

YOUR REF:
OUR REF: MCUC 1932/2017 (832441)

31 October 2017

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

Attention: Andrew Kennedy / Grant Williams

Dear Sir

**NOTICE OF DECISION UNDER S83 OF THE PLANNING ACT 2016
CHANGE APPLICATION FOR A MINOR CHANGE TO A DEVELOPMENT
APPROVAL AT 3 ESCAPE STREET PORT DOUGLAS**

Reference is made to your Change application for a minor change to a development approval.

Applicant details:

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

Land details:

Street Address: 3 Escape Street Port Douglas
Real Property Description: Lot 48 on RP747344

Date original application decided: 11 July 2017.

Request

Date request lodged 28 September 2017

Referral Agency:

Not applicable to this request

Decision:

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

Decision Date: This Notice of Decision Notice dated 31 October 2017 replaces the Decision Notice dated 11 July 2017.

The Notice includes extracts from the Act with respect to lodging an Appeal.

Should you have any enquiries in relation to this Notice of Decision, please contact Simon Clarke of Development Assessment & Coordination on telephone number 07 4099 9444.

Yours faithfully

Tracey Crouch
Acting Manager Sustainable Communities

Att

1. APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

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 B1232-P1 Revision 01 dated 27 September 2017 and amended by Condition 3.	To be determined
Draft Site Elevation	Huawei Drawing B1232-P2 Revision 01	27 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.

Amendment to Design

3. The proposed development must be amended to accommodate the following changes:
 - a. Incorporate within the design aviation hazard lights being installed in accordance with the specifications of the Civil Aviation Safety Authority;
 - b. Incorporate a vegetation buffer of five metres width surrounding the fenced compound to screen the development from the remaining park; and
 - ~~c. Incorporate into the tower design the ability to co-locate at least three other telecommunications carriers; and~~
 - c.d. Incorporate screening to the gates to minimise visual impact of the use within the compound.

Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

Limited Approval

4. 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

5. 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.

6. Light overspill must not be emitted from any source on the land so as to become an environmental nuisance.
7. Prior to the commencement of use the Applicant must establish, to the reasonable satisfaction of the Chief Executive Officer, a landscaped screening buffer surrounding the compound and tower site, specifically comprising native species indigenous to the locality including trees that will achieve a mature height of approximately 15 metres (or greater) to obscure direct view of the lower half of the tower, and additional low level trees and shrubs to screen the direct ground level view of the compound and equipment hut.
8. The site must be kept in a neat and tidy manner at all times. Landscaping surrounding the compound, as required under Condition 7 above must be maintained to the satisfaction of the Chief Executive Officer and all ongoing costs associated with maintaining the vegetation buffer, including watering and mulching and future replacement replanting where required are to be the Applicant's responsibility.

Construction Process

9. 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

10. 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

11. 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

12. Connection to electricity supply must be provided underground.

Damage to Council Infrastructure

13. In the event that any part of Council's existing infrastructure is a damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy construction equipment, stripping, 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

14. 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.

Acid Sulfate Soils – Basement / Pool Disturbance

15. The footing excavation proposed may result in disturbance of potential acid sulfate soils (PASS). Prior to excavation, in association with a geotechnical assessment, 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	SDA-0317-037652	18 May 2017	814603

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. 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.

