

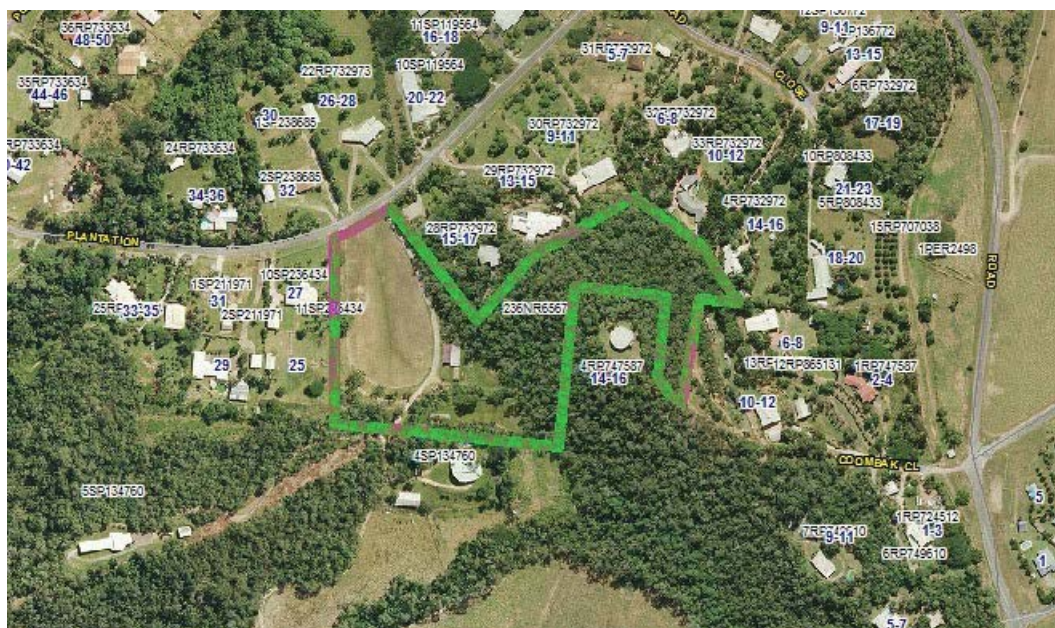
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| <b>PLANNING AND ENVIRONMENT COMMITTEE</b><br><br><b>13 NOVEMBER 2013</b> | <b>3</b> |
|--|----------|

MATERIAL CHANGE OF USE (IMPACT) TELECOMMUNICATIONS FACILITY – 21-23 PLANTATION ROAD EDMONTON – DIVISION 1

Danny Favier : 8/7/2711:#4173125

|                                       |   |
|---------------------------------------|---|
| <u>PROPOSAL:</u>                      | TELECOMMUNICATIONS FACILITY   |
| <u>APPLICANT:</u>                     | TELSTRA CORPORATION LIMITED<br>C/- MADISON VAN DE VELDE<br>SERVICE STREAM MOBILE<br>COMMUNICATIONS<br>PO BOX 6840<br>WEST END QLD 4101  |
| <u>LOCATION OF SITE:</u>              | 21-23 PLANTATION ROAD EDMONTON  |
| <u>PROPERTY:</u>                      | LOT 236 ON N6567  |
| <u>PLANNING DISTRICT:</u>             | WHITE ROCK EDMONTON   |
| <u>PLANNING AREA:</u>                 | OPEN SPACE  |
| <u>PLANNING SCHEME:</u>               | CAIRNSPLAN 2009   |
| <u>REFERRAL AGENCIES:</u>             | DEPARTMENT OF NATURAL RESOURCES & MINES (DNRM)  |
| <u>NUMBER OF SUBMITTERS:</u>          | ONE (1) PROPERLY MADE SUBMISSION  |
| <u>STATUTORY ASSESSMENT DEADLINE:</u> | 12 NOVEMBER 2013  |
| <u>APPLICATION DATE:</u>              | 7 MAY 2013  |
| <u>DIVISION:</u>                      | 1   |
| <u>APPENDIX:</u>                      | <ol style="list-style-type: none"> <li>1. APPROVED PLAN(S) &amp; DOCUMENT(S)</li> <li>2. CONCURRENCE AGENCY CONDITIONS &amp; REQUIREMENTS</li> <li>3. SUPPORTING INFORMATION</li> </ol> |

## LOCALITY PLAN



### RECOMMENDATION:

That Council approves the Development Application for a Telecommunications Facility, over land described as Lot 236 on N6567 located at 21-23 Plantation Road Edmonton, subject to the following:

#### 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       |
|------------------------|-------------------|------------|
| Site Layout and Access | Q109856 (Issue 5) | 2 May 2013 |
| Site Layout            | Q109856 (Issue 5) | 2 May 2013 |
| Site Elevation         | Q109856 (Issue 5) | 2 May 2013 |

#### 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;
  - 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 and to the satisfaction of the Chief Executive Officer, except where specified otherwise in these conditions of approval.**

### **Tower Colour**

- 3. The monopole is to be finished in a moderate green or blue-grey for the entire visible portion of the tower and the fittings are to also be of a complimentary dark colour to ensure that the development effectively blends with the background. Details of the selected colour must be submitted at the time of application for a Development Permit for Building Work and endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.**

### **Access Driveway**

- 4. An imperviously sealed access driveway must be constructed from the existing ring road, via the existing Club Office Building to the approved Telstra compound in accordance with good engineering design.**

### **Security Fencing**

- 5. A security fence must be provided around the facility in accordance with the approved plans.**

### **Landscaping**

- 6. A Landscape Plan nominating the species and location of trees and shrubs to be planted must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to commencement of use. In particular, the plan must show screening of security fencing and the equipment shelter with a variety of plant species.**

### **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.dsdip.qld.gov.au/spa](http://www.dsdip.qld.gov.au/spa). To access Council's Development Manual, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au).

#### LAND USE DEFINITIONS\*

In accordance with CairnsPlan Planning Scheme the approved land use of '*Telecommunications Facility*' is defined as:

*"...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*.

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#### EXECUTIVE SUMMARY:

On the 30 October 2013 a report was submitted to the Ordinary Council Meeting for a development application seeking a Development Permit for a Telecommunications Facility at the Edmonton District Pony and Horse Club at 21-23 Plantation Road, Edmonton. Council resolved to defer the decision of application until the Planning and Economic Committee Meeting to allow time for further consideration of the application.

The proposed development is Impact Assessable against the CairnsPlan Planning Scheme 2009 and therefore required Public Notification. One (1) public submission against the proposed development was received by Council which raised issues relating to visual amenity concerns, whether alternative sites had been considered and health concerns due to Electromagnetic Energy output from the facility. A formal response was received from Telstra which focused on addressing the matters raised by the submitter.

Council Planning Officers have undertaken an assessment of the proposal and consider that the proposal is appropriately sited and generally complies with the requirements of the relevant codes of CairnsPlan and is recommended for approval, subject to the inclusion of conditions.

