



Our Ref: File: P04-23 & 06981-39000-000 CA:SM  
Your Ref: ---

## DECISION NOTICE APPROVAL

(Given under section 63 (2) of the *Planning Act 2016*)

12 January 2024

Telstra Limited  
C/- Acquirecomm Pty Ltd  
PO Box 586  
ELSTERNWICK QLD 3185

### **Attention: Emily Wardlaw**

Dear Ms Wardlaw

The development application described below was properly made to the Council on 11 August 2023.

### **APPLICANT DETAILS\***

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<b>Applicant name:</b>	Telstra Limited C/- Acquirecomm Pty Ltd
<b>Applicant contact details:</b>	emily@acquirecomm.com.au

### **APPLICATION DETAILS**

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<b>Application number:</b>	P04-23
<b>Approval sought:</b>	Development Permit for a Material Change of Use
<b>Nature of development proposed:</b>	Telecommunications Facility
<b>Description of the development proposed:</b>	20m Monopole Telecommunications Tower, Equipment Cabinet, and associated infrastructure

### **LOCATION DETAILS**

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<b>Street address:</b>	Moondarra Drive
<b>Real property description:</b>	Lot 90 on plan SP237661
<b>Local government area:</b>	Mount Isa City

*\*Mount Isa City Council is collecting your personal information on this form in order to comply with its responsibilities and obligations as a Local Government. The information will only be accessed by authorised Council employees who have a legitimate need for the information to process applications, requests etc. Your personal information will not be given to any other person or agency unless you have given us permission to do so or we are required to do so by law.*

**DECISION**

**Date of decision:** 11 January 2024

**Decision details:**  approved in full with conditions\*  
 (refer to the conditions contained in Attachment 1)

\*Note: The conditions show which conditions have been imposed by the assessment manager and which conditions have been imposed by a referral agency.

**DETAILS OF APPROVAL**

This application is  / is not  taken to have been approved (a deemed approval) under section 64(5) of the *Planning Act 2016*.

The following approvals are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval <ul style="list-style-type: none"> <li>• Building Work Not Associated with a Material Change of Use</li> <li>• Plumbing or Drainage Work</li> <li>• Material Change of Use</li> <li>• Reconfiguration of a Lot</li> <li>• Operational Work</li> </ul>		<input type="checkbox"/>  <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

**CONDITIONS**

This approval is subject to the conditions in Attachment 1.

**FURTHER DEVELOPMENT PERMITS**

Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Building Permit

**PROPERLY MADE SUBMISSIONS**

Properly made submissions were  / were not  made in relation to the application.

**REFERRAL AGENCY FOR THE APPLICATION**

The referral agencies for this application are:

Nil.

## APPROVED PLANS AND SPECIFICATIONS

Copies of the following plans, specifications and / or drawings are enclosed.

Drawing/report title	Prepared by	Date	Reference no.	Version /issue
<b>Aspect of development: Material Change of Use</b>				
Planning Permit Application (Planning Report)	Acquirecomm Pty Ltd	3 August 2023	Site Ref: Lake Moondarra – TLS-RCP-181-A	2
Small Cell Site 363023 Lake Moondarra Photos and Site Layout	Telstra Limited	18 October 2023	Sheet No. 1 of 2	Rev. 1
Small Cell Site 363023 Lake Moondarra Photos and Site Layout (as amended in red)	Telstra Limited	18 October 2023	Sheet No. 2 of 2	Rev. 1
Small Cell Site 363023 Lake Moondarra South West Elevation (as amended in red)	Telstra Limited	18 October 2023	Sheet No. 3	Rev. 1

## CURRENCY PERIOD FOR THE APPROVAL (Section 85 of the Planning Act 2016)

Six (6) years from the date of the Decision Notice.

## STATEMENT OF REASONS

### 1. Reasons for the Decision

The reasons for this decision are:

The proposed Material Change of Use for a Telecommunications Tower and associated infrastructure at Lake Moondarra Road, Mount Isa, has been assessed against the below Assessment Benchmarks found in the *State Planning Policy*, *North West Regional Plan* and the *City of Mount Isa Planning Scheme 2020*.

Assessment has concluded that the proposal is consistent with the applicable benchmarks, subject to compliance with a number of conditions of approval, and the proposal has therefore been approved in full subject to conditions.

### 2. Assessment Benchmarks

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
<i>State Interest Policies and Assessment Benchmarks</i>	<i>Part E, State Planning Policy</i>
<i>Regional Strategies and Policies</i>	<i>Part E, North West Regional Plan</i>
<i>Rural Zone Code</i>	<i>Part 6.7.3, City of Mount Isa Planning Scheme 2020</i>
<i>Airport Environs Overlay Code</i>	<i>Part 8.2.1, City of Mount Isa Planning Scheme 2020</i>

Benchmarks applying for the development	Benchmark reference
<i>Biodiversity Overlay Code</i>	<i>Part 8.2.2, City of Mount Isa Planning Scheme 2020</i>
<i>Bushfire Hazard Overlay</i>	<i>Part 8.2.3, City of Mount Isa Planning Scheme 2020</i>
<i>Major Infrastructure Overlay Code</i>	<i>Part 8.2.8, City of Mount Isa Planning Scheme 2020</i>
<i>Heritage Overlay Code</i>	<i>Part 8.2.6, City of Mount Isa Planning Scheme 2020</i>
<i>Lake Moondarra Environs Overlay Code</i>	<i>Part 8.2.7, City of Mount Isa Planning Scheme 2020</i>
<i>Wetlands and Waterway Corridors Overlay Code</i>	<i>Part 8.2.10, City of Mount Isa Planning Scheme 2020</i>
<i>Industry and Infrastructure Activities Code</i>	<i>Part 9.3.4, City of Mount Isa Planning Scheme 2020</i>
<i>Engineering Works and Services Code</i>	<i>Part 9.4.2, City of Mount Isa Planning Scheme 2020</i>
<i>Excavation and Filling Code</i>	<i>Part 9.4.3, City of Mount Isa Planning Scheme 2020</i>
<i>Landscaping Code</i>	<i>Part 9.4.5, City of Mount Isa Planning Scheme 2020</i>
<i>Parking, Access and Loading Code</i>	<i>Part 9.4.6, City of Mount Isa Planning Scheme 2020</i>

