



21 July 2022

Planning Officer: Brian Millard  
Direct Phone: 4086 4657  
Our Reference: MCU/22/0007  
Your Reference: 4017936.01 -Mareeba South

Amplitel Pty Ltd  
C/- Ventia Pty Ltd  
Level 1, 10 Browning Street  
WEST END QLD 4101

Dear Applicants,

## **Decision Notice**

### ***Planning Act 2016***

I refer to your application and advise that on 20 July 2022, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### **APPLICATION DETAILS**

Application No: MCU/22/0007  
Street Address: 114 Mines Road, Mareeba  
Real Property Description: Lot 22 on SP323208  
Planning Scheme: Mareeba Shire Council Planning Scheme 2016

#### **DECISION DETAILS**

Type of Decision: Approval  
Type of Approval: Development Permit for Material Change of Use - Telecommunications Facility  
Date of Decision: 20 July 2022

#### **CURRENCY PERIOD OF APPROVAL**

The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

**INFRASTRUCTURE**

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a “*necessary infrastructure condition*” for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

**ASSESSMENT MANAGER CONDITIONS****(A) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)****(a) Development assessable against the Planning Scheme**

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by the Council’s delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council’s delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
  - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by the condition(s) of this approval.
  - 3.2 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior to the commencement of the use and at the rate applicable at the time of payment.
  - 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council’s delegated officer.
  - 3.4 Noise Nuisance

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of

8dB(A) above background levels as measured from commercial locations.

#### 4. Infrastructure Services and Standards

##### 4.1 Access

An access crossover must be constructed off Mines Road to the development (from the edge of the road to the property boundary) in accordance with FNQROC Development Manual Standards (as amended), to the satisfaction of Council's delegated officer.

##### 4.2 Stormwater Drainage

The applicant must ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

##### 4.3 Lighting

4.3.1 Where outdoor lighting is required the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

4.3.2 Warning lights shall not be installed on the tower, unless specifically required by other relevant legislation.

##### 4.4 Building Materials & Finishes

4.4.1 Any equipment cabinets shall be a neutral colour.

4.4.2 The monopole tower and compound fencing shall be painted a colour equivalent to Colorbond 'Pale Eucalypt' in order to help achieve an effective visual blend with the surrounding landscape.

##### 4.5 Operational Requirements

4.5.1 The radiofrequency field emissions and electromagnetic emissions from the installed tower shall not exceed the Australian Radiation Protection and Nuclear Safety Agency mandated exposure limits for continuous exposure to radio frequency and electromagnetic energy transmissions from mobile phone base stations at any time, at any location.

4.5.2 Within three (3) months of the site becoming operational, a site compliance inspection is to be carried out by an appropriately qualified person and certificate issued to verify that the site complies with the requirements and limits of the Australian Radiation Protection and Nuclear Safety Agency, Radiation Protection Standard, 2002 Maximum Exposure Levels to Radio Frequency Fields – 3 kHz to 300 GHz. This certificate is to be submitted to Council for consideration within three (3) months of the tower becoming operational.

#### 4.6 Decommissioning and Site Rehabilitation

If the use is abandoned, the site must be rehabilitated to a level that achieves the following:

- (i) The monopole and associated infrastructure is removed from the site; and
- (ii) The site is made suitable for other uses compatible with the locality; and
- (iii) Restores the visual amenity of the site.

#### REFERRAL AGENCIES

Not Applicable.

#### APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Q116998 S1	Site Access and Locality Plan	Amplitel	27.02.22
Q116998 S1-1	Site Layout	Amplitel	27.02.22
Q116998 S1-2	Antenna Layout	Telstra	27.02.22
Q116998 S3	North Elevation	Amplitel	27.02.22
Q116998 S3-1	Antenna Configuration Table	Telstra	27.02.22

#### ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

##### (A) ASSESSMENT MANAGER'S ADVICE

- (a) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning

Scheme Codes to the extent they have not been varied by a condition of this approval.

(b) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

(c) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from [www.environment.gov.au](http://www.environment.gov.au).

(d) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au).

#### FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

#### SUBMISSIONS

There were two (2) properly made submissions about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided below:

Name of Principal submitter	Address
1. D Richardson	PO Box 2723, Mareeba Qld 4880
2. L & G Della-Bosca (co-signed by 13 others)	PO Box 691, Mareeba Qld 4880

**RIGHTS OF APPEAL**

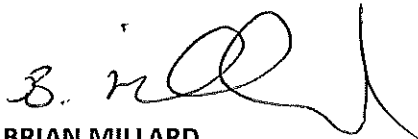
You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

**OTHER DETAILS**

If you wish to obtain more information about Council's decision, electronic copies are available on line at [www.msc.qld.gov.au](http://www.msc.qld.gov.au), or at Council Offices.

Yours faithfully



**BRIAN MILLARD**  
**SENIOR PLANNER**

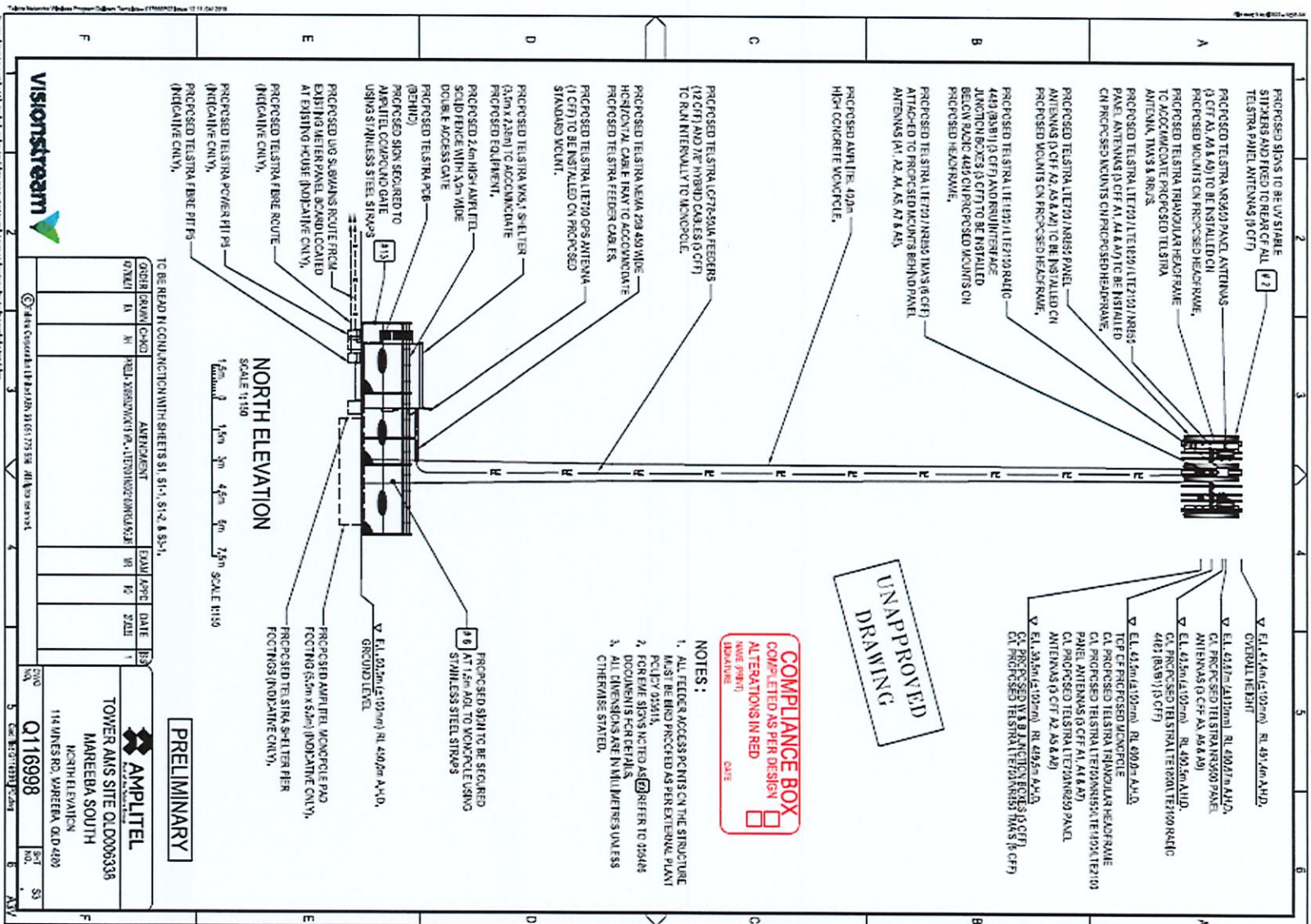
Enc: Approved Plans/Documents  
Appeal Rights












20/1/2023  
B. [Signature]

TELSTRA ANTENNA CONFIGURATION TABLE					
ANTENNA No	ANTENNA TYPE & SIZE H x W x D	ANTENNA ACTION REQUIRED	ANTENNA HEIGHT C.G. A.G.L.	ANTENNA BEARING (°T)	SECTOR NO. & TECHNOLOGY
A1	AROUS RVPX316,118-TZH PANEL 2535 x 350 x 210mm	INSTALL	43.2m	20°	S1: LTE720 / S1: NR850 S2: LTE720 / S1: NR850 S3: LTE1600 / S1: LTE2100 S4: LTE1600 / S1: LTE2100 S5: LTE1600 / S1: LTE2100 S6: LTE1600 / S1: LTE2100
A2	AROUS RVPX316,118-TZH PANEL 2535 x 350 x 210mm	INSTALL	43.2m	20°	S1: LTE720 / S1: NR850 S2: LTE720 / S1: NR850 SPARE SPARE SPARE
A3	ERICSSON A]R8488 PANEL 812 x 400 x 202mm	INSTALL	43.67m	20°	S1: NR3600 S2: NR3600
A4	AROUS RVPX316,118-TZH PANEL 2535 x 350 x 210mm	INSTALL	43.2m	180°	S1: LTE720 / S2: NR850 S2: LTE720 / S2: NR850 S3: LTE1600 / S2: LTE2100 S4: LTE1600 / S2: LTE2100 S5: LTE1600 / S2: LTE2100 S6: LTE1600 / S2: LTE2100
A5	AROUS RVPX316,118-TZH PANEL 2535 x 350 x 210mm	INSTALL	43.2m	180°	S1: LTE720 / S1: NR850 S2: LTE720 / S1: NR850 SPARE SPARE SPARE
A6	ERICSSON A]R8488 PANEL 812 x 400 x 202mm	INSTALL	43.67m	180°	S1: NR3600 S2: NR3600
A7	AROUS RVPX316,118-TZH PANEL 2535 x 350 x 210mm	INSTALL	43.2m	280°	S1: LTE720 / S3: NR850 S2: LTE720 / S3: NR850 S3: LTE1600 / S3: LTE2100 S4: LTE1600 / S3: LTE2100 S5: LTE1600 / S3: LTE2100 S6: LTE1600 / S3: LTE2100
A8	AROUS RVPX316,118-TZH PANEL 2535 x 350 x 210mm	INSTALL	43.2m	280°	S1: LTE720 / S3: NR850 S2: LTE720 / S3: NR850 SPARE SPARE SPARE
A9	ERICSSON A]R8488 PANEL 812 x 400 x 202mm	INSTALL	43.67m	280°	S1: NR3600 S2: NR3600
A200	GPS ANTENNA KRE 161 20421 098 x 95	INSTALL	BASE CF GPS 3.2m	0°	*

**COMPLIANCE BOX**  
COMPLETED AS PER DESIGN   
ALTERATIONS IN RED   
NAME: (PRINT) \_\_\_\_\_  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_


**UNAPPROVED DRAWING**

**PRELIMINARY**



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ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPR	DATE	ISS
070621	BA	AV	PREL-3094327001'S PL-LTE720/1600/3600/850	VR	FD	23/11/21	1



**MOBILE NETWORK SITE 362123**  
**MAREEBA SOUTH**  
ANTENNA CONFIGURATION TABLE  
114 MINES RD, MAREEBA, QLD 4882

DWG NO. **Q116998** SH-1 NO. SS-1

20/7/2022  
B. n. [Signature]

## Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

### Chapter 6 Dispute resolution

#### Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

(1) Schedule 1 of the *Planning Act 2016* states –

- (a) Matters that may be appealed to –
  - (i) either a tribunal or the P&E Court; or
  - (ii) only a tribunal; or
  - (iii) only the P&E Court; and
- (b) The person-
  - (i) who may appeal a matter (**the appellant**); and
  - (ii) who is a respondent in an appeal of the matter; and
  - (iii) who is a co-respondent in an appeal of the matter; and
  - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

(2) An appellant may start an appeal within the appeal period.

(3) The **appeal period** is –

- (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note –*

*See the P&E Court Act for the court's power to extend the appeal period.*

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-

- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund-
  - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
  - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
  - (a) the respondent for the appeal ; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (f) for an appeal to the P&E Court – the chief executive; and
  - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
  - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
  - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

### 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
 

*decision* includes-

  - (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and
  - (c) the making of a decision or failure to make a decision; and

- (d) a purported decision ; and
  - (e) a deemed refusal.
- non-appealable*, for a decision or matter, means the decision or matter-
- (a) is final and conclusive; and
  - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
  - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

#### 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.