## **TOWN PLANNING CONSIDERATIONS:**

### **Proposal**

On the 30 October 2013 a report was submitted to the Ordinary Council Meeting for a development application seeking a Development Permit for a Telecommunications Facility at the Edmonton District Pony and Horse Club at 21-23 Plantation Road, Edmonton, formally described as Lot 236 on N6567. Council resolved to defer the decision of application until the Planning and Economic Committee Meeting to allow time for further consideration of the application.

The site is situated within the Open Space Planning Area within the White Rock Edmonton Planning District. Telecommunications Facilities are identified as an Impact Assessable Land Use, when located within the Open Space Planning Area, within the White Rock Edmonton Planning District.

The Telecommunications Facility consists of a 40 metre high monopole with a triangular headframe. Three panel antennas 2630 millimetres (h) x 300 millimetres (w) x 115 millimetres (d) finished in standard factory colour will be mounted to the headframe. The antenna panels protrude above the height of the monopole, therefore the overall height of the proposed facility is approximately 41.315 metres above ground level. The headframe has capacity for the future mounting of nine additional antennas.

The facility is accompanied by a small equipment shelter 3.280 metres (l) x 2.280 metres (w) x 2.995 metres (h) pale eucalypt in colour located at the base of the monopole. The shelter will be raised on concrete piers approximately 200 millimetres above the ground level. Security compound fencing, 2.4 metres in height, will be constructed around the facility with double gate access approximately 3 metres wide.

It is stated by the applicant that the facility is required to improve Telstra's NextG mobile and wireless broadband coverage in Edmonton and surrounding suburbs. The facility has been designed to provide sufficient height to avoid physical obstruction including buildings, trees and hills and positioning appropriate distance from other existing telecommunication facilities. An investigation has been carried out by the applicant into other site alternatives, with the proposed site being selected due to the following factors:

- *The proposal would not require the removal of remnant vegetation and was considered to have the least environmental impact;*
- *The 'Open Space' zoning of the site was considered acceptable,*
- *Provides sufficient height to achieve Radio Frequency objectives of the proposal;*
- *The proposed location of the compound area within the subject site provided sufficient distance from residential dwellings;*
- *Minimal visual impact due to the rural locality and the skyline is characterised mature trees and power poles;*
- *There is adequate site access for construction and maintenance purposes; and*
- *The proposed site provided sufficient power supply and suitable design.*



Other sites considered by Telstra included a Water Reservoir site at 14 Coombak Close, Edmonton (Lot 4 on RP747587) and another site at 134 Farmer Street, Edmonton Lot 1 on RP893039. These sites were marginalised for reasons including perceived environmental impact, locational issues, proximity to adjoining residential properties and radio frequency requirements and objectives not being satisfactory.

## Site

The western portion of the site is cleared and currently used and leased by the Edmonton and District Pony and Horse Club. The facility provides a show area and club office building over portion of the site. Balance of the site is vegetated. The eastern section contains remnant vegetation of concern regional ecosystem. Remnant vegetation of concern regional ecosystem adjoins the south-western property boundary.

The site has a total site area of 4.2650 hectares. The Telecommunications Facility will be situated on a leased area generally in the centre of the property and approximately 40m east of the existing club office building. The facility (the monopole) will be setback from the northern boundary by approximately 75 metres, the eastern boundary by approximately 40 metres, the southern boundary by approximately 50 metres and the western boundary by approximately 150 metres.

The site is surrounded by low density residential development to the north, east and west. A Council water reservoir is also located on land east of the site. Farming land is located south of the site.

## CairnsPlan Assessment

| CairnsPlan<br>Inner Suburbs Planning District |  | Code<br>Applicability | Compliance   |
|---|--|-----------------------|--|
| <b>Planning Area</b>                          | Open Space   | ✓                     | Refer to comments below.   |
| <b>Land Use</b>                               | Material Change of Use (Impact)<br>Telecommunications Facility | ✓                     | Refer to comments below.   |
| <b>Overlays</b>                               | Vegetation Conservation and<br>Significant Waterways Code      | ✓                     | Complies with the requirements of the code. The compound area is located within an existing cleared portion of the site. Minor vegetation trimming or clearing may be required to facilitate the development, however overall it is the opinion of the Council Planning Officer that proposal presents no apparent threat to vegetation conservation values. |
| <b>General</b>                                | Parking and Access Code  | ✓                     | Complies with the requirement of this code. Suitable access and parking areas are available onsite.  |
|   | Infrastructure Works Code                                      | ✓                     | Complies with the requirements of the code. The site is serviced by all necessary infrastructure.  |
|   | Landscaping Code   | ✓                     | Complies with the requirements of the code. Reasonable and relevant conditions have been imposed to ensure compliance.   |
|   | Excavation and Filling Code                                    | ✓                     | Complies with the requirements of the code. Minimal excavation and fill is required to facilitate the subject development.   |

## Compliance Issues

### Open Space Planning Area Code

The proposal complies with the purpose of the Open Space Planning Area Code, and is considered to be a consistent development outcome within the Planning Area.

The proposal does not comply with the height requirements for structures or buildings of the acceptable measures of this code. Acceptable Measure A1.1 requires that *buildings and structures are not more than 8 metres in height*. The proposal results in a structure with a total height of 41.315 metres, which is significantly in excess of the maximum allowable height. The corresponding performance criterion P1 requires that *the height of all buildings and structures must be compatible with the character of the area and must not adversely affect the amenity of the area*. Considering the proximity of the proposal in relation to surrounding mature vegetation, surrounding topography and the existing streetscape and street infrastructure, including overhead electricity supply, it is considered that the proposal complies with the performance criterion.

The applicant has provided a before and after photomontage of the proposed facility looking south east from Plantation Road, refer to Appendix 3. This photomontage shows existing overhead electrical infrastructure in the foreground and the proposed facility in the background. It is considered that although the proposed facility protrudes above the ridge line from this vantage point, the monopole and antenna structure is of similar appearance to existing overhead electrical infrastructure. A condition of approval is recommended to ensure the equipment shelter and security fencing will not be visible from external vantage points. It is the opinion of the Council Planning Officer that the proposed development will not compromise visual amenity.

The proposal complies with the remainder of the acceptable measures of the code.

### Telecommunications Land Use Code

The purpose of the Telecommunications Land Use Code is to facilitate the provision of telecommunication services while minimising detrimental visual, environmental and community safety impacts.

It is considered that the siting of the facility meets the purpose of the code. Whilst not able to be co-located with other telecommunication facilities the facility has been sited to minimise the impact on the landscape. As a condition of approval, the monopole will be required to be finished in a moderate green or blue-grey for the entire visible portion of the monopole and the fittings are to also be of a complimentary dark colour to ensure that the development effectively blends with the background.

