

20 December 2017

Telstra Corporation Limited
C/- Service Stream Mobile Communications
PO Box 510
LUTWYCHE QLD 4030

Officer: Carl Ewin
Direct Telephone: 07 4086 4656
Our Reference: MCU/17/0005
Your Reference: Irvinebank 56801

Dear Sir/Madam

Decision Notice

Planning Act 2016

I refer to your application and advise that on 20 December 2017, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	MCU/17/0005
Street Address:	Herberton - Petford Road, Irvinebank
Real Property Description:	Lot 3 on CP I3148
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 December 2017

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)**

1. Development must be carried out substantially 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.

Suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building must be installed and maintained. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

4. Infrastructure Services and Standards

4.1 Lighting

4.1.1 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.

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

4.2 Building Materials & Finishes

4.2.1 Any equipment cabinets shall be a neutral colour.

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

4.3 Operational Requirements

4.3.1 The radiofrequency field 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 transmissions from mobile phone base stations at any time, at any location.

- 4.3.2 Within three (3) months of the site becoming operational, a site compliance certificate is to be carried out by an appropriately qualified person 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.

4.4 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

The referral agencies applicable to this application are:

Material change of use of premises near a State transport corridor or that is a future State transport corridor		
<p>Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorizing instrument, if all or part of the premises—</p> <p>(a) are within 25m of a State transport corridor; or</p> <p>(b) are a future State transport corridor; or</p> <p>(c) are—</p> <p>(i) adjacent to a road that intersects with a State-controlled road; and</p> <p>(ii) within 100m of the intersection</p>	<p>Schedule 10, Table 4</p>	<p>State Assessment & Referral Agency (SARA) Department of Infrastructure, Local Government & Planning PO Box 2358 Cairns Qld 4870</p> <p>CairnsSARA@dilgp.qld.gov.au</p>

A copy of any referral agency conditions is attached.

APPROVED PLANS

The following plans are Approved plans for the development:

Approved Plans

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Q114355 Sheet No. S1	Site Access and Locality Plan	Servicestream Mobile Communications	8/08/17
Q114355 Sheet No. S1-1	Site Layout	Servicestream Mobile Communications	8/08/17
Q114355 Sheet No. S1-2	Antenna Layout	Servicestream Mobile Communications	8/08/17
Q114355 Sheet No. S3	North West Elevation	Servicestream Mobile Communications	8/08/17

REFERENCED DOCUMENTS

Not Applicable.

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

(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

(e) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(B) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 27 September 2017.

PROPERTY NOTES

Not Applicable.

VARIATION APPROVAL

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work

SUBMISSIONS

There were no properly made submissions about the application.

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, or at Council Offices.