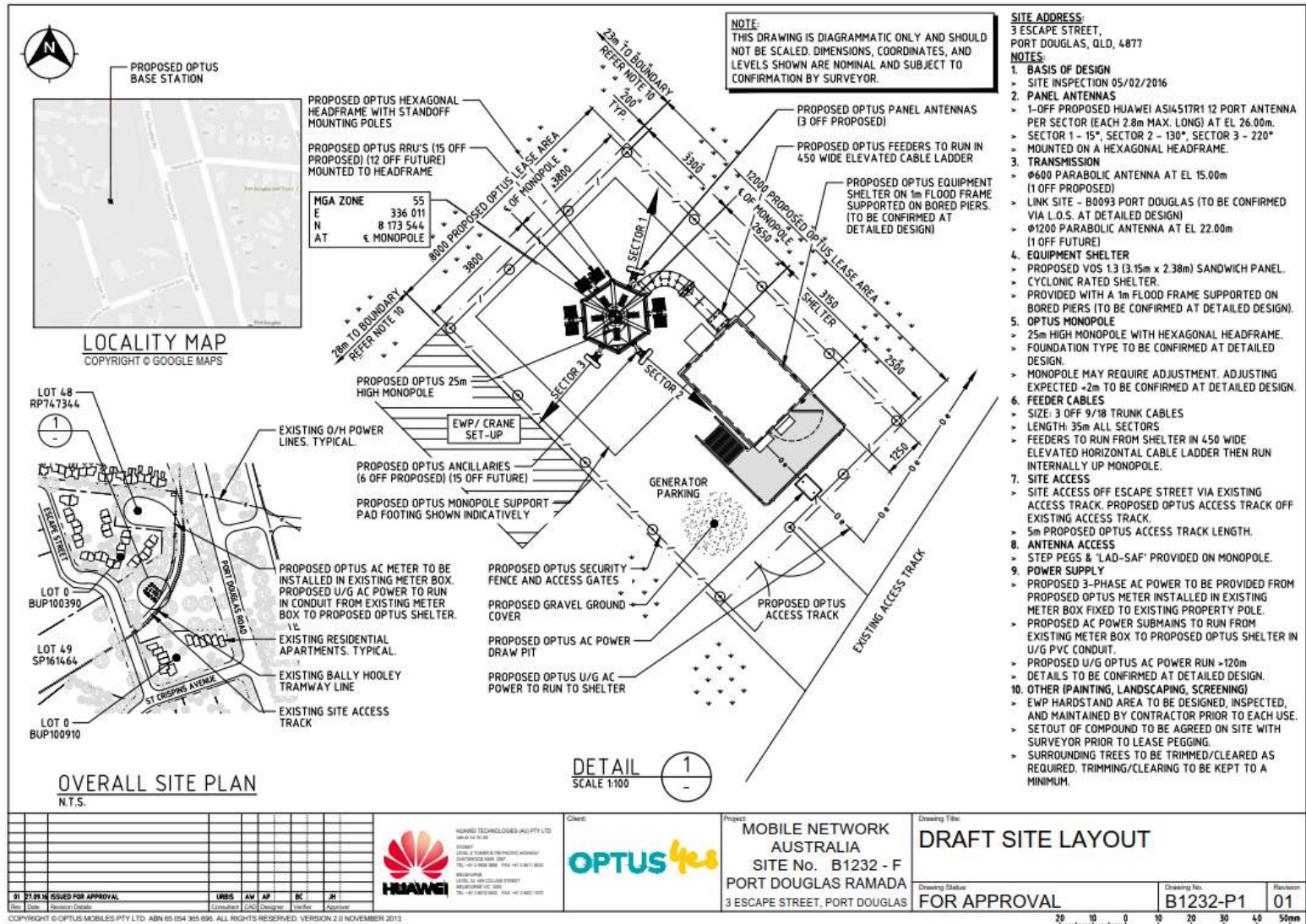
RIGHTS OF APPEAL

Attached

End of Decision Notice

**NOTICE OF DECISION
PLANNING ACT 2016**

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



**NOTICE OF DECISION
PLANNING ACT 2016**

Item	Issue	Response	Resolution
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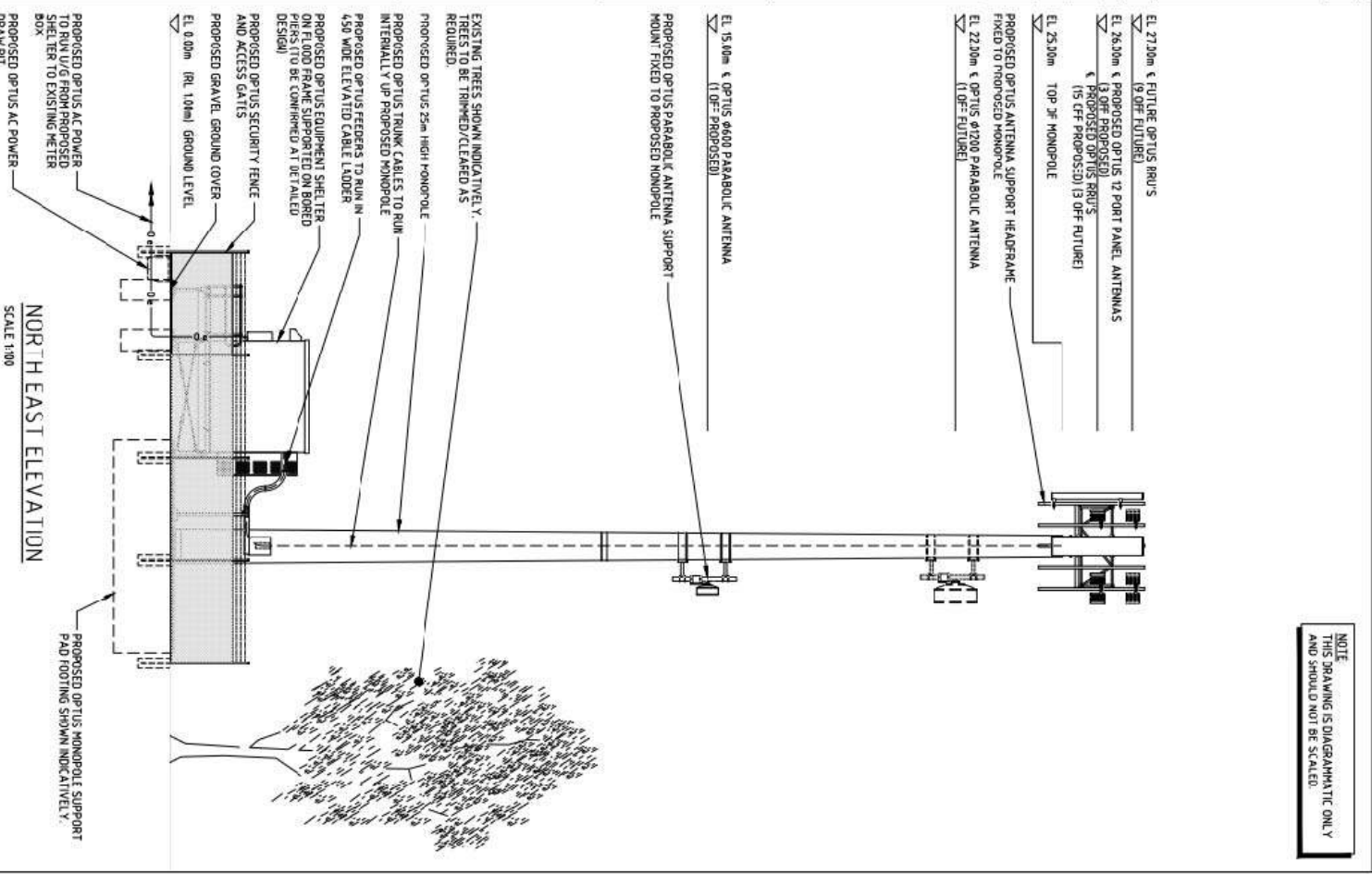