3. Compliance with Benchmarks

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Acceptable Outcome 5.1 <i>Part 9.3.4, City of Mount Isa Planning Scheme 2020</i>	While the proposed telecommunications tower will exceed the maximum building height prescribed under the Code, it is noted that the height of the structure reflects the nature of the use and is designed to ensure maximum signal coverage. Given the practical reasons behind the proposed height, and given Lot 90 is not a traditional rural parcel, the proposed height is assessed as acceptable.
Acceptable Outcome 2.2 <i>Part 8.2.6, City of Mount Isa Planning Scheme 2020</i>	While no Statement of Impact has been prepared for the development, it is noted that the facility will not alter, remove, or conceal any heritage significant features of the place. Assessment has determined the development is consistent with the character, setting and appearance of the Local Heritage Place.
Acceptable Outcome 3.2 <i>Part 8.2.6, City of Mount Isa Planning Scheme 2020</i>	

<p>Acceptable Outcome 1.2 Part 8.2.7, <i>City of Mount Isa Planning Scheme 2020</i></p>	<p>While the development is proposed on a hilltop, and will be visible from Transport Bay, it is noted that there is already significant infrastructure, such as overhead electricity lines and water tanks, on the surrounding hillsides which are also visible from Transport Bay. As such, the location of the facility is assessed as acceptable.</p>
<p>Acceptable Outcome 1.4 Part 8.2.7, <i>City of Mount Isa Planning Scheme 2020</i></p>	
<p>Acceptable Outcome 5.3 Part 9.3.4, <i>City of Mount Isa Planning Scheme 2020</i></p>	<p>While the proposed telecommunications facility is unable to achieve the 200m road boundary setback to Moondarra Drive, it is noted there will be a significant difference in elevation between the proposed facility and the roadway. As such, the facility will not actually front the roadway and will present minimal visual bulk to the street. The proposed setback is therefore assessed as acceptable.</p>
<p>Acceptable Outcome 1.1 Part 8.2.2, <i>City of Mount Isa Planning Scheme 2020</i></p>	<p>While the development will be located within the Biodiversity Hazard Overlay, the development will result in a very minor loss of habitat area (16m<sup>2</sup>) which will not involve disturbing any significant environmental features or additional vegetation clearing. As such, the location of the facility is assessed as acceptable.</p>
<p>Acceptable Outcome 1.2 Part 8.2.2, <i>City of Mount Isa Planning Scheme 2020</i></p>	
<p>Acceptable Outcome 2.1 Part 8.2.3, <i>City of Mount Isa Planning Scheme 2020</i></p>	<p>While the proposed telecommunication facility will be located within the Bushfire Hazard Overlay, it is noted that the facility will be unmanned and will not result in additional persons living and working within a bushfire hazard area. Given the extent of the Bushfire Hazard Overlay in this location, it is assessed there are no suitable alternative locations for the facility. As such, the proposed location is assessed as acceptable.</p>
<p>Acceptable Outcome 2.2 Part 9.4.5, <i>City of Mount Isa Planning Scheme 2020</i></p>	<p>While the development proposes no landscaping works, it is noted the facility will not be publicly accessible and will not front any public roadway. Furthermore, it is assessed that the existing native vegetation will provide a more effective screen than any additional plantings which may only serve to make the facility more conspicuous.</p>
<p>Acceptable Outcome 5.1 Part 9.4.6, <i>City of Mount Isa Planning Scheme 2020</i></p>	<p>While the development does not propose to seal the access track and parking space for the facility, it is noted that the facility will not be publicly accessible and only subject to infrequent maintenance visits. Given the rural nature of the location, and the infrequency of maintenance visits it is assessed that the proposed parking arrangements are acceptable.</p>

4. Relevant matters for Impact Assessable Development

The following matters were given regard to or assessment carried out against, in undertaking the assessment of this development application.

Other relevant matters to the assessment of the development under section 45(5)(b)	Benchmark reference	Assessment carried out against or assessment had regard to
Mount Isa City Council Local Laws	N/A	<input type="checkbox"/> assessed against <input checked="" type="checkbox"/> had regard to

5. Matters Raised in Submission for Impact Assessable Development

Nil.

6. Matters Prescribed by Regulation

Nil.

**APPEAL RIGHTS**

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

APPEAL BY AN APPLICANT

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

APPEAL BY A SUBMITTER

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

**Attachment 3** is an extract from the *Planning Act 2016* that sets down the applicant's appeal rights and the appeal rights of a submitter.

Should you have any further queries, please contact Council's Development and Land Use section on (07) 4747 3200.

Yours faithfully



Tim Rose  
Acting Chief Executive Officer

Encl:     **Attachment 1—Conditions of the approval**  
          **Attachment 2 – Approved Plans**  
          **Attachment 3—Extract on Appeal Rights** (*Planning Act 2016*)

# ATTACHMENT 1

## PART 1

### CONDITIONS IMPOSED BY ASSESSMENT MANAGER (MOUNT ISA CITY COUNCIL)

Application: P04-23 for a Material Change of Use for a Telecommunications Tower and associated infrastructure (Telecommunications Facility) at Lake Moondarra, Mount Isa.