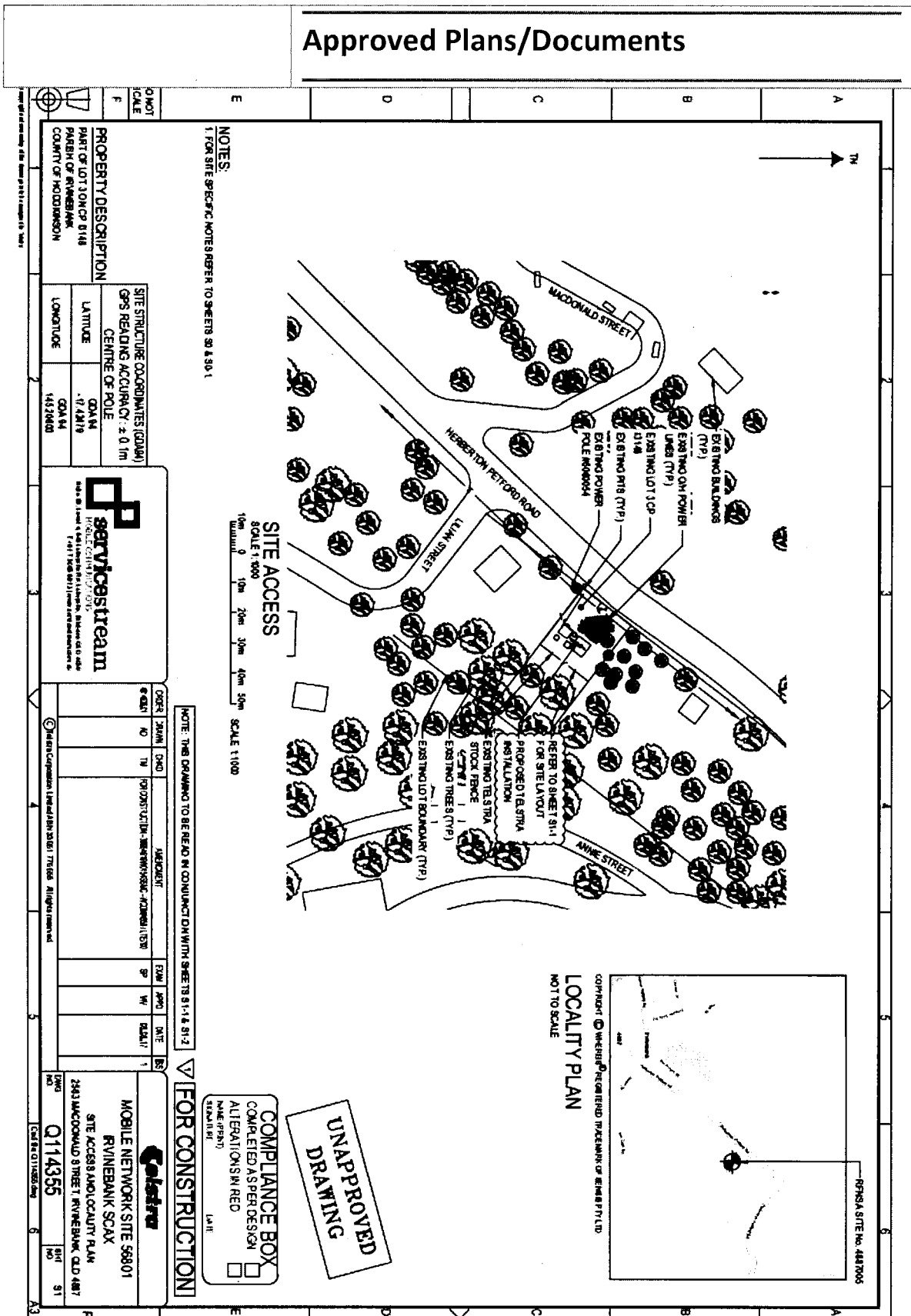
Yours faithfully



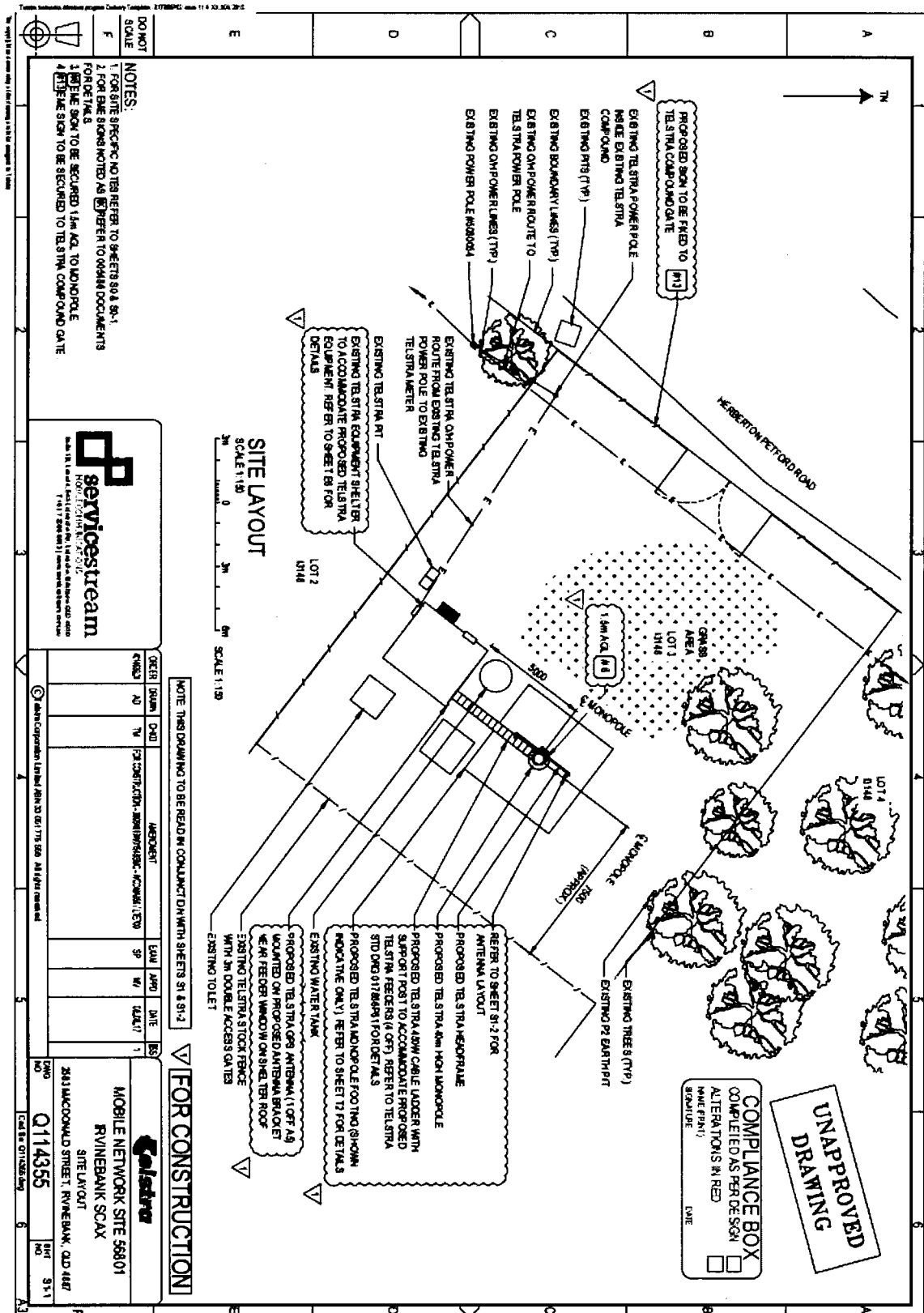
BRIAN MILLARD
SENIOR PLANNER

Enc: Approved Plans/Documents
Referral Agency Response
Appeal Rights

Copy: Department of Infrastructure, Local Government and Planning
CairnsSARA@dilgp.qld.gov.au