It is acknowledged that the monopole will protrude above the height of the existing vegetation. It is considered that this will not result in a detrimental effect on the amenity of the area for reasons discussed earlier in this report. The proposed land use is necessary and expected within an urban and semi-rural environment.

The siting of the facility allows for the improvement in mobile and broadband coverage for the intended area, while maintaining separation from the surrounding predominantly residential area. This siting allows for maximisation of the separation distance from residential uses. No overshadowing, particularly of sensitive land uses will occur.

The siting of the facility is considered to have minimised the detrimental impacts on amenity of the surrounding area. The proposal is recommended for approval, subject to the inclusion of conditions.

### **Public Notification / Submissions**

Public Notification was undertaken by the applicant between 27 August 2013 to 17 September 2013. During this period, one properly made submission from a concerned nearby resident was received by Council.

The basis of the submission related primarily to visual amenity impacts, site selection and whether alternative sites had been considered and health concerns relating to Electromagnetic Energy output from the facility. The submitter recently purchased a property adjoining the subject site and also raised concern regarding the fact that they were unaware of this project. This is not a town planning matter and has not been taken into consideration by Council Officers. A summary of the submitters town planning related comments are offered below.

In a letter dated 25 September 2013, Telstra and their consultants, provided Council with a formal response to the issues raised in the public submission. Telstra's response and Council Planning Officer's Comments follow each submitter item.

#### Submitter Comments on Visual Amenity:

Concern is raised that the proposal will detract from the visually and generally from the locality. The submitter stated *"Plantation Rd is such a beautiful area .... don't ruin it with this proposal, It might not mean much to you guys but to us families that are out there, we have chosen this beautiful acreage to be away from all these things."*

#### Telstra's Response:

*Although landscaping is not a suitable screening option for this particular site due to the fact it would interfere with the current use of the land as the Pony Club, Telstra are more than happy to discuss the option of painting the pole if Council sees this as appropriate.*

#### Officer Comment:

Conditions of approval are recommended which require the applicant to provide Council with a landscaping plan which shows the screening of the equipment shelter and also that the monopole be finished in a moderate green or blue-grey for the entire visible portion of the monopole and the fittings are to also be of a complimentary dark colour to ensure that the development effectively blends with the background.



Submitter Comments on Site Selection:

Concern was raised with respect to the location of the facility within a suburban area, and why the facility couldn't be located behind Edmonton in another location away from housing development.

Telstra's Response:

*Telstra tries hard to strike a balance between providing services that we know people use every day and finding good local solutions for the equipment necessary to provide these services. No mobile network can provide reliable, continuous coverage and at all times avoid residential areas or other areas considered to be 'community sensitive locations'.*

*In regards to the positioning of the proposed base station the southern Cairns area is currently being serviced by an existing site 3.75km away at Bentley Park. This site is currently approaching capacity at peak times and residents in this area may be experiencing a lack of coverage.*

*Due to the fact that there has been a significant amount of residential development around the Mount Sheridan area, the site at Bentley Park is no longer able to service as far south as Edmonton.*

*ARPANSA have released a Fact Sheet that discusses how the mobile phone network operates. Below is an extract about why base stations need to be located in residential areas:*

*"Mobile phone antennas need to be mounted clear of surrounding obstructions like trees and buildings, to reduce 'dead spots' in coverage and allow the mobile phone base station to cover its intended cells with a minimum of transmitter power. They must also be sited where they will not interfere with neighbouring cells. The more base stations of a particular carrier there are in an area, the smaller the cells, which means the power and energy levels of each are lower." (ARPANSA, 2012)*

*This means that the closer a mobile phone is to e base station, the less the phone's internal antenna needs to power up to find a signal.*

Officer Comment:

The applicant has voluntarily provided documentation relating to the site selection process which cumulated in the lodgement of the Development Application over the subject site. The site selection process included consideration of three (3) properties in total.

Regardless of whether an alternative site for the facility is available, Council must assess and decide the application with respect to the property on which the development is proposed.

The proposed development, including technical supporting information, has been assessed against the provisions of the CairnsPlan Planning Scheme 2009. The proposed development is considered to comply with the relevant provisions of the planning scheme and is recommended for approval subject to conditions.

Submitter Comments on Health Concerns:

The submitter recently purchased their property to build a residential house within which they will raise their young family. Concerns were raised regarding health effects, including cancer contraction due to living adjacent a telecommunication facility. A number of internet articles were quoted by the submitter regarding health effects.

Telstra's Comments:

*Telstra acknowledges some people are genuinely concerned about possible health effects from the electromagnetic energy (EME) from mobile phone base stations and is committed to addressing these concerns responsibly*

*The Australian Government has set up the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) which conducts its own studies as well as collects information from valid studies around the world. ARPANSA have set standards that all mobile carriers must abide by; these standards recommend maximum exposure levels for the general public rather than recommending safe distances in metres. ARPANSA has set a maximum level at which mobile base stations are allowed to operate at. As can be seen from the EME report that is attached, the maximum output from the proposed facility is only 0.061% of that maximum limit. The Case Studies provided are unconfirmed and are not from resources that have been validated by an Australian organisation.*

Officer Comment

The Electromagnetic Energy Report supplied with the application has assessed that the output from the proposed facility is 0.061% of the maximum exposure level set by the Australian Radiation Protection and Nuclear Safety Agency.

A condition of approval is recommended which prescribes that the facility comply all relevant State and National Standards in relation to emission of light, vibration, odour and radiation.

**HEADWORKS / CONTRIBUTIONS:**

The proposed development does not trigger Developer's Headwork's Contributions.

**REFERRAL AGENCY ASSESSMENT:**

Due to the presence of the vegetation that is 'of concern' regional ecosystem under the *Vegetation Management Act 1999* and the fact that the lot is in excess of 2 hectares, the application triggered referral to the Department of Natural Resources and Mines. A copy of the department's assessment and conditions is included for reference under Appendix 2.

