hectares; with the proposed

facility to occupy the south western corner of the property adjacent to a vegetated gully. The site also contains a residential dwelling.

Proposal

The layout plans are included in Attachment 1. The proposed telecommunication facility has been designed to form part of the nbn^{TM} fixed wireless network to provide fixed wireless coverage to Wonga Beach. The development consists of the following:

- The construction of a 30 metre monopole.
- The installation of seven (7) panel antennas (dimensions 1.077m high x 0.3 m wide x 0.15m deep), located at an elevation of 30m on the monopole.
- The installation of a 2.4 m high chain link security compound fence (compound area 10m x 12m), with 3 m wide access gate.
- The installation of two (2) outdoor equipment units (dimensions 1.5m high x 0.65m wide and 0.65m deep) at ground level. The outdoor unit will be installed on a concrete slab of dimensions 2.4m x 1m and will be metallic grey in colour.
- The installation of associated feeder cables that will run underground from the equipment cabinets, and then internally within the monopole to the antennas.

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 2006 Douglas Shire planning scheme does not reflect the SPP. Therefore assessment against the SPP is necessary.

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

• Agriculture – Agriculture land classification – class A and B

Due to the relatively small footprint (120m²) and the location of the proposed facility in the far south western corner of the site, conflicts with potential future rural activities will be avoided. The proposed facility will not fragment the land and has been chosen with the co-operation of the farmer to avoid compromising the long-tern use of the land for rural pursuits.

• <u>Natural Hazards – (Flood Hazard Area – Level 1)</u>

The proposed development will not increase the risk to people or property or infrastructure located on the subject site as a consequence of flood due, to the small footprint of the proposed facility.

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

In accordance with Schedule 10 of the Planning Regulation, the proposed development requires referral to the State Assessment and Referral Agency (SARA) within the Department of State Development, Manufacturing and Planning because the application relates to a lot that is within 25 metres of a State-controlled road (Mossman-Daintree Road). SARA has issued an approval subject to the access to the proposed telecommunications facility being limited to Wonga Beach Road only (see Attachment 2).

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 Community and Recreational Facilities Planning Area within the Coastal Suburbs, Villages and Townships Locality under the 2006 Douglas Shire Planning Scheme. Telecommunication Facilities are code assessable in the Community and Recreational Facilities Planning Area.

Coastal Sub	Douglas Shire urbs, Villages and Townships Locality	Code Applicability	Compliance
Locality	Coastal Suburbs, Villages and Townships Locality	~	See comment below
Planning Area	Community and Recreational Facilities	~	Complies
Defined Use	Telecommunication Facilities	✓	Complies
	Acid Sulfate Soils Code	~	Conditioned to comply
Overlay Codes	Cultural Heritage and Valuable Sites Code	x	-
	Natural Hazards Code	х	-

The following Codes apply to the development.

Coastal Sub	Douglas Shire urbs, Villages and Townships Locality	Code Applicability	Compliance
General Codes	Design and Siting of Advertising Devices Code	-	
General	Filling and Excavation Code	✓	Complies
Codes	Landscaping Code	✓	Complies
	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	Х	-

Compliance Issues

Coastal Suburbs, Villages and Townships 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 surrounding vegetation along the creek line will assist in integrating the facility into its surroundings when viewed from Mossman-Daintree Road by providing a backdrop. This vegetation will also screen the monopole from the residential areas in Wonga Beach. A typical example of the monopole and its approximate proposed location on the site are shown below.



Figure 2 – Approximate location of the proposed Telecommunications facility



Figure 3 – Typical example of the proposed Telecommunications facility

Despite this minor conflict, the development is considered to be consistent with the Code purpose meeting community need and supporting improved communications to Wonga Beach and surrounding areas.

Access

Access to the proposed facility will be via a new property access from Wonga Beach Road and a proposed 25 metre gravel access track to the compound area. As is typical with such facilities, the proposed use will not be a significant traffic generator.

Acid Sulfate Soils.

Conditions of approval will address Acid Sulfate Soil Management.

Referral Agency Requirements

SARA has issued its approval subject to conditions (see Attachment 2)

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.

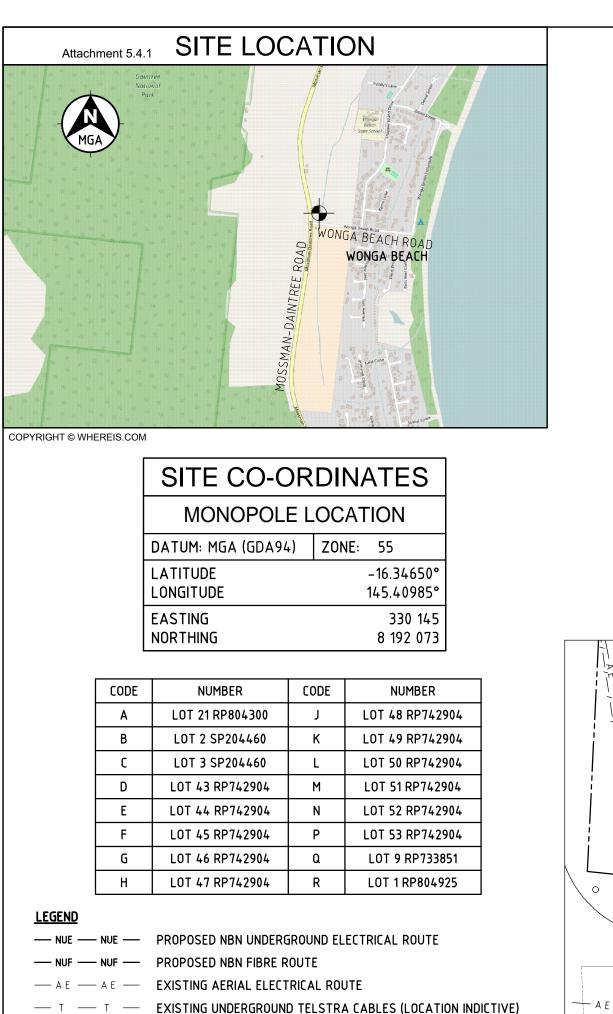
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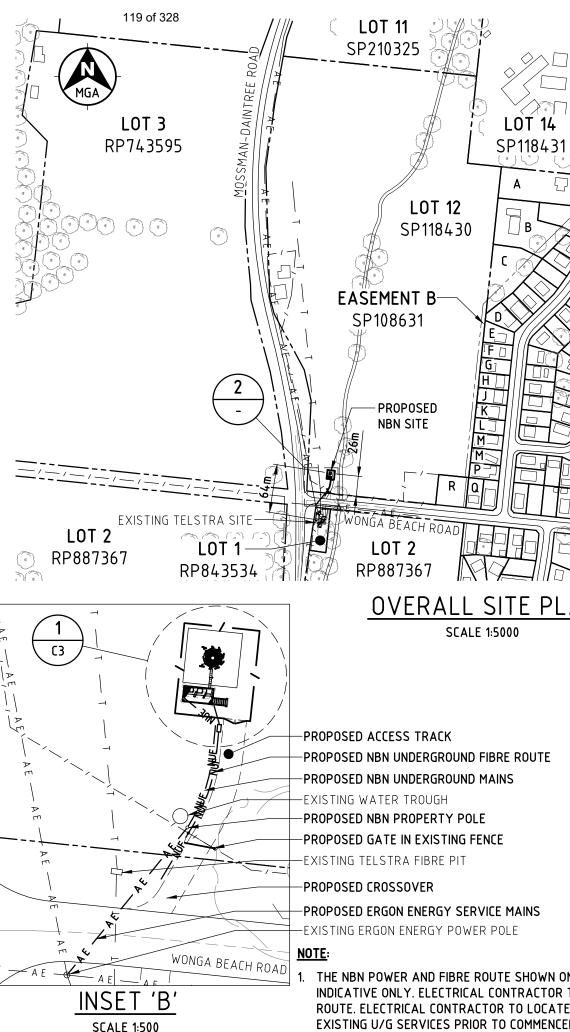
Regulator: Meeting the responsibilities associated with regulating activities through legislation or local law.

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 Plan(s) and Document(s) [5.4.1]
- 2. Attachment 2 SARA Approval Letter [5.4.2]





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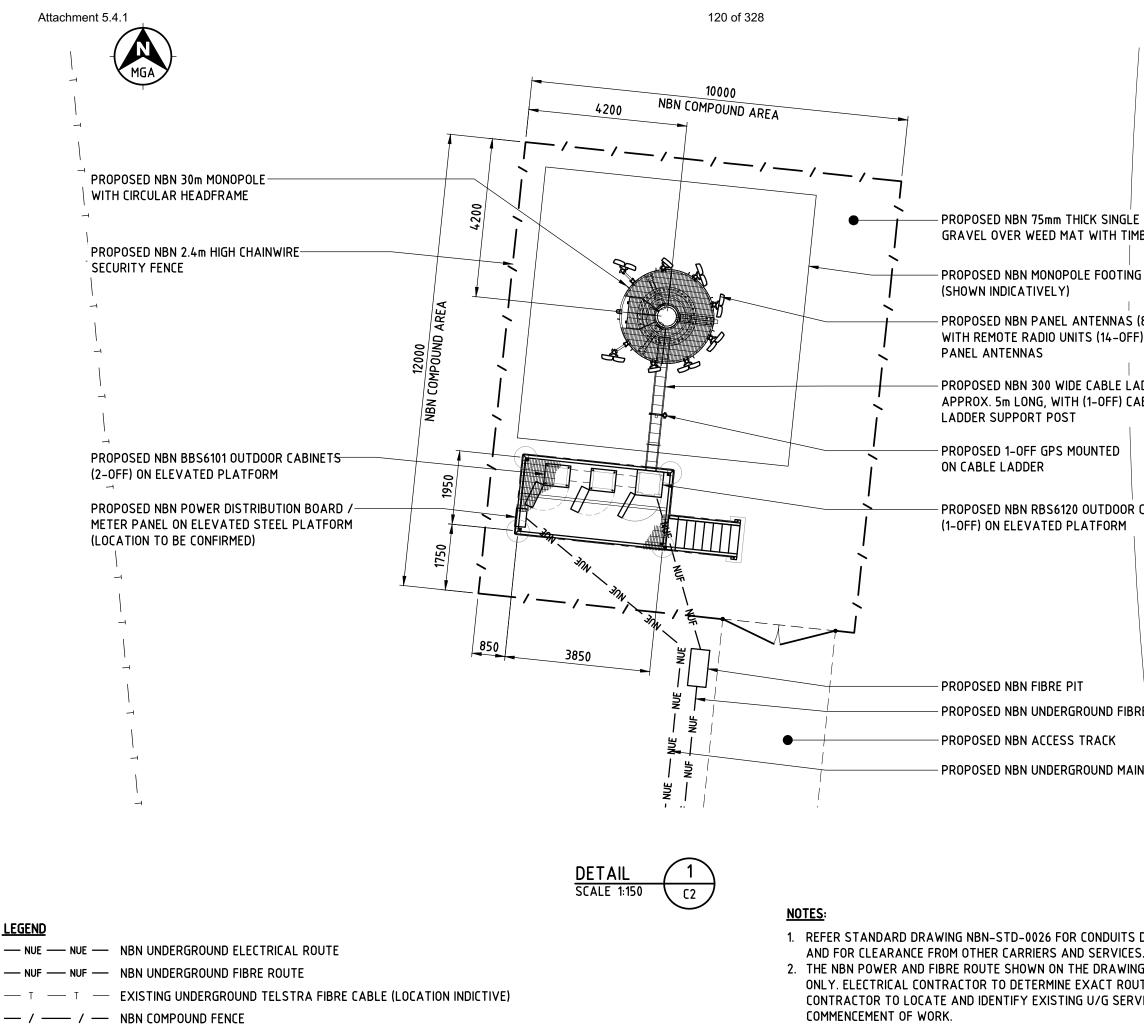
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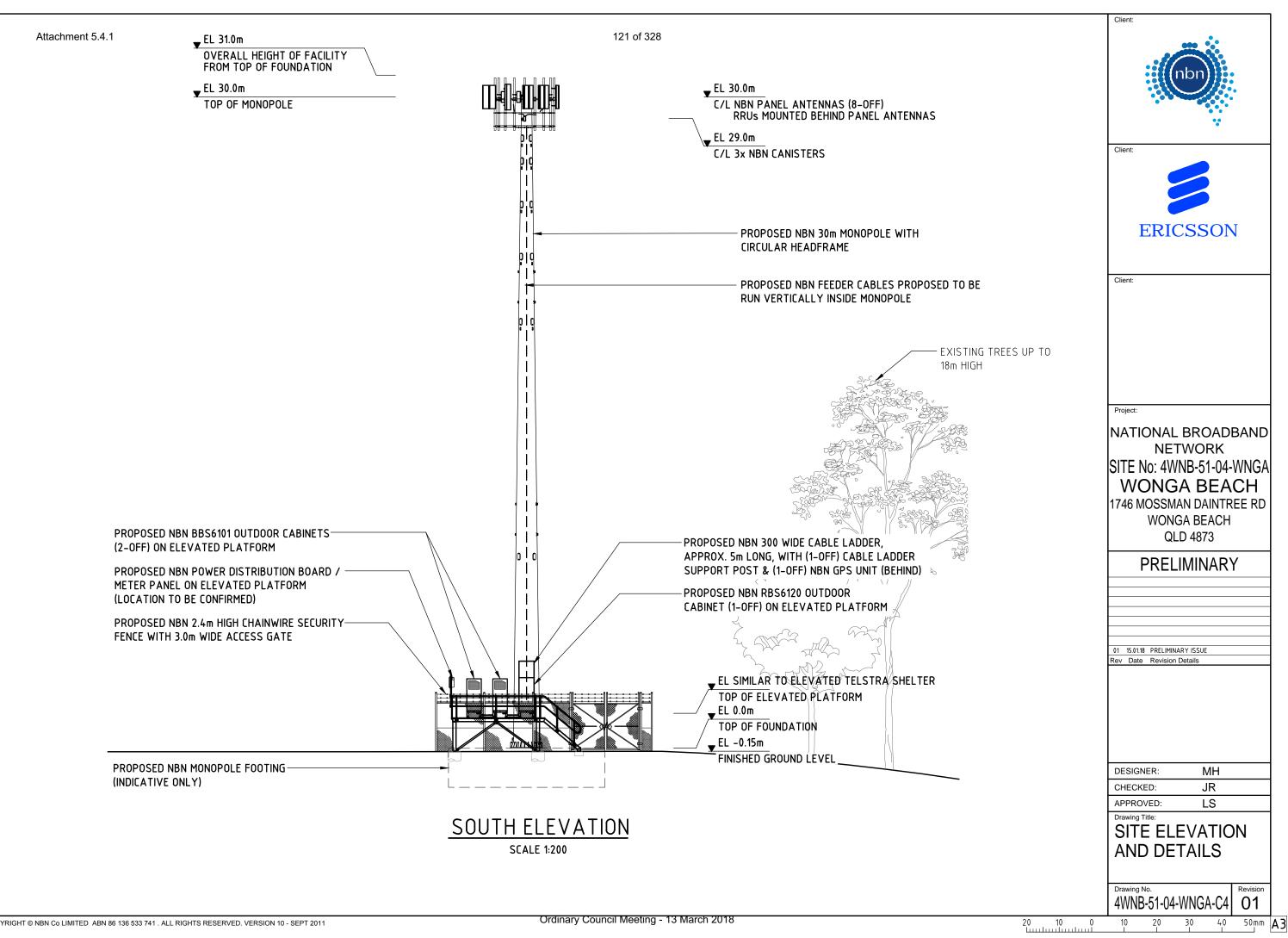
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Department of State Development, Manufacturing, Infrastructure and Planning