20/12/2017
 B. Z. [Signature]



DO NOT SCALE
 NOTES:
 1 FOR SITE SPECIFIC NOTES REFER TO SHEETS 804 801
 2 FOR SITE SPECIFIC NOTES AS REFERRED TO IN SHEET DOCUMENTS
 3 THE SIGN TO BE ERIGED TO TELSTRA COMPOND GATE
 4 THE SIGN TO BE ERIGED TO TELSTRA COMPOND GATE

servicesstream
 1000 FIDELITY DRIVE
 1517 200 0011
 1517 200 0011

ORIGIN	ISSUED	DATE	REVISION	DESCRIPTION

Coltara
 MOBILE NETWORK SITE 56801
 RIVINEBANK SCAX
 SITE LAYOUT
 284 MACDONALD STREET, RIVINEBANK, QLD 4407
 DNO 0114355
 DATE 07/08/2017

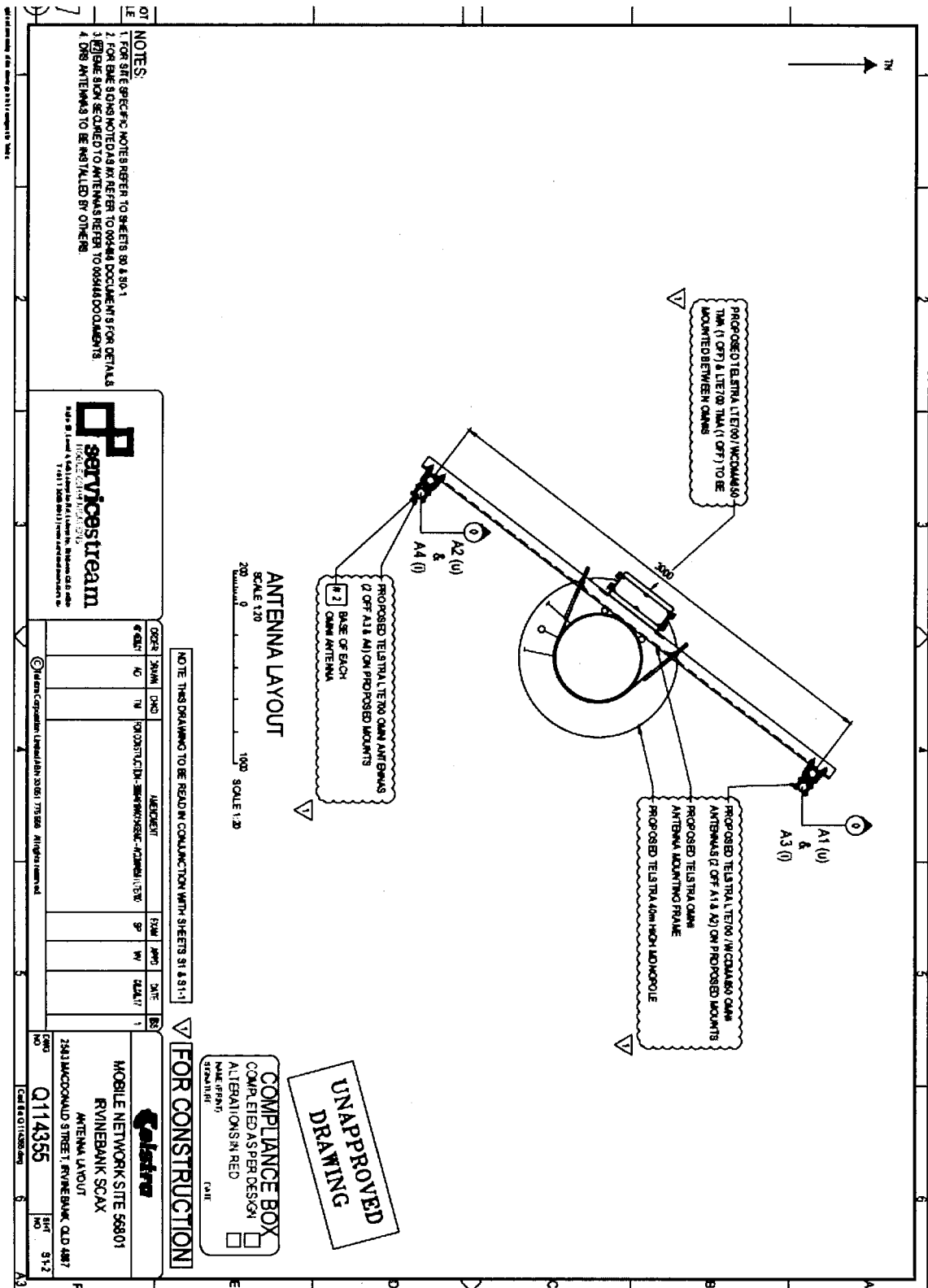
NOTE THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEETS 81 & 81-2

FOR CONSTRUCTION

UNAPPROVED DRAWING

COMPLIANCE BOX
 COMPLETED AS PER DESIGN
 ALTERNATIONS IN RED
 NAME (PRINT)
 BRANCH/DEPT
 DATE

20/12/2017
 B. [Signature]



- NOTES:**
1. FOR SITE SPECIFIC NOTES REFER TO SHEETS S1 & S0.1
 2. FOR BULK NOTES REFER TO OTHER DOCUMENTS FOR DETAILS
 3. BULK SIGN OFF REQUIRED TO ANTENNAS REFER TO OTHER DOCUMENTS
 4. DRG ANTENNAS TO BE INSTALLED BY OTHERS

servicesstream
 180/21/17/0005/010
 7/8/17 10:00:00 AM
 180/21/17/0005/010

NOTE THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEETS S1 & S1.1

DATE	BY	DESCRIPTION

FOR CONSTRUCTION

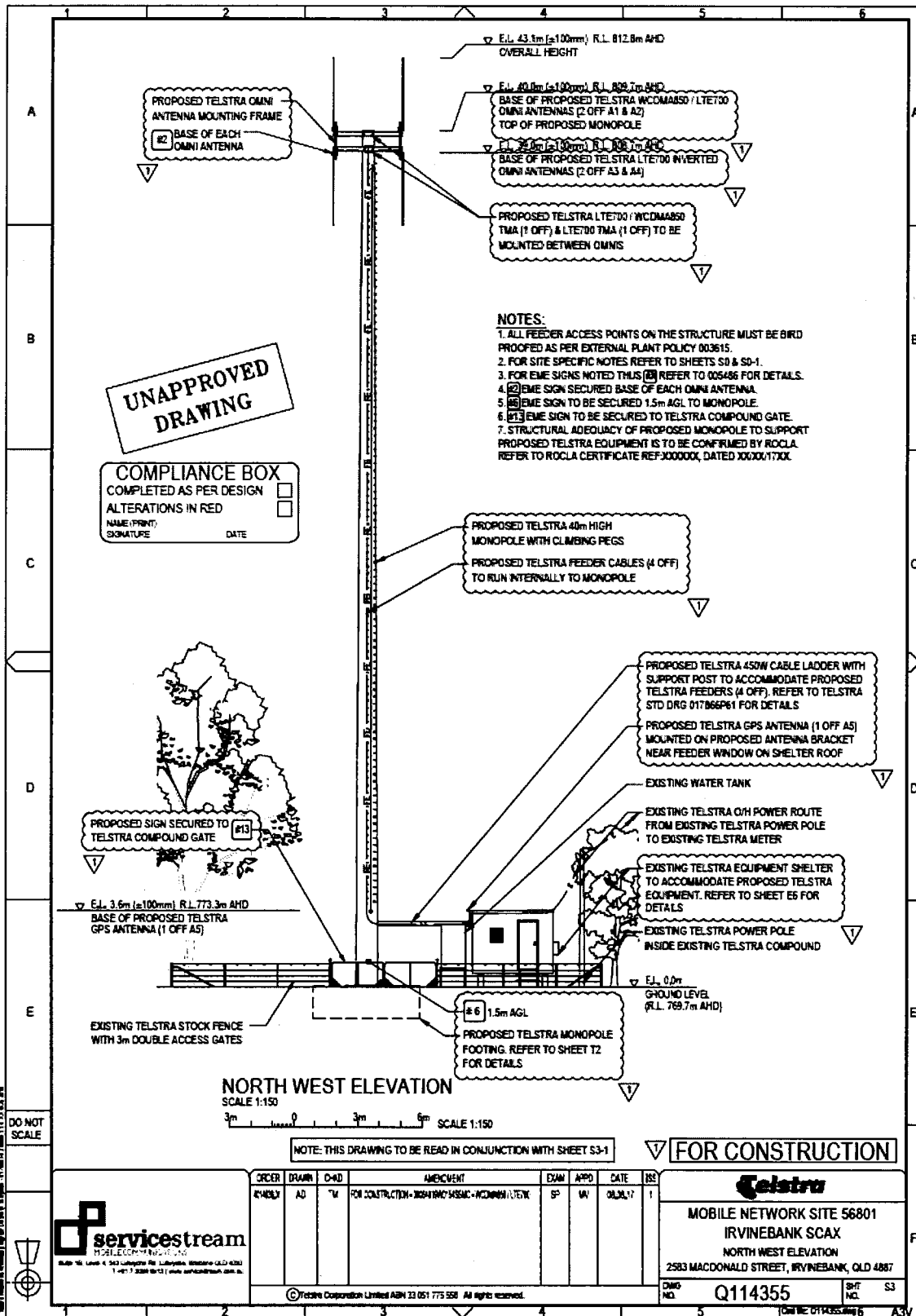
Galaxia
 MOBILE NETWORK SITE 56901
 RIVINEBANK SCAX
 ANTENNA LAYOUT
 2541 MCCORMACK STREET, RIVINEBANK QLD 4817