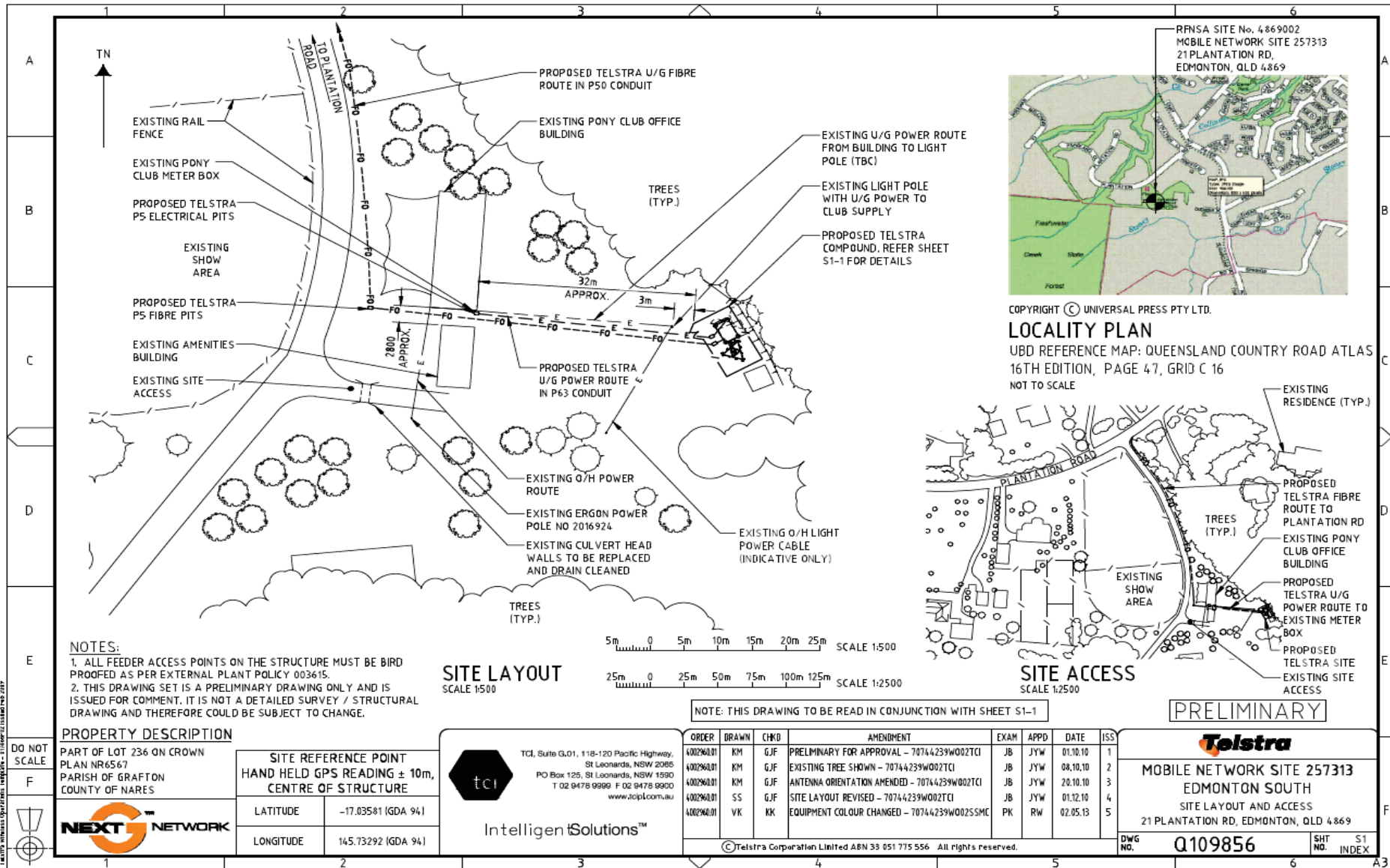
**CONCLUSION:**

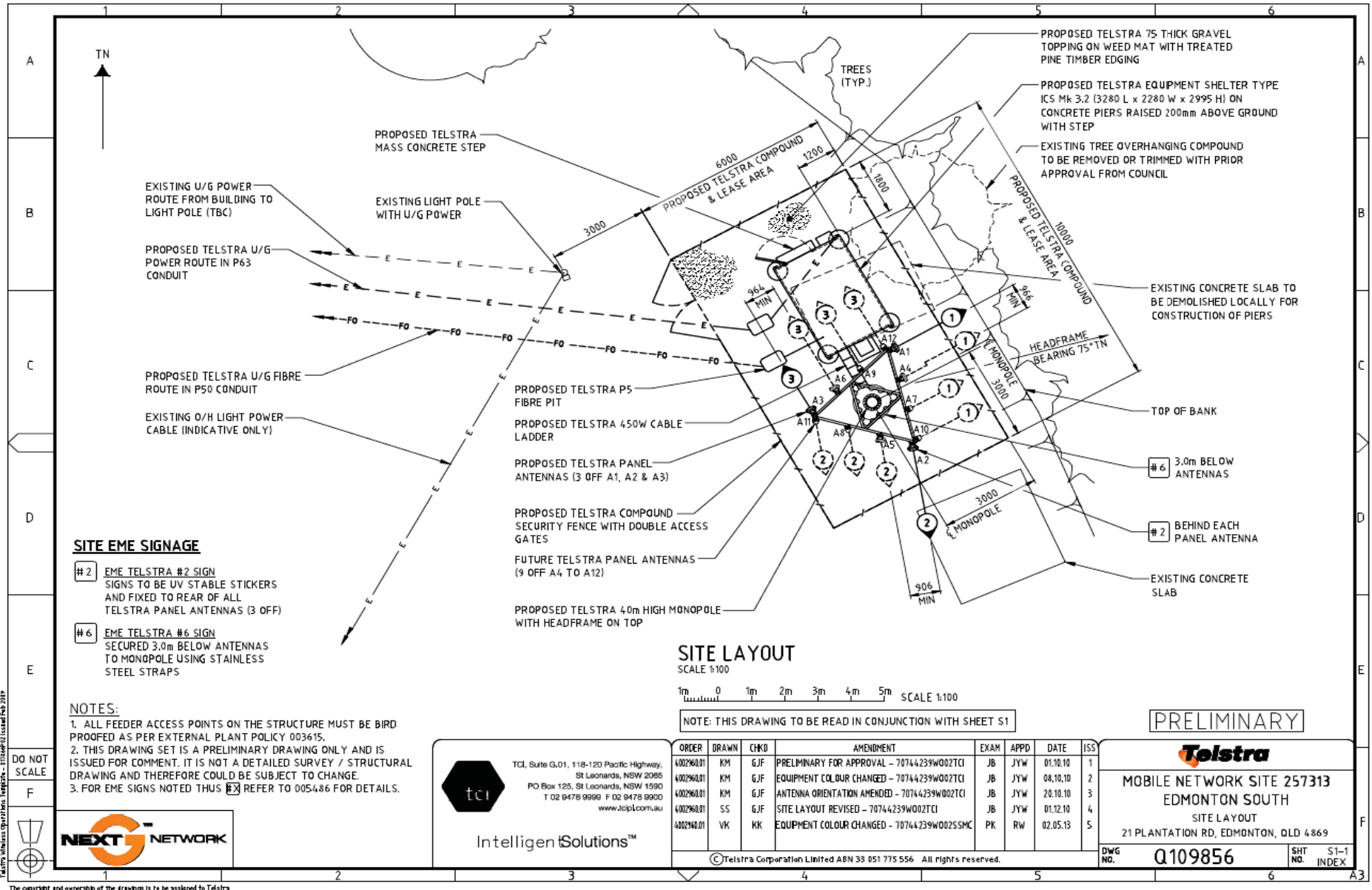
Overall it is considered that the proposed development presents a reasonable outcome for the site and is recommended for approval subject to reasonable and relevant conditions.

