

5.1. MATERIAL CHANGE OF USE DEVELOPMENT APPLICATION FOR TELECOMMUNICATIONS FACILITIES AT MOSSMAN GORGE

REPORT AUTHOR	Daniel Lamond, Planning Officer
MANAGER	Paul Hoye, Manager Environment and Planning
DEPARTMENT	Environment and Planning
PROPOSAL	Telecommunication Facility - Impact Assessable
APPLICANT	Voyages Indigenous Tourism Australia Pty Ltd T/A the Mossman Gorge Centre C/- Louise Cameron-Urban Sync Pty Ltd PO Box 2970 CAIRNS QLD 4870
LOCATION OF SITE	Gorge Road, Mossman Gorge
PROPERTY	Lot 94 on SR257, Lot 7 on SP212661 and Lot 152 on SR832

LOCALITY PLAN

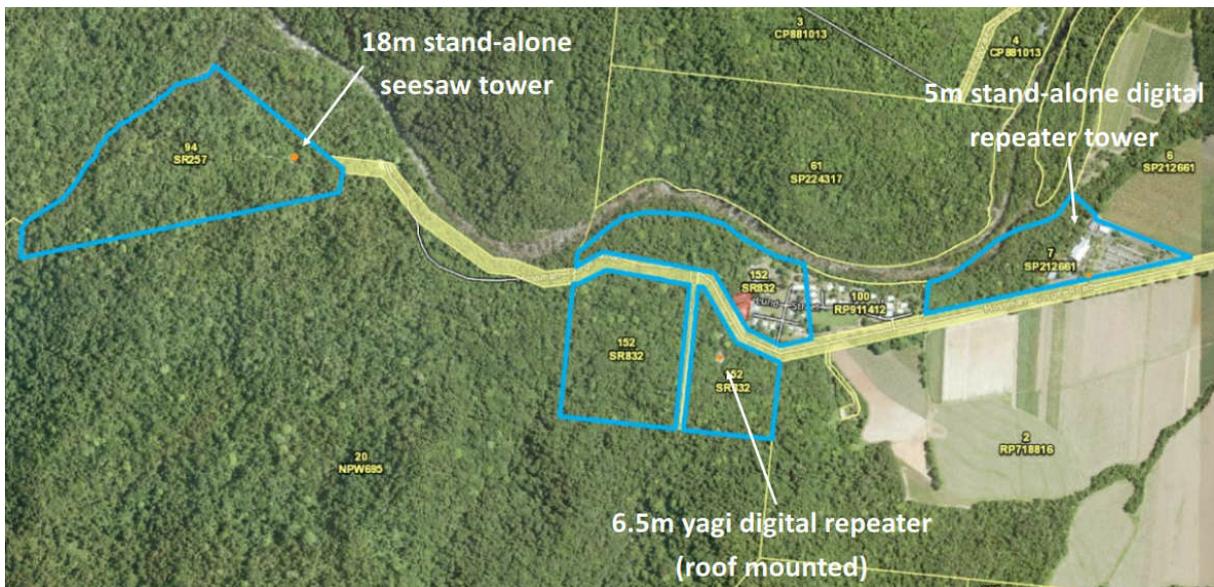


Figure 1 - Locality Plan

ZONE	Conservation, Low Density Residential and Tourism
PLANNING SCHEME	2018 Douglas Shire Planning Scheme version 1.0
REFERRAL AGENCIES	The State Assessment and Referral Agency (SARA)
NUMBER OF SUBMITTERS	There were no submissions received for this application
STATUTORY ASSESSMENT DEADLINE	4 September 2019
APPLICATION DATE	30 April 2019

RECOMMENDATION

That Council delegate authority to the Chief Executive Officer to amend the trustee lease over Lot 94 on SR257 and to finalise all matters associated with accommodating the radio tower on site; And

That Council approves the development application for material change of use for telecommunications facilities over land described as Lot 94 on SR257, Lot 7 on SP212661 and Lot 152 on SR832, located at Gorge Road, Mossman Gorge, 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 Plan- All	Plan No: 18-385 DA01 Rev: A	18 December 2018
Site Plan- Lot 7	Plan No: 18-385 DA02 Rev: A	18 December 2018
Site Plan- Lot 94	Plan No: 18-385 DA03 Rev: A	18 December 2018
Site Plan- Lot 94 Lease Plan	Plan No: 18-385 DA03.1 Rev: A	18 December 2018
Site Plan- Lot 152	Plan No: 18-385 DA04 Rev: A	18 December 2018
Proposed Radio Tower- Site Plan	PR143136-1 A prepared by RPS Australia East Pty Ltd	13 June 2019

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

3. 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 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

4. 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.

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.
2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

REFERRAL AGENCY CONDITIONS & REQUIREMENTS

Referral Agency	Referral Agency Reference	Date	Council Electronic Reference
State Assessment & Referral Agency (Department of Infrastructure, Local Government & Planning)	1905-11271 SRA	18 July 2019	911212

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

Currency period for the approval

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

Reasons for Decision

The reasons for this decision are:

- 1. Sections 60, 62 and 63 of the *Planning Act 2016*:**
 - a. the approved plan(s) and document(s);**
 - b. the Conditions and Advices;**
 - c. The development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and**
 - d. The development complies 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 30 April 2019 under section 51 of the *Planning Act 2016* and Part 1 of the Development Assessment Rules;**
 - b. the application was properly notified;**
 - c. the development application contained information from the applicant which Council reviewed together with Council's own investigation of assessment against the State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.**
 - 3. Evidence or other material on which findings were based:**
 - a. the development triggered assessable development under the Assessment Table associated with the relevant zone codes;**
 - 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 conditions the development satisfactorily meets the Planning Scheme requirements.**
-

EXECUTIVE SUMMARY

Council is in receipt of a development application for a material change of use of premises for Telecommunications facilities (radio towers) over land located at Gorge Road, Mossman Gorge. Three separate allotments are proposed to house the radio towers, which are formally described as Lot 94 on SR257, Lot 7 on SP212661 (212 Mossman Gorge Road) and Lot 152 on SR832 (301 Mossman Gorge Road).

Lot 94 is known as the Rex Creek reserve for water purposes with Council as Trustee. Council has a Trustee Lease with the Indigenous Land Corporation for part of the Mossman Gorge Centres tourist attraction operation over Lot 94 which is largely vegetated and has a number of access roads, parking areas and water infrastructure services located on site. Lot 94 is within the Conservation Zone of the 2018 Douglas Shire Planning Scheme version 1.0 (the Planning Scheme) and is proposed to have an 18 metre high seesaw monopole tower sited within it.

Lot 152 is the allotment supporting the operation of the Bamanga Bubu Ngadimunku Aboriginal Corporation (BBNAC) improved by a two-storey administrative building. This lot is within the Low density residential zone of the Planning Scheme and is proposed to have a 6.5 metre high repeater tower sited on the roof of the administrative building.

Lot 7 is the allotment where the Mossman Gorge Centre is located and is within the Tourism zone of the Planning Scheme. A 5 metre high, stand alone digital repeater is proposed to be sited in the grassed area along the southern boundary of the site.

The proposed towers are necessary to upgrade the existing telecommunications network present throughout the Gorge to improve radio communications between the visitor centre and the Gorge itself. This includes the improved operation of shuttle bus services and overall tourism operations. The application is recommended for approval subject to conditions.

TOWN PLANNING CONSIDERATIONS

Background

Mossman Gorge is an iconic tourist attraction located within the Daintree National Park managed by the Mossman Gorge Centre, a local indigenous ecotourism development formed in collaboration with the Indigenous Land Corporation (ILC), Voyages Indigenous Tourism Australia, and the local Kuku Yalanji people.

The Centre offers a variety of activities to visitors, including self-guided walks and guided dreamtime walk tours, an indigenous art gallery and a variety of other retail and food & beverage opportunities. Considering the abundance of natural and cultural heritage values present within the Gorge, coupled with the single lane access road, access to the Gorge itself beyond the Centre is highly constrained.

Shuttle buses operate on the one lane access road, which are equipped with a UHF radio to ensure the safe movement of vehicles and pedestrians between the Centre and the Gorge. This communications system is also made available to staff working around the Centre and undertaking guided tours of the Gorge as part of current health and safety procedures to ensure suitable first aid response and coordination of emergency services can be achieved.

Currently the telecommunication service coverage within the gorge is poor and can be considered sporadic at best.

Proposal

Proposed are three separate radio towers on three allotments servicing the Mossman Gorge Centres tourism operation. Refer to attachment 1 for proposal plans.

The largest of the towers is proposed to be sited at Lot 94. This consists of a single 18 metre high monopole with a seesaw design feature enabling it to be halved in height during extreme weather events in order to protect it. The tower is proposed for siting in an existing cleared area surrounded by remnant vegetation. No clearing is required to establish the tower, however, some minor branch trimming is likely to be necessary.

Lot 152 is proposed to accommodate a 6.5 metre high aerial type over on the roof of the existing two storey administrative building on site.

Lot 7 being the Mossman Gorge Centre, is proposed to have a 5.5 metre high repeater tower with its own solar panels and battery bank to be sited in the grassed area toward the southern boundary of the allotment.

With the poor UHF and service coverage within the Gorge, the applicant seeks to upgrade the existing telecommunication infrastructure to improve the safety of patrons and staff on the Gorge access road and to decrease time taken to respond to emergencies.

State Planning Requirements

The Planning Regulation 2017 triggers referral to the State Assessment and Referral Agency where the Department of Natural Resources, Mines and Energy are the technical agency for assessment for clearing of native vegetation. Although no clearing is proposed for the siting of the tower at Lot 94, the vegetation trimming and potential for clearing via exemptions under the regulation essentially triggers the referral. A copy of the State Assessment and Referral Agencies concurrence agency response is attached in Attachment 2.

Douglas Shire Planning Scheme Assessment

The telecommunications facilities land use is impact assessable within the Conservation zone, Tourism zone and Low density residential zone.

Table 1.

2018 Douglas Shire Planning Scheme version 1.0		Code	Compliance
	Applicable Codes	Applicability	
Planning Area	Conservation Zone Code	✓	See comment below
	Low Density Residential Zone Code	✓	See comment below
	Tourism Zone Code	✓	Complies
Defined Use	Telecommunications Facility Code	✓	See comment below

2018 Douglas Shire Planning Scheme version 1.0 Applicable Codes		Code Applicability	Compliance
Overlay Codes	Flood and Storm Tide Hazard Overlay Code	✓	Complies
	Landscape Values Overlay Code	✓	See comment below
	Natural Areas Overlay Code	✓	Complies
General Codes	Potential Landslide hazard overlay code	✓	Complies
	Transport Network Overlay Code	✓	Complies
	Landscaping Code	✓	See comment below
	Vegetation Management Code	✓	Complies

Compliance Issues

Conservation Zone Code

An assessment against conservation zone code has demonstrated that the tower proposed over Lot 94 presents a high level of compliance, with only one (1) departure from the acceptable outcomes proposed. This relates specifically to the height of the tower. AO2 of the code stipulates that any building or structure must not be more than 8.5m or two (2) storeys in height. To ensure adequate signal strength is achieved, particularly with consideration of the surrounding height of vegetation, slope, and distance, an 18 metre high tower is required. The applicant acknowledges that this exceeds the maximum height allowance by 9.5m. Accordingly, the development is required to demonstrate compliance against PO2, which states that the height of structures is compatible with the character of the area and does not adversely affect the amenity of the area.

The intent of the towers slender design, coupled with its proposed green finish is to blend with the surrounding mature vegetation. The vegetation surrounding the proposed location is approximately 19 metres in height. It is considered that the proposed 18m seesaw tower is compatible with the character and amenity of the existing mature vegetation that envelopes the site.

Low Density Residential Zone Code

Similar to the height non-compliance with the conservation zone code, the tower proposed for Lot 152 also departs from the maximum height limit of 8.5 metres specified under AO1 of the low density residential zone code. The tower stands 6.5m tall, where the maximum proposed height is approximately 14.5 metres when accommodating for the existing two (2) storey BBNAC office building. Accordingly, the development is required to demonstrate compliance against PO1, which states that the height of all buildings and structures must be in keeping with the residential character of the area.

The height of the two (2) structures combined exceeds the average height of the structures in the general area. The placement of the tower to the roof of the BBNAC office is considered to be minor and inconsequential when considering the impact on the character and amenity of the area as the towers slender and light weight design ensures that it blends seamlessly with

the surrounding mature vegetation. Further, the tower cannot be viewed from Mossman Gorge Road.

Landscape Values Overlay Code

In conjunction with the height non-compliances detailed above, the development departs from the same height particulars (maximum height of 8.5m) that are also stipulated under AO1.1 of the Landscape Values Overlay Code. In addition to the above, the tower proposed over Lot 152 also diverges from the provisions of AO1.5 where it is specified that all external features, walls and roofs are to present subdued, non-reflective palettes. The tower is of an aluminium finish. Accordingly, the development is required to demonstrate compliance against PO1, which requires that development avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation. Neither of the towers over Lot 94 or Lot 152 are tall enough to alter the skyline/ridgelines or be viewed from any surrounding properties located within the viewshed. The towers cannot be viewed from Mossman Gorge Road, nor any adjoining or adjacent properties or public areas.

PO1 also requires that development is effectively screened from view from a road, lookout or other public place by an existing natural landform or native vegetation or will be effectively screened by native vegetation within 3 years of construction. Both towers are proposed to be sited in locations surrounded by mature vegetation that encircles each respective site.

The towers over Lots 94 and 152 within the high landscape value overlay area are in keeping with and protect the high landscape values present over each respective site due to their minimalistic design. An assessment of the development associated with a medium landscape value area has confirmed that the tower over Lot 7 demonstrates full compliance.

Telecommunications Facility Code

The proposal complies with all assessment benchmarks, except for one minor benchmark. This departure relates directly to the requirement for each tower to be enclosed by a 1.8m fence as prescribed under AO4.1.

The Applicant has elected not to fence each tower to ensure the movement of fauna over each respective site remains unrestricted and to limit the development footprint and maintenance requirements as well as to protect and limit any impacts on the surrounding landscape.

Each tower is of a simple design where any moving parts and electrical components will be safely secured to ensure a member of the general public cannot damage or be injured by the infrastructure.

The proposal is considered to comply with the purpose and intent of PO4 as it will not compromise the safety of the general public.

Landscaping Code

The code requires that the telecommunications facilities are landscaped in accordance with Planning Scheme policy SC6.7. No landscaping has been proposed in the application and no landscaping conditions are imposed in the suite of development approval conditions. The tower at Lot 94 is sited in an area surrounded by dense remnant vegetation and narrow access

paths that are not practical for further landscaping. The tower at Lot 52 is sited on top of a two-storey building which is sited at the edge of a densely vegetated hill slope blocking out the view of the building from public areas. The tower proposed for lot 7 is to be sited in an area already screened from public areas, including Gorge Road, by significant and well established vegetation buffers. It is considered that no additional landscaping is required to maintain the amenity of the locations of the proposed towers.

Referral Agency Requirements

The State Assessment and Referral Agency has issued a concurrence agency response in conjunction with the Department of Natural Resources, Mines and Energy. This response includes conditions regulating vegetation damage. A copy of the response is include in Attachment 2.

Public Notification / Submissions

Public notification was carried out in accordance with section 53 of the Planning Act 2016 for the proposed development. No submissions were received.

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.

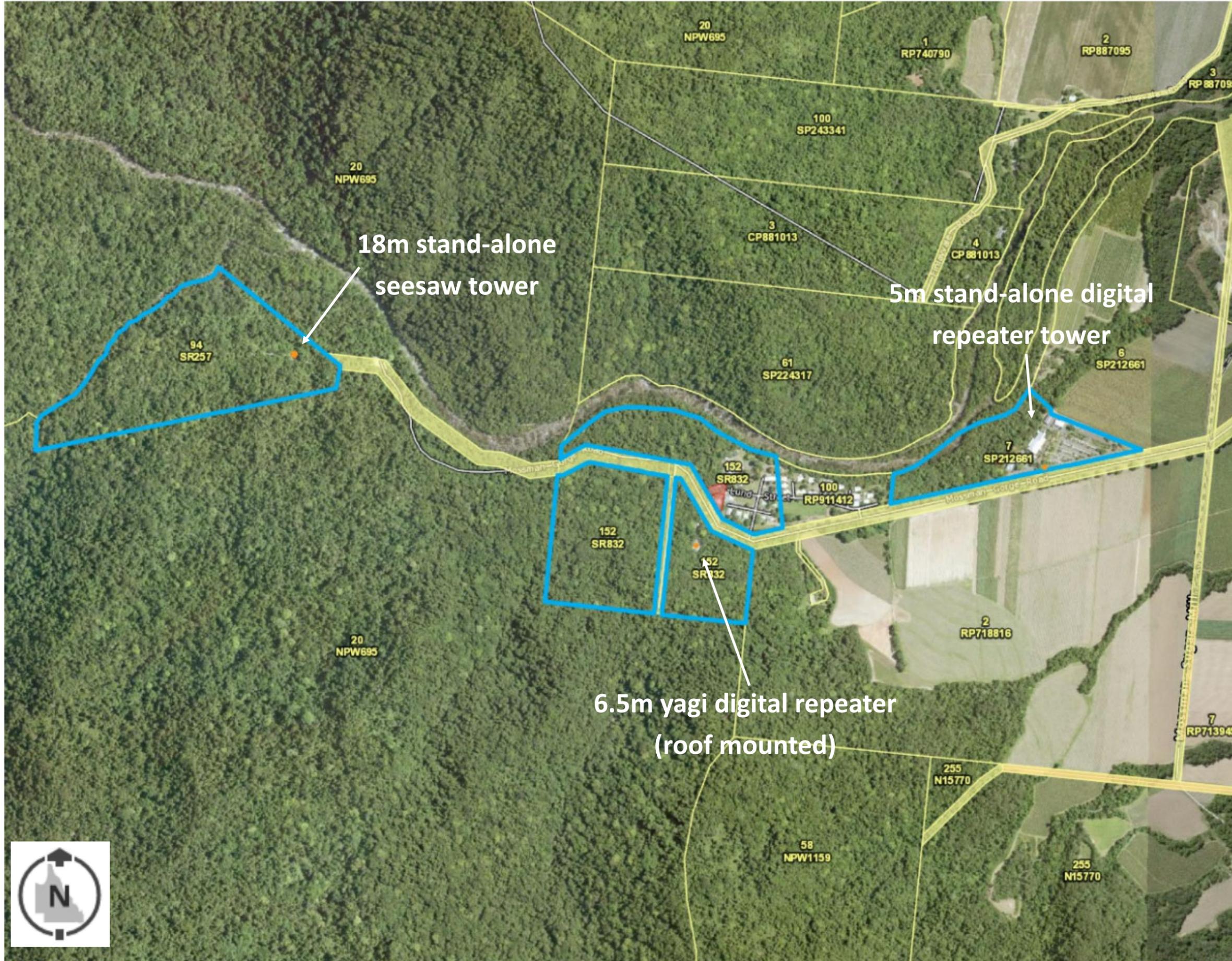
The following area outlines where Council has a clear responsibility to act:

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 [5.1.1 - 6 pages]
2. Attachment 2- Referral Agency Response with Conditions [5.1.2 - 11 pages]



MOSSMAN GORGE CENTRE

Street Address:

7L, 94L, & 152L Mossman Gorge Road, SHANNONVALE

Real Property Description:

Lot 7 on SP212661, Lot 94 on SR257, & Lot 152 on SR257.

Proposed Development:

3 x Radio Towers

Legend:

- Applicable site/s
- Proposed tower locations



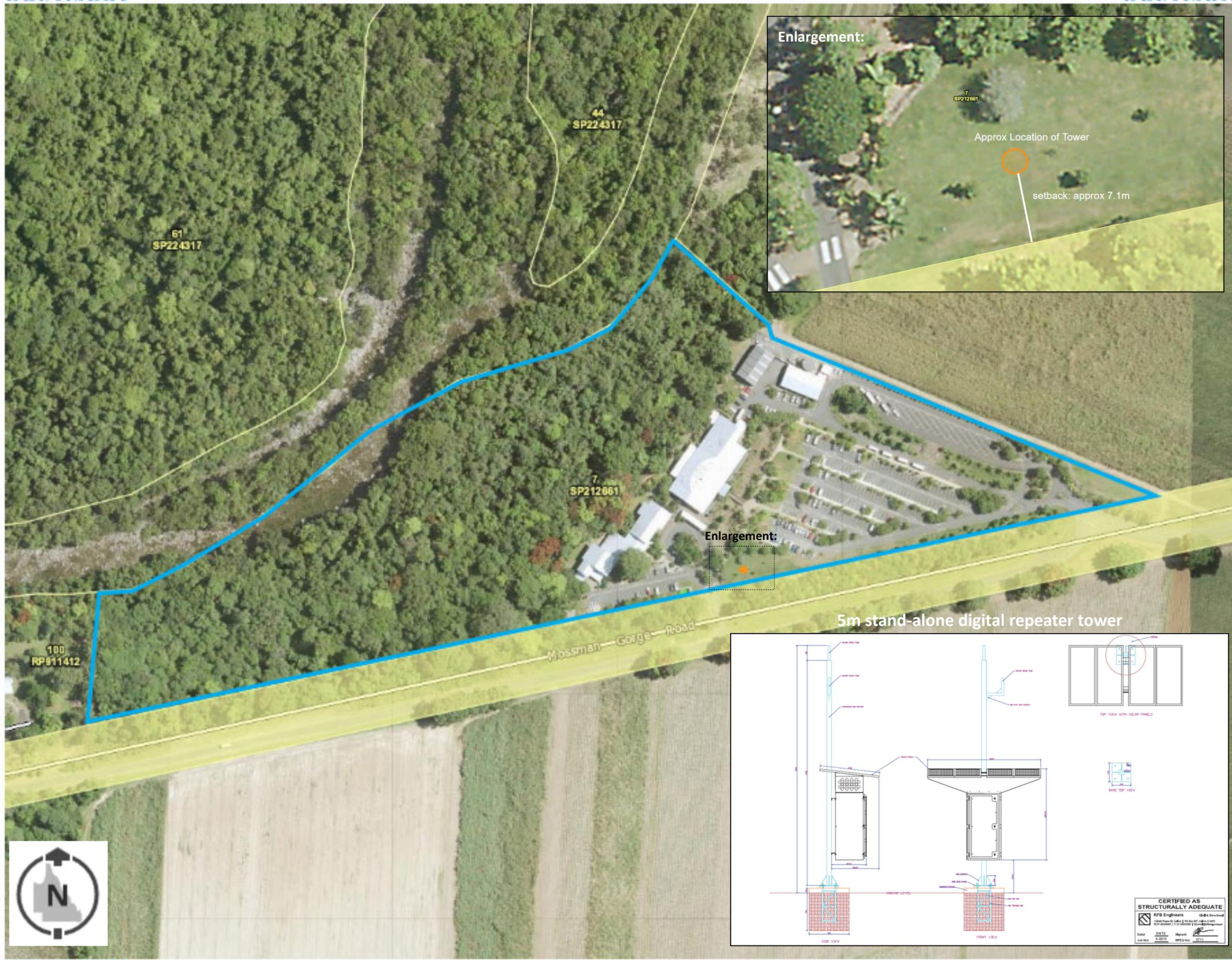
SITE PLAN

- ALL -

Plan No: 18-385 DA01 Rev: A
Date: 18/12/2018



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MOSSMAN GORGE CENTRE

Street Address:
7L, 94L, & 152L Mossman Gorge Road, SHANNONVALE

Real Property Description:
Lot 7 on SP212661, Lot 94 on SR257, & Lot 152 on SR257.

Proposed Development:
3 x Radio Towers

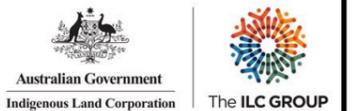
- Legend:**
- Applicable site/s
 - Proposed tower locations



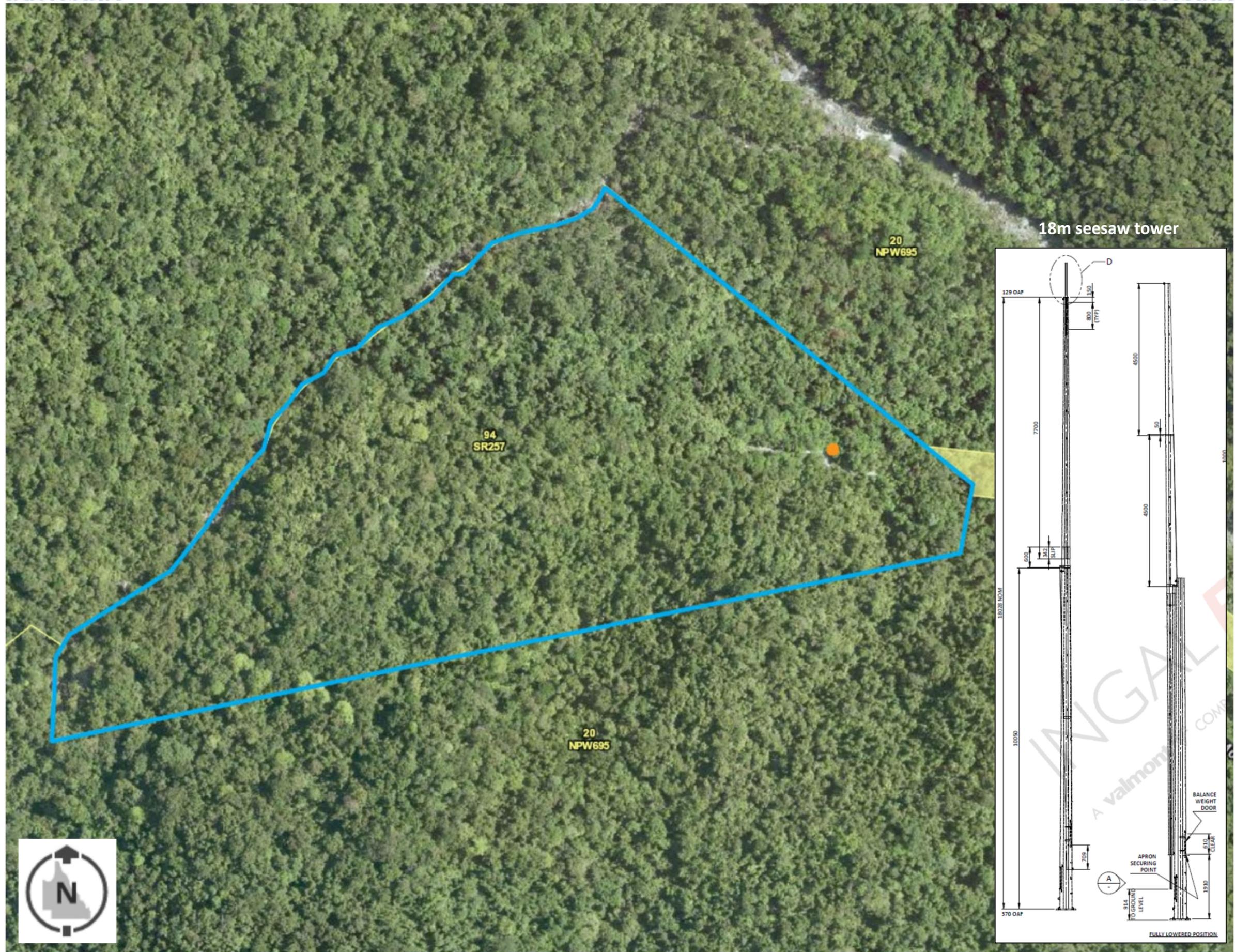
SITE PLAN

(Lot 7)

Plan No: 18-385 DA02 Rev: A
Date: 18/12/2018



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MOSSMAN GORGE CENTRE

Street Address:
7L, 94L, & 152L Mossman Gorge Road, SHANNONVALE

Real Property Description:
Lot 7 on SP212661, Lot 94 on SR257, & Lot 152 on SR257.

Proposed Development:
3 x Radio Towers

- Legend:**
- Applicable site/s
 - Proposed tower locations

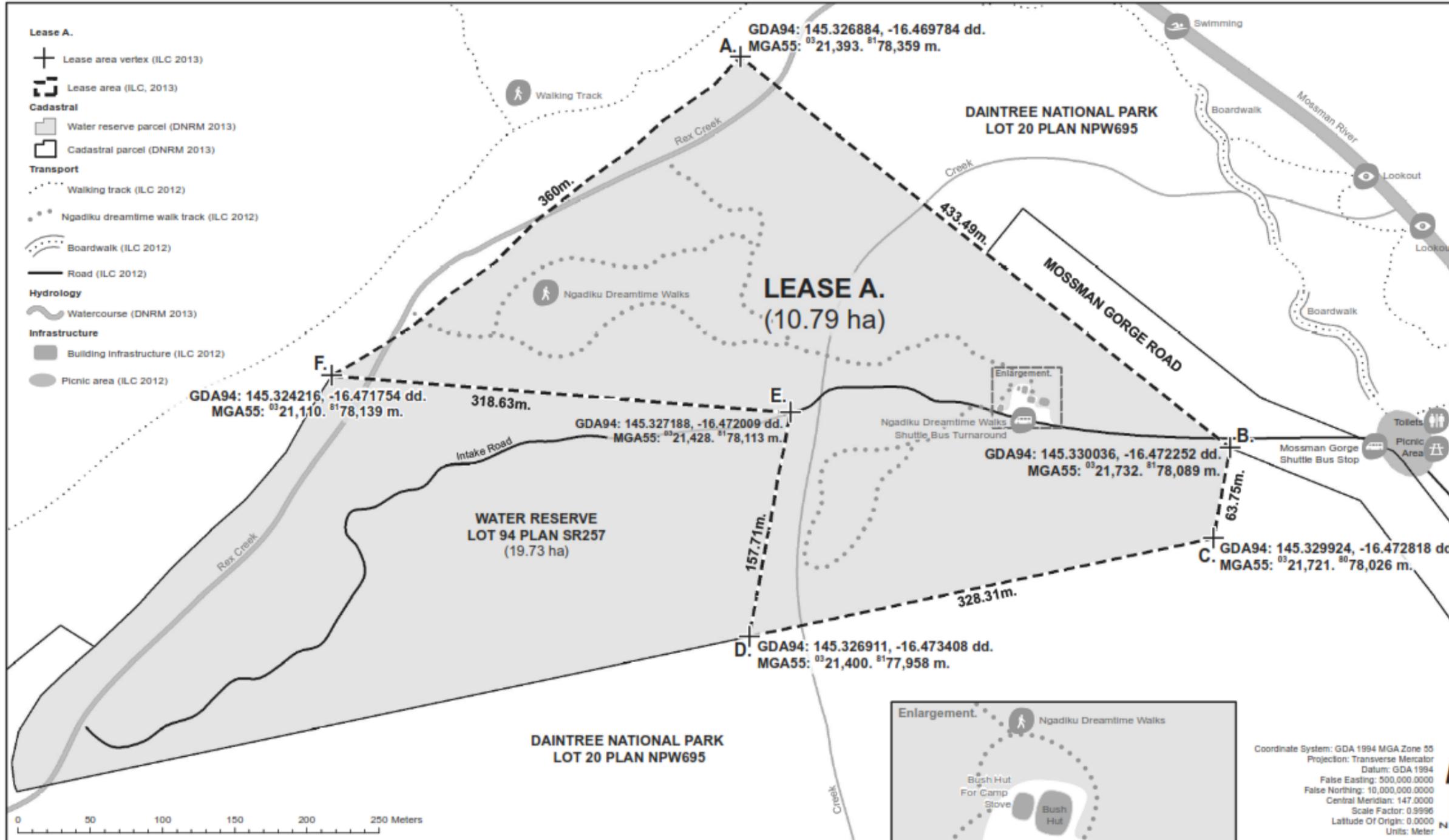


SITE PLAN (Lot 94)

Plan No: 18-385 DA03 Rev: A
Date: 18/12/2018



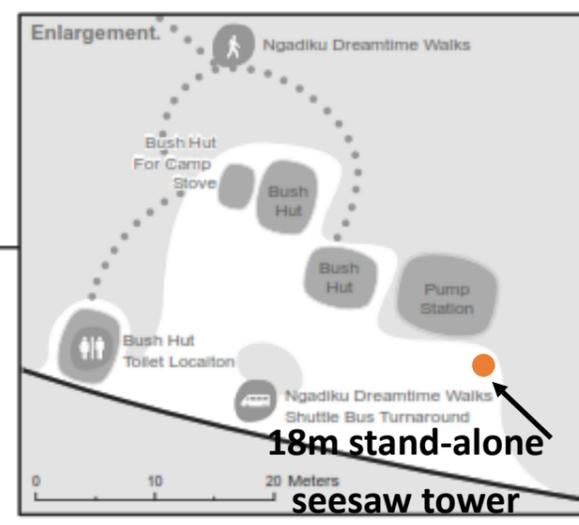
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Lease Area for Mossman Gorge Walking Tracks
 Water Reserve, Lot 94 on Plan SR257,
 CAIRNS REGIONAL SHIRE, QLD.

See attached data attribution for more information.

01-AUG-2013
 ILC Map No.2206
 Australian Government
 Indigenous Land Corporation
 Copyright Indigenous Land Corporation 2013
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 The ILC makes no warranties as to the currency and accuracy of information depicted. This map remains the property of the ILC and may not be copied by any means. All geographic calculations were performed in MGA55 projection based on GDA94 datum. MGA Zone 55 Projected Coordinate System based on GDA94 Datum.



Coordinate System: GDA 1994 MGA Zone 55
 Projection: Transverse Mercator
 Datum: GDA 1994
 False Easting: 500,000.0000
 False Northing: 10,000,000.0000
 Central Meridian: 147.0000
 Scale Factor: 0.9996
 Latitude Of Origin: 0.0000
 Units: Meter



MOSSMAN GORGE CENTRE

Street Address:
 7L, 94L, & 152L Mossman Gorge Road, SHANNONVALE

Real Property Description:
 Lot 7 on SP212661, Lot 94 on SR257, & Lot 152 on SR257.

Proposed Development:
 3 x Radio Towers

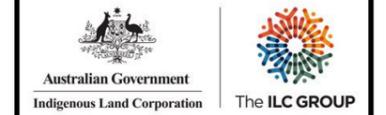
- Legend:**
- Applicable site/s
 - Proposed tower locations



SITE PLAN

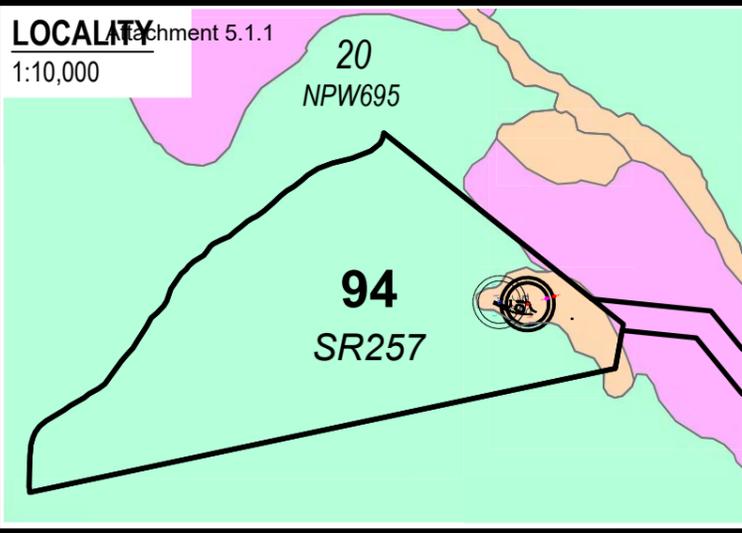
(Lot 94—Lease Plan)

Plan No: 18-385 DA03.1 Rev: A
 Date: 18/12/2018



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Attachment 5.1.1
 LOCALITY
 1:10,000



PRELIMINARY ONLY

IMPORTANT NOTE

This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified. All lots, areas and dimensions are approximate only. Subject to relevant studies, Survey, Engineering and Government approvals. No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan. Boundaries shown have been plotted from DNRME DCDB and are approximate only.

VMA MAPPING LEGEND

- Category A or B area containing endangered regional ecosystems.
- Category A or B area containing of concern regional ecosystems.
- Category A or B area that is a least concern regional ecosystem.

POTENTIAL CLEARING AREAS

Existing Tower

- 681m²**
30.0m buffer from tower within least concern regional ecosystems
- 2782m²**
37.5m buffer from tower within of concern regional ecosystems

Proposed Tower

- 36m²**
30.0m buffer from tower within least concern regional ecosystems
- 4017m²**
37.5m buffer from tower within of concern regional ecosystems

AMENDMENTS

A: AMK: 13/6/2019: Add water main location	
PROJECT MANAGER A Kerlin	SURVEYED MGF 28/3/2019
COMPILED AMK	CAD REF PR143136-1a.DWG PR143136 Mossman Gorge.mjo
SHEET SIZE A3	SHEET OF SHEETS 1 OF 1

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MOSSMAN GORGE CENTRE

PROPOSED RADIO TOWER

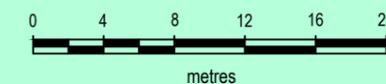
POTENTIAL VEGETATION CLEARING - SITE PLAN

SCALE 1:400	DATE 13/6/2019	DRAWING NO. PR143136-1	ISSUE A
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SURVEY LEGEND

- Edge of Track
- Top of Bank
- Toe of Bank
- Rock
- Change of Grade
- Building
- Fence
- Water Pipe / Valve
- Edge of Scrub
- Tree

Level Datum: AHD
 Level Origin: PSM183267
 RL 145.550
 Vide PR111137-3
 Meridian: GDA94 MGA Zone 55
 Coord Origin: PSM183267
 E 320944.070
 N 8177901.640
 Vide PR111137-3



SCALE 1:400 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A3)



Department of
**State Development,
 Manufacturing,
 Infrastructure and Planning**

SARA reference: 1905-11271 SRA
 Council reference: MCUI 3100/2019
 Applicant reference: 18-385

18 July 2019

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

Attention: Daniel Lamond

Dear Sir/Madam

SARA response—212 Gorge Road, Mossman Gorge and Mossman Gorge Road, Shannonvale

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 17 June 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	18 July 2019
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material change of use for Placement and operation of three (3) radio towers to support the upgrade of the existing telecommunications facilities used in conjunction with the existing Visitor Centre
SARA role:	Referral Agency.	

SARA trigger: Schedule 10, Part 3, Division 4, Table 3 (Planning Regulation 2017)
Development application for a material change of use - clearing native vegetation

SARA reference: 1905-11271 SRA

Assessment Manager: Douglas Shire Council

Street address: 212 Gorge Road, Mossman Gorge and Mossman Gorge Road, Shannonvale

Real property description: Lots 7 on SP212661, 94 on SR257, and 152 on SR832

Applicant name: Voyages Indigenous Tourism Australia Pty Ltd T/A The Mossman Gorge Centre

Applicant contact details: PO Box 2970
Cairns QLD 4870
louise@urbansync.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Sue Lockwood, Senior Planning Officer, on 40373215 or via email CairnsSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Voyages Indigenous Tourism Australia Pty Ltd T/A The Mossman Gorge Centre, louise@urbansync.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Change representation provisions
Attachment 5 - Approved plans and specifications

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material change of use		
Schedule 10, Part 3, Division 4, Table 3—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources, Mines and Energy to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	No clearing of vegetation is to occur within areas identified as Area A (Part A ¹) as shown on the attached Technical Agency Response Plan (TARP) 1905-11271 SRA dated 15 July 2019.	At all times
2.	No built structure is to be established, constructed or located within areas identified as Area B (Part B ¹) as shown on attached Technical Agency Response Plan (TARP) 1905-11271 SRA dated 15 July 2019.	At all times
3.	Any person(s) engaged or employed to carry out the <u>clearing of vegetation</u> under this development approval must be provided with a full copy of this development approval and must be made aware of the full extent of <u>clearing</u> authorised by this development approval.	Prior to clearing

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.4. If a word remains undefined it has its ordinary meaning.
Digital Data	
2.	To request an electronic file of the Derived Points (Attached to Plan: 1905-11271 SRA) as contained in this technical agency response, email a request to the Department of Natural Resources, Mines and Energy at northvegetation@dnrme.qld.gov.au and include application reference (1905-11271 SRA).

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

- The proposed development is located in an existing cleared area. There will be minimal impact on the loss of vegetation and no impact on biodiversity, land degradation, connectivity and ecological processes.
- The proposed radio tower will not result in an adverse impact on the underlying purpose and tenure of the land as a water reserve as the radio tower presents a suitable level of separation from existing water mains.
- There are no wetlands within 100m of the subject lot and no watercourses and drainage features within the proposed development area.
- There will be no adverse impacts to connectivity and ecological processes on the subject lot or in the adjacent landscape.
- The development proposal does not contribute to or accelerate land degradation through waterlogging, or through the salinisation of groundwater, surface water or soil.
- It is unlikely that the full extent of the fire break and safety buffer areas will be utilised.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.4), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

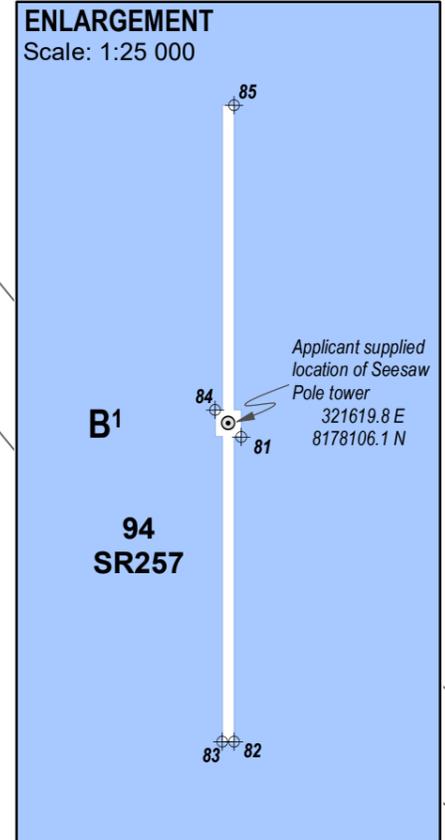
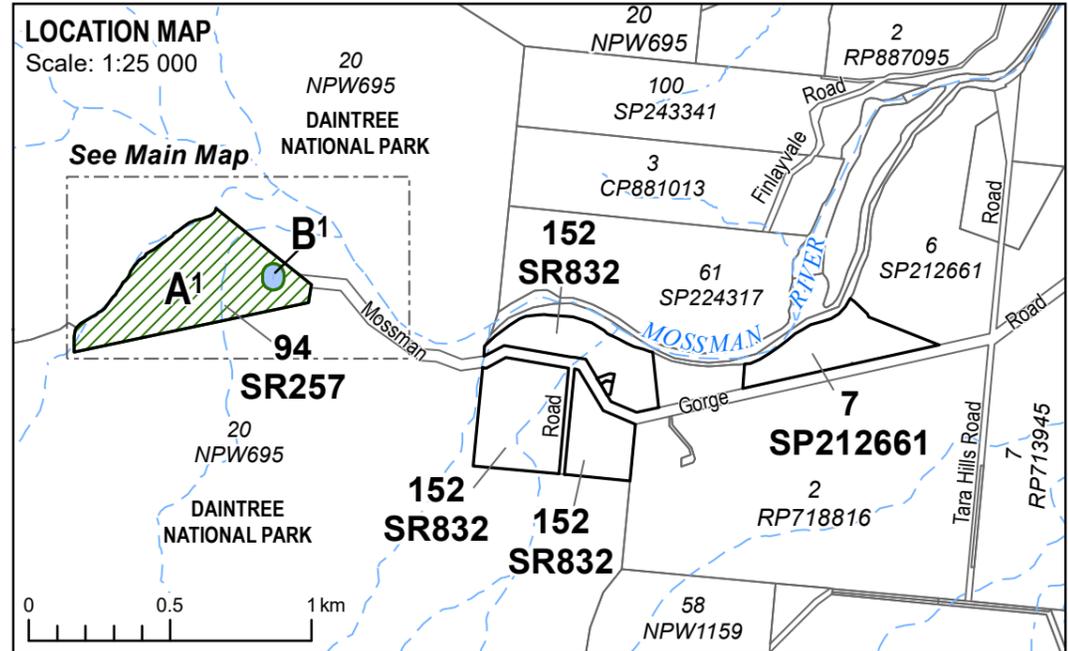
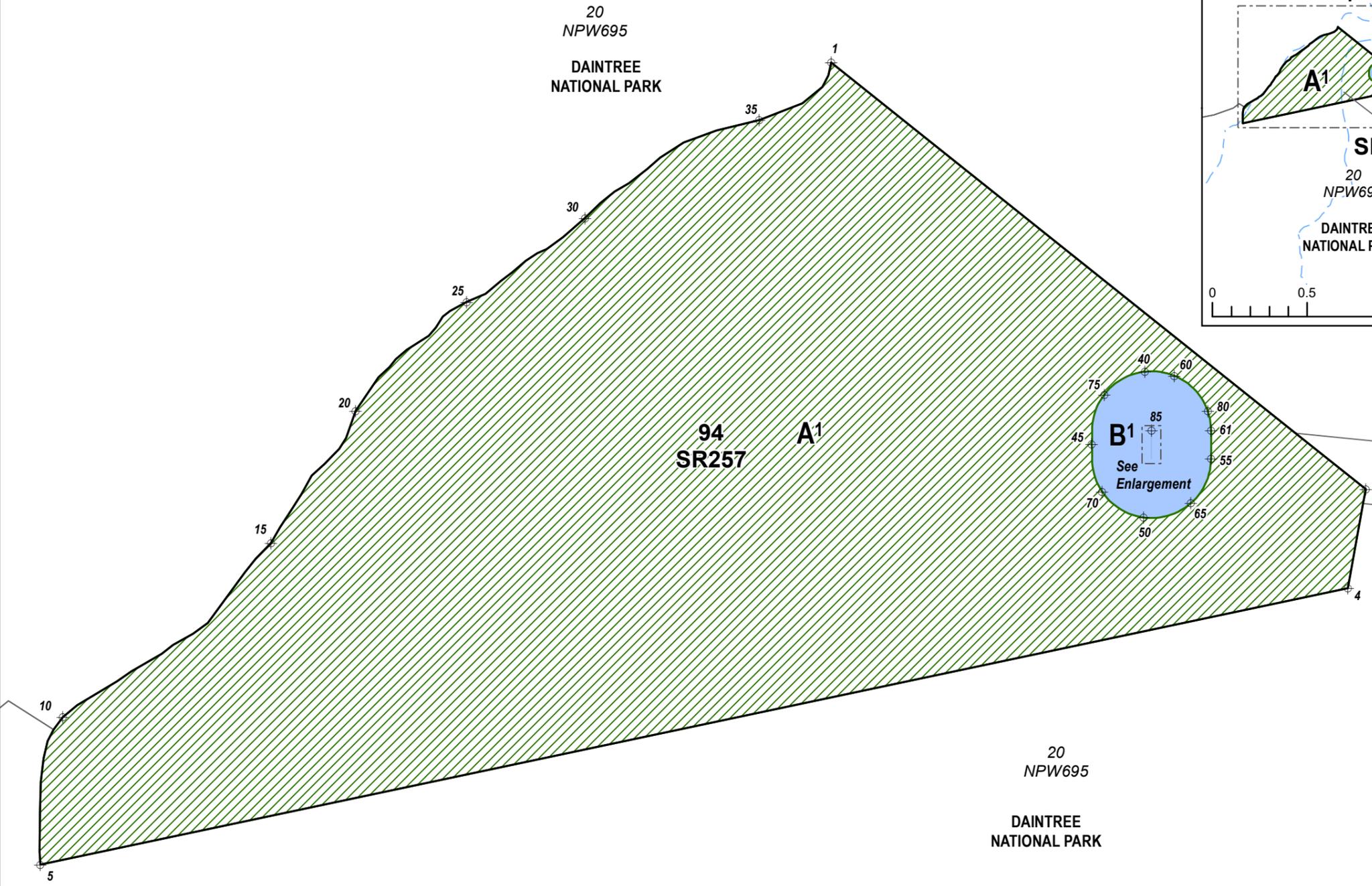
Attachment 4—Change representation provisions