CDR NO: **Q114365** DRG NO: **3172**

UNAPPROVED DRAWING

COMPLIANCE BOX
 COMPLETED AS PER DESIGN
 ALTERATIONS IN RED
 NAME (PRINT)
 SIGNATURE
 DATE

20/12/2017
 B. M. [Signature]



20/12/2017
 2017
 B. Zeller

	Referral Agency Response
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Our ref TMR17-022488 (500-1167)
 Your ref Irvinebank 56801
 Enquiries Ronald Kaden



Department of
Transport and Main Roads

27 September 2017

Decision Notice – Permitted Road Access Location
(s62(1) Transport Infrastructure Act 1994)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number MCU/17/0005, lodged with Mareeba Shire Council involves constructing or changing a vehicular access between Lot 313148 the land the subject of the application, and Herberton - Petford Road (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address Telstra Corporation Limited C/- Service Stream Mobile
 Communications
 PO Box 510
 Lutwyche QLD 4030

Application Details

Address of Property Herberton - Petford Road, Irvinebank QLD 4887
 Real Property Description 313148
 Aspect/s of Development Development Approval for Material Change of Use for
 Telecommunications Facility

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	The permitted road access location is to be approx 10m from the northern boundary of lot 313148, and approx 55m north of Lilian Street in accordance with: a) TMR Layout Plan (6632 - 25.73km) Issue A dated 19/09/2017, and b) Telstra Mobile Network Site 56801 - Dwg Q114355 Issue 1 (Recd TMR 12-09-17)	At all times.
2	Direct access is prohibited between Herberton - Petford Road and lot 313148 at any other location other than the permitted road	At all times.

¹ Please refer to the further approvals required under the heading 'Further approvals'

Program Delivery and Operations Branch
 Far North Region, Cairns Corporate Tower, 15 Lake Street Cairns Queensland 4870
 PO Box 6185 Cairns Queensland 4870

Telephone (07) 4045 7151
 Website www.tmr.qld.gov.au
 ABN: 39 407 890 291

No.	Conditions of Approval	Condition Timing
	access location described in Condition 1.	
3	The use of the permitted road access location is to be restricted to vehicles of maximum size equivalent to a single body truck.	At all times.
4	Road access works comprising a Rural Allotment Access must be provided at the permitted access location, generally in accordance with FNQROC Standard Drawing S1105 - Rural Allotment Access	MCU - Prior to commencement of use

Reasons for the decision

The reasons for this decision are as follows:

- a) The subject site has direct access via Herberton-Petford Road, a state-controlled road.
- b) The existing access is currently unsealed and does not comply with the minimal DTMR access standard.
- c) The department notes that a section 62 has not been issued for the subject land to provide direct access via the state-controlled road.
- d) The proposed development is seeking to construct a telecommunications facility in addition to existing infrastructure on the subject site.
- e) Traffic generation will be minimal, between 2 - 6 movements per year including cherry pickers.
- f) The Department of Transport and Main Roads (TMR) has assessed that the existing access is considered a changed access and requires a section 62 approval in accordance with the *Transport Infrastructure Act 1994*.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.

3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in Attachment C for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Ronald Kaden, Development Control Officer, Corridor Management should be contacted by email at ron.p.kaden@tmr.qld.gov.au or on (07) 4045 7151.

Yours sincerely



Peter McNamara
Principal Engineer (Civil)

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan

Attachment A**Decision Evidence and Findings**

Findings on material questions of fact:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/ Issue
Planning Report: Proposed Telstra Corporation Limited Mobile Telecommunications Facility	Servicestream Mobile Communication	11/08/2017	568014	
SDAP Assessment- State Code 1: Development in a State-controlled environment	Servicestream Mobile Communication	11/08/2017	-	2.0
Site Access and Locality Plan	Servicestream Mobile Communication	08.08.17	Q114355	1
Site Layout	Servicestream Mobile Communication	08.08.17	Q114355	S1-1
TMR Layout Plan	Queensland Government Department of Transport and Main Roads	19 September 2017	TMR17-22488 (500-1167)	A

Attachment B
Section 70 of TIA

Transport Infrastructure Act 1994
Chapter 6 Road transport infrastructure
Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
- (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the *original decision*) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

Transport Planning and Coordination Act 1994
Part 5, Division 2 – Review of Original Decisions

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

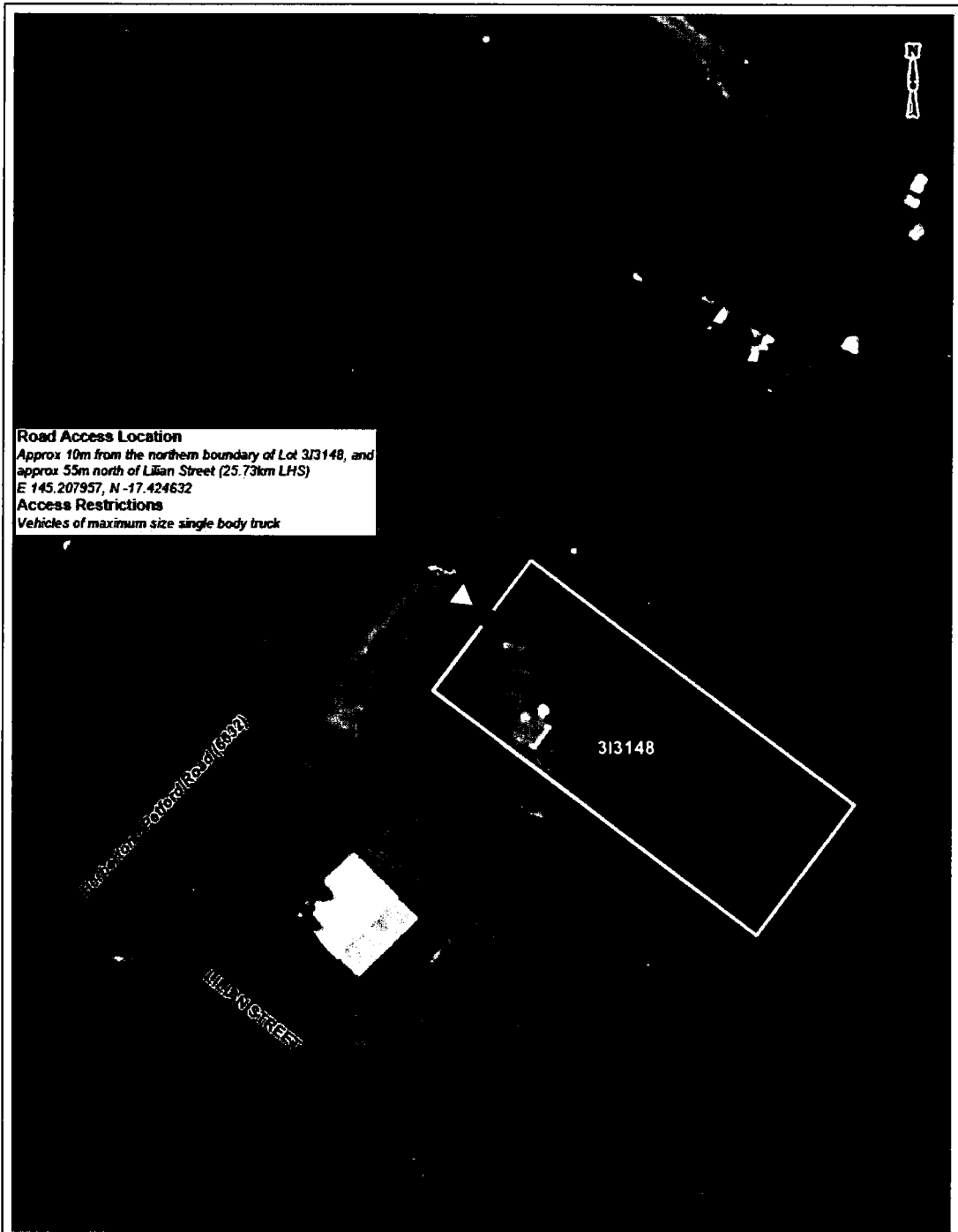
- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.


(2) However, if—

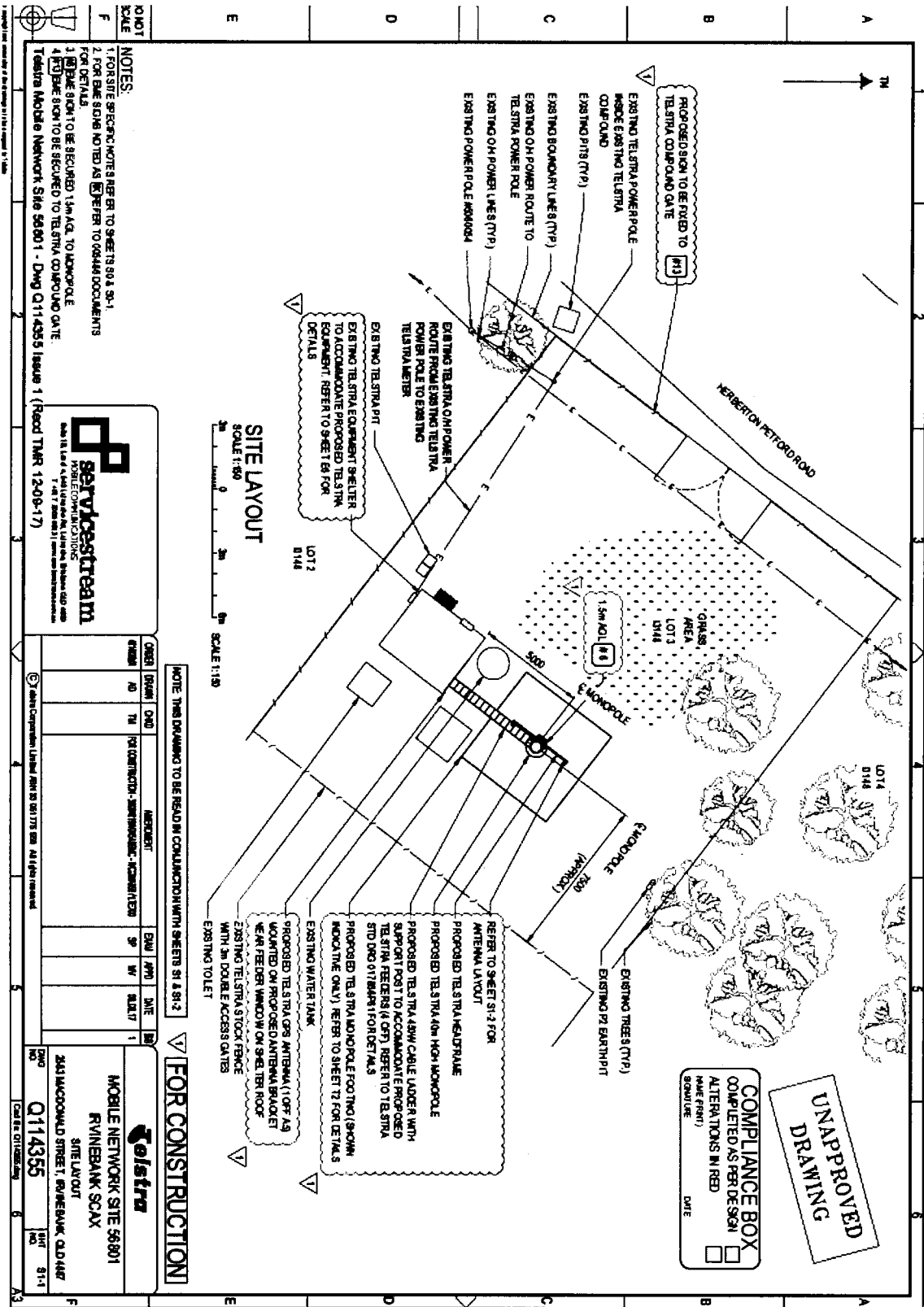
- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.



Branch/Unit: Corridor Management/Far North Region		TMR Layout Plan (6632 - 25.73km)	 Queensland Government Transport and Main Roads				
Projection/Datum:	Geocentric Datum of Australia (GDA) 1984		Plan No:	1/1	Issue:	A	Date:
PROPERTY BOUNDARY		Drawn by:	RPK	File ref:	TMR/17-23488 (500-1157)		
SUBJECT LAND		<small>© The State of Queensland 2017. © Pricer Street Software Pty Ltd 2017. © GE Limited 2014. Based on Esri, Inc. Copyright 2014. All rights reserved. All other trademarks are the property of their respective owners. This document is for informational purposes only. It is not intended to be used as a legal document. The user of this document is advised to consult a qualified professional for advice on the use of this document. The user of this document is advised to consult a qualified professional for advice on the use of this document. The user of this document is advised to consult a qualified professional for advice on the use of this document.</small>					