D Favier  
**Planning Officer**  
**Action Officer**

Graham Boyd  
**Manager Development and Regulatory Services**

APPENDIX 1: EXECUTIVE PLANS





**SITE EME SIGNAGE**

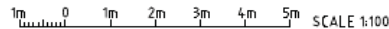
- #2 EME TELSTRA #2 SIGN  
SIGNS TO BE UV STABLE STICKERS AND FIXED TO REAR OF ALL TELSTRA PANEL ANTENNAS (3 OFF)
- #6 EME TELSTRA #6 SIGN  
SECURED 3.0m BELOW ANTENNAS TO MONOPOLE USING STAINLESS STEEL STRAPS

**NOTES:**

- ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
- THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
- FOR EME SIGNS NOTED THUS #X REFER TO 005486 FOR DETAILS.

**SITE LAYOUT**

SCALE 1:100



NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEET S1

PRELIMINARY

DO NOT SCALE

F



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St Leonards, NSW 2065  
PO Box 125, St Leonards, NSW 1590  
T 02 9478 9999 F 02 9478 9900  
www.tci.com.au

| ORDER      | DRAWN | CHKD | AMENDMENT                                     | EXAM | APPD | DATE     | ISS |
|------------|-------|------|---|------|------|----------|-----|
| 4002960.01 | KM    | GJF  | PRELIMINARY FOR APPROVAL - 70744239W002TCI    | JB   | JYW  | 01.10.10 | 1   |
| 4002960.01 | KM    | GJF  | EQUIPMENT COLOUR CHANGED - 70744239W002TCI    | JB   | JYW  | 08.10.10 | 2   |
| 4002960.01 | KM    | GJF  | ANTENNA ORIENTATION AMENDED - 70744239W002TCI | JB   | JYW  | 20.10.10 | 3   |
| 4002960.01 | SS    | GJF  | SITE LAYOUT REVISED - 70744239W002TCI         | JB   | JYW  | 01.12.10 | 4   |
| 4002960.01 | VK    | KK   | EQUIPMENT COLOUR CHANGED - 70744239W002SSMC   | PK   | RW   | 02.05.13 | 5   |

**Telstra**

**MOBILE NETWORK SITE 257313**  
**EDMONTON SOUTH**  
SITE LAYOUT  
21 PLANTATION RD, EDMONTON, QLD 4869

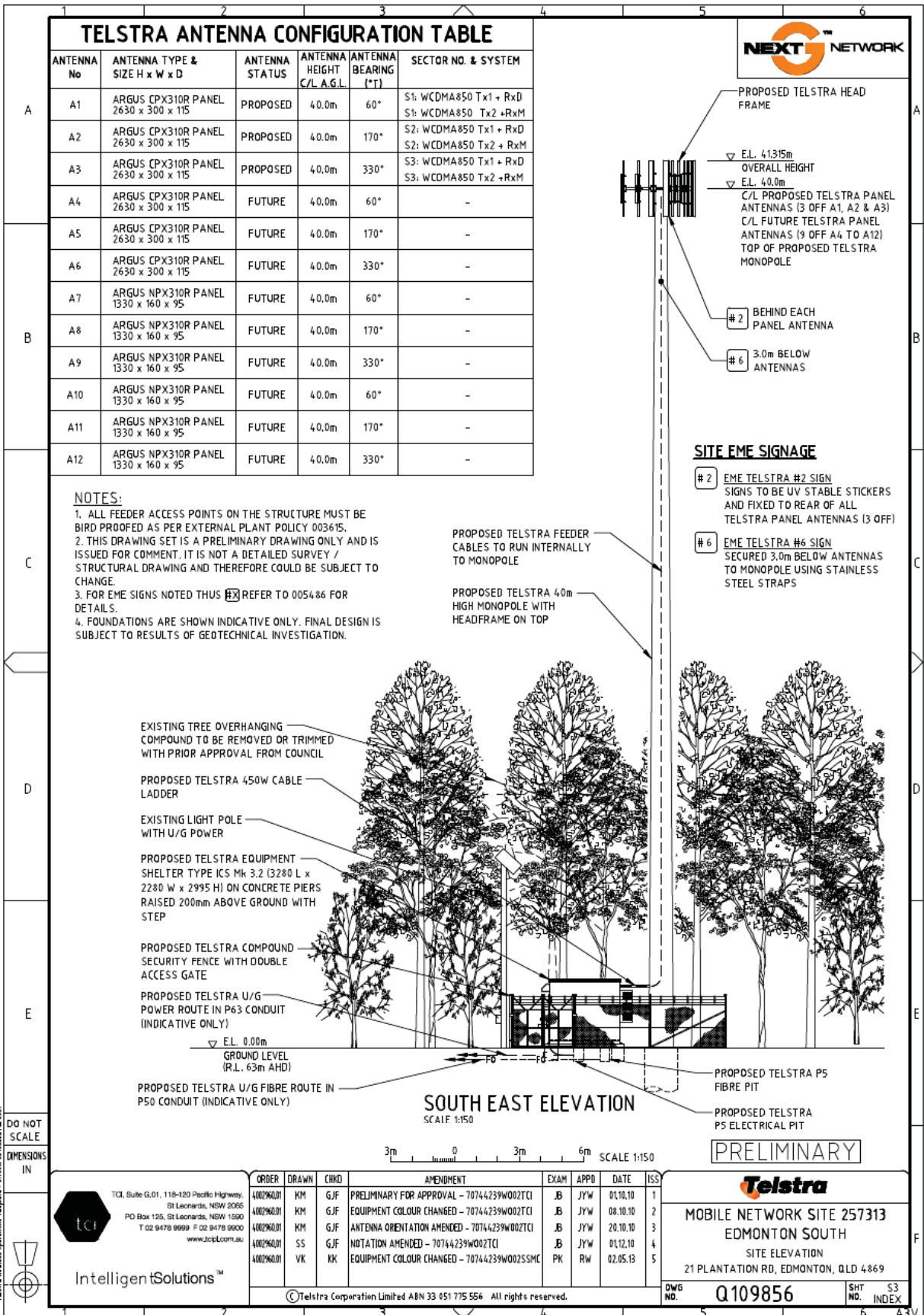
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DWG NO. **Q109856** SHT NO. S1-1 INDEX

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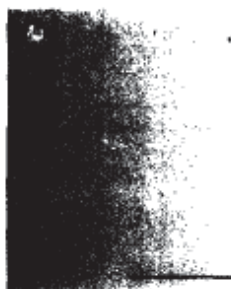




Telstra Wireless Operations Template - 01/15/02 Issue 04 2009

The copyright and ownership of the drawings is to be Assigned to Telstra

## APPENDIX 2 CONCURRENCE AGENCY CONDITIONS &amp; REQUIREMENTS



## Notice

### Concurrence Agency Response

This notice is issued by the Department of Natural Resources and Mines (DNRM) pursuant to section 287 (concurrence agency response) of the Sustainable Planning Act 2009 ("the Act").

