



AGENDA

Coordination Committee Meeting

Tuesday 11 June 2019
commencing at 10.30am

Caboolture Chambers
2 Hasking Street, Caboolture

COUNCILLOR:

NOTICE IS HEREBY GIVEN, that a meeting of the Coordination Committee will be held on Tuesday 11 June 2019 commencing at 10.30am in Caboolture Chambers, 2 Hasking Street, Caboolture to give consideration to the matters listed on this agenda.

Daryl Hitzman
Chief Executive Officer

6 June 2019

Membership = 13
Mayor and all Councillors

Quorum = 7

[Agenda for public distribution](#)

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REPORT DETAIL

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- ITEM 2.1** **8**
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TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -
DIVISION 11
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#2 Zoning Map
#3 Plans for Approval
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- ITEM 4.1** **405**
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6 LIFESTYLE & AMENITY SESSION (Cr D Sims)

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DIVISION 7
SUPPORTING INFORMATION

ATTENDANCE & APOLOGIES

Attendance:

Committee Members:

Cr Mike Charlton (Acting Mayor) (Chairperson)

Officers:

Apologies:

Cr Allan Sutherland (Mayor) who is representing Council as part of the Queensland Government's Trade Mission to the 2019 BIO International Convention in Philadelphia, Pennsylvania.

Cr Koliana Winchester

The Mayor is the Chairperson of the Coordination Committee.

Coordination Committee meetings comprise of Sessions chaired by Council's nominated Spokesperson for that portfolio, as follows:

Session	Spokesperson
1 Governance	Cr Allan Sutherland (Mayor)
2 Planning & Development	Cr Mick Gillam
3 Corporate Services	Cr Matt Constance
4 Asset Construction & Maintenance	Cr Adam Hain
5 Parks, Recreation & Sport	Cr Koliana Winchester
6 Lifestyle & Amenity	Cr Denise Sims
7 Economic Development, Events & Tourism	Cr Peter Flannery
8 Regional Innovation	Cr Darren Grimwade
9 General Business	Cr Allan Sutherland (Mayor)

1 GOVERNANCE SESSION

(Cr M Charlton, Acting Mayor)

ITEM 1.1

COUNCIL OPERATIONS - CHRISTMAS/ NEW YEAR 2019 - REGIONAL

Meeting / Session: 1 GOVERNANCE
Reference: A18484495 : 4 June 2019
Responsible Officer: BH, Director Community & Environmental Services (CES Directorate)

Executive Summary

The purpose of this report is to seek approval for Council's operations over the 2019 Christmas/New Year period, including a general closure period to occur from midday Tuesday, 24 December 2019 to 8.30am Thursday, 2 January 2020.

OFFICER'S RECOMMENDATION

1. That Council approve for its operations to close during the 2019 Christmas/New Year period from midday on Tuesday 24 December 2019 and re-opening at 8.30am on Thursday 2 January 2020, with continued operations to occur during this period in areas as determined by the Chief Executive Officer in consultation with the respective Director.
2. That the Chief Executive Officer arrange for the approved closure period to be appropriately advertised.

ITEM 1.1 COUNCIL OPERATIONS - CHRISTMAS/ NEW YEAR 2019 - REGIONAL - A18484495 (Cont.)

REPORT DETAIL

1. Background

Moreton Bay Regional Council (MBRC) has historically ceased operations from midday Christmas Eve, 24 December, and re-opened on the business day following the New Years' Day public holiday.

During the general closure, service areas such as waste facilities, galleries and libraries continued to operate as normal. In addition, other key service teams such as customer services, local laws, rating services, payroll and public health operated in a limited manner and emergency crews were available to respond to urgent service-level matters.

2. Explanation of Item

For the 2019 Christmas/New Year period it is recommended that Council:

- close its operations from midday on Tuesday, 24 December 2019 and re-open at 8.30am on Thursday, 2 January 2020; however,
- continue to operate the after-hours service, emergency crews and other operational teams and key services as determined by the Chief Executive Officer in consultation with the respective Directors.

Details of Council's 2019 Christmas/New Year closure will be made available in Council facilities, on Council's website, and be advertised in local newspapers at the appropriate time prior to Christmas.

In line with normal practice, those officers not required to work over the Christmas/New Year period will be required to submit three days of leave or utilise banked RDOs to offset days taken (27, 30 and 31 December) during the closure period.

3. Strategic Implications

3.1 Legislative/Legal Implications

There are no legislative/legal implications arising as a direct result of this report.

3.2 Corporate Plan / Operational Plan

Strengthening Communities: Strong local governance - strong leadership and governance.

3.3 Policy Implications

There are no policy implications arising as a direct result of this report.

3.4 Risk Management Implications

There are no risk management implications arising as a direct result of this report.

3.5 Delegated Authority Implications

There are no delegated authority implications arising as a direct result of this report.

3.6 Financial Implications

There are no financial implications arising as a direct result of this report

3.7 Economic Benefit

There are no economic benefit implications arising as a direct result of this report.

3.8 Environmental Implications

There are no environmental implications arising as a direct result of this report

Moreton Bay Regional Council

ITEM 1.1 COUNCIL OPERATIONS - CHRISTMAS/ NEW YEAR 2019 - REGIONAL - A18484495 (Cont.)

3.9 Social Implications

There are no social implications arising as a direct result of this report.

3.10 Consultation / Communication

Customer and Cultural Services

Regulatory Services

Waste Services

After-hours Service Providers

2 PLANNING & DEVELOPMENT SESSION

(Cr M Gillam)

ITEM 2.1

DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK - DIVISION 11

APPLICANT: NBN C/- Aurecon Australasia

OWNER: Mr David J Merritt and Mrs Donna C Merritt

Meeting / Session: 2 PLANNING & DEVELOPMENT

Reference: A18576724: 20 May 2019 – Refer Supporting Information A18577044, A18577042, A18577039, A18577040, A18577043, A18577123 & A18577122

Responsible Officer: CS, Senior Planner (PED Development Services)

Executive Summary

APPLICATION DETAILS	
Applicant:	NBN C/- Aurecon Australasia
Lodgement Date:	16 October 2018
Properly Made Date:	25 October 2018
Confirmation Notice Date:	31 October 2018
Information Request Date:	14 November 2018
Info Response Received Date:	21 January 2019
Public Notification Dates:	25 February 2019 to 19 March 2019
No of Submissions:	Properly Made: 32 Not Properly Made: 3
Decision Due Date:	13 June 2019
Prelodgement Meeting Held:	No

PROPERTY DETAILS	
Division:	Division 11
Property Address:	230 Hipathites Road, Kobble Creek
RP Description	Lot 2 RP162985
Land Area:	16 Ha
Property Owner	Mr David J Merritt and Mrs Donna C Merritt

STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	Moreton Bay Regional Council Planning Scheme
Planning Locality / Zone	Rural Zone
Level of Assessment:	Impact and Consistent

This application seeks a Material Change of Use - Development Permit for a Telecommunications Facility to be located at the abovementioned property. The proposed structure comprises a 51 metre tall monopole with ancillary components located within a fenced compound.

The application was publicly advertised with thirty-two (32) properly made submissions received. The proposed development is considered to satisfy the requirements of the Moreton Bay Regional Council Planning Scheme and is recommended to be approved subject to conditions.

Moreton Bay Regional Council

ITEM 2.1 DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material Change of Use - Development Permit for a Telecommunications Facility at 230 Hipathites Road, Kobbie Creek, described as Lot 2 RP162985, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Overall Site Plan	4DYB-51-06-SAMS-C2 (Rev A)	Aurecon Australasia Pty Ltd	26 April 2019
Site Setout Plan	4DYB-51-06-SAMS-C3 (Rev A)	Aurecon Australasia Pty Ltd	26 April 2019
Site Elevations and Details	4DYB-51-06-SAMS-C4 (Rev A)	Aurecon Australasia Pty Ltd	26 April 2019
NBN Antenna Configuration and Setout Plan	4DYB-51-06-SAMS-A1(Rev A)	Aurecon Australasia Pty Ltd	26 April 2019
Earthworks Plan	4DYB-51-06-SAMS-C5 (Rev A)	Aurecon Australasia Pty Ltd	26 April 2019
Vegetation Management Plan	DA_36100_2018_V2U (Rev 2)	Aurecon Australasia Pty Ltd	14 May 2019
Landslide Risk Assessment Report	4DYB-51-06-SAMS-02	Aurecon Australasia Pty Ltd	14 March 2019

Plans to be Amended			
Plan / Document Name	Reference Number	Prepared By	Dated
Landscape Plan	2019.011 LP1.01 Issue C	Jeremy Ferrier	13 May 2019

Conditions

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
1	Approved Plans and/or Documents	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
2	Amended Document Required	
A	Submit an amended Landscape Plan, prepared by a suitably qualified person, and including scaled plans and supporting documentation that provides for the following: 1. The landscaped buffer along the northern property boundary is to include at least one (1) row of Syzygium	Prior to works commencing on site.

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CONDITION	TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT	
	Resilience plants that are a minimum of 1.5 metres in height at the time of planting.
B	Obtain approval from Council for the amended Landscape Plan in accordance with (A) above.
C	Implement the requirements and recommendations of the approved plan/s. The approved amended plan/s will form part of the approval.
3	Colour of Telecommunications Facility
	<p>Ensure that the telecommunications facility and associated equipment shelter is painted with a colour that blends with the adjacent bushland vegetation and complies with the colour range detailed as follows unless otherwise approved by Council in writing:</p> <p>(a) Registered Colourbond 'Pale Eucalypt' non-reflective paint;</p> <p>OR</p> <p>(b) Acceptable colours from Australian Standard AS2700s - 1996 or equivalent that are appropriate for highly visible surfaces as they are harmonious with the natural landscape colours listed below.</p> <ul style="list-style-type: none"> • G52 - Eucalyptus • G53 - Banksia • N45 - Koala Grey • N32 - Green Grey • G54 - Mist Green • Y63 - Khaki • N35 - Light Grey • G56 - Sage Green • G55 - Lichen
4	Warning Sign
	Provide a warning information sign at the entrance to the lease area to prevent unauthorised entry.
5	Security Fencing
	Erect a black, chain wire mesh, security fence without barbed wire, with a maximum height of 2.4m, along all sides of the lease area, unless otherwise approved by Council in writing.
6	Noise
	<p>Ensure air conditioning equipment is located, designed, installed and maintained to achieve a component noise level of 0dB(A) above background noise level when measured at an affected building for a noise sensitive use.</p> <p>Notes:</p>

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CONDITION	TIMING	
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
<p>The component noise level for the equipment is to be measured as an LA90, T.</p> <p>'Background Noise Level' means LA90, T being the A-weighted sound pressure level exceeded for 90 percent of the time period not less than 15 minutes using fast response.</p>		
7	No Net Loss of Fauna Habitat	
<p>Development does not result in the net loss of fauna habitat. Where development does result in the loss of a Habitat Tree, development will provide replacement fauna nesting boxes at the following rate:</p> <ol style="list-style-type: none"> 1. One (1) nest box for every hollow removed; or 2. Where hollows have not yet formed in trees greater than 80cm in diameter at 1.3m in height, three (3) nest boxes are required for every habitat tree removed. 	Prior to the commencement of use.	
ENVIRONMENTAL PLANNING		
8	Vegetation and Fauna Management Plan	
<p>To reduce potential impacts on native fauna and regulated vegetation, carry out wildlife management and vegetation clearing procedures and protection/enhancement of retained vegetation in accordance with the approved Vegetation Management Plan.</p>	Prior to and during site works.	
9	Management of Wildlife	
A	<p>Carry out approved vegetation clearing under the supervision of a Fauna Spotter Catcher holding a valid Rehabilitation Permit from the relevant State Government Agency.</p>	Prior to and during site works.
B	<p>Provide an activity report, to be completed by the supervising Fauna Spotter Catcher, including:</p> <ul style="list-style-type: none"> • The number and species of any animals observed during clearing; • The actions taken to deal with observed animals; • The number of any animals that were required to be relocated; • The release site for any relocated animals; • The number (if any) of animals injured during clearing; • The treatment provided; • The outcome of any treatment; and • The location of the treatment. 	Within fourteen (14) days of completion of clearing.
10	Extent of Vegetation Clearing	
A	<p>Clearing of native vegetation must be limited to that which is necessary for the proposed development; and</p>	Prior to and during site works and to be maintained.
B	<p>Clearing of native vegetation must not occur within MSES High Value Areas</p>	Prior to and during site works and to be maintained.
11	Disposal of Cleared Vegetation	