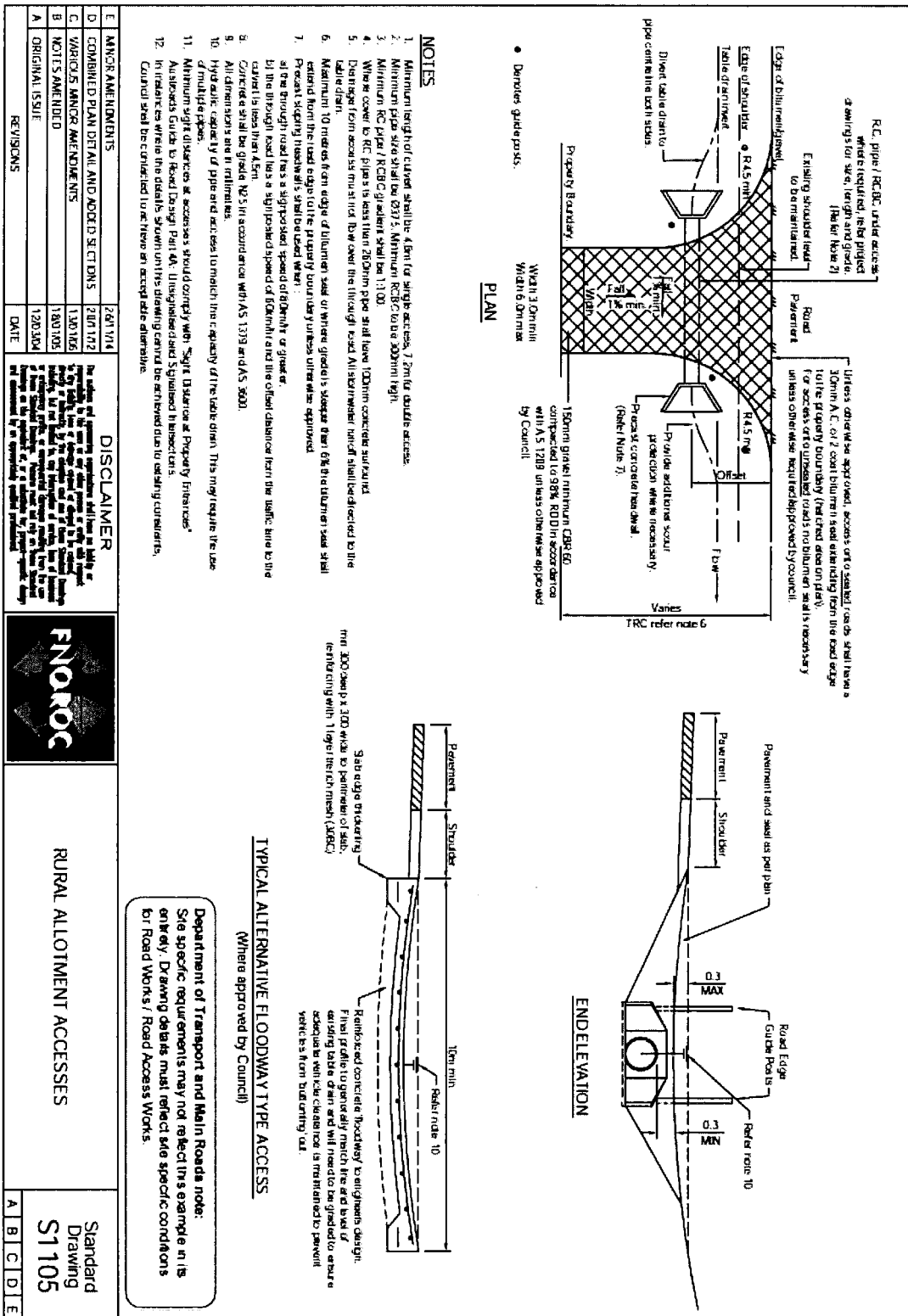
NOTES:
 1. FOR SITE SPECIFIC NOTES REFER TO SHEETS 904 SR-1
 2. FOR BEE STINGS NOTED AS 'BEE' REFER TO 008448 DOCUMENTS FOR DETAILS
 3. THE SITE TO BE SECURED (IN A/C) TO MONITOR
 4. THE SITE TO BE SECURED TO TELSTRA COMPASS GATE
 Telstra Mobile Network Site 56801 - Day C114355 Issue 1 (Road TMR 12-09-17)

servicestream
 MOBILE NETWORK SOLUTIONS
 147-151 Sturt Street, Melbourne VIC 3000
 Tel: 03 9412 1111 Fax: 03 9412 1112
 www.servicestream.com.au

ORDER NO	ISSUE NO	DATE	DESCRIPTION

FOR CONSTRUCTION

MOBILE NETWORK SITE 56801
 RIVINEBANK SCAX
 SITE LAYOUT
 2411 MCCOWAN STREET RIVINEBANK QLD 4042
 Q114355
 DATE: 31-1



RA6-N

Department of Infrastructure,
Local Government and PlanningOur reference: 1700-1289 SRA
Your reference: MCU/17/0005

9 October 2017

Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba QLD 4880
info@msc.qld.gov.au*Attention: Carl Erwin*

Dear Sir/Madam

Referral agency response—with conditions
(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of Infrastructure, Local Government and Planning on 12 September 2017.

Applicant details

Applicant name:	Telstra Corporation Limited C/- Service Stream
Applicant contact details:	Service Stream Mobile Communications PO Box 510 Lutwyche QLD 4030 geordie.pippos@servicestream.com.au

Location details

Street address:	Herberton - Petford Road, Irvinebank
Real property description:	Lot 3 on I3148
Local government area:	Mareeba Shire Council

Application details

Development permit	Material change of use for Telecommunications Facility, 40m Monopole
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Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

1709-1289 SRA

- 10.9.4.2.4.1 State transport corridors and future State transport corridors

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Advice to the assessment manager

Under section 56(3) of the Act, the department offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications

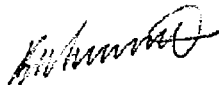
The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material change of use				
TMR Layout Plan (6632 - 25.73km)	Department of Transport and Main Roads	19/09/2017	TMR17-22488 (500/1167)	A
Telstra Mobile Network Site 56801 – Irvinebank SCAX	Service Stream Mobile Communications	08.08.17	Q114355	1

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

For further information please contact Jenny Sapuppo, Senior Planning Officer, on 5644 3212 or via email CairnsSARA@dlgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Telstra Corporation Limited C/- Service Stream, geordie.pippos@servicestream.com.au

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Advice to the assessment manager
Approved plans and specifications

1708-1289 SRA

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure the design of any road access maintains the safety and efficiency of the state-controlled road.
- 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 where not required.

1709-1289 SRA

Attachment 3—Advice to the assessment manager

General advice – Road access works approval	
1.	<p>Under sections 62 and 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Cairns district office of the Department of Transport and Main Roads on 4045 7144 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The road access works approval process takes time – please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

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.