Cairns Regional Council  
PO Box 359  
CAIRNS QLD 4870

cc. Telstra Corporation Ltd  
c/- Service Stream Mobile Communications  
PO Box 5840  
WEST END QLD 4101

Our reference: 2013/003349; 532228  
Assessment Manager ref: 8/7/2711 SEDA  
(3966198)  
Applicant ref: Edmonton South 4002960.01

#### 1. Application Details

Applicant: Telstra Corporation Ltd

Date application properly referred to DNRM: 6 June 2013

Development approval applied for: Development permit

Development descriptions: Material Change of Use for Telecommunications Facility

DNRM Jurisdiction(s): Material Change of Use – Clearing Vegetation  
Sustainable Planning Regulation 2009 – Schedule 7, table 3, item 10

Property/Location description: 236 NR6567 - 21-23 Plantation Rd, Edmonton Qld 4872

2. The Chief Executive, Department of Natural Resources and Mines (DNRM), as a referral agency for the application, advises that the concurrence agency response for clearing vegetation is that conditions must attach to any development approval and those conditions are attached to this notice.

#### 3. Approved plans / specifications

| Document No.               | Document Name   | Date     |
|----------------------------|---|----------|
| Drawing: Q109856, sheet G8 | Mobile Network Site 257313 Edmonton South - Property Vegetation Management Plan; Service Stream Mobile Communications | 05/06/13 |

**Notice**  
**Concurrence Agency Response**

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**4. General advice to assessment manager**

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice issued by the assessment manager must be forwarded to DNRM as a referral agency for the relevant application at Vegetation Management Unit, DNRM, PO Box 5318, Townsville QLD 4810 and an electronic copy to [palm@ehp.qld.gov.au](mailto:palm@ehp.qld.gov.au).

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DNRM as a referral agency for the relevant application has not provided notification to native title parties.

**5. Additional comments or advice about the application**

**Clearing vegetation on State land**

Approval is required under the *Forestry Act 1959* for clearing prescribed commercial trees from within areas of remnant vegetation on State land, where the trees are owned by the Crown. This applies regardless of whether the clearing activity is exempt under the provisions of the *Vegetation Management Act 1999* and *Sustainable Planning Act 2009*. See Appendix 1 for a list of prescribed commercial trees.

Furthermore, an approval under the *Forestry Act* is required to utilise a forest product cleared under an exemption on State land unless:

1. the clearing was under an exemption under Schedule 24, part 2, item 2(d) or 3(d) to source construction timber to repair existing infrastructure on the land; and
2. the infrastructure is in need of immediate repair; and
3. the clearing does not cause land degradation; and
4. restoration of a similar type, and to the extent of the removed trees, is ensured.

**6. Additional information for applicants**

**Cultural Heritage**

Under section 23 of the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$1,000,000 for a corporation and \$100,000 for an individual.

Applicants will comply with the duty of care in relation to Aboriginal cultural heritage if they are acting in accordance with cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the DNRM website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under part 7 of the *Aboriginal Cultural Heritage Act 2003*.

Applicants are also encouraged to undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, Department of Aboriginal and Torres Strait Islander Multicultural Affairs. Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 3239 3647 or on the website

**Notice  
Concurrence Agency Response**

[www.indigenous.qld.gov.au/atsis/aboriginal-torres-strait-islander-peoples/indigenous-cultural-heritage](http://www.indigenous.qld.gov.au/atsis/aboriginal-torres-strait-islander-peoples/indigenous-cultural-heritage)

**Other legislation**

This notification refers to the provisions of the *Vegetation Management Act 1999* and Sustainable Planning Regulation 2009 only and is based on the information you have provided regarding the proposed activities on the land. Should any issue subsequently emerge on site that requires further consideration by the department, it is the responsibility of the landholder to contact the department. Other legislation, including the acts listed below may affect clearing activities. You should contact the business units below to determine if your clearing activity will be affected.

It should be noted that all native plants in Queensland are protected under the *Nature Conservation Act 1992*. You must contact the nature conservation area of the Queensland Government on the details below before clearing vegetation.

Applicants are also encouraged to undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, Department of Aboriginal and Torres Strait Islander and Multicultural Affairs.

| Act(s)  | Agency  | Contact details  |
|---|---|--|
| <ul style="list-style-type: none"> <li>• <i>Aboriginal Cultural Heritage Act 2003</i></li> <li>• <i>Torres Strait Islander Cultural Heritage Act 2003</i></li> </ul>  | Department of Aboriginal and Torres Strait Islander and Multicultural Affairs | General enquiries:<br>13 QGOV (13 74 68)<br>Permit and Licence Management:<br>1300 130 372 |
| <ul style="list-style-type: none"> <li>• <i>Soil Conservation Act 1986</i></li> <li>• <i>Water Act 2000</i></li> </ul>  | Department of Natural Resources and Mines                                     |  |
| <ul style="list-style-type: none"> <li>• <i>Coastal Protection and Management Act 1995</i></li> <li>• <i>Environmental Protection Act 1994</i></li> <li>• <i>Queensland Heritage Act 1992</i></li> <li>• <i>Wild Rivers Act 2005</i></li> </ul> | Department of Environment and Heritage Protection                             |  |
| <ul style="list-style-type: none"> <li>• <i>Nature Conservation Act 1992</i></li> </ul>   | Department of Environment and Heritage Protection                             |  |
|   | Department of National Parks, Recreation, Sport and Racing                    |  |
| <ul style="list-style-type: none"> <li>• <i>Forestry Act 1959</i></li> </ul>  | Department of Natural Resources and Mines                                     |  |
|   | Department of Agriculture, Fisheries and Forestry                             |  |
| <ul style="list-style-type: none"> <li>• <i>Fisheries Act 1994</i></li> </ul>   | Department of Agriculture, Fisheries and Forestry                             |  |

**Notice**  
**Concurrence Agency Response**

|  |  |  |
|--|--|--|
| <ul style="list-style-type: none"> <li>• <i>Local Government Act 2009</i></li> <li>• <i>Sustainable Planning Act 2009</i></li> </ul> | Local Government   | Contact your nearest local government office |
| <ul style="list-style-type: none"> <li>• <i>Environment Protection and Biodiversity Conservation Act 1999</i></li> </ul>             | Department of Sustainability, Environment, Water, Population and Communities | General enquiries:<br>(02) 6274 1111         |

*Sfarrell*

**Delegate**  
Shannon Farrell  
Delegate, Chief Executive administering the *Vegetation Management Act 1999*  
Department of Natural Resources and Mines

*31/07/2013*

**Enquiries:**  
Lisa Gale  
Department of Natural Resources and Mines  
28 Peters St, Mareeba QLD 4880  
PO Box 156, Mareeba QLD 4880  
Phone: (07) 4048 4702  
Email: [lisa.gale@dnrm.qld.gov.au](mailto:lisa.gale@dnrm.qld.gov.au)

