

YOUR REF:

OUR REF: MCUC 2119/2017 (829800)

10 October 2017

Optus Mobile Pty Ltd
c/- Urbis Pty Ltd
Level 7, 123 Albert St
BRISBANE QLD 4000

Dear Sir/Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR TELECOMMUNICATION FACILITIES
WHARF STREET PORT DOUGLAS**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 10 October 2017, 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 Simon Clarke of Development Assessment and Coordination on telephone number 07 4099 9 444.

Yours faithfully

Tracey Crouch
Acting Manager Sustainable Communities

Att

APPLICANT DETAILS

Optus Mobile Pty Ltd
c/- Urbis Pty Ltd
Level 7, 123 Albert St
BRISBANE QLD 4000

ADDRESS

Wharf Street PORT DOUGLAS

REAL PROPERTY DESCRIPTION

Lot 99 on SP150469

PROPOSAL

Telecommunications Facilities

DECISION

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

DECISION DATE

10 October 2017

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 expression means:

Drawing or Document	Reference	Date
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

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.

RIGHTS OF APPEAL

Attached

End of Decision Notice

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