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CONDITION	TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT	
Chip, shred or tub grind cleared native vegetation and spread as mulch or dispose of at an authorised waste facility. Any hollows observed in cleared vegetation must be salvaged and installed as nest boxes in trees within the property.	At all times.
12	Stockpiles of Construction and Landscaping Materials
Locate any stockpiles of construction and landscaping materials and other site debris clear of drainage lines and clear of any position from which it could be washed onto any footpath, nature strip, roadway or into any drain, wetland or watercourse.	During site works.
13	Temporary Exclusion Fencing
Delineate areas where vegetation is proposed to be retained with exclusion fencing to prevent accidental felling. Clearing is to be undertaken in accordance with AS 4970-2009 Protection of Trees on Development Sites.	During site works.
DEVELOPMENT ENGINEERING	
14	Replace Existing Council Infrastructure
Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to commencement of use.
15	Alterations and Relocation of Existing Services
Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to commencement of use.
16	Stormwater
Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
17	Erosion and Sediment Control
A Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control document.	Prior to commencement of works and to be maintained current at all times during construction.
18	Landslide Hazard
A Provide RPEQ certification to the Building Certifier that the works have been designed in accordance with the recommendations of the Geotechnical Report - Landslide Hazard.	Prior to building works approval.

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CONDITION	TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT	
B Construct the works in accordance with RPEQ certified design and the recommendations of the Geotechnical Report - Landslide Hazard.	Prior to commencement of use.

CONCURRENCE AGENCY	
19	Concurrence Agency
A	Comply with the conditions of the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) amended response dated 30 November 2018 (reference: 1811-8286 SRA) or as amended.
B	Provide certification to Council prepared by a suitably qualified person or the agency demonstrating the requirements of the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) have been met.

ADVICES	
1	Aboriginal Cultural Heritage Act 2003
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. The Act provides blanket protection of Aboriginal cultural heritage sites and places, including significant areas and objects, as well as archaeological remains. The Act also recognises that Aboriginal cultural heritage parties are key stakeholders in the assessment and management of Aboriginal cultural heritage.</p> <p>Under the Act, if a proposed activity involves disturbance of the ground surface, cultural heritage Duty of Care must be considered. This involves consideration of whether an activity is <i>likely</i> to harm Aboriginal cultural heritage. This may require involvement from the relevant Aboriginal cultural heritage party.</p> <p>Cultural heritage Duty of Care compliance ultimately lies with the person or entity conducting the activity, and penalty provisions apply for failing to fulfil this Duty of Care.</p> <p>Council strongly advises that before undertaking the land use activity, you refer to the cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government) for further information regarding the responsibilities of the developer.</p>
2	Adopted Charges
	In accordance with section 8 and Schedule 3 of the Infrastructure Charges Resolution (No. 8) dated 14 August 2018 or as amended, there is no Adopted Charge applicable for Council's Trunk Infrastructure Networks.

- B. That the Council report for this application be published to the website as Council's statement of reasons in accordance with Section 63 (5) of the *Planning Act 2016*.
- C. That all external Referral Agencies for the development application be provided with a copy of the Council's Decision Notice.

Moreton Bay Regional Council

ITEM 2.1 DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

D. That the following information be included in the Decision Notice.

Decision Notice information

	Details to Insert
Application Type	Material Change of Use - Development Permit for Telecommunications Facility
Relevant Period of Approval	Material Change of Use – 6 years
Section 64(5) Deemed Approval	Not applicable
Superseded Planning Scheme	Not applicable
Variation approval affecting the Planning Scheme	Not applicable
Other Necessary Permits	Building Works – Development Permit
Codes for Accepted Development	Not applicable
Referral Agencies	Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)
Submissions	There were thirty-two (32) properly made submissions about this application.

ITEM 2.1 DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

REPORT DETAIL

1. Background

There are no previous development applications over this site.

2. Explanation of Item

2.1 Proposal Details

This application seeks a Material Change of Use - Development Permit for a Telecommunications Facility at 230 Hipathites Road, Kobble Creek, described as Lot 2 RP162985.

The applicant proposes to establish a Telecommunications Facility to service the greater locality. The proposed facility consists of a 51 metre high (including all structures) monopole within a fenced compound with an area of approximately 108m². The Telecommunications Facility is proposed to be located in the eastern portion of the property, with the compound to be located approximately 8 metres from the boundary of the adjoining property. Access to the proposed compound area will be provided via the existing gravel driveway accessed from Hipathites Road.

The components of the proposed NBN installation comprise the following:

- A 50 metre tall monopole;
- One (1) parabolic dish (0.9 metres in diameter) for transmission purposes;
- Three (3) panel antennas (dimensions 0.75 metre high x 0.30 metre wide x 0.115 metre deep), and five (5) remote radio units located at an elevation of 50 metres;
- A 2.4 metre high chain link security compound fence (compound area 8 metres x 10 metres), with a three (3) metre wide access gate;
- Two (2) outdoor equipment cabinets (dimensions: 1.5 metres high x 0.65 metres wide x 0.65 metres deep) at ground level. The outdoor cabinets will be installed on a concrete slab of dimensions 2.4 metres x 1 metre and will be metallic grey in colour; and
- Associated feeder cables that will run underground from the equipment cabinet, and then vertically inside the monopole to the antennas.

The proposed development involves the clearing of Category B Remnant Vegetation and vegetation mapped as Matters of State Environmental Significance (MSES) Koala Offset Areas. The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) in accordance with Schedule 10 of the *Planning Regulation 2017*.

An Electromagnetic Energy (EME) Report has been provided with the application in support of establishing the facility.

2.2 Description of the Site and Surrounds

The subject site occupies an area of approximately 16 hectares and has frontage to Hipathites Road. The site is generally vegetated and mountainous and contains cleared areas and dams. The subject site is surrounded by the following land uses and zones:

Directions	Planning Scheme Zone	Current Land Use
North	Rural Zone	Detached Dwellings
South	Rural Zone	Detached Dwellings
East	Rural Zone	Detached Dwellings
West	Rural Zone	Detached Dwellings

ITEM 2.1 DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

2.3 Assessment Benchmarks related to the Planning Regulation 2017

The *Planning Regulation 2017* (the Regulation) prescribes Assessment Benchmarks that the application must be carried out against, which are additional or alternative to, the Assessment Benchmarks contained in Council's Planning Scheme.

These Assessment Benchmarks are prescribed as being contained in:

- the South East Queensland Regional Plan and Part E of the State Planning Policy; and
- Schedule 10 of the Regulation.

Applicable Assessment Benchmarks:	<u>State Planning Policy</u> <ul style="list-style-type: none"> • State Planning Policy, Part E <u>Regional Plan</u> <ul style="list-style-type: none"> • South East Queensland Regional Plan <u>From Schedule 10 of the Regulation:</u> <ul style="list-style-type: none"> • Part 10: Koala Habitat Area – Schedule 11 of the <i>Planning Regulation 2017</i>
SEQ Regional Plan Designation:	<ul style="list-style-type: none"> • Regional Landscape and Rural Production Area
Koala Habitat Designation:	<ul style="list-style-type: none"> • Priority Koala Assessable Development Area

2.3.1 *State Planning Policy*

A new State Planning Policy came into effect on 3 July 2017 and is not currently integrated into the MBRC Planning Scheme. The following assessment benchmarks are to be applied to the assessment of development applications until the State interests have been appropriately integrated into Council's planning scheme. Assessment against the SPP assessment benchmarks is as follows:

Assessment benchmark - livable communities		
Applicable to Development	SPP Requirement	Comment
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	None	Not applicable
Assessment benchmark - mining and extractive resources		
Applicable to Development	SPP Requirement	Comment
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	None	Not applicable
Assessment benchmark - water quality		

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(Cont.)

Applicable to Development	SPP Requirement	Comment
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	None	Not applicable
Assessment benchmark - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district: (1) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level. All natural hazard areas: (2) Development supports and does not hinder disaster management response or recovery capacity and capabilities. (3) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties. (4) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided. (5) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.
Assessment benchmark - strategic airports and aviation facilities		
Applicable to Development	SPP Requirement	Comment
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	None	Not applicable

ITEM 2.1 DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

2.3.2 South East Queensland Regional Plan

The site is located in the Regional Landscape and Rural Production Area.

The development proposal is for a Material Change of Use in the Regional Landscape and Rural Production Area. An assessment against the applicable assessment criteria of the SEQRP has been undertaken, and the proposal is consistent.

2.3.3 Schedule 10, Part 10 of the Regulation – Koala Habitat Area

Koala Habitat Area

The site is located in a Priority Koala Assessable Development Area. An assessment as to how the development satisfies the provisions in the Regulation has been undertaken, and the proposal is consistent.

The siting of the proposed Telecommunications Facility may require the clearing of approximately 360m² of existing Medium Value Koala Rehabilitation vegetation. The development application is supported by a Vegetation Management Plan that includes a site survey identifying the location of trees within the development area. The Vegetation Management Plan identifies twenty-one (21) non-juvenile koala habitat trees to be removed as part of the clearing. The Vegetation Management Plan outlines that any native vegetation removed will be replaced at a 3:1 offset ratio. The recommendations of this report include conditions relating to the construction management strategies to ensure wildlife protection during construction.

2.4 Assessment Against Local Categorising Instrument - Moreton Bay Regional Council Planning Scheme

An assessment against the relevant parts of the planning scheme is set out below.

2.4.1 Strategic Framework

An assessment against the Strategic Framework is not required by the development proposal.

2.4.2 Assessment of Applicable Codes

Code Compliance Summary

The assessment below identifies how the development proposal achieves the assessment benchmarks and where the development proposal;

- (a) proposes an alternative 'Example' satisfying or not satisfying the corresponding Performance Outcome; and
- (b) proposes an outcome where no 'Example' is stated in the code and the proposed outcome does not satisfy the corresponding Performance Outcome.

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Zone/ Local Plan Code		
Rural Zone Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO3, PO10, PO76, PO77, PO95, PO97, PO121 and PO143.

The assessment of the development proposal against the Performance Outcomes of the applicable code(s) is discussed below in section 2.3.3.