**Attachments** DNRM permit SPCE080633413



## Appendix 1 - Species Prescribed for VMA, S 70a(3)

### Part 1—Trees of any Diameter Over bark

| Common name | Botanical name              |
|-------------|-----------------------------|
| Sandalwood  | <i>Santalum lanceolatum</i> |

### Part 2—Trees with a Diameter Over bark of more than 39 cm at 1.3 m above ground level

| Common name   | Botanical name                                      |
|---|---|
| Blackbutt   | <i>Eucalyptus pilularis</i>                         |
| Broad-leaved red ironbark                                   | <i>Eucalyptus fibrosa</i> subsp. <i>fibrosa</i>     |
| Caley's ironbark  | <i>Eucalyptus caleyi</i>                            |
| Cooktown ironbark   | <i>Erythrophloeum chlorostachys</i>                 |
| Darwin stringybark  | <i>Eucalyptus tetradonta</i>                        |
| Forest red gum  | <i>Eucalyptus tereticornis</i>                      |
| Grey ironbark   | <i>Eucalyptus drepanophylla</i>                     |
| Grey ironbark (in south)                                    | <i>Eucalyptus siderophloia</i> (in south)           |
| Gympie messmate   | <i>Eucalyptus cloeziana</i>                         |
| Lemon-scented gum<br>(sometimes also called<br>spotted gum) | <i>Corymbia citriodora</i> subsp. <i>citriodora</i> |
| Melville Island bloodwood                                   | <i>Corymbia nesophila</i>                           |
| Narrow-leaved red ironbark                                  | <i>Eucalyptus crebra</i>                            |
| River red gum   | <i>Eucalyptus camaldulensis</i>                     |
| Rose gum  | <i>Eucalyptus grandis</i>                           |
| Spotted gum   | <i>Corymbia citriodora</i> subsp. <i>variegata</i>  |
| Sydney blue gum   | <i>Eucalyptus saligna</i>                           |
| Tallowwood  | <i>Eucalyptus microcorys</i>                        |
| White mahogany  | <i>Eucalyptus acmenoides</i>                        |
| White mahogany  | <i>Eucalyptus apothalassica</i>                     |
| White mahogany  | <i>Eucalyptus mediocris</i>                         |
| White mahogany  | <i>Eucalyptus portuensis</i>                        |
| White mahogany  | <i>Eucalyptus psammitica</i>                        |
| White stringybark   | <i>Eucalyptus eugenioides</i>                       |
| White stringybark   | <i>Eucalyptus mensalis</i>                          |
| White stringybark   | <i>Eucalyptus reducta</i>                           |
| White stringybark   | <i>Eucalyptus tindaliae</i>                         |
| Yellow box  | <i>Eucalyptus melliodora</i>                        |

### Part 3—Trees with a Diameter Over bark of More than 19 cm at 1.3 m above Ground Level

| Common name        | Botanical name                |
|--------------------|-------------------------------|
| White cypress pine | <i>Callitris glaucophylla</i> |

**Sustainable Planning Act 2009****DNRM Permit <sup>1</sup> number: SPCE080633413**

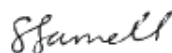
|  |   |
|--|---|
| <b>Assessment manager reference:</b>       | 8/7/2711 SEDA (3966198)   |
| <b>Date application properly referred:</b> | 6 June 2013   |
| <b>Permit type:</b>                        | Development permit for a Material Change of Use for a Telecommunications Facility   |
| <b>Date of decision:</b>                   | 31 July 2013  |
| <b>Decision:</b>                           | The application satisfies the <i>Concurrence Agency Policy for Material Change of Use (MCU) 21 October 2009</i> - subject to the conditions set out in Schedule 1   |
| <b>Relevant laws and policies:</b>         | <i>Vegetation Management Act 1999</i><br><i>Sustainable Planning Act 2009</i><br><i>Sustainable Planning Regulation 2009</i><br><i>Concurrence Agency Policy for Material Change of Use (MCU) 21 October 2009</i> |
| <b>Jurisdiction(s):</b>                    | Material Change of Use – Clearing Vegetation<br>Sustainable Planning Regulation 2009 – Schedule 7, table 3, item 10   |

**Development Description**

| Property/Location                        |            | Development  |
|--|------------|--|
| 21-23 Plantation Rd<br>Edmonton Qld 4872 | 236 NR6567 | Material Change of Use for Telecommunications Facility |

**Reason(s) for inclusion of conditions**

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are detailed in Schedule 3.



Delegate  
Shannon Farrell  
Delegate, Chief Executive administering the *Vegetation Management Act 1999*

31/07/2013

<sup>1</sup> Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Natural Resources and Mines.

DNRM Permit number: SPCE080633413

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## Schedule 1 – CONDITIONS

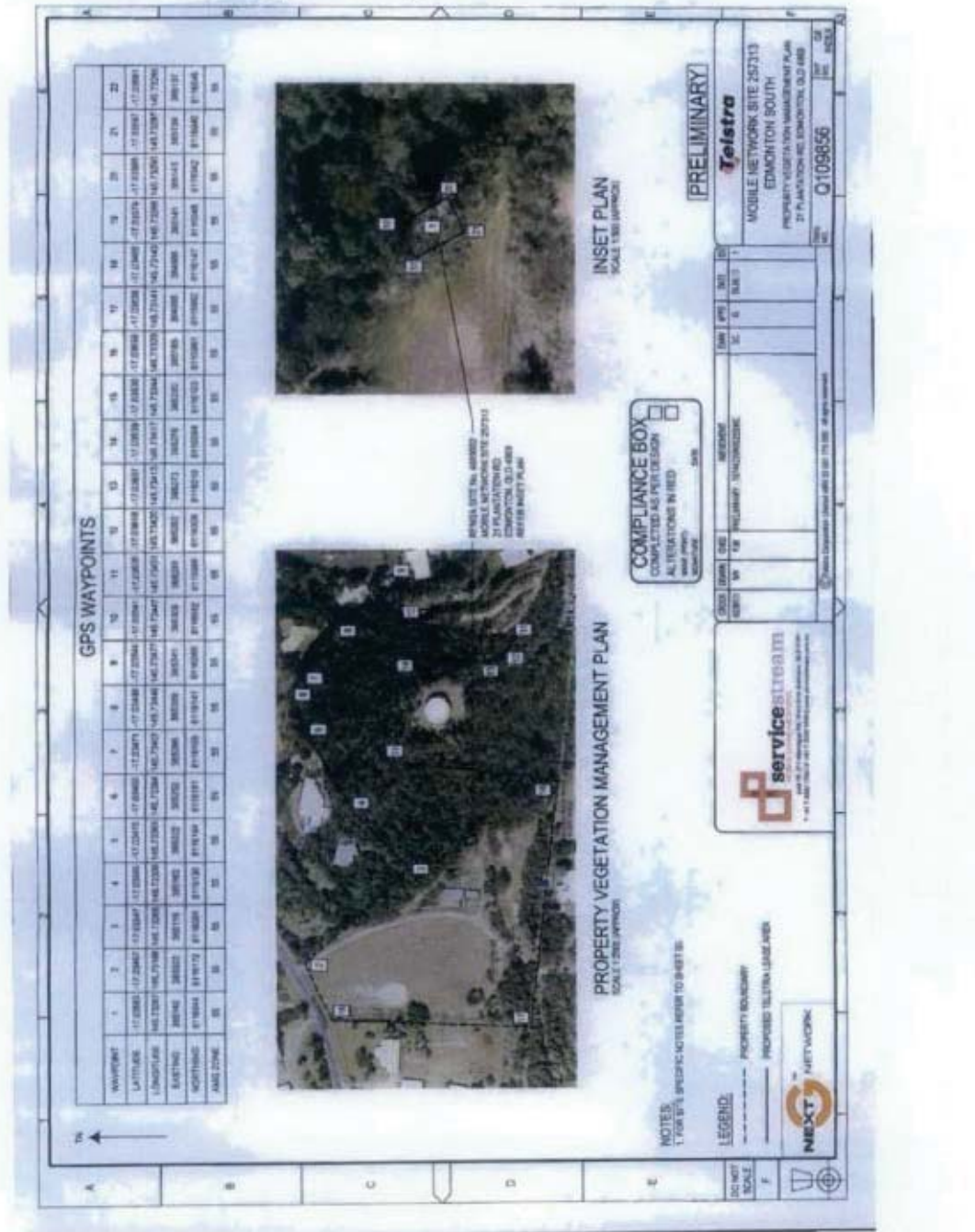
1. The Material Change of Use of Lot 236 on Plan NR6567 must be undertaken in accordance with the submitted plan: *Mobile Network Site 257313 Edmonton South - Property Vegetation Management Plan*, drawing: *Q109856, sheet G8, Service Stream Mobile Communications, 05/06/13*, shown in Schedule 2.
2. These conditions do not prevent vegetation being cleared for a purpose described in Schedule 24 of the Sustainable Planning Regulation 2009 or if cleared in accordance with any subsequent development approval.