Council advise that the Development Application was approved by Mount Isa City Council's Acting Chief Executive Officer through Delegated Authority (Delegated Authority No. 2057) on 11 January 2024 for a Material Change of Use for a Telecommunications Tower and associated infrastructure (Telecommunications Facility) at Lake Moondarra, Mount Isa, described as Lot 90 on plan SP237661, subject to the following conditions:

NUMBER	CONDITION	TIMING
<b>PLANNING</b>		
<b>General</b>		
1.	The development shall be carried out generally in accordance with the approved plans and drawings attached to this approval except where conditions of this approval dictate otherwise.  <i>For clarity, any change to the development that is not generally in accordance with the approved plans and drawings must be approved by Council pursuant to a 'change application' under Chapter 3, Part 5, Division 2, Subdivision 2 of the Planning Act 2016;</i>	<i>At all times</i>
2.	The owner/developer shall bear the cost of all alterations necessary to public utility mains, services or installations necessitated by this approval and such works shall be to Council specifications and satisfaction;	<i>As specified</i>
3.	The developer/owner shall enter into a trustee lease with the Mount Isa Water Board (MIWB) over the compound area for the proposed Telecommunications Facility. The terms of the lease shall be to the satisfaction of the MIWB and Department of Resources with the lease to remain in force for the life of the development;	<i>For the life of the development</i>
4.	The developer/owner shall provide the security fencing to the perimeter of the compound area as indicated on the approved Elevation Drawing (Sheet No. 3, dated: 18/10/2022) All fencing and gates shall be wholly contained within the lease and shall not swing out beyond the boundaries of the lease area;	<i>At all times</i>



5.	The monopole and associated equipment shall be finished in a non-reflective grey colour as nominated in the approved Planning Report to minimise the visual impacts of the structure on the surrounding skyline;	<i>At all times</i>
6.	The developer/owner shall provide a dedicated parking space for maintenance vehicles – including crash barrier and wheel stop, as indicated on the approved Site Layout (Sheet 2, dated: 18/10/2022);	<i>Prior to the commencement of use and to be maintained for the life of the development</i>
7.	Continued access between Moondarra Drive and the lease area, including access to any parts of the site outside the lease area which may be periodically required for construction or maintenance, is to be the responsibility of the owner/developer and to the satisfaction of the Mount Isa Water Board;	<i>For the life of the development</i>
8.	The compound shall be surfaced with concrete, gravel, 'blue metal' or similar to provide a durable dust-free and weed-free surface. The developer/owner shall maintain the compound free of noxious weeds, long grass and undergrowth for the life of the development;	<i>Prior to the commencement of use and to be maintained for the life of the development</i>
<b>ENVIRONMENTAL SERVICES</b>		
<b>General</b>		
9.	<p>The operator must achieve the 'general environmental duty' to mitigate any environmental harm and/or nuisance described under the <i>Environmental Protection Act 1994</i>.</p> <p>(a) there is no discharge to land or water of contaminants that may harm the environment or create a nuisance from the operation of the activity</p> <p>(b) there is no discharge to air of contaminants that may harm the environment or create a nuisance from the operation of the activity</p> <p>(c) noise nuisance is prevented or minimised at noise sensitive places</p> <p>Waste production and disposal must be minimised and waste must be managed so it does not harm the environment or create a nuisance from the operation of the activity;</p>	<i>At all times</i>
<b>Waste</b>		
10.	All waste generated as a result of the construction of the structures must be effectively controlled and disposed of in accordance with the <i>Environmental Protection (Waste Management) Regulation 2000</i> ;	<i>During construction</i>
<b>Noise</b>		
11.	<p>Prevent/ minimise the emission of noise that causes, or is likely to cause, environmental nuisance at any nuisance sensitive or commercial place.</p> <p>All work must be undertaken within the prescribed timeframe as mentioned in <i>Environmental Protection Act 1994</i>, i.e. on a business day or Saturday, between 6.30am and 6.30pm;</p>	<i>During construction</i>

COMPLIANCE INSPECTION		
12.	The owner/developer shall contact Council to arrange a compliance inspection of the development to assess compliance with the Assessment manager's Conditions of Approval and the approved plans.	<i>Prior to commencement of use</i>


The applicant is reminded that, in addition to the conditions of this permit, compliance is required with all applicable Commonwealth and Queensland legislation.

The assessment of this application has not included an examination of the compliance with applicable legislation, with the exception of those aspects which have been examined by any referral agency, and the issue of the permit is not to be taken as evidence or assertion of such compliance.

The following list indicates some of the legislation which is commonly applicable to development. Whilst every endeavour has been made to make the list as complete as possible there may be other applicable legislation that has not been included.

## ATTACHMENT 2

# APPROVED PLANS



August 2023

# PLANNING PERMIT APPLICATION

Proposed Telecommunications Facilities

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Federal Government Regional Connectivity Program

Lake Moondarra, Mount Isa, QLD 4825

**Site Ref: Lake Moondarra - TLS-RCP-181-A**

MOUNT ISA CITY COUNCIL  
DEVELOPMENT APPROVAL

Permit No.: P04-23

Type of Development: Material Change of Use

Approved Use: Telecommunications Facility

Approved By: Tim Rose

Title: Chief Executive Officer&s(d): 12/01/2024

Sheet: 1 of 5





# Document Control

Prepared by Emily Wardlaw



Acquirecomm Pty Ltd

Date 03 August 2023

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Version	Date	Author	Reason
1	13/07/2023	Emily Hart	Initial Draft
2	03/08/2023	Emily Wardlaw	Final Review

**MOUNT ISA CITY COUNCIL  
DEVELOPMENT APPROVAL**

Permit No.: P04-23

Type of Development: Material Change of Use

Approved Use: Telecommunications Facility

Approved By: Tim Rose

Title: Chief Executive Officer&s(d): 12/01/2024

Sheet: 2 of 5





PHOTO 1 (AERIAL)

**MOUNT ISA CITY COUNCIL  
DEVELOPMENT APPROVAL**

Permit No.: P04-23  
 Type of Development: Material Change of Use  
 Approved Use: Telecommunications Facility  
 Approved By: Tim Rose  
 Title: Chief Executive Officer & s(d): 12/01/2024  
 Sheet: 3 of 5

*Th*

**SERVICES LEGEND**

- T---T---T--- OPTICAL FIBRE BELOW GROUND
- E --- E --- BELOW GROUND ELECTRICAL SUPPLY
- FE --- FE --- BELOW GROUND FEEDER CABLES
- E --- E --- OVERHEAD POWER LINE
- EA --- EA --- EARTH STRAP
- --- TITLE BOUNDARY
- PROPOSED TELSTRA LEASE AREA

DENOTES TELSTRA ANTENNA SECTOR  
A1

**NOTES :**

1. FOR SITE PHOTOS REFER TO SHEETS 1 & 3.
2. ALL EXTERNAL FEEDERS AND TAILS MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
3. ALL DIMENSIONS ARE IN MILLIMETERS UNLESS SPECIFIED OTHERWISE, AND MUST BE CHECKED ONSITE.
4. FOR DESIGN, CONSTRUCTION AND STANDARD DRAWINGS REFER FIDO DOCUMENTATION.
5. FIR EME SIGNS NOTES AS (#X) REFER DOCUMENT 005486 FOR DETAILS.
6. (#2) PROPOSED EME SIGN TO BE SECURED AT BASE OF OMNI ANTENNA.
7. (#6) PROPOSED EME SIGN TO BE INSTALLED AT 1.5m AGL ON POLE.
8. (#13) PROPOSED SIGN TO BE INSTALLED ON ODU DOOR (RFNSA REF. 4825042).
9. CLEAR ALL TALL GRASS/WEEDES WITHIN THE COMPOUND TO MINIMISE SNAKE ACTIVITY.



**SITE LAYOUT**

SCALE 1:500  
 5m 0 5m 10m 15m 20m 25m SCALE 1:500

Proposed Telstra site location

**UNAPPROVED  
DRAWING**

**PRELIMINARY**

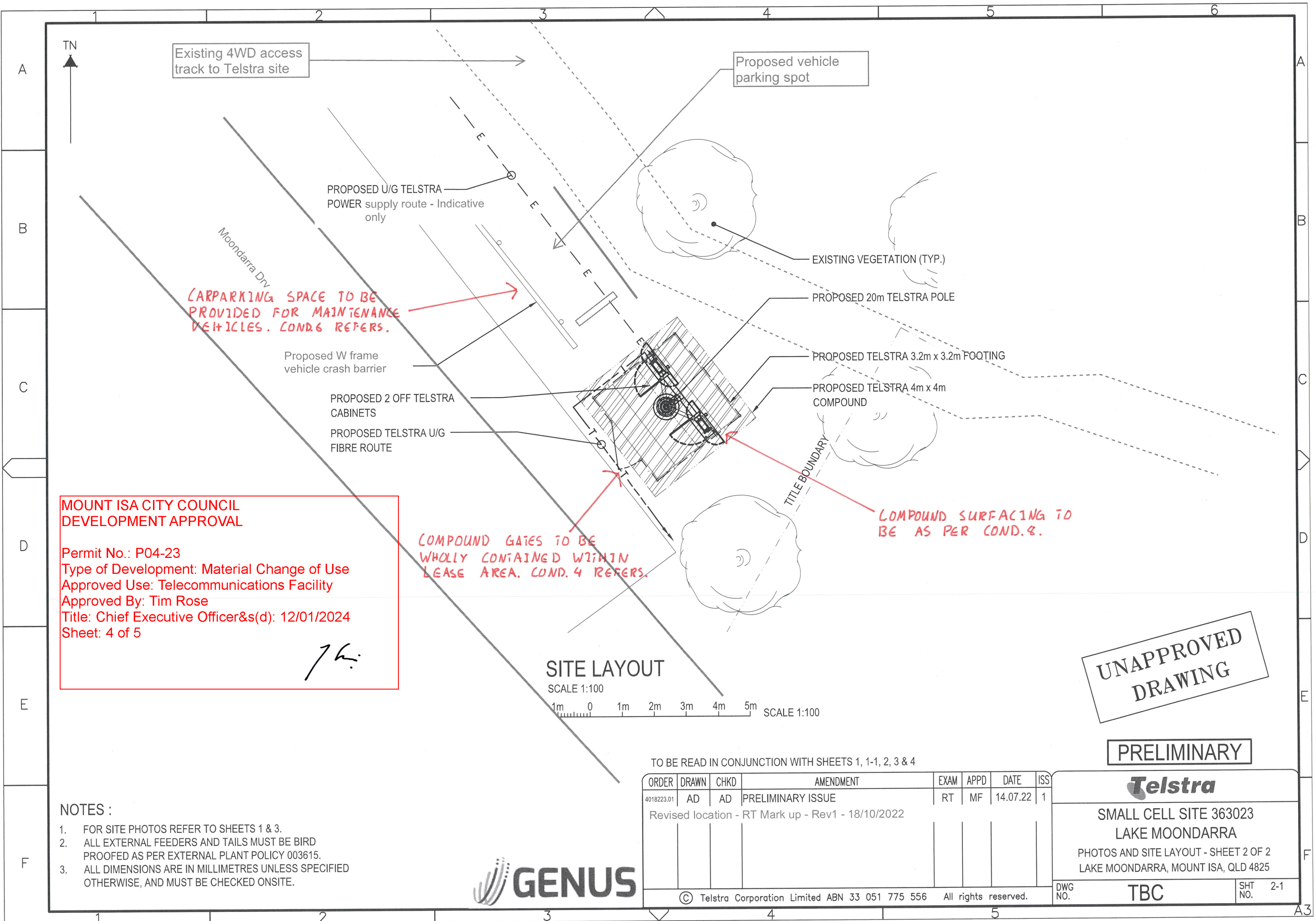
TO BE READ IN CONJUNCTION WITH SHEETS 1, 1-1, 2-1, 3 & 4

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
4018223.01	AD	AD	PRELIMINARY ISSUE	RT	MF	14.07.22	1
Revised location - RT Mark up - Rev1 - 18/10/2022							

**Telstra**

SMALL CELL SITE 363023  
 LAKE MOONDARRA  
 PHOTOS AND SITE LAYOUT - SHEET 1 OF 2  
 LAKE MOONDARRA, MOUNT ISA, QLD 4825





Existing 4WD access track to Telstra site

Proposed vehicle parking spot

PROPOSED U/G TELSTRA POWER supply route - Indicative only

EXISTING VEGETATION (TYP.)

*(PARKING SPACE TO BE PROVIDED FOR MAINTENANCE VEHICLES. COND.6 REFERS.)*

PROPOSED 20m TELSTRA POLE

Proposed W frame vehicle crash barrier

PROPOSED TELSTRA 3.2m x 3.2m FOOTING

PROPOSED 2 OFF TELSTRA CABINETS

PROPOSED TELSTRA 4m x 4m COMPOUND

PROPOSED TELSTRA U/G FIBRE ROUTE

TITLE BOUNDARY

*COMPOUND SURFACING TO BE AS PER COND.8.*

**MOUNT ISA CITY COUNCIL DEVELOPMENT APPROVAL**

Permit No.: P04-23  
 Type of Development: Material Change of Use  
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 Title: Chief Executive Officer&s(d): 12/01/2024  
 Sheet: 4 of 5

*COMPOUND GATES TO BE WHOLLY CONTAINED WITHIN LEASE AREA. COND.4 REFERS.*

**SITE LAYOUT**

SCALE 1:100  
 1m 0 1m 2m 3m 4m 5m SCALE 1:100

**UNAPPROVED DRAWING**

**PRELIMINARY**

**NOTES :**

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TO BE READ IN CONJUNCTION WITH SHEETS 1, 1-1, 2, 3 & 4

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**SMALL CELL SITE 363023  
 LAKE MOONDARRA**  
 PHOTOS AND SITE LAYOUT - SHEET 2 OF 2  
 LAKE MOONDARRA, MOUNT ISA, QLD 4825

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DWG NO. **TBC** SHT NO. 2-1

# TELSTRA ANTENNA CONFIGURATION TABLE

ANTENNA No	ANTENNA TYPE & SIZE H x W x D	ANTENNA ACTION REQUIRED	ANTENNA HEIGHT C/L A.G.L.	ANTENNA BEARING (x°T)	SECTOR NO. & TECHNOLOGY
A1	TONGYU TQJ-708006D-FT0 OMNI Ø200 x 998mm	INSTALL	20.9m (BASE OF OMNI)	0°	S0: LTE700 S0: LTE700
A200	ERICSSON KRE 101 2082/1 Ø68 x 96	INSTALL	2.2m (BASE OF GPS)	0° TN	-

### NOTES :

- FOR SITE PHOTOS REFER TO SHEETS 1 & 2.
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- FOR DESIGN, CONSTRUCTION AND STANDARD DRAWINGS REFER FIDO DOCUMENTATION.
- FOR EME SIGNS NOTES AS#X REFER TO 005486 DOCUMENTS FOR DETAILS.
- #2 PROPOSED EME SIGN TO BE SECURED ST BASE OF OMNI ANTENNA.
- #6 PROPOSED EME SIGN TO BE INSTALLED AT 1.5m AGL ON POLE.
- #13 PROPOSED SIGN TO BE INSTALLED ON ODU DOOR (RFNSA REF. XXXXX).
- CLEAR ALL TALL GRASSWEEDS WITHIN THE COMPOUND TO MINIMISE SNAKE ACTIVITY.

### SERVICES LEGEND

— T — — — — T — — — — T — — — —	OPTICAL FIBRE BELOW GROUND
— — — — E — — — — E — — — —	BELOW GROUND ELECTRICAL SUPPLY
— — — — E — — — — E — — — —	ABOVE GROUND ELECTRICAL SUPPLY
— — — — FE — — — — FE — — — —	BELOW GROUND FEEDER CABLES
— — — — EA — — — — EA — — — —	EARTH STRAP

**MOUNT ISA CITY COUNCIL  
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*Jh.*

**UNAPPROVED  
DRAWING**

**PRELIMINARY**

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
4018223.01	AD	AD	PRELIMINARY ISSUE	RT	MF	14.07.22	1
Revised location - RT Mark up - Rev1 - 18/10/2022							

**Telstra**

SMALL CELL SITE 363023  
 LAKE MOONDARRA  
 PHOTOS AND ELEVATION  
 LAKE MOONDARRA, MOUNT ISA, QLD 4825

DWG NO. **TBC** SHT NO. **3**

- ▽ E.L. 21.9m (±100mm)  
OVERALL HEIGHT
- ▽ E.L. 20.9m (±100mm)  
BASE OF PROPOSED TELSTRA OMNI ANTENNA (1 OFF, A1)
- ▽ E.L. 20.7m (±100mm)  
TOP OF PROPOSED TELSTRA MONOPOLE

- PROPOSED TELSTRA 20m STEEL MONOPOLE WITH MOUNTING ADAPTOR TO ACCOMMODATE PROPOSED TELSTRA OMNI ANTENNA (1 OFF, A1)
- PROPOSED TELSTRA LCF12-50J FEEDERS (2 OFF, 25m) TO BE INSTALLED INSIDE MONOPOLE

**SECURITY FENCING TO BE PROVIDED TO PERIMETER OF COMPOUND AREA. (DN)1.4 REF**

- #6 PROPOSED EME SIGN TO BE INSTALLED AT 1.5m AGL ON MONOPOLE
- PROPOSED SECURITY FENCE WITH TWO GATES.

▽ E.L. 0.0m (±100mm)  
GROUND LEVEL

- PROPOSED CONCRETE PAD FOOTING
- PROPOSED TELSTRA U/G FIBRE ROUTE

PROPOSED TELSTRA OMNI ANTENNA (1 OFF, A1)

PROPOSED EME SIGN TO BE SECURED AT BASE ON OMNI ANTENNA #2

PROPOSED SIGN TO BE INSTALLED ON ODU DOOR (RFNSA REF. 4825042) #13

PROPOSED TELSTRA LTE700 GPS ANTENNA (1 OFF, A200) FIXED TO TOP OF CABINET

PROPOSED TELSTRA 2 OFF SCM3007 CABINET WITH SCM0004 PLINTH TO ACCOMMODATE TELSTRA EQUIPMENT.

PROPOSED TELSTRA U/G POWER ROUTE IN CONDUIT TO EXISTING METER BOX

PROPOSED 150W NEMA20B CABLE TRAY ON PAD FOOTING.

## SOUTH WEST ELEVATION

SCALE 1:100  
 1m 0 1m 2m 3m 4m 5m SCALE 1:100







ATTACHMENT 3

***PLANNING ACT 2016***  
**EXTRACT ON APPEAL RIGHTS**

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## Chapter 6 Dispute resolution

### Part 1 Appeal rights

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

- (1) Schedule 1 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.
- (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 an appeal relating to the *Plumbing and Drainage Act 2018*—
  - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
  - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
  - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
  - (iv) otherwise—20 business days after the day the notice is given; or
- (g) 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.

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- (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, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
  - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; 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 is 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 to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
  - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department’s website for this purpose.

## **231 Non-appealable decisions and matters**

- (1) Subject to this chapter, section 316(2), 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.

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- (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 the 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, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any 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 rules of the P&E Court.

## Part 2                      Development tribunal

### Division 1                  General

#### 233      Appointment of referees

- (1) The Minister, or chief executive, (the *appointer*) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—
  - (a) has the qualifications or experience prescribed by regulation; and
  - (b) has demonstrated an ability—
    - (i) to negotiate and mediate outcomes between parties to a proceeding; and
    - (ii) to apply the principles of natural justice; and
    - (iii) to analyse complex technical issues; and
    - (iv) to communicate effectively, including, for example, to write informed succinct and well-organised decisions, reports, submissions or other documents.
- (2) The appointer may—
  - (a) appoint a referee for the term, of not more than 3 years, stated in the appointment notice; and
  - (b) reappoint a referee, by notice, for further terms of not more than 3 years.
- (3) If an appointer appoints a public service officer as a referee, the officer holds the appointment concurrently with any other appointment that the officer holds in the public service.
- (4) A referee must not sit on a tribunal unless the referee has given a declaration, in the approved form and signed by the referee, to the chief executive.
- (5) The appointer may cancel a referee's appointment at any time by giving a notice, signed by the appointer, to the referee.

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- (6) A referee may resign the referee's appointment at any time by giving a notice, signed by the referee, to the appointer.
  - (7) In this section—
    - appointment notice* means—
      - (a) if the Minister gives the notice—a gazette notice; or
      - (b) if the chief executive gives the notice—a notice given to the person appointed as a referee.

### **234 Referee with conflict of interest**

- (1) This section applies if the chief executive informs a referee that the chief executive proposes to appoint the referee as a tribunal member, and either or both of the following apply—
  - (a) the tribunal is to hear a matter about premises—
    - (i) the referee owns; or
    - (ii) for which the referee was, is, or is to be, an architect, builder, drainer, engineer, planner, plumber, plumbing inspector, certifier, site evaluator or soil assessor; or
    - (iii) for which the referee has been, is, or will be, engaged by any party in the referee's capacity as an accountant, lawyer or other professional; or
    - (iv) situated or to be situated in the area of a local government of which the referee is an officer, employee or councillor;
  - (b) the referee has a direct or indirect personal interest in a matter to be considered by the tribunal, and the interest could conflict with the proper performance of the referee's functions for the tribunal's consideration of the matter.
- (2) However, this section does not apply to a referee only because the referee previously acted in relation to the preparation of a relevant local planning instrument.



- (3) The referee must notify the chief executive that this section applies to the referee, and on doing so, the chief executive must not appoint the referee to the tribunal.
- (4) If a tribunal member is, or becomes, aware the member should not have been appointed to the tribunal, the member must not act, or continue to act, as a member of the tribunal.

### **235 Establishing development tribunal**

- (1) The chief executive may at any time establish a tribunal, consisting of up to 5 referees, for tribunal proceedings.
- (2) The chief executive may appoint a referee for tribunal proceedings if the chief executive considers the referee has the qualifications or experience for the proceedings.
- (3) The chief executive must appoint a referee as the chairperson for each tribunal.
- (4) A regulation may specify the qualifications or experience required for particular proceedings.
- (5) After a tribunal is established, the tribunal's membership must not be changed.

### **236 Remuneration**

A tribunal member must be paid the remuneration the Governor in Council decides.

### **237 Tribunal proceedings**

- (1) A tribunal must ensure all persons before the tribunal are afforded natural justice.
- (2) A tribunal must make its decisions in a timely way.
- (3) A tribunal may—
  - (a) conduct its business as the tribunal considers appropriate, subject to a regulation made for this section; and

- (b) sit at the times and places the tribunal decides; and
  - (c) hear an appeal and application for a declaration together; and
  - (d) hear 2 or more appeals or applications for a declaration together.
- (4) A regulation may provide for—
- (a) the way in which a tribunal is to operate, including the qualifications of the chairperson of the tribunal for particular proceedings; or
  - (b) the required fee for tribunal proceedings.

### **238 Registrar and other officers**

- (1) The chief executive may, by gazette notice, appoint—
  - (a) a registrar; and
  - (b) other officers (including persons who are public service officers) as the chief executive considers appropriate to help a tribunal perform its functions.
- (2) A person may hold the appointment or assist concurrently with any other public service appointment that the person holds.

## **Division 2 Applications for declarations**

### **239 Starting proceedings for declarations**

- (1) A person may start proceedings for a declaration by a tribunal by filing an application, in the approved form, with the registrar.
- (2) The application must be accompanied by the required fee.

## **240 Application for declaration about making of development application**

- (1) The following persons may start proceedings for a declaration about whether a development application is properly made—
  - (a) the applicant;
  - (b) the assessment manager.
- (2) However, a person may not seek a declaration under this section about whether a development application is accompanied by the written consent of the owner of the premises to the application.
- (3) The proceedings must be started by—
  - (a) the applicant within 20 business days after receiving notice from the assessment manager, under the development assessment rules, that the development application is not properly made; or
  - (b) the assessment manager within 10 business days after receiving the development application.
- (4) The registrar must, within 10 business days after the proceedings start, give notice of the proceedings to the respondent as a party to the proceedings.
- (5) In this section—

*respondent* means—

  - (a) if the applicant started the proceedings—the assessment manager; or
  - (b) if the assessment manager started the proceedings—the applicant.

## **241 Application for declaration about change to development approval**

- (1) This section applies to a change application for a development approval if—
  - (a) the approval is for a material change of use of premises that involves the use of a classified building; and

- (b) the responsible entity for the change application is not the P&E Court.
- (2) The applicant, or responsible entity, for the change application may start proceedings for a declaration about whether the proposed change to the approval is a minor change.
- (3) The registrar must, within 10 business days after the proceedings start, give notice of the proceedings to the respondent as a party to the proceedings.
- (4) In this section—  
*respondent* means—
  - (a) if the applicant started the proceedings—the responsible entity; or
  - (b) if the responsible entity started the proceedings—the applicant.

## **Division 3                      Tribunal proceedings for appeals and declarations**

### **242      Action when proceedings start**

If a document starting tribunal proceedings is filed with the registrar within the period required under this Act, and is accompanied by the required fee, the chief executive must—

- (a) establish a tribunal for the proceedings; and
- (b) appoint 1 of the referees for the tribunal as the tribunal's chairperson, in the way required under a regulation; and
- (c) give notice of the establishment of the tribunal to each party to the proceedings.

### **243      Chief executive excusing noncompliance**

- (1) This section applies if—

- (a) the registrar receives a document purporting to start tribunal proceedings, accompanied by the required fee; and
  - (b) the document does not comply with any requirement under this Act for validly starting the proceedings.
- (2) The chief executive must consider the document and decide whether or not it is reasonable in the circumstances to excuse the noncompliance (because it would not cause substantial injustice in the proceedings, for example).
- (3) If the chief executive decides not to excuse the noncompliance, the chief executive must give a notice stating that the document is of no effect, because of the noncompliance, to the person who filed the document.
- (4) The chief executive must give the notice within 10 business days after the document is given to the chief executive.
- (5) If the chief executive does excuse the noncompliance, the chief executive may act under section 242 as if the noncompliance had not happened.

## **244 Ending tribunal proceedings or establishing new tribunal**

- (1) The chief executive may decide not to establish a tribunal when a document starting tribunal proceedings is filed, if the chief executive considers it is not reasonably practicable to establish a tribunal.

*Examples of when it is not reasonably practicable to establish a tribunal—*

- there are no qualified referees or insufficient qualified referees because of a conflict of interest
  - the referees who are available will not be able to decide the proceedings in a timely way
- (2) If the chief executive considers a tribunal established for tribunal proceedings—
    - (a) does not have the expertise to hear or decide the proceedings; or

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- (b) is not able to make a decision for proceedings (because of a tribunal member's conflict of interest, for example); the chief executive may decide to suspend the proceedings and establish another tribunal, complying with section 242(c), to hear or re-hear the proceedings.
- (3) However, the chief executive may instead decide to end the proceedings if the chief executive considers it is not reasonably practicable to establish another tribunal to hear or re-hear the proceedings.
- (4) If the chief executive makes a decision under subsection (1) or (3), the chief executive must give a decision notice about the decision to the parties to the proceedings.
- (5) Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts again when the chief executive gives the decision notice to the party who started the proceedings.
- (6) The decision notice must state the effect of subsection (5).

## **245 Refunding fees**

The chief executive may, but need not, refund all or part of the fee paid to start proceedings if the chief executive decides under section 244—

- (a) not to establish a tribunal; or
- (b) to end the proceedings.

## **246 Further material for tribunal proceedings**

- (1) The registrar may, at any time, ask a person to give the registrar any information that the registrar reasonably requires for the proceedings.

*Examples of information that the registrar may require—*

- material about the proceedings (plans, for example)
- information to help the chief executive decide whether to excuse noncompliance under section 243

- for a deemed refusal—a statement of the reasons why the entity responsible for deciding the application had not decided the application during the period for deciding the application.
- (2) The person must give the information to the registrar within 10 business days after the registrar asks for the information.

## **247 Representation of Minister if State interest involved**

If, before tribunal proceedings are decided, the Minister decides the proceedings involve a State interest, the Minister may be represented in the proceedings.

## **248 Representation of parties at hearing**

A party to tribunal proceedings may appear—

- (a) in person; or
- (b) by an agent who is not a lawyer.

## **249 Conduct of tribunal proceedings**

- (1) Subject to section 237, the chairperson of a tribunal must decide how tribunal proceedings are to be conducted.
- (2) The tribunal may decide the proceedings on submissions.
- (3) If the proceedings are to be decided on submissions, the tribunal must give all parties a notice asking for the submissions to be made to the tribunal within a stated reasonable period.
- (4) Otherwise, the tribunal must give notice of the time and place of the hearing to all parties.
- (5) The tribunal may decide the proceedings without a party's submission (written or oral) if—
  - (a) for proceedings to be decided on submissions—the party's submission is not received within the time stated in the notice given under subsection (3); or

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- (b) for proceedings to be decided by hearing—the person, or the person’s agent, does not appear at the hearing.
- (6) When hearing proceedings, the tribunal—
- (a) need not proceed in a formal way; and
  - (b) is not bound by the rules of evidence; and
  - (c) may inform itself in the way it considers appropriate; and
  - (d) may seek the views of any person; and
  - (e) must ensure all persons appearing before the tribunal have a reasonable opportunity to be heard; and
  - (f) may prohibit or regulate questioning in the hearing.
- (7) If, because of the time available for the proceedings, a person does not have an opportunity to be heard, or fully heard, the person may make a submission to the tribunal.

## **250 Tribunal directions or orders**

A tribunal may, at any time during tribunal proceedings, make any direction or order that the tribunal considers appropriate.

*Examples of directions—*

- a direction to an applicant about how to make their development application comply with this Act
- a direction to an assessment manager to assess a development application, even though the referral agency’s response to the assessment manager was to refuse the application

## **251 Matters tribunal may consider**

- (1) This section applies to tribunal proceedings about—
- (a) a development application or change application; or
  - (b) an application or request (however called) under an applicable Act if—
    - (i) the application or request relates to a decision made under that Act, other than a decision made by



the Queensland Building and Construction Commission; and

- (ii) an information notice about the decision was given or was required to be given under that Act.
- (2) The tribunal must decide the proceedings based on the laws in effect when—
    - (a) the application or request was properly made; or
    - (b) if the application or request was not required to be properly made—the application or request was made.
  - (3) However, the tribunal may give the weight that the tribunal considers appropriate, in the circumstances, to any new laws.
  - (4) In this section—

*applicable Act* means—

    - (a) the Building Act; or
    - (b) the *Plumbing and Drainage Act 2018*.

## **252 Deciding no jurisdiction for tribunal proceedings**

- (1) A tribunal may decide that the tribunal has no jurisdiction for tribunal proceedings, at any time before the proceedings are decided—
  - (a) on the tribunal’s initiative; or
  - (b) on the application of a party.
- (2) If the tribunal decides that the tribunal has no jurisdiction, the tribunal must give a decision notice about the decision to all parties to the proceedings.
- (3) Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts again when the tribunal gives the decision notice to the party who started the proceedings.
- (4) The decision notice must state the effect of subsection (3).
- (5) If the tribunal decides to end the proceedings, the fee paid to start the proceedings is not refundable.

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## 253 Conduct of appeals

- (1) This section applies to an appeal to a tribunal.
- (2) Generally, the appellant must establish the appeal should be upheld.
- (3) However, for an appeal by the recipient of an enforcement notice, the enforcement authority that gave the notice must establish the appeal should be dismissed.
- (4) The tribunal must hear and decide the appeal by way of a reconsideration of the evidence that was before the person who made the decision appealed against.
- (5) However, the tribunal may, but need not, consider—
  - (a) other evidence presented by a party to the appeal with leave of the tribunal; or
  - (b) any information provided under section 246.
- (6) In this section—

*enforcement notice* includes an enforcement notice under the *Plumbing and Drainage Act 2018*.

## 254 Deciding appeals to tribunal

- (1) This section applies to an appeal to a tribunal against a decision.
- (2) The tribunal must decide the appeal by—
  - (a) confirming the decision; or
  - (b) changing the decision; or
  - (c) replacing the decision with another decision; or
  - (d) setting the decision aside, and ordering the person who made the decision to remake the decision by a stated time; or
  - (e) for a deemed refusal of an application—
    - (i) ordering the entity responsible for deciding the application to decide the application by a stated

- time and, if the entity does not comply with the order, deciding the application; or
- (ii) deciding the application; or
- (f) for a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—
- (i) ordering the entity responsible for deciding the application or matter to decide the application or matter by a stated time and, if the entity does not comply with the order, deciding the application or matter; or
  - (ii) deciding the application or matter.
- (3) However, the tribunal must not make a change, other than a minor change, to a development application.
- (4) The tribunal's decision takes the place of the decision appealed against.
- (5) The tribunal's decision starts to have effect—
- (a) if a party does not appeal the decision—at the end of the appeal period for the decision; or
  - (b) if a party appeals against the decision to the P&E Court—subject to the decision of the court, when the appeal ends.

## **255 Notice of tribunal's decision**

A tribunal must give a decision notice about the tribunal's decision for tribunal proceedings, other than for any directions or interim orders given by the tribunal, to all parties to proceedings.

## **256 No costs orders**

A tribunal must not make any order as to costs.

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**257 Recipient's notice of compliance with direction or order**

If a tribunal directs or orders a party to do something, the party must notify the registrar when the thing is done.

**258 Tribunal may extend period to take action**

- (1) This section applies if, under this chapter, an action for tribunal proceedings must be taken within a stated period or before a stated time, even if the period has ended or the time has passed.
- (2) The tribunal may allow a longer period or a different time to take the action if the tribunal considers there are sufficient grounds for the extension.

**259 Publication of tribunal decisions**

The registrar must publish tribunal decisions under the arrangements, and in the way, that the chief executive decides.

## **Chapter 7 Miscellaneous**

### **Part 1 Existing uses and rights protected**

**260 Existing lawful uses, works and approvals**

- (1) If, immediately before a planning instrument change, a use of premises was a lawful use of premises, the change does not—
  - (a) stop the use from continuing; or
  - (b) further regulate the use; or
  - (c) require the use to be changed.