ITEM 2.1 DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

2.4.3 Performance Outcome Assessment

Performance Outcome	Example
Rural Zone Code	
<p>PO3 Height of buildings and structures:</p> <ul style="list-style-type: none"> a. is consistent with the existing low rise, open area and low density character and amenity of the Rural zone and its precincts; b. does not unduly impact on access to daylight, sunlight, overshadowing or privacy experienced by adjoining premises; c. for buildings in the Hamlet precinct, the height of buildings reflect the individual character of the area; d. does not adversely affect the operation of aviation facility at Mt Glorious by adopting design or on-site management measures that: <ul style="list-style-type: none"> i. ensures a physical line-of-sight between transmitting or receiving devices. ii. ensure electromagnetic fields do not interfere with the functioning of the aviation facility. 	<p>E3 Building height and all structures do not exceed the maximum height identified on Overlay map - Building heights; except in the Hamlet precinct, where outbuildings, free standing car ports or garages do not exceed 3.5m.</p>
<i>Performance Outcome Assessment</i>	
<p>The applicant proposes an Alternative Solution to Example E3 of the Rural Zone Code. The proposed structure comprises a total height of 51 metres (when measured from the ground) exceeding the maximum building height of 8.5m indicated on the Building Heights Overlay Map.</p> <p>The proposed facility by its necessity requires a line of sight from tower to tower to complete a functional network. Consequently, the structure will not be situated below the predominant tree canopy level. As such, the proposed facility is not consistent with the existing low rise character of the Rural Zone.</p> <p>As the proposal does not comply with this Performance Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	
<p>PO10 On-site car parking associated with an activity provides safe and convenient on-site parking and manoeuvring to meet anticipated parking demand.</p>	<p>E10 On-site car parking is provided in accordance with Schedule 7 - Car parking.</p>

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Performance Outcome	Example
<p>Note - Refer to Planning scheme policy - Integrated transport assessment for guidance on how to achieve compliance with this outcome.</p>	
<p><i>Performance Outcome Assessment</i></p>	
<p>Schedule 7 - Car parking requires that one (1) parking space is provided per staff member and visitor.</p> <p>The applicant seeks an Alternative Solution for the provision of permanent on-site car parking spaces. Vehicular access will only be required during the construction of the facility and maintenance periods which are envisaged to occur approximately 3-4 times a year. Nevertheless, there is sufficient parking and manoeuvring space on-site for vehicles during these periods.</p> <p>Given the circumstances noted above, it is not considered reasonable that any permanent car parking spaces be required. Therefore, the proposal complies with the Performance Outcome.</p>	
<p>P076 The Telecommunications facility⁽⁸¹⁾ does not have an adverse impact on the visual amenity of a locality and is:</p> <ul style="list-style-type: none"> a. high quality design and construction; b. visually integrated with the surrounding area; c. not visually dominant or intrusive; d. located behind the main building line; e. below the level of the predominant tree canopy or the level of the surrounding buildings and structures; f. camouflaged through the use of colours and materials which blend into the landscape; g. treated to eliminate glare and reflectivity; h. landscaped; i. otherwise consistent with the amenity and character of the zone and surrounding area. 	<p>E76.2 In all other areas towers do not exceed 35m in height.</p> <p>E76.4 All structures and buildings are setback behind the main building line and a minimum of 10m from side and rear boundaries, except where in the Industry and Extractive industry zones, the minimum side and rear setback is 3m. Where there is no established building line the facility is located at the rear of the site.</p> <p>E76.6 A minimum 3m wide strip of dense planting is provided around the perimeter of the fenced area, between the facility and street frontage and adjoining uses.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The applicant proposes Alternative Solutions to Examples E76.2, E76.4, and E76.6.</p> <p>The facility includes a 50 metre tall monopole and antennas with an overall height of 51 metres, being 16 metres greater in height than the 35 metres nominated by Example 76.2. Furthermore, there is no established building line for the site as the proposed telecommunications facility will be located in a large, heavily vegetated rural parcel of land.</p>	

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Performance Outcome	Example
<p>The compound is proposed to be located eight (8) metres from the side boundary in lieu of the ten (10) metres required by Example E76.4.</p> <p>The submitted Landscape Plan indicates a three (3) metre wide landscaped buffer around the northern, eastern, and western boundaries of the compound. No additional screening is proposed for the southern side of the compound, which is screened by existing mature vegetation. The Landscape Plan shows a variety of screening vegetation, though does not include vegetation that is a sufficient height to screen any of the compound at the time of planting. A recommendation of this report requires an amended Landscape Plan to be submitted to include at least one (1) row of Syzygium Resilience plants that are a minimum of 1.5 metres in height at the time of planting along the northern boundary of the compound.</p> <p>The retention of the existing mature vegetation around the proposed facility screens the compound and lower portion of the tower to reduce the impacts on visual amenity in the area. However, as the proposed tower by its very function is required to be above the level of the predominant tree canopy, it does not comply with the Performance Outcome.</p> <p>As the proposal does not comply with this Performance Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	
<p>PO77 Lawful access is maintained to the site at all times that does not alter the amenity of the landscape or surrounding uses.</p>	<p>E77 An Access and Landscape Plan demonstrates how 24 hour vehicular access will be obtained and maintained to the facility in a manner that is appropriate to the site's context.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The development application has not included an Access and Landscape Plan demonstrating how 24 hour vehicular access to the site is to be obtained.</p> <p>It is proposed to obtain access to the facility utilising the existing driveway on site from Hipathites Road. The driveway is of a suitable standard to accommodate any vehicles required for the construction and maintenance of the facility. Notably, the use of the driveway will constitute lawful and unobstructed access to the property and the proposed telecommunications facility at all times. This access arrangement does not alter the amenity or landscape character of the surrounding area and will not result in any adverse impacts on adjoining land uses. If 24 hour access was required for unplanned maintenance or repairs associated with the facility, any impact on the amenity of the surrounding area would be negligible.</p> <p>The proposed alternative solution complies with Performance Outcome PO77 in this instance.</p>	
<p>PO95 Development:</p> <ul style="list-style-type: none"> a. minimises the number of buildings and people working and living on a site exposed to bushfire risk; b. ensures the protection of life during the passage of a fire front; c. is located and designed to increase the chance of survival of 	<p>E95.1 Buildings and structures are:</p> <ul style="list-style-type: none"> a. not located on a ridgeline; b. not located on land with a slope greater than 15% (see Overlay map - Landslide hazard); c. dwellings are located on east to south facing slopes.

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Performance Outcome	Example
<p>buildings and structures during a bushfire;</p> <ul style="list-style-type: none"> d. minimises bushfire risk from build up of fuels around buildings and structures; e. ensures safe and effective access for emergency services during a bushfire. 	<p>E95.2 Buildings and structures have contained within the site:</p> <ul style="list-style-type: none"> a. a separation from classified vegetation of 20m or the distance required to achieve a bushfire attack level (BAL) at the building, roofed structure or fire fighting water supply of no more than 29, whichever is the greater; b. a separation from low threat vegetation of 10m or the distance required to achieve a bushfire attack level (BAL) at the building, roofed structure or fire fighting water supply of no more than 29, whichever is the greater; c. a separation of no less than 10m between a fire fighting water supply extraction point and any classified vegetation, buildings and other roofed structures; d. an area suitable for a standard fire fighting appliance to stand within 3m of a fire fighting water supply extraction point; and e. an access path suitable for use by a standard fire fighting appliance having a formed width of at least 4m, a cross-fall of no greater than 5%, and a longitudinal gradient of no greater than 25%: <ul style="list-style-type: none"> i. to, and around, each building and other roofed structure; and ii. to each fire fighting water supply extraction point.
<i>Performance Outcome Assessment</i>	
<p>The applicant proposes an alternative solution to Example E95.1 and E95.2 of the Rural Zone Code. The proposed Telecommunications Facility is on land with a slope greater than 15%.</p> <p>The proposed development comprises a non-habitable use, with access to the Telecommunications Facility being infrequent and restricted to the installation of equipment and for the purposes of maintenance. Significantly, the proposed facility will not result in an increase to the number of people living or working in the area, nor will it accommodate the storage of hazardous materials. In addition, given the nature and purpose of the proposed development, the number of people working and living on the site exposed to any bushfire risk is extremely minimal.</p> <p>The Telecommunications Facility will not involve hazardous materials, nor will it result in the emissions of undue heat, sparks or open flame. As such, the facility will not increase the bushfire risk and consequently contribute to the build up of fuels around buildings and structures. In any event, emergency services will have safe and effective access to the subject site.</p>	


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Performance Outcome	Example
<p>It is also noted that the Telecommunications Facility has been designed to be resilient to bushfire damage, with cable trays enclosed by galvanised casing and the equipment cabinet and meter board designed to resist ember penetration.</p> <p>The proposed alternative solution complies with Performance Outcome PO95 of the Rural Zone Code and is accepted in this instance.</p>	
<p>PO97 Development provides an adequate water supply for fire-fighting purposes.</p>	<p>E97</p> <ul style="list-style-type: none"> a. a reticulated water supply is provided by a distributor retailer for the area or; b. where not connected to a reticulated water supply, on-site fire fighting water storage containing not less than 10 000 litres (tanks with fire brigade tank fittings, swimming pools) is located within 10m of buildings and structures. c. Where a swimming pool is the nominated on-site fire fighting water storage source, vehicle access is provided to within 3m of that water storage source. d. Where a tank is the nominated on-site fire fighting water storage source, it includes: <ul style="list-style-type: none"> i. a hardstand area allowing medium rigid vehicles (15 tonne fire appliance) access within 6m of the tank; ii. fire brigade tank fittings, comprising 50mm ball valve and male camlock coupling and, if underground, an access hole of 200mm (minimum) to accommodate suction lines.
<p><i>Performance Outcome Assessment</i></p>	
<p>The applicant seeks an Alternative Solution as no firefighting water supply is proposed to be located within 10 metres of the proposed facility. There are a number of existing dams on the property, however, they are not located in the immediate proximity of the proposed facility.</p> <p>The proposed development comprises a non-habitable use, with access to the Telecommunications Facility being infrequent and restricted to the installation of equipment and during maintenance periods. The proposed Telecommunications Facility will not increase the number of people living or regularly working in the area and will not increase the potential for entrapment during a bushfire.</p> <p>The Telecommunications Facility will not involve hazardous materials, nor will it result in the emissions of undue heat, sparks or open flame. As such, the facility will not increase the bushfire risk and consequently contribute to the build up of fuels around buildings and structures. In any event, emergency services will have safe and effective access to the subject site.</p>	

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Performance Outcome	Example
<p>It is also noted that the Telecommunications Facility has been designed to be resilient to bushfire damage, with cable trays enclosed by galvanised casing and the equipment cabinet and meter board designed to resist ember penetration.</p> <p>Due to the nature of the proposed use, in the context of the information above, no additional water supply is required for fire-fighting purposes.</p> <p>The proposed alternative solution complies with Performance Outcome PO97 of the Rural Zone Code and is accepted in this instance.</p>	
<p>PO121 Development:</p> <ul style="list-style-type: none"> a. maintains the safety of people and property on a site and neighbouring sites from landslides; b. ensures the long-term stability of the site considering the full nature and end use of the development; c. ensures site stability during all phases of construction and development; d. minimises disturbance of natural drainage patterns of the site and does not result in the redirection or alteration of the existing flow if surface or groundwater; e. minimises adverse visual impacts on the amenity of adjoining residents and provides a positive interface with the streetscape. 	<p>E121 Development does not:</p> <ul style="list-style-type: none"> a. involve earthworks exceeding 50m³; b. involve cut and fill having a height greater than 600mm; c. involve any retaining wall having a height greater than 600mm; d. redirect or alter the existing flow of surface or groundwater.
<p><i>Performance Outcome Assessment</i></p>	
<p>The applicant seeks an Alternative Solution to Example E121 as the construction of the facility involves earthworks that will exceed 50m³ to facilitate the laying of the foundations for the tower. Significantly, no retaining walls are proposed and additionally, the development has been sited to ensure that groundwater will not be redirected.</p> <p>The applicant has provided a Geotechnical Report and Landslide Risk Assessment which demonstrates that the proposed earthworks will ensure the stability of the site, maintain the safety of people and property, not significantly alter the existing flow of surface waters and will not cause any adverse visual impacts on the amenity of the area.</p> <p>The extent of earthworks proposed complies with the Performance Outcome.</p>	
<p>PO143 Development:</p> <ul style="list-style-type: none"> a. avoids being viewed as a visually conspicuous built form on a hill top or ridgeline; b. retains the natural character or bushland settings as the dominant landscape characteristic; 	<p>E143 Where located in the Regionally significant (Hills) scenic amenity overlay, buildings and structures are not:</p> <ul style="list-style-type: none"> a. located on a hill top or ridge line; b. all parts of the building and structure are located below the hill top or ridge line.

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Performance Outcome	Example
<p>c. is viewed as being visually consistent with the natural landscape setting and does not diminish the scenic and visual qualities present in the environment.</p>	
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposed monopole will not be located within the Regionally significant (Hills) scenic amenity overlay area. However, the northeast corner of the compound area will be located within the Regionally significant (Hills) scenic amenity overlay area, as shown below:</p>	
 <div style="float: right; margin-top: 10px;"> <p>— Boundary</p> <p>— Compound area</p> <p>— Fence</p> <p>— Lease area</p> <p>— Road gravel</p> <p>Scenic amenity</p> <p>Regionally significant</p> <p>Cadastre</p> </div>	
<p>In the interests of thoroughness, an assessment of the Performance Outcome is included. It is proposed to establish a Telecommunications Facility at the top of a ridgeline located on the site (noting that the proposed monopole will not be located within the Regionally significant (Hills) scenic amenity overlay area).</p>	
<p>Due to the existing mature vegetation, the proposed development is unlikely to be visible from a significant section of Hipathites Road. The hill to the south of the proposed compound will form a backdrop to the portion of the tower that extends past the existing vegetation when viewed from the north. Notwithstanding this, the proposed monopole will extend approximately 25 metres higher than the existing vegetation within the area surrounding the proposed compound, and as such, could potentially be visually discernible.</p>	
<p>However, the portion of the compound that is located within the Regionally significant (Hills) scenic amenity overlay area (to which this Performance Outcome applies) will only include a section of fence 2.4 metres tall, which will be screened by the existing mature vegetation surrounding the area and will not be a visually conspicuous built form on the ridgeline.</p>	
<p>The section of the proposed development that is located within the Regionally significant (Hills) scenic amenity overlay area complies with the Performance Outcome.</p>	

2.4.4 Overall Outcome Assessment

The development proposal does not comply with Performance Outcome PO76 of the Rural Zone Code. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows;

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Rural Zone Code - Section 6.2.10		
Overall Outcomes	Complies Y/N	Comments
a. A wide range of rural uses, as identified in the table below, are established.	Y	A Telecommunications Facility is identified as a consistent use within the Rural Zone, as per the table in Overall Outcome t.
b. Rural activities and primary production activities are protected from intrusion by incompatible development.	Y	The siting of the Telecommunications Facility is distinctly separate from the areas on the site that are used for rural activities. The proposed facility is situated in the eastern portion of the property and surrounded by existing mature vegetation. Notably, the Telecommunications Facility will not have an adverse impact on any rural uses currently occurring on the subject site.
c. Intensive rural activities such as animal keeping, aquaculture, and intensive animal industry: <ul style="list-style-type: none"> i. provide appropriate separation distance to sensitive land uses; ii. avoid odour, dust, noise and visual impacts on sensitive land uses; iii. avoid adversely affecting water quality in waterways and water catchments; and iv. are not located adjacent to sensitive land uses or land zoned for residential and rural residential purposes. 	N/A	Intensive animal keeping, aquaculture and intensive animal industry are not proposed. Overall Outcome c is not applicable.
d. Residential uses are limited to a single dwelling house per allotment. A secondary dwelling is permitted provided it functions and appears subordinate to the principal dwelling house.	N/A	The development proposal is not for a residential use.
e. A range of housing options provide short-term accommodation for tourists in proximity to tourist attractions.	N/A	The development proposal is not for short term accommodation.
f. Accommodation for rural workers is provided on or in close proximity to rural activities.	N/A	The development proposal is not for rural workers accommodation.
g. Active and passive outdoor recreational opportunities for residents and visitors to the region are established.	N/A	The development proposal is for a Telecommunications Facility and therefore the establishment of active or passive recreational opportunities are not applicable in this instance. However, the proposed development does not, in any way, impact on the

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Rural Zone Code - Section 6.2.10		
Overall Outcomes	Complies Y/N	Comments
		active and passive outdoor recreational opportunities of the surrounding area.
h. Intensification of existing and new commercial and retail development does not occur.	N/A	The development proposal does not include commercial or retail development.
i. Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.	Y	<p>The proposed facility consists of a total overall height of 51 metres and is surrounded by an area comprising existing mature vegetation.</p> <p>The development proposal represents a slimline monopole structure, which allows for a reduction of recognition within the landscape. The siting of the facility in proximity to the existing mature trees also assists to reduce the visual presence of the development.</p> <p>Notably, the recommendations of this report include a condition that requires the painting and treatment of the structure to be of colours that are compatible with the surrounding area (i.e natural landscape type colours including green and khaki) to further reduce the overall recognition of the facility. In addition, the colour selection and treatment to be conditioned will also ensure that the structure is not reflective in an adverse way.</p> <p>The construction of a single monopole that is partly obscured (at the ground level) by existing vegetation maintains the open area character of the rural locality and is located so as to maintain the form and amenity that defines the rural place type.</p> <p>Given the slender form of the development, the siting of the facility does not result in negative impacts on the surrounding Rural locality. More specifically, the ability for the surrounding area to maintain an open and dispersed built form is not in any</p>

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Rural Zone Code - Section 6.2.10		
Overall Outcomes	Complies Y/N	Comments
		<p>way compromised by the development proposal.</p> <p>The proposed development is consistent with Overall Outcome i.</p>
j. Development does not adversely affect the operation of aviation facilities at Mt Glorious (See Overlay map - Infrastructure buffers). This aviation facility comprises a VHF beacon.	N/A	Development will not compromise the Mt Glorious aviation facility. The subject site is not identified within the Aviation Facility Area of Interest within the Infrastructure Buffers Overlay.
k. Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.	Y	<p>Due to the location of the proposed Telecommunications Facility within a large rural parcel of land, any potential adverse impacts will be sufficiently contained.</p> <p>Further, the recommendations of this report include a condition that requires any air conditioning equipment to achieve a component noise level of 0dB(A) above background noise level when measured at an affected building for a noise sensitive use.</p>
l. Development generating high volumes of traffic or involving heavy vehicle traffic movements is located on roads of a standard and capacity to accommodate traffic demand.	N/A	The development proposal will not generate high traffic volumes and the existing roads are of sufficient standard to accommodate the initial construction of the facility and future maintenance which will be infrequent in any event.
m. Development does not result in the establishment of industrial activities, other than rural industry.	N/A	The development proposal is for a Telecommunications Facility. Industry uses are not proposed.
n. General works associated with the development achieves the following: <ul style="list-style-type: none"> i. a high standard of electricity, telecommunications, roads, sewerage, water supply and street lighting services is provided to new developments to meet the current and future needs of users of the site; ii. the development manages stormwater to: <ul style="list-style-type: none"> A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of 	Y	<p>The proposed works include the provision of a new underground electricity line that will retain the existing amenity of the site.</p> <p>Given the overall nature and scale of the development, any stormwater impacts will be minimal.</p>

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Rural Zone Code - Section 6.2.10		
Overall Outcomes	Complies Y/N	Comments
<p>downstream receiving waters;</p> <p>B. prevent stormwater contamination and the release of pollutants;</p> <p>C. maintain or improve the structure and condition of drainage lines and riparian areas;</p> <p>D. avoid off-site adverse impacts from stormwater.</p> <p>iii. the development does not result in unacceptable impacts on the capacity and safety of the external road network;</p> <p>iv. the development ensures the safety, efficiency and useability of access ways and parking areas;</p> <p>v. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment.</p>		<p>The development proposal will not generate traffic numbers that will impact the safety and capacity of the external road network in an unacceptable way.</p> <p>The proposed access to and from the site is safe and efficient.</p> <p>A detailed outline of the construction process has been included with the development application. It is considered that the required site works will have minimal impacts on any of the adjoining or adjacent properties in the immediate locality.</p>
<p>o. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.</p>	Y	<p>The development proposal will not result in the emission of aerosols, fumes, odour, particles or smoke. The recommendations of this report include a condition to ensure that the noise associated with the Telecommunications Facility does not cause any nuisance to the surrounding area.</p>
<p>p. Noise generating uses are designed, sited and constructed to minimise the transmission of noise to appropriate levels and do not cause environmental harm or nuisance.</p>	N/A	<p>The proposed development is not a noise generating use. Notwithstanding this, the recommendations of this report include a condition to ensure that any noise associated with the Telecommunications Facility does not cause nuisance.</p>
<p>q. Noise sensitive uses are designed, sited and constructed so as not to be subject to levels of noise expected from rural activities.</p>	N/A	<p>The proposed development is not a noise sensitive use.</p>

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Rural Zone Code - Section 6.2.10		
Overall Outcomes	Complies Y/N	Comments
<p>r. Development in a Water supply buffer is undertaken in a manner which contributes to the maintenance and enhancement where possible of water quality to protect the drinking water and aquatic ecosystem environmental values in those catchments.</p>	Y	<p>The development proposal is for a Telecommunications Facility. As such, the development proposal will not have any impact on the water quality or aquatic ecosystem environmental values in the surrounding area.</p>
<p>s. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:</p> <ul style="list-style-type: none"> i. adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment; ii. ensuring no further instability, erosion or degradation of the land, water or soil resource; iii. when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012. iv. maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through: <ul style="list-style-type: none"> A. the provision of replacement, restoration, rehabilitation planting and landscaping; B. the location, design and management of development to avoid or minimise adverse 	Y	<p>The development proposal is located within the Bushfire Hazard Overlay area. However, the proposed development constitutes a non-habitable use, and consequently, will not increase the number of people living or working in the area. As such, exposure to the risk of natural hazards is minimal.</p> <p>The proposed Telecommunications Facility does not involve hazardous materials, nor will it result in any emissions of undue heat, sparks or open flames. It is also noted that the facility has been designed to be resilient to bushfire damage, with cable trays to be enclosed in galvanised casing and the equipment cabinet and meter board designed to resist ember penetration. Therefore, the facility will not increase the bushfire risk from the build up of fuels around buildings and structures. Furthermore, emergency services will have safe and effective access to the subject site.</p> <p>The proposed development is located within an area mapped as Value Offset Area (MSES-Koala Offsets). Notably, the proposal has been sited near the existing driveway from the Hipathites Road frontage to reduce the required clearing of native vegetation. As such, a least risk approach has been adopted to facilitate the development.</p> <p>The Vegetation Management Plan (VMP) for the proposed development includes a detailed schedule of native vegetation to be removed as part of the development construction. The VMP states that 21 trees will be removed within the construction site</p>

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Rural Zone Code - Section 6.2.10		
Overall Outcomes	Complies Y/N	Comments
<p>impacts on ecological systems and processes;</p> <p>C. the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.</p> <p>v. protecting native species and protecting and enhancing species habitat;</p> <p>vi. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;</p> <p>vii. establishing effective separation distances, buffers and mitigation measures associated with identified infrastructure to minimise adverse effects on sensitive land uses from odour, noise, dust and other nuisance generating activities;</p> <p>viii. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;</p> <p>ix. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure;</p> <p>x. ensuring effective and efficient disaster management response and recovery capabilities;</p> <p>xi. where located in an overland flow path:</p> <p style="margin-left: 20px;">A. development siting, built form, layout and access responds to the risk presented by the overland flow and minimises risk to personal safety;</p> <p style="margin-left: 20px;">B. development is resilient to the impacts of overland flow by ensuring the siting and design</p>		<p>that will be offset with appropriate vegetation on site at a rate of 3:1. Therefore 63 trees will be planted within the vicinity of the proposed development as mitigation for the loss of vegetation and fauna habitat.</p> <p>The applicant has provided a Geotechnical Report and Landslide Risk Assessment which demonstrates that the proposed earthworks will protect the land from further degradation and therefore maintain the safety of people and property.</p> <p>The proposed development is consistent with Overall Outcome s.</p>

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Rural Zone Code - Section 6.2.10		
Overall Outcomes	Complies Y/N	Comments
<p>accounts for the potential risks to property associated with the overland flow;</p> <p>C. development does not impact on the conveyance of the overland flow for any event up to and including the 1% AEP for the fully developed upstream catchment;</p> <p>D. development directly, indirectly and cumulatively avoid an increase in the severity of overland flow and potential for damage on the premises or other premises, public lands, watercourses, roads or infrastructure.</p>		
<p>t. Development in the Rural Zone includes one or more of the following:</p> <ul style="list-style-type: none"> • Animal husbandry • Animal keeping (excluding catteries and kennels) • Aquaculture (if water area associated with ponds and dams are less than 200m² or housed tanks less than 50m²) • Community residence • Cropping, where not forestry for wood production • Cropping, where forestry for wood production • Dwelling house • Emergency services • Environment facility • Home based business • Intensive animal industry • Intensive horticulture • Outdoor sports and recreation (if located on Council owned or controlled land and in accordance with a Council approved Master Plan) • Non-resident workforce accommodation • Park • Permanent plantation • Roadside stall • Rural industry • Rural workers' accommodation 	Y	The development proposal is for a Telecommunications Facility and therefore complies with Overall Outcome t.

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Rural Zone Code - Section 6.2.10		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> • Sales office • Telecommunication facility • Transport depot (where on lots 16 ha or more) • Veterinary services • Wholesale nursery • Winery 		
<p>u. Development in the Rural zone does not include any of the following:</p> <ul style="list-style-type: none"> • Adult store • Bar • Brothel • Caretaker's accommodation • Car wash • Child care centre • Community care centre • Detention facility • Dual occupancy • Dwelling unit • Funeral parlour • Hardware and trade supplies • Health care services • High impact industry • Hospital • Hotel • Indoor sport and recreation • Low impact industry • Major sports, recreation and entertainment facility • Marine industry • Medium impact industry • Multiple dwelling • Nightclub entertainment facility • Office • Outdoor sales • Parking station • Port services • Relocatable home park • Research and technology industry • Residential care facility • Retirement facility • Rooming accommodation • Shop • Shopping centre • Showroom • Special industry • Theatre • Warehouse 	Y	The proposed development is for a Telecommunications Facility and is listed as a consistent use in Overall Outcome t.

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Rural Zone Code - Section 6.2.10		
Overall Outcomes	Complies Y/N	Comments
v. Development not listed in the tables above will be considered on its merit and where it reflects and supports the outcomes of the zone.	NA	The proposed development is for a Telecommunications Facility and is listed as a consistent use in Overall Outcome t.

Based on the assessment above, the proposal is consistent with all of the Overall Outcomes of the code(s) and is therefore taken to be consistent with the purposes of the code(s).

2.5 Trunk Infrastructure

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the subject site is not located in the identified Priority Infrastructure Area. Infrastructure charges applying to the land, where applicable, are to be applied in accordance with the Council's Charges Resolution No. 8 commencing on 14 August 2018 (CR).

2.5.1 *Levied Charge*

A Telecommunications Facility is classified as a Minor Use in accordance with the CR 8. In accordance with the CR 8, a Minor Use has a nil charge. As such, there are no applicable Infrastructure Charges for the proposed Telecommunications Facility.

2.5.2 *Levied Charge Credit*

As no charge is applicable, no credit will be applied.

2.5.3 *Levied Charge Offset or Refund*

The site is not affected by a Trunk Infrastructure requirement and therefore there is no offset or refund applicable to the development proposal.

2.5.4 *Additional Trunk Infrastructure Costs*

In accordance with section 130 of the *Planning Act 2016*, an additional payment condition may be imposed if the proposed development;

- (a) generates infrastructure demand of more than what is required to service the type or scale of future development assumed in the LGIP; or
- (b) requires new trunk infrastructure earlier than when identified in the LGIP; or
- (c) is for premises located completely or partly outside the Priority Infrastructure Area; and

The development will impose additional trunk infrastructure costs on Council after taking into account the levied charge and any trunk infrastructure provided, or to be provided by the development.

In this instance, having assessed the proposed development, it does not warrant the imposition of an additional payment condition.

2.6 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

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2.7 Referrals

2.7.1 Council Referrals

2.7.1.1 Development Engineering

Traffic, Access & Parking

Access to the telecommunications site is provided by a front gate located to the eastern side. Proposed widening to both the access track and gate, as well as the addition of a heavy vehicle turning area along the access track and a hardstand area on the western side will aid in the manoeuvring of heavy vehicle traffic for servicing and maintenance.

Stormwater / Flooding

Stormwater naturally falls south-west of the site and eventually drains downstream into Kobble Creek. The large amount of pervious area surrounding the site should result in minimal stormwater disturbance.

Earthworks

An earthworks plan has been provided for the minor earthworks proposed for the development site. The required Landslide Hazard Report confirms the site achieves the tolerable risk of slope instability in accordance with the AGS (2007c) and demonstrates achievement of performance outcomes 121, 122 & 123

2.7.1.2 Environmental Planning

The proposed facility is located within a PKADA and an Environmental area: Value Offset Area (MSES-Koala Offsets). This facility is to encompass an area of 120m² (Compound area will comprise an area of 108m²) and result in the removal of 21 trees as identified in the planning report.

The site is located in a Medium Value Rehabilitation area as per the SPRP Koala Habitat Value designations referred to in the Planning Regulation 2017. It is acknowledged however, that the proposal is 'Exempted Development' and in this instance, the provisions in Schedule 11 do not apply.

Performance Outcome 99 in the Rural zone code is applicable in assessing this development proposal. Notably, where the proposed development cannot avoid establishing in a Value Offset Area, mitigation measures need to be adopted which ensure the quality and integrity of the biodiversity and ecological values inherent to the Value Offset Area are maintained. This can be achieved through replacement, restoration or rehabilitation.

It is therefore, necessary, that the trees to be removed in the Value Offset Area to facilitate the telecommunications facility are replaced at a ratio of 3:1 (ie for every tree removed it is replaced by 3).

A submitted Vegetation Management Plan (VMP) for the proposed development prepared by Aurecon Australasia Pty Ltd 27 February 2019, includes a detailed schedule of native vegetation to be removed as part of the development construction. The VMP states that 21 trees will be removed within the construction site that will be offset with appropriate vegetation on site at a rate of 3:1. Therefore, 63 trees will be planted within the vicinity of the proposed development as a mitigation measure for the loss of vegetation and fauna habitat. The VMP also includes stages of clearing and rehabilitation and processes and responsibilities of staff during the clearing and rehabilitation phases.

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Environmental Planning is satisfied that the location of the proposed development attempts to minimise environmental degradation and habitat clearing by locating in an area that is as close to already cleared areas as possible and avoids high value vegetation. The proposed development also attempts to mitigate the unavoidable loss of native vegetation by replacing native vegetation to be removed with appropriate plant species at a rate of 3:1.

2.7.2 Referral Agencies

2.7.2.1 Concurrence Agencies - Department of State Development, Manufacturing, Infrastructure and Planning

The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) for the following;

- (a) Matters relating to Vegetation Clearing. Council was advised on 30 November 2018 that DSDMIP has no objection to the development application subject to a condition being attached to Council's Decision Notice.

2.7.2.2 Advice Agencies

There were no Advice Agencies involved in assessing this application.

2.7.2.3 Third Party Agencies

There were no Third Party Agencies involved in assessing this application.

2.8 Public Consultation

2.8.1 Public Notification Requirements under the Development Assessment Rules

- (a) Public Notification was served on all adjoining landowners on 18 February 2019.
- (b) The development application was advertised in the Village Pump on 22 February 2019.
- (c) A notice in the prescribed form was posted on the relevant land on 22 February 2019 and maintained for a period of 17 business days until 19 March 2019.

2.8.2 Submissions Received

Council received the following types of submissions in respect to this development application.

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		32
	Petition	0	0
Not Properly Made	Letter, Email, Fax		3
	Petition	0	0
Total			35

The matters raised within the submission(s) are outlined below:

Assessment of Submissions
<p>Issue - Submissions in Support</p> <ul style="list-style-type: none"> • I am fully in support of the nbn tower as without it I am not able to get internet access and I know I am not the only person in this situation. • The area of Samsonvale and Kobbie Creek have large numbers of small business people which this will also benefit. Presently we have a very unreliable service and know that we will greatly benefit from anything that will support better and more reliable internet services for us and our community.

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<p>Assessment of Submissions</p> <ul style="list-style-type: none"> • <i>We understand that the site for the facility is ideally suited to meeting the required NBN radio coverage and service levels, whilst minimising the impact on the surrounding landscape.</i> • <i>Around the Dayboro area there are also towers that are visible if you are specifically looking for them, but with the colour of the towers being green, they blend in very well and are only noticeable if they are directly pointed out.</i> • <i>Presently the tower will be more visible from our home than any of the other neighbours around the property that the tower will be constructed on, and we definitely think that the benefits to our community far outweigh the fact that the tower will be visible from our home.</i>
<p>Discussion</p> <p>All submissions in support of the development proposal have been reviewed and can be considered in the assessment of the application.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue - Visual Amenity</p> <ul style="list-style-type: none"> • <i>The proposed telecommunication tower is completely out of character with its rural setting.</i> • <i>At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes.</i> • <i>It is positioned on high ground on the edge of a ridgeline at the highest point of the property.</i> • <i>The tower sits significantly higher than (more than double) the tree canopy.</i> • <i>The structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline.</i> • <i>There is no screening that can hide a 50 metre tall tower that is 3 meters at its base and less than the required 10 meters from the property entry gate [at 222 Hipathites Road, Kobble Creek].</i> • <i>The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme. Plus, there is no indication of any screening on the access gates to the compound.</i> • <i>The monopole will become a prominent feature on the skyline from our house [260 Hipathites Road, Kobble Creek].</i>
<p>Discussion</p> <p>The top of the proposed 51 metre tall tower will be visible from some of the dwellings in the area. Due to the existing mature vegetation in the immediate locality, the proposed development is unlikely to be visible from a significant section of Hipathites Road or Aitcheson Road.</p> <p>The proposed facility is located approximately 220 metres from the nearest dwelling, and 340 metres from the next closest dwelling. The distance between the dwellings and the proposed development will assist to minimise the visual impact that the development is likely to have on the dwellings in the area. The vegetated ridgeline located south-east of the facility will assist in providing a backdrop to the proposed tower when viewed from the dwellings positioned at a higher elevation to the west.</p> <p>The retention of the existing mature vegetation around the proposed facility screens the compound and the lower portion of the tower to reduce the impacts on visual amenity in</p>

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Assessment of Submissions
<p>the area. However, the proposed tower by its very function is required to be above the level of the predominant tree canopy to function. It is noted that the proposed tower is not covered by the Scenic Amenity overlay.</p> <p>The applicant has stated that a non-standard 50 metre monopole was proposed at the location, instead of the usual lattice tower design for 50 metre structures to minimise the visual intrusion of the proposed facility.</p> <p>If supported, the recommendations of this report include a condition requiring the facility to be painted a non-reflective finish and colour that is compatible with the surrounding area, ensuring that the development is visually consistent with the bushland setting of the site.</p> <p>The landscape plan identifies a three (3) metre wide landscaped buffer along the north-eastern boundary of the compound. It is considered that landscaping with more advanced trees at the time of planting would minimise the visual impact of the compound on the adjoining lot while the additional vegetation grows. The recommendations of this report include a condition requiring an amendment to the Landscape Plan to require one (1) of the rows of trees along the northern edge of the compound to be at least 1.5 metres in height at the time of planting instead of the 0.2 metres proposed, to further reduce the visual impact of the facility.</p> <p>The ability for the surrounding area to maintain an open and dispersed built form is not compromised by the development proposal.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue - Vegetation</p> <ul style="list-style-type: none"> • <i>The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological value.</i> • <i>Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance.</i> • <i>The number of high value trees (DBH ≥15 cm) required to be removed has doubled from ten (10) to twenty-one (21) as a result of the Geotechnical Investigation.</i> • <i>The proposed site is situated in an area of Priority Koala Assessable Development Area. Per the Queensland Government mapping, it is likely Medium Value Bushland, or is otherwise Medium Value Rehabilitation.</i>
<p>Discussion</p> <p>The development footprint comprising of the construction laydown area and compound is approximately 360m². NBN have stated that the chosen location of the facility was deliberately sited adjacent to an existing driveway to minimise vegetation clearing for the construction area and the provision of access and power.</p> <p>In response to Council's Information request, the applicant has submitted a Vegetation Management Plan (VMP). The VMP identifies that twenty-one (21) trees with a Diameter of Breast Height (DBH) greater than, or equal to 15cm are proposed to be removed as part of the development. The VMP identifies that based on the ratio of 3:1, sixty-three</p>

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<p>Assessment of Submissions</p>
<p>(63) native plants will be planted in the restoration area. The Plan identifies maintenance and monitoring requirements that are to be undertaken as part of the restoration works. A recommendation of this report includes a condition to limit the clearing to that identified in the Vegetation Management Plan.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue - Alternative Locations</p>
<ul style="list-style-type: none"> • <i>The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.</i> • <i>We propose that suitable alternate locations for the facility have not been sufficiently considered and would have less impacts on the ecological values of the area.</i> • <i>An alternative site would be co-location at the nearby existing Optus telecommunications facility. This co-location opportunity has already been identified as Candidate C and has been classified as “technically feasible”.</i> • <i>Other location options proposed by the application are in a lower value koala habitat classification. Locating the tower adjacent to the existing telecommunications facility at 113 Kriesch Road, Samsonvale, would see it placed within Low Value Koala Habitat Bushland. We propose that the tower should be co located on, or adjacent to, the existing tower approximately 500m south of the proposed tower, on 113 Kriesch Road Samsonvale.</i> • <i>If the proposed tower needed to be located in suburbia, I readily accept that it would be very difficult to relocate from a chosen site due to land scarcity issues. However, there is an abundance of vacant land in the proposed zone, where the tower could be relocated to the appeasement of all residents.</i>
<p>Discussion</p>
<p>NBN have stated that the facility is designed to provide Fixed Wireless internet services to more than 100 properties in the Samsonvale area, and to serve as a key communications link for other NBN Fixed Wireless facilities in the area. NBN further note that the location on the subject lot was chosen based on finding a balance between the following considerations:</p> <ul style="list-style-type: none"> - <i>Setback from sensitive land uses (Planning) – ensure the site location of the facility is setback evenly from sensitive land uses and achieves the acceptable outcomes of the relevant development code.</i> - <i>Land owner’s preference (Tenure) – ensure the site location is agreeable to the land owner. (nbn does impress on landowners the objective of maximising setbacks when negotiating locations within a subject property). Furthermore, ensuring that the facility is located in an area that minimises disruption to existing land management practices.</i> - <i>Ability to maximise service reach and quality (Service Requirements) – ensure the site location achieves the service capability for the local community.</i> - <i>Ability to construct the site and access (Constructability) – ensure the facility can be constructed without resulting in a significant vegetation loss, land degradation, or costs that are outside the project parameters.</i> <p>Co-location of telecommunications infrastructure with existing towers is considered to be the most appropriate solution when locating facilities. The closest existing facility to the targeted area is located 440m to the south west of the proposed development at 113 Kriesch Road, Samsonvale. NBN states that a structural assessment of the existing</p>

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Assessment of Submissions
<p>Optus facility confirmed that the facility is unable to structurally support the proposed NBN equipment.</p> <p>NBN has also investigated the option to establish another facility at 113 Kriesch Road, Samsonvale, however, has identified that additional clearing of MSES vegetation would be required to establish another facility at this property. As such, the subject site was considered more favourable.</p> <p>An alternate site at 222 Hipathites Rd, Kobble Creek was also submitted to NBN. In their assessment, it was identified that the alternate candidate location did not provide any reasonable improvement to visual amenity for the wider community. Additionally, the alternate location would require a greater volume of earthworks and tree clearing within an area containing MSES vegetation due to the absence of an existing access route and the slope of the land. As such, the subject site was considered more favourable.</p> <p>NBN has stated that they believe that there are no other technically feasible and available locations that result in an improved planning outcome, better separation, less visual impact or a more viable service than the proposed facility.</p> <p>Within the subject site, the proposed facility has been located next to the existing driveway to limit clearing required for access and power supply, to avoid areas of significant slope, and to ensure that the proposed facility is setback from sensitive land uses.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue - Misleading and missing information</p> <ul style="list-style-type: none"> • <i>The applicant has not released complete reports and information in a timely manner.</i> • <i>In the photo provided by Aurecon on page 5 [of the response to Information Request], the minimum of 500m2 of trees and scrub that will be removed, including the 21 trees to be removed are still in shot and are being used to hide the overall impact, of not only the height of the tower but does not show ground or aerial equipment listed in the development application.</i> • <i>The Property Vegetation Management Plan document provided is incomplete.</i> • <i>Insufficient information to support the development has been provided and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance.</i>
<p>Discussion</p> <p>It is acknowledged that some aspects of the applicant's Response to Council's Information Request were not received until the Public Notification Period was substantially underway, and that the Earthworks Plan was not received until Public Notification had been completed. Section 13.2 of the DA rules states:</p> <p><i>The applicant may respond by giving the assessing authority that made the information request, within the period stated under section 13.1—</i></p> <ul style="list-style-type: none"> <i>(a) all of the information requested; or</i> <i>(b) part of the information requested; or</i> <i>(c) a notice that none of the information will be provided.</i> <p>As such, Council must proceed with the assessment of the application whether or not all of the requested information was provided during the Information Request period.</p>

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<p>Assessment of Submissions</p>
<p>The Property Vegetation Management Plan submitted to Council was missing the figures and Appendix A. The assessing officer contacted the applicant shortly after it was received to notify the applicant and the full Property Vegetation Management Plan was submitted.</p> <p>With regard to the photomontages from the secondary dwelling at 222 Hipathites Rd, Kobble Creek provided by Aurecon in the response to the Information Request, it is noted that the Aurecon images still included the vegetation that is proposed to be removed in the Property Vegetation Management Plan. A recommendation of this report includes a condition to limit the clearing to that identified in the Property Vegetation Management Plan. Nonetheless, there is still a layer of existing vegetation between the secondary dwelling at 222 Hipathites Rd, Kobble Creek and the proposed location of the facility that would screen the base of the facility from the living areas at the site.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue - Conflict with Strategic Framework</p> <ul style="list-style-type: none"> • <i>An Impact Assessable application is assessable against the whole of the Planning Scheme. It is considered relevant to consider how the proposed development complies with the Strategic Framework. The site is located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.</i> • <i><u>3.14.2 Element – Mountain ranges, forests and waterways place type</u> - The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region’s green infrastructure should be given priority.</i> • <i><u>3.14.2.8 Specific Outcomes - Infrastructure</u> - Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type</i>
<p>Discussion</p> <p><u>3.14.2 Element – Mountain ranges, forests and waterways place type</u></p> <p>The development footprint comprising of the construction laydown area and compound is approximately 360m² and involves the clearing of twenty-one (21) trees. Clearing is minimised by the location of the proposed facility next to the existing driveway that does not require a new access or power route. Additionally, a Vegetation Management Plan (VMP) incorporating a rehabilitation strategy has been submitted. Any approval would include a condition to limit the clearing to that identified in the Property Vegetation Management Plan.</p> <p>Given the small footprint of the proposed development and the recommended conditions, the proposed development would not conflict with the intent of the place type.</p> <p><u>3.14.2.8 Specific Outcomes - Infrastructure</u></p> <p>The location of the proposed facility at least 220 metres from the nearest dwelling, and the slim monopole design of the tower contributes to mitigating any detrimental impacts on the visual amenity of the area. A recommendation of this report includes a condition requiring the facility to be painted a non-reflective finish and colour that is compatible with the surrounding area, ensuring that the development is visually consistent with the</p>

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Assessment of Submissions
<p>bushland setting of the site. Further vegetated screening for the base of the facility is also recommended to be conditioned.</p> <p>A Vegetation Management Plan (VMP) has been provided to mitigate environmental impacts associated with vegetation loss. The Plan identifies maintenance and monitoring requirements that are to be undertaken as part of the restoration works to maintain the environmental values.</p> <p>The proposed facility can be appropriately conditioned to ensure that it does not conflict with part 2 of 3.14.2.8 Specific Outcomes - Infrastructure and supports part 3 of the Specific Outcomes.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue - Conflict with Rural Zone Code</p> <ul style="list-style-type: none"> • <i>The proposal is considered to be in conflict with the following Overall Outcomes:</i> <ul style="list-style-type: none"> - (a) <i>The proposal is not for a rural use.</i> - (i) <i>The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.</i> - (k) <i>The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation.</i> - (s) <i>The property and broader locality already contain cleared areas for development and the additional clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.</i> • <i>The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:</i> <ul style="list-style-type: none"> - <i>PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.</i> - <i>PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.</i> - <i>PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.</i> - <i>PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.</i> - <i>PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate</i>

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<p>Assessment of Submissions</p>
<p><i>the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.</i></p>
<p>Discussion</p> <p>A full assessment of any alternative solutions and non-compliant Performance Outcomes is provided in the report above.</p> <p>With regard to the Overall Outcomes, comments in relation to the submissions are shown below:</p> <p><u><i>(a) The proposal is not for a rural use.</i></u></p> <p>A Telecommunications Facility is identified as a consistent use within the Rural Zone, as per the table in Overall Outcome t.</p> <p><u><i>(i) The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.</i></u></p> <p>The proposed facility consists of a total overall height of 51 metres and is surrounded by an area comprising extensive vegetation.</p> <p>The proposed facility is located approximately 220 metres from the nearest dwelling, and 340 metres from the next closest dwelling. The distance between the dwellings and the proposed development will assist to minimise the visual impact that the development is likely to have on the dwellings in the area. The vegetated ridgeline located to the east of the facility will assist in providing a backdrop to the proposed tower when viewed from dwellings positioned at a higher elevation to the west.</p> <p>The retention of the existing mature vegetation around the proposed facility screens the compound and lower portion of the tower to reduce the impacts on visual amenity in the area. However, the proposed tower by its very function is required to be above the level of the predominant tree canopy to function. It is noted that the proposed tower is not located in the Scenic Amenity overlay.</p> <p>Any approval could be appropriately conditioned to ensure that the visual impact of the development is minimised, and to achieve compliance with Overall Outcome i.</p> <p><u><i>(k) The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation to visual impacts and loss of vegetation.</i></u></p> <p>Any approval would be conditioned to ensure that air conditioning equipment is located, designed, installed and maintained to achieve a component noise level of 0dB(A) above the background noise level when measured at an affected building for a noise sensitive use. Visual Impacts have been addressed in relation to Overall Outcome (i) above.</p> <p>Due to the location of the proposed Telecommunications Facility within a large rural parcel of land, any potential adverse impacts will be sufficiently contained within the site.</p> <p><u><i>(s) The property and broader locality already contain cleared areas for development and the additional clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.</i></u></p> <p>The location of the proposed facility and a potential fire break has been approved by the Department of Natural Resources, Mines and Energy, as the referral agency for this application. The proposal has been sited near the existing driveway to minimise the required clearing of MSES vegetation for access and power connection. As such, a least risk approach has been adopted to facilitate the development.</p>

