

**YOUR REF:** NBN-4MOS-5109-MOWB-Mowbray  
**OUR REF:** MCUC 990/2015 (731157)

7 October 2015

NBN Co Limited  
C/- Aurecon Australasia Pty Ltd  
Locked Bag 331  
**BRISBANE QLD 4001**

Attention: Kelly Pickering

Dear Sir/Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:  
DEVELOPMENT APPLICATION FOR  
21R SPRING CREEK ROAD, MOWBRAY**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 29 September 2015, please find attached the relevant Decision Notice.

The Notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you have any enquiries in relation to this Decision Notice, please contact Susanna Andrews of Development and Environment on telephone number 07 4099 9456.

Yours faithfully

Donna Graham  
Manager Development & Environment

Att

**APPLICANT DETAILS**

NBN Co Limited  
C/- Aurecon Australasia Pty Ltd  
Locked Bag 331  
BRISBANE QLD 4001

**ADDRESS**

21R Spring Creek Road, Mowbray

**REAL PROPERTY DESCRIPTION**

Lot 11 on SP212654

**PROPOSAL**

Telecommunication Facilities

**DECISION**

Approved subject to conditions (refer to approval package below).

**DECISION DATE**

29 September 2015

**TYPE**

Material Change of Use (Development Permit)

**REFERRAL AGENCIES**

None Applicable

**SUBMISSIONS**

There were no submissions for this application.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

Development Permit for Building Works

**CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT**

None

**DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)**

Not in conflict

**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	4MOS-51-09MOWB-C2 Rev 01	3 August 2015
Site Set Out Plan	4MOS-51-09MOWB-C3 Rev 01	3 August 2015
Site Elevation and Details	4MOS-51-09MOWB-C4 Rev 01	3 August 2015

**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.

**Colours**

3. 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**

4. Construct fencing for the perimeter of the facility with a minimum 1.8 metre high mesh security fence painted the same or similar colour as the facility. The facility is to be signed with appropriate hazard and warning signs.

**Damage to Council Infrastructure**

5. In the event that any part of Council's existing infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy construction equipment, stripping or grubbing, the applicant/owner must notify Douglas Shire Council immediately of the affected infrastructure and have it repaired or replaced at the developer's cost, prior to Commencement of Use.

## Lawful Point of Discharge

6. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

## Health

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

## 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 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.
4. For information relating to the *Sustainable Planning Act 2009* log on to [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au) . To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au) .

## LAND USE DEFINITIONS\*

In accordance with the Douglas Shire Planning Scheme 2008, 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."

## RIGHTS OF APPEAL

Attached

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## End of Decision Notice

APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S)