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 OPTUS NETWORK
 AUSTRALIA
 SITE No. B1232-F
 PORT DOUGLAS RAMADA
 3 ESCAPE STREET, PORT DOUGLAS

DRAFT SITE ELEVATION
 FOR APPROVAL
 B1232-P2
 01



NOTE
THIS DRAWING IS DIAGNOSTIC ONLY
AND SHOULD NOT BE SCALED.

CAD File: G:\Projects - Current\B-1440 - Uva - Generalist Site\B-1440-12 - Port Douglas Ramada\Drawings and Sheets\12 Drawings\B1232_PORT DOUGLAS RAMADA_DSL.dwg Date: 19/11/19 2:33 PM

NOTICE OF DECISION
PLANNING ACT 2016

ATTACHMENT 2: REFERRAL AGENCY REQUIREMENTS



Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0317-037652
Your reference: MCUC 1932/2017
Applicant reference: BA3882

18 May 2017

Chief Executive Officer
Douglas Shire Council
PO Box 732
Mossman Qld 4873

Attention: Jenny Elphinstone

Dear Madam,

Concurrence agency response—with conditions

3 Escape Street, Port Douglas - Lot 48 on RP747344
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 21 April 2017.

Applicant details

Applicant name: Optus Mobile Pty Ltd C/- Urbis Pty Ltd
Applicant contact details: Level 7, 123 Albert St
Brisbane QLD 4000
tprigg@urbis.com.au

Site details

Street address: 3 Escape Street, Port Douglas
Lot on plan: Lot 48 on RP747344
Local government area: Douglas Shire Council

Application details

Proposed development: Development permit for material change of use for Telecommunication Facilities, comprising a 25m monopole and ancillary equipment shelter

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SDA-0317-037652

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Material Change of Use - Telecommunication Facilities, comprising a 25m monopole and ancillary equipment shelter	Code Assessment

Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger Schedule 7, Table 3, Item 1 – State Controlled Road

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Material Change of Use				
Draft Site Layout	Huawei Technologies (AU) Pty Ltd	27.09.16	B1232-P1	01

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

For further information, please contact Julie Colman, Senior Planning Officer, SARA Far North QLD on 4037 3233, or email julie.colman@dilgp.qld.gov.au, who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc: Optus Mobile Pty Ltd C/- Urbis Pty Ltd, tprigg@urbis.com.au
enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Approved Plans and Specifications

NOTICE OF DECISION
PLANNING ACT 2016

SDA-0317-037652

Our reference: SDA-0317-037652
Your reference: MCUC 1932/2017
Applicant reference: BA3882

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development Permit – Material Change of Use (Telecommunication Facilities)		
Schedule 7, Table 3, Item 1: State-controlled road —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Transport and Main Roads to be the assessing 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.	The development must be carried out generally in accordance with the following plan: <ul style="list-style-type: none">• Draft Site Layout, prepared by Huawei Technologies (AU) Pty Ltd, dated 27.09.16, Drawing Number B1232-P1 and Revision 01.	Prior to the commencement of use and to be maintained at all times
2.	Direct access is not permitted between the Port Douglas Road and the subject site. Access will be gained via Escape Street, a lower order road.	At all times

NOTICE OF DECISION
PLANNING ACT 2016

SDA-0317-037652

Our reference: SDA-0317-037652
Your reference: MCUC 1932/2017
Applicant reference: BA3882

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plan of development submitted with the application.
- To ensure access to the State-controlled road from the site does not compromise the safety and efficiency of the State-controlled road. Direct access to the State-controlled road is prohibited.
- To ensure the development achieves the applicable provisions and outcomes of Module 19 – State transport network functionality of the State Development Assessment Provisions (version 1.10).

NOTICE OF DECISION
PLANNING ACT 2016

SDA-0317-037652

Our reference: SDA-0317-037652
Your reference: MCUC 1932/2017
Applicant reference: BA3882

Attachment 3—Approved plans and specifications

NOTICE OF DECISION PLANNING ACT 2016

SDA-0317-037652