### Definitions

Where terms used in this decision are not specifically defined but are defined in the VMA; *Sustainable Planning Act 2009* (SPA); and the relevant Regional Vegetation Management Code, the definitions that are in these Acts and the code apply.

**END OF CONDITIONS**

Schedule 2 – Approved plan



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## Schedule 3 - Statement of Reasons

**Department of Natural Resources and Mines – Referral Agency Response  
Application to clear for Material Change of Use  
Telstra Corporation Ltd**

The following Statement of Reasons is provided

### Introduction

1. The Department of Natural Resources and Mines (DNRM) received an application from Telstra Corporation Ltd, on 17 May 2013 and was properly made on 6 June 2013.
2. The application is to clear for a material Change of Use – Telecommunications Facility – on Lot 236 on Plan NR6567 – Cairns Regional Council.
3. An Assessment Report was sent to the Delegate of the Chief Executive, Shannon Farrell, on 26 July 2013.
4. The Delegate determined the Decision on 31 July 2013

### Evidence

1. Application dated 17 May 2013
  - a) Completed IDAS Form 1 and Form 11
  - b) Property Vegetation Management Plan
2. *Sustainable Planning Act 2009* and Sustainable Planning Regulation 2009
3. *Vegetation Management Act 1999*
4. Department of Natural Resources and Mines *Concurrence Agency Policy for Material Change of Use (MCU) 21 October 2009*
5. Sustainable Planning Act Delegation (No.2) 2012
6. Regional Ecosystem mapping (version 6.1)
7. Geoscience Australia 1:100 000 Topographic Map Sheet 8063
8. 2011 orthophoto imagery for Cairns
9. Lidar contour data for Cairns Regional Council
10. Sirweb databases (Soils, Slope 250K)
11. Vegetation Information Network (VIN) Database Remnant RE Summary
12. Assessment Report dated 25 July 2013

### Findings of fact

1. The application met column 1 row (b) and (c) as well as column 2 row (f) of Assessment Table 1 of the *Concurrence Agency Policy for Material Change of Use, 21 October 2009*. Clearing will occur within of concern remnant vegetation and non-remnant vegetation. As Criteria Table G is met by meeting Criteria Table F-1 PR F3, the application was only assessed against Criteria Table F-1 of this Policy.
2. No suitable alternative site for the proposal was found. Other sites were investigated but presented more issues such as vegetation clearing and distance to nearby residences. The site chosen contained existing infrastructure, was in a previously cleared area and could take advantage of existing access and utility connections.
3. An offset was deemed unnecessary as most of the area could already be cleared under an exemption to maintain existing infrastructure, the nature of and distance to the infrastructure, vegetation characteristics, size and slope within the area of assessable clearing were such that it is very unlikely any clearing will take place as a result of the development.
4. The application was not for an extractive industry so the application was assessed against Performance Requirements P2-10 of the *Regional Vegetation Management Code for Coastal Bioregions, 6 November 2009* ('the Code').
5. The application fulfils the requirements of Acceptable Solution (AS) P.2 of the Code as clearing will not occur within or near a mapped natural or significant wetland.
6. The application fulfils the requirements of AS P.3 of the Code as clearing will occur within the relevant distances of any watercourse.



DNRM Permit number: SPCE080633413

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7. The application fulfils the requirements of PR P.4 of the Code as clearing will not impact on the connectivity requirements of the Code.
8. The application fulfils the requirements of AS P.5 of the Code as clearing will occur on unstable soils on slopes less than 10%.
9. The application fulfils the requirements of AS P.6 of the Code as the clearing is less than 5ha.
10. The application fulfils the requirements of AS P.7 of the Code as clearing is proposed within an *of concern* regional ecosystem but is less than 10m in width.
11. The application fulfils the requirements of AS P.8 of the Code as clearing is not proposed within an area mapped as essential habitat.
12. The application fulfils the requirements of AS P.9 of the Code as no clearing of vegetation within the threshold remnant regional ecosystems is proposed.
13. The application fulfils the requirements of AS P.10 of the Code as acid sulfate soils will not be exposed by the clearing.

**Reasons**

It is considered by the assessing officer that this application meets the requirements of the *Concurrence Agency Policy for Material Change of Use (21 October 2009)* and the *Regional Vegetation Management Code for Coastal Bioregions 6 November 2009*.



Shannon Farrell  
**Senior Vegetation Management Officer**  
**North Region**

31/07/2013

**APPENDIX 3 SUPPORTING INFORMATION**

Photomontage



**EXISTING VIEW**



**PROPOSED VIEW**

*Note: The photomontage portrays the subject site looking south-east from Plantation Road.*

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Photomontage for illustrative purposes only

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Level 1, 29 Christie Street, St. Leonards NSW 2069  
T +61 2 9478 9955 | F +61 2 9478 9950 | www.servicestream.com.au

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SHT NO: