

## 5.1. MATERIAL CHANGE OF USE FOR TELECOMMUNICATION FACILITIES AT LOT 99 WHARF STREET PORT DOUGLAS

<b>REPORT AUTHOR(S)</b>	Simon Clarke, Coordinator Development Assessment and Coordination
<b>GENERAL MANAGER</b>	Nick Wellwood, General Manager Operations
<b>DEPARTMENT</b>	Development Assessment and Coordination
<b>PROPOSAL</b>	Telecommunication Facilities
<b>APPLICANT</b>	Optus Mobile Pty Ltd c/- Urbis Pty Ltd Level 7, 123 Albert St BRISBANE QLD 4000
<b>LOCATION OF SITE</b>	Wharf Street, Port Douglas
<b>PROPERTY</b>	Lot 99 on SP150469
<b>LOCALITY PLAN</b>	



Figure 1 - Locality Plan

<b>LOCALITY</b>	Port Douglas and Environs
<b>PLANNING AREA</b>	Community & Recreation Facilities
<b>PLANNING SCHEME</b>	Douglas Shire Planning Scheme 2006
<b>REFERRAL AGENCIES</b>	Not applicable
<b>NUMBER OF SUBMITTERS</b>	Not applicable
<b>STATUTORY ASSESSMENT DEADLINE</b>	13 October 2017
<b>APPLICATION DATE</b>	12 June 2017

### **RECOMMENDATION**

That Council approves the development application for Telecommunications Facilities over land described as Lot 99 on SP150469, located at Wharf Street Port Douglas, 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:

<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
Draft Site Layout	Huawei Drawing B1231-P1 Revision 01	8 September 2016
Draft Site Elevation	Huawei Drawing B1231-P2 Revision 01	8 September 2016

#### **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, 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**

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.

### **Construction Process**

5. No trees or tree roots are to be damaged in the process of construction or use of the premises without the authorisation of the Chief Executive Officer. Attention should be paid not only to the canopy but also to potential root disturbance from fencing and tower foot excavation. Where necessary the assistance of an arborist should be retained to ensure the health of nearby trees.

All construction should occur with minimal damage to existing trees and particular attention be given to the root systems

### **Colours**

6. 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**

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.

### **Underground Connection to Electricity Supply**

8. Connection to the electricity supply must be provided underground.

### **Acid Sulfate Soils – Basement / Pool Disturbance**

9. 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 DNRW 'Queensland Acid Sulfate Soil Technical Manual'.
10. Any necessary permits are to be obtained from the Department of Environment and Heritage Protection with respect to the former land fill use of the site prior to any excavation of the site that may impact on the capping of the fill.

### **ADVICE**

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the *Sustainable Planning Act 2009*.
2. 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 Telecommunications 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.

## EXECUTIVE SUMMARY

Council is in receipt of a development application for a telecommunications facility consisting of a 27.5 metre high slim-line monopole at Lot 99 on SP150469 at Wharf Street, Port Douglas. The location chosen for the proposed facility is within a small clearing within established vegetation, such that the proposed monopole will be unobtrusive. Approval is recommended subject to conditions.

## TOWN PLANNING CONSIDERATIONS

### Background

Lot 99 on SP150469 located at Wharf Street, Port Douglas is a large parcel of land with a total area of 14.87 ha which is used for a range of open space and recreational facilities. The site selected for the telecommunications facility is with a small clearing surrounded by tall vegetation in the northern corner of the lot.

The proposed siting of the telecommunications facility will not interfere with the on-going use of the land for community and recreation purposes.

### Proposal

The proposed development is for a Telecommunications Facility tower consisting of:

- The construction of a 25m monopole, with an overall height of 27.5m;
- The attachment of three panel antennas (2.523m long) on a hexagonal headframe;
- The attachment of 15 remote radio units on the hexagonal headframe;
- The construction of an equipment shelter on concrete piers, consisting of the following dimensions – 3150mm x 2380mm – totalling 7.5m<sup>2</sup>
- Associated ancillary equipment, including underground conduits; and
- The proposed Optus lease area of 66m<sup>2</sup>.

The period of the proposed lease will not exceed ten years, thereby not triggering a need for a lot reconfiguration application.

The layout plan is included in Attachment 1.

### State Planning Requirements

The application was lodged with Council on the 12 June 2017 and is therefore to be assessed under the *Sustainable Planning Act 2009*.

### State Planning Regulatory Provisions (SPRP)

State Planning Regulatory Provision (Adopted Charges) applies to the proposed development. However, as Council has adopted Infrastructure Charges Resolution (No 1) 2015 in accordance with the SPRP, no further assessment of this SPRP is required.



The proposed development is not subject to any other SPRPs.

### State Planning Policies

The single State Planning Policy (SPP) applies to the assessment of certain forms of development. The SPP provides support mapping to assist in spatially representing policies and requirements of the SPP. The land is mapped as Coastal Hazard Area – High/Medium Storm Tide and Erosion Prone Area. As such, the application needs to be assessed against the Natural Hazards, Risk and Resilience State Interest.

Assessment of the application against the relevant Natural Hazards, Risk and Resilience State Interest Code requirements reveals that the Telecommunications facility will not pose a significant hazard. The facility is unstaffed and operated remotely. It can be switched on and off if conditions require. Further, the facility will not burden any management responses to a flood emergency.

### State Referral Agencies

There are no State referral agencies involved in the assessment of the proposed Telecommunications facility.

### Douglas Shire Planning Scheme Assessment

The proposed Telecommunications facility is to be located within the Community and Recreation Facilities Planning Area and is assessed as Code Assessable Development within this particular Planning Area.

The following Codes apply to the development.

Table 1.

Douglas Shire Port Douglas and Environs Planning Locality		Code Applicability	Compliance
<b>Locality</b>	Port Douglas and Environs	✓	See comment below
<b>Planning Area</b>	Community & Recreation Facilities	✓	Complies
<b>Defined Use</b>	Telecommunications Facilities	✓	Complies
<b>Overlay Codes</b>	Acid Sulfate Soils Code	✓	Conditioned to comply
	Cultural Heritage and Valuable Sites Code	x	-
	Natural Hazards Code	x	-
<b>General Codes</b>	Design and Siting of Advertising Devices Code	x	-
	Filling and Excavation Code	✓	Complies
	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	x	-

## Compliance Issues

### Port Douglas and Environs 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 slim-line design and colour scheme (Pale eucalypt) will assist in integrating the facility into its surroundings, which will conceal the tower from most external views. Furthermore, the lighting towers at the nearby cricket fields are of similar height to the proposed facility.

Despite these minor conflicts, the development is considered to be consistent with the Code purpose meeting community need and consolidating Port Douglas as the major tourist accommodation and tourist service centre in the Shire.

### Services

The proposed Telecommunications facility is to be connected to underground electricity. No vegetation is required to be removed or damaged to accommodate the electricity connection.

### Access

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 3 – 4 times per year.

### Land contamination / Acid Sulfate Soils.

The site is a former land fill. A Site Management Plan exists for the former land fill and Optus will be required to obtain all necessary permits from the Department of Environment and Heritage Protection for any excavation that may affect the land fill cap.

Conditions of approval will also address Acid Sulfate Soil Management.

### Co-location of other providers

Council encourages telecommunication providers to co-locate facilities on to existing structures where possible. In this regard, Council recently applied a condition on an approval for a tower in Escape Street, Port Douglas (MCUC 1932/2017 refers). The condition was as follows:

*“Incorporate into the tower design the ability to co-locate at least three other telecommunication carriers.”*

The applicant will apply to remove the condition in due course on the following basis:

*“The condition poses an issue for the delivery of the telecommunications facility for the following reasons:*

- *It is not measurable. Whilst the condition requires the ability to co-locate 3 additional carriers, it does not specify the type of equipment, nor the amount of equipment to be accommodated for each carrier. With regard to the height of the facility, Council indicated that they would be amenable to an increase in height of the facility. However, the actual height that would be accepted by Council was not quantified.*
- *It is not practical. Whilst it is possible to accommodate 4 carriers on one facility, this has occurred very rarely across Australia and typically in rural areas on significant lattice structures. Other than the difficulty for designing for the weight of the additional equipment, the main issue is that it is very unlikely that the location of this facility (and the specified heights for each carrier) would be suitable to accommodate the radio-frequency needs of all carriers. Furthermore, this information is not known until the time that a carrier is actively looking to upgrade their network in this area.*
- *The visual outcome will be significantly poorer. In order to accommodate 4 carriers on the facility within Wind Region C, a lattice tower would be required. Furthermore given that each carrier would require their own headframe or reservation, the height of the facility would need to be a minimum of 40 metres in order to adequately clear the canopy of nearby established vegetation. At the required height, there is no monopole available that would be suitable to accommodate the sail coefficient and weight of 4 carriers.*

*It is considered that a lattice tower in this location would present a very poor visual outcome as depicted in Figure 1. In reality, if 4 carriers were actually accommodated on the lattice tower, it is likely that there would be significantly more ancillary equipment affixed to the structure than depicted. Finally the footprint of the facility is likely to be significantly larger and this will impact upon the usability of the open space at the base of the facility.”*



Picture 1 – Proposed 25m monopole



Picture 2 – Required 40m lattice tower

**Figure 1. Comparison of proposed facility to the requirements of Condition 3c**



It is agreed that the outcome depicted in Figure 1 above, is a poorer outcome visually. Therefore, it is not proposed to apply the condition for co-location to this current application, given the sensitive nature of the site close to the Port Douglas township, Flagstaff Hill and the Inlet.

### Referral Agency Requirements

There are no referral agencies for the proposed development.

### Public Notification / Submissions

The application is code assessable and does not require public notification. Therefore, there is no ability to lodge submissions in relation to the proposed development.

### 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.

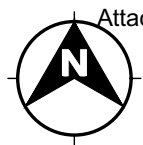
The following area outlines where Council has a clear responsibility to act:

**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 Plan(s) and Document(s) **[5.1.1]**



Attachment 5.1.1



LOCALITY MAP  
COPYRIGHT © GOOGLE MAPS

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

**NOTE:**  
"BEFORE UNDERTAKING ANY UNDERGROUND WORK OR WORK THAT COULD POTENTIALLY DAMAGE THE CAPPING LAYER ON THE SITE, THE CONTRACTOR IS TO CONSULT THE SITE MANAGEMENT PLAN AVAILABLE FROM THE CAIRNS REGIONAL COUNCIL. DIRECTLY LIAISE WITH THE COUNCIL ON ANY ISSUES THAT THE SITE MANAGEMENT PLAN DOES NOT EXPLICITLY COVER."

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**NOTE:**  
PROPOSED OPTUS LEASE AND COMPOUND AREA HAS BEEN KEPT TO A MINIMUM TO REDUCE THE IMPACT OF TREE CLEARING REQUIRED. LEASE AREA MAY NEED TO INCREASE IN SIZE TO ENSURE THE PROPOSED MONOPOLE FOUNDATION DOESN'T COMPROMISE THE CAPPING LAYER OF THE OLD LANDFILL. DETAILS TO BE CONFIRMED AT DETAILED DESIGN WITH COMPLETED SURVEY AND GEOTECHNICAL INVESTIGATION.

**SITE ADDRESS:**

44 WHARF STREET,  
PORT DOUGLAS, QLD, 4877

**NOTES:**

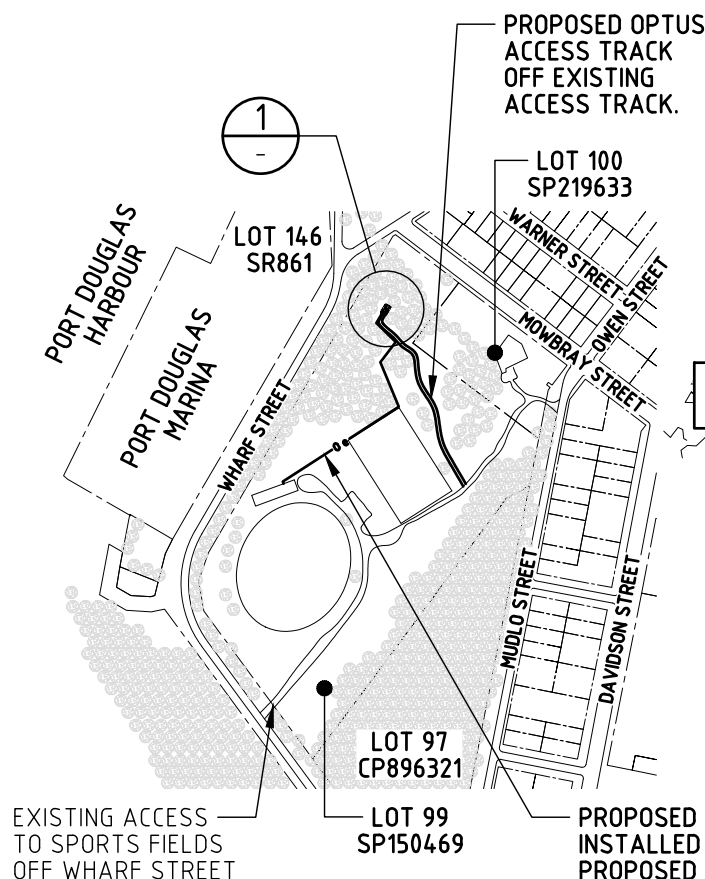
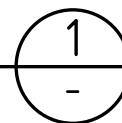
- BASIS OF DESIGN**
  - SITE INSPECTION 07/04/2016
- PANEL ANTENNAS**
  - 1-OFF PROPOSED HUAWEI ASI4517R1 12 PORT ANTENNA PER SECTOR (EACH 2.8m MAX. LONG) AT EL 26.00m.
  - SECTOR 1 - 70°, SECTOR 2 - 190°, SECTOR 3 - 330°
  - MOUNTED ON A HEXAGONAL HEADFRAME.
- TRANSMISSION**
  - Ø300 PARABOLIC ANTENNA AT EL 22.00m (1 OFF PROPOSED)
  - LINK SITE - B0093 PORT DOUGLAS (TO BE CONFIRMED VIA L.O.S. AT DETAILED DESIGN)
  - Ø1200 PARABOLIC ANTENNA AT EL 22.00m (1 OFF FUTURE)
- EQUIPMENT SHELTER**
  - PROPOSED VOS 1.3 (3.15m x 2.38m) SANDWICH PANEL. CYCLONIC RATED SHELTER.
  - SUPPORTED ON BORED PIERS (TO BE CONFIRMED AT DETAILED DESIGN).
- OPTUS MONOPOLE**
  - 25m HIGH MONOPOLE WITH HEXAGONAL HEADFRAME.
  - FOUNDATION TYPE TO BE CONFIRMED AT DETAILED DESIGN. REFER TO ADDITIONAL NOTES ON DRAWING.
  - MONOPOLE MAY REQUIRE ADJUSTMENT. ADJUSTING EXPECTED <2m TO BE CONFIRMED AT DETAILED DESIGN.
- FEEDER CABLES**
  - SIZE: 3 OFF 9/18 TRUNK CABLES
  - LENGTH: 35m ALL SECTORS
  - FEEDERS TO RUN FROM SHELTER IN 450 WIDE ELEVATED HORIZONTAL CABLE LADDER THEN RUN INTERNALLY UP MONOPOLE.
- SITE ACCESS**
  - SITE ACCESS OFF WHARF STREET VIA EXISTING SPORTS FIELD ACCESS TRACK. PROPOSED OPTUS ACCESS TRACK OFF EXISTING SPORTS FIELD ACCESS TRACK.
  - 265m PROPOSED OPTUS ACCESS TRACK LENGTH.
- ANTENNA ACCESS**
  - STEP PEGS & 'LAD-SAF' PROVIDED ON MONOPOLE.
- POWER SUPPLY**
  - PROPOSED 3-PHASE AC POWER TO BE PROVIDED FROM PROPOSED OPTUS METER INSTALLED IN EXISTING SPORTS CLUB METER BOX.
  - PROPOSED AC POWER SUBMAINS TO RUN FROM EXISTING METER BOX TO PROPOSED OPTUS SHELTER IN U/G PVC CONDUIT.
  - PROPOSED U/G OPTUS AC POWER RUN >300m
  - DETAILS TO BE CONFIRMED AT DETAILED DESIGN.
- 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.
  - SURROUNDING TREES TO BE TRIMMED/CLEARED AS REQUIRED. TRIMMING/CLEARING TO BE KEPT TO A MINIMUM.

MGA ZONE 55  
E 335838  
N 8176790  
AT £ MONOPOLE

EWP/ CRANE  
SET-UP

PROPOSED OPTUS AC METER TO BE  
INSTALLED IN EXISTING METER BOX.  
PROPOSED U/G AC POWER TO RUN  
IN CONDUIT FROM EXISTING METER  
BOX TO PROPOSED OPTUS SHELTER.

DETAIL  
SCALE 1:100



OVERALL SITE PLAN  
N.T.S.

Rev	Date	Revision Details	URBIS	AW	AP	BC	JH
01	08.09.16	ISSUED FOR APPROVAL					



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Client:



Project:

MOBILE NETWORK  
AUSTRALIA  
SITE No. B1231 - K  
PORT DOUGLAS MARINA  
44 WHARF STREET

Drawing Title:

DRAFT SITE LAYOUT

Drawing Status:

FOR APPROVAL

Drawing No.

B1231-P1

Revision

01



Drawing Title:	
DRAFT SITE ELEVATION	
Drawing Status:	Drawing Number:
FOR APPROVAL	B11

Drawing No. <b>B1231-P2</b>	Revision <b>01</b>
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