(page left intentionally blank – refer to attachment 4)

Attachment 5—Approved plans and specifications

(page left intentionally blank – refer to attachment 5)

Derived Reference Points
 Attachment 9.1.2
 Projection: UTM (MGA Zone 55)
 Datum: GDA(94)
 All GPS points continue sequentially
 when labels are missing



Legend

- 2 Derived Reference Start Points (See attachment)
- Subject Lot(s)
- Area A (Part A¹)
- Area B (Part B¹)
- Watercourse and drainage feature

Note: This is a colour plan and should only be reproduced in colour

1: 3 000 @ A3 size

Projection: UTM (MGA Zone 55) Datum: GDA94

This plan must be read in conjunction with Decision Notice 1905-11271 SRA

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

Note: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

Technical Agency Response Plan

Plan of Area A (Part A¹) and Area B (Part B¹) in Lot 94 on SR257, Lot 7 on SP212661 and Lot 152 on SR832

eLVAS Case ID:2019/002788

LOCAL GOVT: DOUGLAS SHIRE
LOCALITY OF MOSSMAN GORGE AND SHANNONVALE

File Reference: eDOCS no. 082/0003370 | Compiled from: DCDB, RVM & NRMO Notes on file

Ordinary Council Meeting - 20 August 2019 | Prepared by: SAK & EMR - j5554 | Region: NORTH | Date: 15/07/2019

Version: 2

TARP
1905-11271 SRA
Sheet 1 of 1

Attachment to Plan: 1905-11271 SRA

Derived Reference Points for GPS

Horizontal Datum: GDA94 Projection: Transverse Mercator MGA 94 Zone 55

Note: Derived Reference Points are provided to assist in the location of the Technical Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s). This attachment must be read in conjunction with the accompanying plan and the Technical Agency Response 1905-11271 SRA. Derived Reference Points are indicated on the accompanying plan and proceed sequentially if labels are missing.

Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing				
A1	1	321417	8178348	B1	61	321657	8178115				
A1	2	321711	8178113	B1	62	321658	8178103				
A1	3	321756	8178078	B1	63	321657	8178092				
A1	4	321744	8178015	B1	64	321654	8178081				
A1	5	320916	8177840	B1	65	321645	8178069				
A1	6	320915	8177873	B1	66	321634	8178062				
A1	7	320916	8177892	B1	67	321622	8178060				
A1	8	320918	8177907	B1	68	321610	8178061				
A1	9	320920	8177918	B1	69	321599	8178066				
A1	10	320930	8177933	B1	70	321588	8178076				
A1	11	320964	8177956	B1	71	321583	8178087				
A1	12	320993	8177974	B1	72	321582	8178102				
A1	13	321012	8177986	B1	73	321582	8178115				
A1	14	321045	8178025	B1	74	321584	8178127				
A1	15	321062	8178044	B1	75	321590	8178138				
A1	16	321073	8178062	B1	76	321601	8178148				
A1	17	321081	8178075	B1	77	321620	8178153				
A1	18	321088	8178086	B1	78	321637	8178149				
A1	19	321105	8178103	B1	79	321648	8178140				
A1	20	321115	8178127	B1	80	321655	8178127				
A1	21	321130	8178149	B1	81	321620	8178106				
A1	22	321141	8178160	B1	82	321620	8178097				
A1	23	321162	8178175	B1	83	321620	8178097				
A1	24	321171	8178187	B1	84	321619	8178106				
A1	25	321186	8178197	B1	85	321620	8178115				
A1	26	321198	8178202								
A1	27	321215	8178215								
A1	28	321231	8178227								
A1	29	321247	8178238								
A1	30	321261	8178250								
A1	31	321280	8178266								
A1	32	321300	8178281								
A1	33	321323	8178298								
A1	34	321344	8178305								
A1	35	321371	8178312								
A1	36	321398	8178322								
A1	37	321411	8178333								
A1	38	321417	8178348								
A1	39	321626	8178152								
A1	40	321615	8178152								
A1	41	321603	8178149								
A1	42	321591	8178140								
A1	43	321585	8178129								
A1	44	321582	8178118								
A1	45	321582	8178106								
A1	46	321582	8178095								
A1	47	321585	8178083								
A1	48	321591	8178072								
A1	49	321603	8178063								
A1	50	321615	8178060								
A1	51	321627	8178060								
A1	52	321639	8178065								
A1	53	321650	8178074								
A1	54	321655	8178085								
A1	55	321657	8178097								
A1	56	321658	8178109								
A1	57	321657	8178120								
A1	58	321654	8178132								
A1	59	321645	8178143								
A1	60	321634	8178150								
				Ordinary Council Meeting - 20 August 2019							

Development Assessment Rules—Representations about a referral agency response (concurrency)

The following provisions are those set out in sections 28 and 30 of the *Development Assessment Rules*¹ regarding **representations about a referral agency response (concurrency)**.

Part 6: Changes to the application and referral agency responses and Part 7: Miscellaneous

28 Concurrency agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrency agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrency agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrency agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrency agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrency agency proposes to change its referral agency response under section 28.2(a), the concurrency agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrency agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrency agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrency agency under section 30, and the concurrency agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.