

Your Ref: QLD100682
Our Ref: BE:HR MCU24-0001

1 November 2024

Amplitel
C/- CPS Technology and Infrastructure
Level 17, Suite 4
215 Adelaide Street
BRISBANE QLD 4000

daniel.park@cpstech.com.au

Dear Sir

Decision Notice

Material Change of Use (Telecommunications Facility)

1987 Stone River Road and 2045 Stone River Road Upper Stone QLD 4850 – Lot 15 on RP707637 and Lot 10 on CWL2646

Planning Act 2016

Receipt of your application deemed to be properly made on Tuesday 1 October 2024, for Material Change of Use (Telecommunications Facility) at 1987 Stone River Road and 2045 Stone River Road Upper Stone described as Lot 15 on RP707637 and Lot 10 on CWL2646, is acknowledged and its contents noted.

Your application was assessed by relevant staff and considered by Council at its General Meeting held on Tuesday 29 October 2024.

Council resolved to approve the proposed Development Application for Material Change of Use (Telecommunications Facility) subject to conditions as set out in the attached Decision Notice. Please see the enclosed Decision Notice.

This Notice outlines aspects of the development's conditions of approval, currency period, approved plans, referral agency response (if any) and includes extracts from the *Planning Act 2016* with respect to making representations about conditions, negotiated decisions, suspension of the appeal period and lodging an appeal, should you wish to do so.

Should you require any further information or clarification concerning this matter, please contact Council's Planning and Development Team on 4776 4600 for the necessary assistance.

Yours sincerely



Brett Exelby

Director Corporate and Community Services

Encl - Decision Notice



25 Lannercost Street
INGHAM QLD 4850



PO Box 366 INGHAM QLD 4850
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HinchinbrookShireCouncil



1 November 2024

SECTION 83 OF PLANNING ACT 2016

APPLICATION DETAILS

This Referral Agency Response relates to the below Development Application:

Application Number	MCU24-0001	
Applicant Details	Amplitel C/- CPS Technology & Infrastructure Level 17, Suite 4 215 Adelaide Street BRISBANE QLD 4850	
Owner Details	Robert C Crump 25 Jesson Street INGHAM QLD 4850	Vincent I Balanzategui Karen G Balanzategui PO Box 32 UPPER STONE QLD 4850
Property Description	1987 Stone River Road and 2045 Stone River Road UPPER STONE QLD 4850 Lot 15 on RP707637 and Lot 10 on CWL2646	
Proposal	Material Change of Use – Telecommunications Facility	
Level of Assessment	Code Assessment	

DECISION

The information below outlines the specifics of the Referral Agency Response:

Decision	The application was approved subject to conditions.
Decision Date	29 October 2024
Decision Type	Development Permit
Deemed Approval	The Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i> .
Assessment Instrument	Hinchinbrook Shire Planning Scheme 2017
Submissions	Not Applicable

CONDITIONS OF APPROVAL

The conditions of approval are set out in the Conditions of Approval. The conditions are identified to indicate whether the Assessment Manager or Referral Agency imposed them.

REFERRAL AGENCIES

The application did not require a referral to an external State Assessment Referral Agency.

FURTHER APPROVALS REQUIRED

This approval does not authorise any works within Council's Road Reserve (e.g., new/additional access, repair/modification to existing access or works to footpaths). If this is required as part of your development proposal, an application will need to be lodged with Council or other relevant authority.

INFRASTRUCTURE CHARGES

Infrastructure Charges are not applicable to this application.

RIGHTS OF APPEAL

The rights of an applicant to appeal to 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*. 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*).

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; and
- A deemed refusal of the Development Application.

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

APPROVAL CURRENCY PERIOD

Pursuant to Section 85 of the *Planning Act 2016*, the Development Approval for Material Change of Use will lapse in six years after the approval starts to have effect, unless otherwise conditioned.

APPROVED PLANS AND SPECIFICATIONS

The development must be carried out in accordance with the approved plans, specifications and/or drawings, along with the requirements of all relevant laws. Any deviation must have prior approval from the Chief Executive Officer.

Copies of the approved plans, specifications and/or drawings are attached.

NOTICE ABOUT DECISION – STATEMENT OF REASONS

This Notice is prepared in accordance with Section 63(5) and Section 83(7) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a Development Application.

The purpose of this Notice is to enable a public understanding of the reasons for the planning decision, specially having regard to:

- The relevant part of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and
- Any other information documents or other material Council was either required to, or able to, consider in its assessment.

All terms used in this Notice have the meaning given to them in the *Planning Act 2016*.

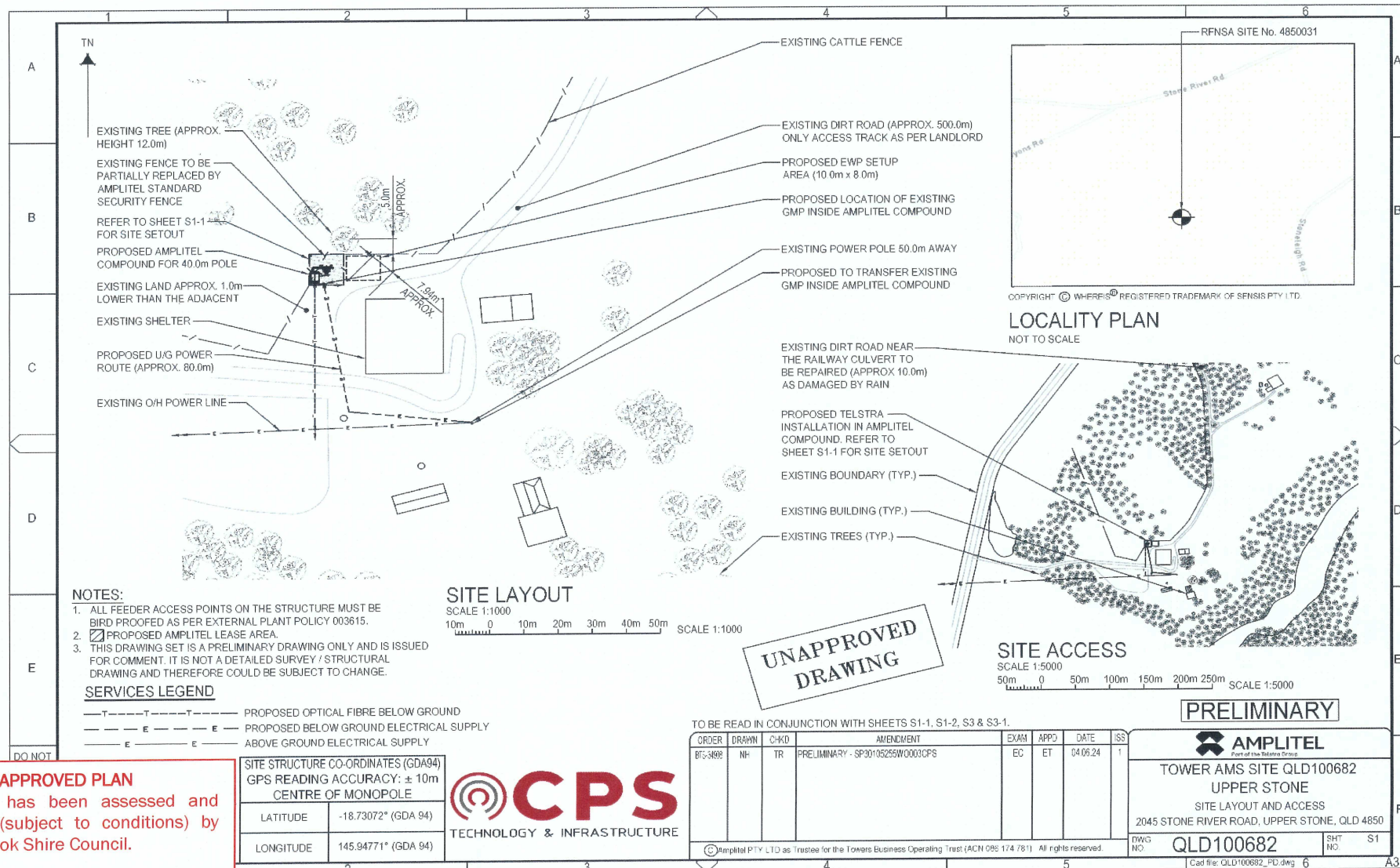
The proposed development is considered to be consistent with the relevant overall outcomes and assessment benchmarks of the *Hinchinbrook Shire Planning Scheme 2017*, in particular:

- The application has been approved as it is considered to meet, or have the ability to meet the requirements of the relevant aspects of the *Hinchinbrook Shire Planning Scheme 2017*; and
- Conditions of Approval have been included to ensure that compliance with the *Hinchinbrook Shire Planning Scheme 2017*.

Should you require any further information or clarification concerning this matter, please contact Council's Planning and Development Team on 4776 4600 for the necessary assistance.

CONDITION		TIMING																					
(1)	Administration The applicant is responsible to ensure the approved development is carried out and complies with the following relevant requirements: (a) The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within relevant technical reports; (b) The development must, unless stated, be designed, constructed and maintained in accordance with relevant Council policies, guidelines and standards; and (c) The Conditions of Approval, the requirements of Council’s Planning Scheme and best practice engineering.	At all times.																					
(2)	Approved Plans (a) The development and use of the site is to be generally in accordance with the following plans that are to be the Approved Plans of Development, except as altered by any other Condition of Approval; and <table><tr><th>Plan / Document Name</th><th>Number</th><th>Date</th></tr><tr><td>Site Layout and Access</td><td>QLD100682 S1 Issue 1</td><td>4 June 2024</td></tr><tr><td>Site Setout Plan</td><td>QLD100682 S1-1 Issue 1</td><td>4 June 2024</td></tr><tr><td>Antenna Layout</td><td>QLD100682 S1-2 Issue 1</td><td>4 June 2024</td></tr><tr><td>South Elevation</td><td>QLD100682 S3 Issue 1</td><td>4 June 2024</td></tr><tr><td>Antenna Configuration Table</td><td>QLD100682 S3-1 Issue 1</td><td>4 June 2024</td></tr><tr><td>Aerial Photo Locality Plan</td><td>QLD100682 S7 Issue 1</td><td>4 June 2024</td></tr></table> (b) Where there is any conflict between the conditions of this approval and the details shown on the approved plan and documents, the Conditions of Approval prevail.	Plan / Document Name	Number	Date	Site Layout and Access	QLD100682 S1 Issue 1	4 June 2024	Site Setout Plan	QLD100682 S1-1 Issue 1	4 June 2024	Antenna Layout	QLD100682 S1-2 Issue 1	4 June 2024	South Elevation	QLD100682 S3 Issue 1	4 June 2024	Antenna Configuration Table	QLD100682 S3-1 Issue 1	4 June 2024	Aerial Photo Locality Plan	QLD100682 S7 Issue 1	4 June 2024	At all times.
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(3)	Relocation of Utilities Any relocation and/or alteration to any public utility installation required as a result of any works carried out in connection with this development must be carried out at no cost to Council.	Prior to commencement of Use																					
(4)	Damage to Infrastructure In the event that any part of Council’s Infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced by Council, at no cost to Council. <i>Note: Construction works include any works that may impact on existing infrastructure such as, but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, site filling, stockpiling of materials and installation of erosion and sediment control measures.</i>	At all times.																					

(5) Access (a) Access to and from the site via the local road network is only through internal access track located within both Lot 15 on RP707637 and Lot 10 on CWL2646. (b) The internal access track must be constructed and maintained to a trafficable standard. <i>Note: Where an Access Easement is required for lawful access at all times, a separate development permit will be required.</i>	At all times.
(6) Certification of Height Provide certification from a licensed surveyor that the overall height of the 'as constructed' monopole has not exceeded a maximum height of 41.3m.	Prior to commencement of Use



APPROVED PLAN

This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.

MCU24-0001
29 October 2024



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This plan has been assessed and approved (subject to conditions) by Hinchinbrook Shire Council.

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29 October 2024