Our reference:1801-3404 SRAYour reference:MCUC 2461/2018Applicant reference:4CAZ-4WNB-5104

13 February 2018

Chief Executive Officer Douglas Shire Council PO Box 723 Mossman Qld 4873 enquiries@douglas.qld.gov.au

Attention: Simon Clarke

Dear Sir / Madam

Referral agency response—with conditions

(Given under section 56 of the Planning Act 2016)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 18 January 2018.

Ap	plica	nt de	tails
· • • •	p		

Applicant name:	nbn c/- Aurecon Australasia
Applicant contact details:	Locked Bag 331 Brisbane QLD 4001 James.MacArthur@aurecongroup.com

Location details

Street address:	1746 Mossman Daintree Road, Wonga Beach
Real property description:	Lot 12 on SP118430
Local government area:	Douglas Shire Council

Application details

Development permit

Material change of use for Telecommunications Facility

Far North Queensland regional office Ground Floor, Cnr Grafton and Hartley Street, Cairns PO Box 2358, Cairns QLD 4870

Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

• 10.9.4.2.4.1 State transport corridors and future State transport corridors

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue		
Aspect of development: Material change of use – telecommunications facility						
Overall Site Plan	nbn	18.12/17	4WNB-51-04-WNGA-C2	01		

A copy of this response has been sent to the applicant for their information.

For further information please contact Michele Creecy, Senior Planning Officer, on 40373206 or via email CairnsSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Kuhunna

Brett Nancarrow Manager (Planning)

cc nbn c/- Aurecon Australasia, James.MacArthur@aurecongroup.com

enc Attachment 1—Conditions to be imposed Attachment 2—Reasons for decision to impose conditions Approved plans and specifications

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing		
Aspect of development - Material change of use (telecommunication facility)				
Direc devel	-controlled road—The chief executive administering the Planning Act tor-General of Department of Transport and Main Roads to be the enfo opment to which this development approval relates for the administrati r relating to the following condition(s):	rcement authority for the		
1.	Road access to the development must be carried out generally in accordance with the following plan:	Prior to the commencement of use		

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

• To ensure the access to the site for the proposed development is retained on the local road (Wonga Beach Road), not the state-controlled road (Mossman Daintree Road).

Approved plans and specifications