ITEM 2.1 DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Assessment of Submissions
<p>A Vegetation Management Plan (VMP) has been provided to mitigate environmental impacts associated with vegetation loss. The Plan identifies maintenance and monitoring requirements that are to be undertaken as part of the restoration works to maintain the environmental values. It would be a recommendation of the report that any approval would include a condition to limit the clearing to that identified in the Property Vegetation Management Plan.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue - Other issues</p> <ul style="list-style-type: none"> • <i>Dept of State development, manufacturing, infrastructure and planning response dated 15 November 2018 ref number TARP 1811-8286 SRA states that the area identified as area A is the allowable area to be cleared of vegetation, this area as stated is .02 of a hectare which is an area of 2000m².</i> • <i>The overall outcomes put forward in support of the NBN, proposed Fixed Wireless Network is the guarantee of fast internet. It has been recently reported that the network is not able to provide the speeds suggested in the planning report. It has also been reported that the ACCC is investigating NBN CO for failing to supply basic internet speeds and is considering imposing fines.</i> • <i>The NBN is, and always was going to be, a dud.</i>
<p>Discussion</p> <p>On 30 November 2018, the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) provided a response which includes a condition limiting clearing to the area shown in the Technical Agency Response (Vegetation) Plan. The area in the Technical Agency Response (Vegetation) Plan shows the maximum area that DSDMIP would allow to be cleared for the proposal including any Bushfire buffer. The applicant has advised that they do not intend to clear a bushfire buffer and have submitted a Property Vegetation Management Plan which identifies and limits the area that could be cleared to approximately 360m² to remove twenty-one (21) trees. It would be a recommendation of the report that any approval would include a condition to limit the clearing to that identified in the Property Vegetation Management Plan.</p> <p>The submissions that relate to the internet speeds provided by the NBN are noted, though this is not relevant to any applicable assessment benchmarks and is not a matter that is considered in deciding the application.</p> <p>This is not sufficient grounds for refusal of the application.</p>

2.8.3 Notice of Compliance

The Notice of Compliance was received by Council on 20 March 2019. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

2.9 Other Matters
None identified.

3. Strategic Implications

3.1 Legislative/Legal Implications
The applicant (and submitter/s) have appeal rights in accordance with the *Planning Act 2016*.

ITEM 2.1 DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

3.2 Corporate Plan / Operational Plan

Creating Opportunities: Well-planned growth - a sustainable and well-planned community.

3.3 Policy Implications

The proposal is consistent with the existing Moreton Bay Region planning provisions and relevant policies.

3.4 Risk Management Implications

Development occurs efficiently and effectively in the region in a manner that reduces the potential risk implications to Council and the community.

3.5 Delegated Authority Implications

There are no delegated authority implications arising as a direct result of this report.

3.6 Financial Implications

In the event that an appeal is made to the Planning & Environment court against Council's decision, the Council will incur additional costs in defending its position.

3.7 Economic Benefit

The development supports the connectivity of the fixed broadband network within the Rural Zone and surrounding Rural Residential Zone.

3.8 Environmental Implications

The proposal involves the clearing of vegetation mapped as a Value Offset Area (Medium Value Rehabilitation).

3.9 Social Implications

There are no social implications arising from this development application.

3.10 Consultation / Communication

Refer to clause 2.7.

SUPPORTING INFORMATION

Ref: [A18577044](#), [A18577042](#), [A18577039](#), [A18577040](#), [A18577043](#), [A18577123](#) & [A18577122](#)

The following list of supporting information is provided for:

ITEM 2.1

**DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR
TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11**

#1 Locality Plan

#2 Zoning Map

#3 Plans for Approval

#4 Documents for Approval

#5 Plan to be Amended - Landscaping Plan

#6 State Development, Manufacturing, Infrastructure & Planning Response with conditions

#7 Properly Made Submissions

#8 Not Properly Made Submissions

ITEM 2.1 DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 (Cont.)

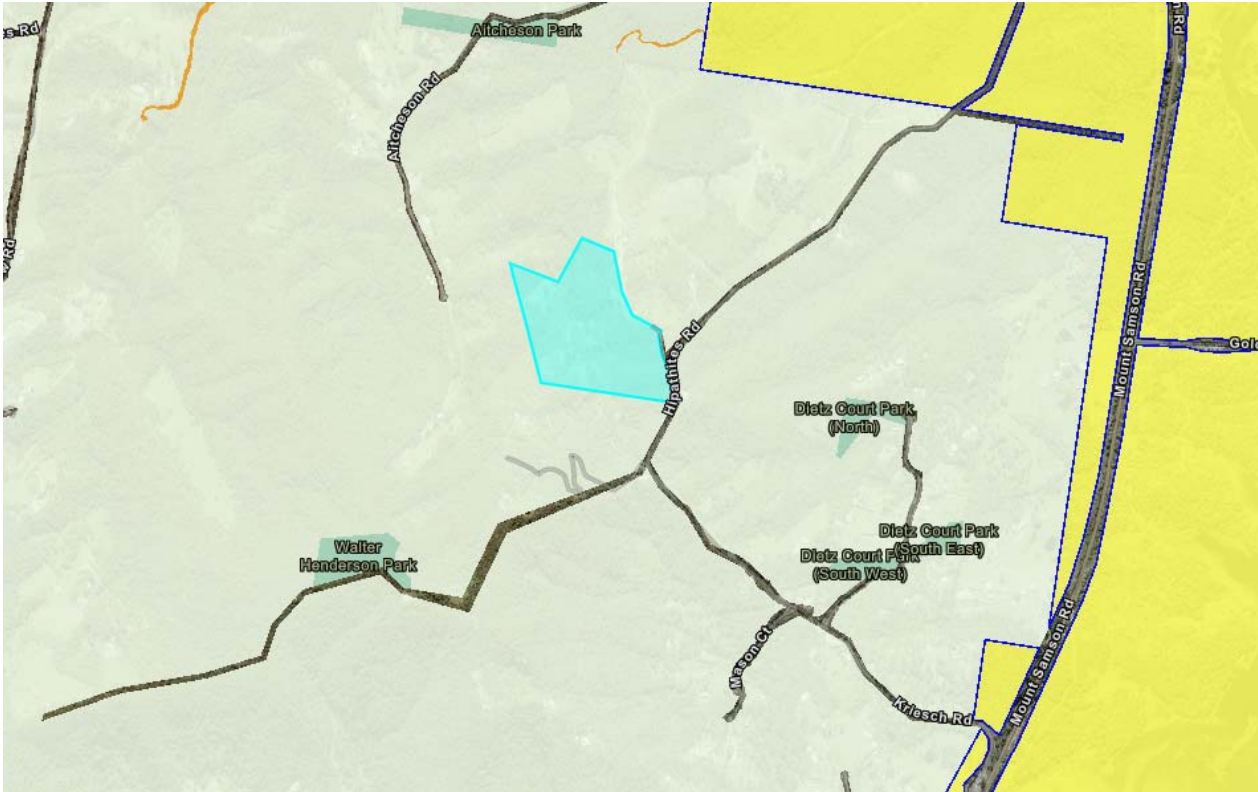
#1 Locality Plan



Moreton Bay Regional Council

ITEM 2.1 DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 (Cont.)

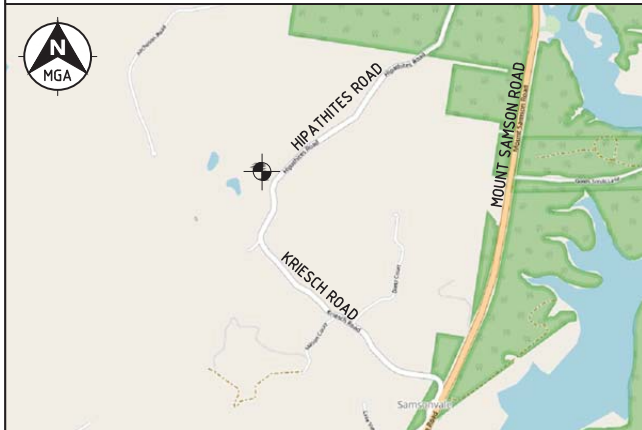
#2 Zoning Map



ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK - DIVISION 11 - A18576724 (Cont.)

#3 Plans for approval

SITE LOCATION

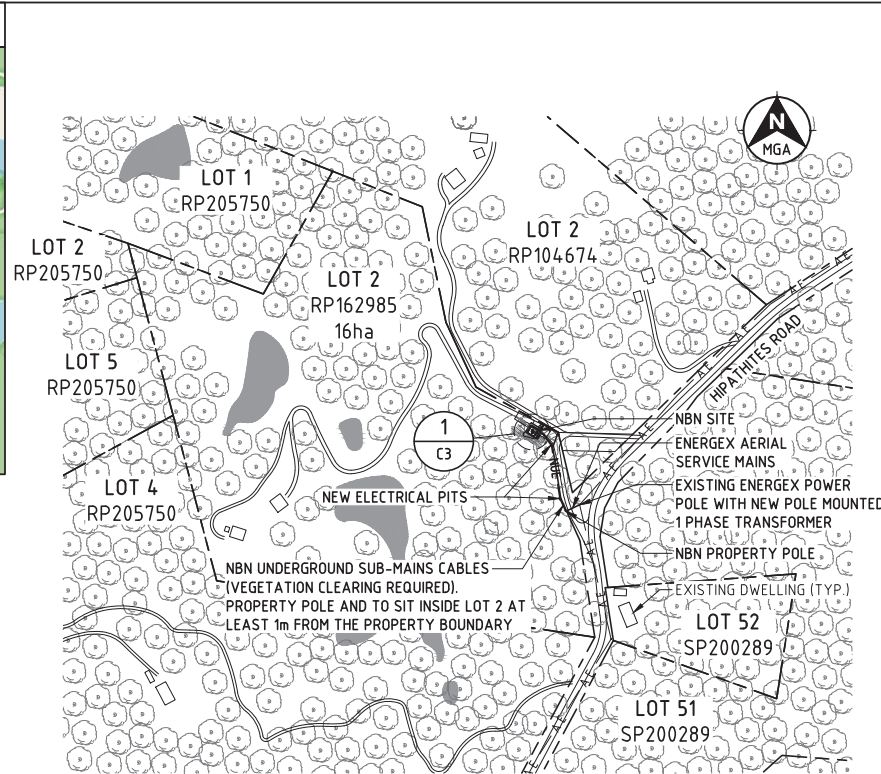


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SITE CO-ORDINATES	
MONOPOLE LOCATION	
DATUM: MGA (GDA94)	ZONE: 56
LATITUDE	-27.26929°
LONGITUDE	152.83471°
EASTING	4 83 640
NORTHING	6 983 727

LEGEND

- A E — A E — EXISTING AERIAL ELECTRICAL ROUTE
- A E — A E — AERIAL ELECTRICAL ROUTE
- NUE — NUE — NEW NBN UNDERGROUND ELECTRICAL ROUTE
- — — — — PROPERTY BOUNDARY




OVERALL SITE PLAN

SCALE 1:5000


NOTES:

1. THE POWER ROUTE SHOWN ON THE DRAWINGS IS INDICATIVE ONLY. ELECTRICAL CONTRACTOR TO DETERMINE EXACT ROUTE. ELECTRICAL CONTRACTOR TO LOCATE AND IDENTIFY EXISTING U/G SERVICES PRIOR TO COMMENCEMENT OF WORK.
2. THE ELECTRICAL PITS SHALL BE PROVIDED EVERY 60m run AND EVERY MAJOR CHANGE IN DIRECTION. THE PITS SHALL BE ACO CABLE MATE TYPE 33 PIT 353 x 353 x 744 (D) PITS WITH AS 3996 CLASS B PIT COVER

Client:



Client:



Client:

Project:

NATIONAL BROADBAND NETWORK
 SITE No: 4DYB-51-06-SAMS
 SAMSONVALE
 230 HIPATHITES RD
 KOBBLE CREEK
 QLD 4520

FOR CONSTRUCTION

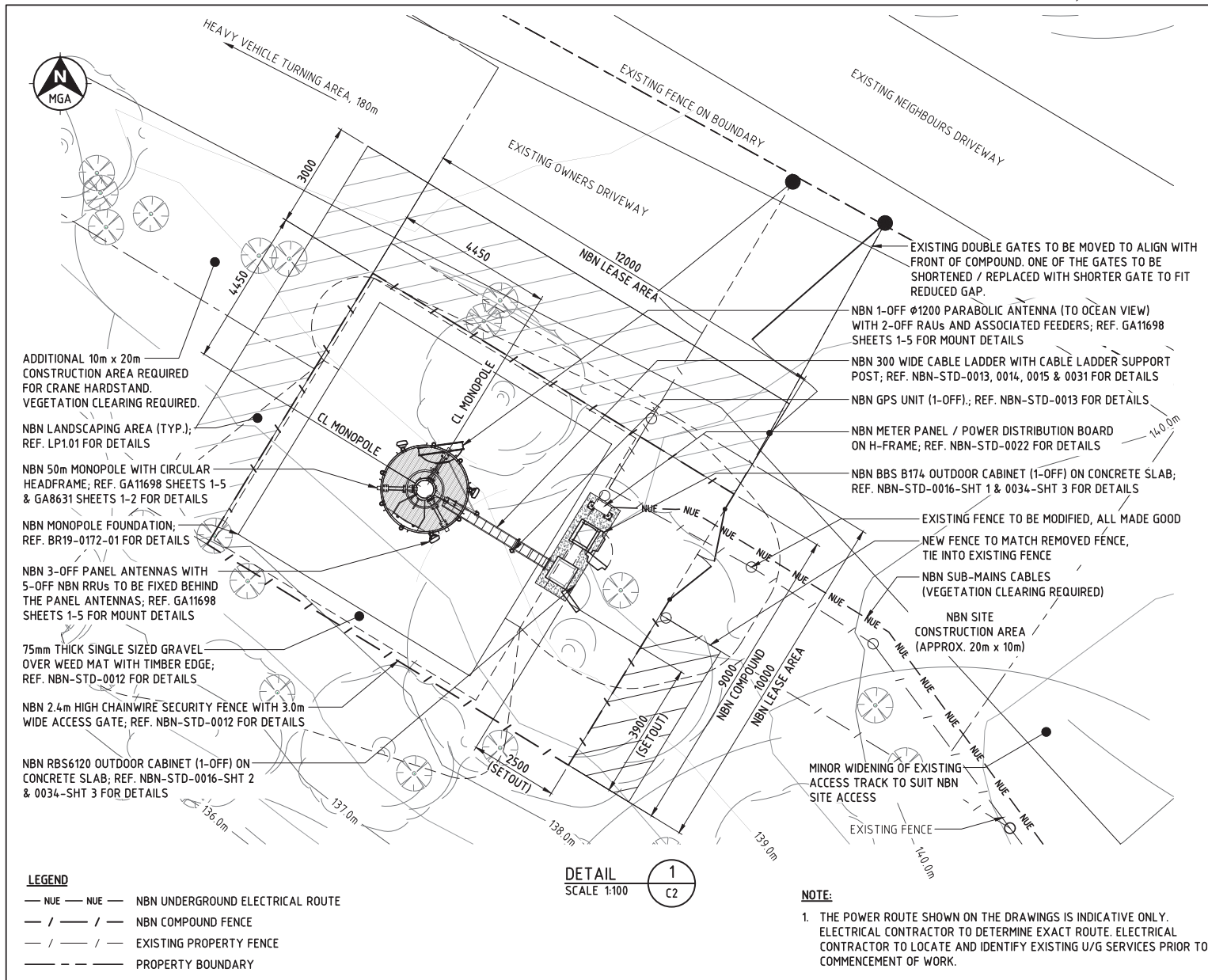
A	26.04.19	FOR CONSTRUCTION
03	09.01.19	LANDSCAPING UPDATED
02	06.07.18	NEW LOCATION
01	16.02.18	PRELIMINARY ISSUE
Rev	Date	Revision Details


Designer: MH
 Checked: JR
 Approved: LS


Drawing Title:
OVERALL SITE PLAN

Drawing No: 4DYB-51-06-SAMS-C2
 Revision: A

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK - DIVISION 11 - A18576724 (Cont.)



Client: 


Client: 

Client:

Project:
NATIONAL BROADBAND NETWORK
SITE No: 4DYB-51-06-SAMS
SAMSONVALE
230 HIPATHITES RD
KOBBLE CREEK
QLD 4520

FOR CONSTRUCTION

A	26.04.19	FOR CONSTRUCTION
03	09.01.19	LANDSCAPING UPDATED
02	06.07.18	NEW LOCATION
01	16.02.18	PRELIMINARY ISSUE
Rev	Date	Revision Details

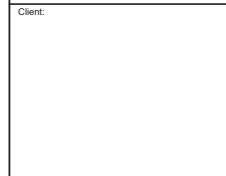
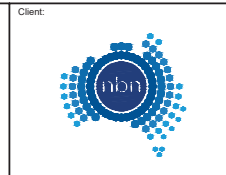
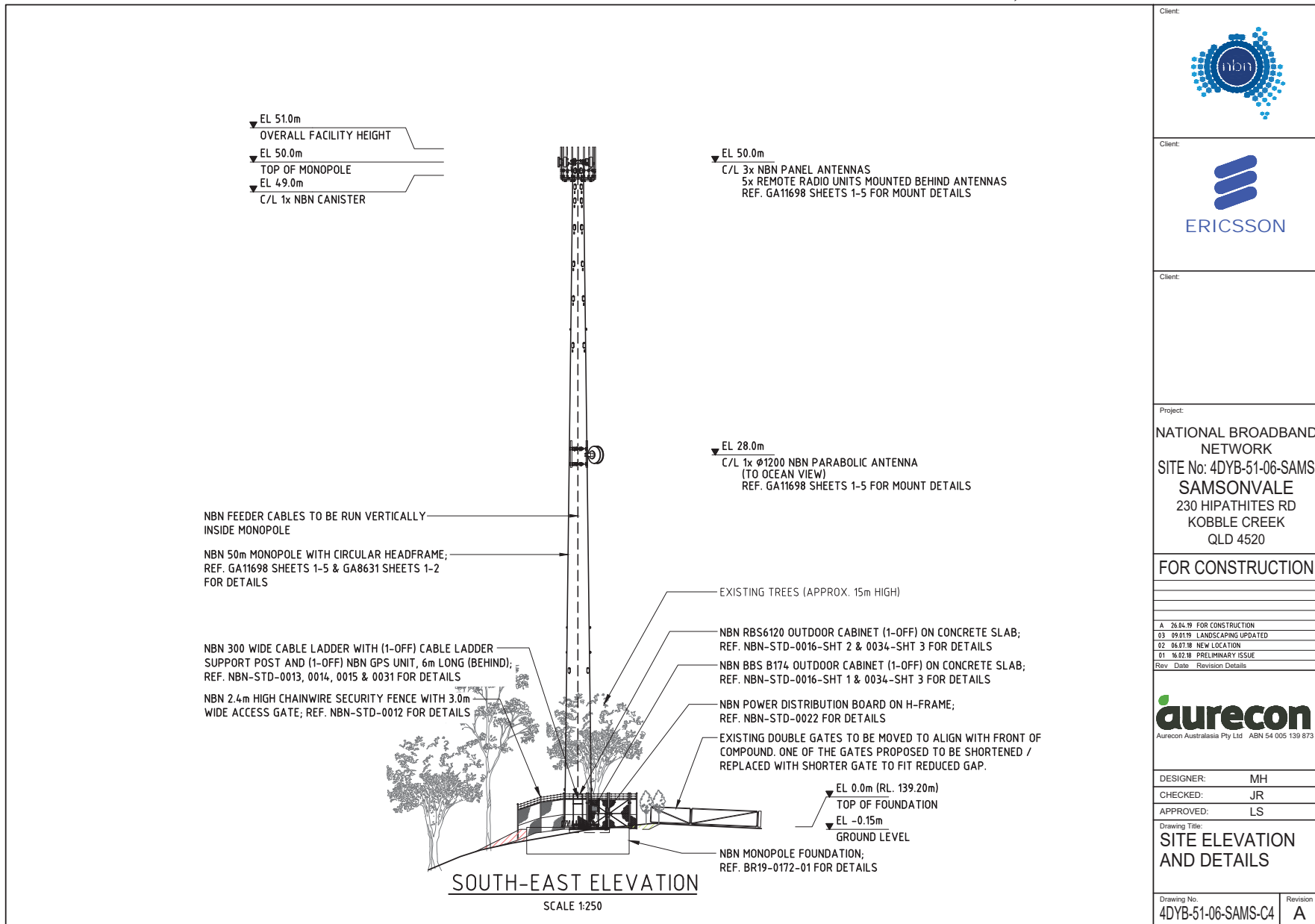

Aurecon Australasia Pty Ltd ABN 54 005 139 873

DESIGNER: MH
CHECKED: JR
APPROVED: LS

Drawing Title:
SITE SETOUT PLAN

Drawing No.	Revision
4DYB-51-06-SAMS-C3	A

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)



Project:

NATIONAL BROADBAND NETWORK
SITE No: 4DYB-51-06-SAMS
SAMSONVALE
230 HIPATHITES RD
KOBBLE CREEK
QLD 4520

FOR CONSTRUCTION

A	26.04.19	FOR CONSTRUCTION
03	09.01.19	LANDSCAPING UPDATED
02	06.07.18	NEW LOCATION
01	16.02.18	PRELIMINARY ISSUE
Rev	Date	Revision Details



DESIGNER: MH
CHECKED: JR
APPROVED: LS

Drawing Title:
SITE ELEVATION AND DETAILS

Drawing No. 4DYB-51-06-SAMS-C4
Revision A

Moreton Bay Regional Council

COORDINATION COMMITTEE MEETING
11 June 2019

PAGE 52
Agenda

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK - DIVISION 11 - A18576724 (Cont.)

NBN ANTENNA CONFIGURATION - 34.00MHz																							
SECTOR	SYMBOL	PANEL ANTENNA DETAIL							MAIN FEEDER DETAIL				RRU DETAIL				RF TAIL H&S 1/2" BIRD PROOFED LISA CABLE	RET CABLE 1/TSR 484 21/2000					
		TYPE	DIMENSION HxWxD	C/L HEIGHT	AZIMUTH (TN)	P1 & P2 E-TILT	P3 & P4 E-TILT	MECH TILT	ANTENNA ACTION REQ	TYPE	OVERALL LENGTH	CANISTER HEIGHT	CANISTER TO RRU LENGTH	FEEDER ACTION REQ	TYPE	LOCATION	C/L HEIGHT	ANTENNA PORT	RRU ACTION REQ	LENGTH	LENGTH		
B1		ARGUS SSPX310R	750x300x115	50m	350°	7°	7°	0°	INSTALL	H&S HYBRID MkII 6x6 (27.5mm)	60m	49m	2m	INSTALL	RRUS2218	BEHIND	50m	1 & 2	INSTALL	1.5m	2m		
B2		ARGUS SSPX310R	750x300x115	50m	120°	6°	6°	0°	INSTALL				2m	INSTALL	RRUS2218	BEHIND	50m	3 & 4	INSTALL	1.5m			
B3		ARGUS SSPX310R	750x300x115	50m	150°	5°	5°	0°	INSTALL				2m	INSTALL	RRUS2218	BEHIND	50m	1 & 2	INSTALL	1.5m			
B4																							
B5																							
B6																							

NBN TRANSMISSION & GPS ANTENNA CONFIGURATION												
ANTENNA	SYMBOL	ANTENNA DETAIL					MAIN FEEDER DETAIL			RAU DETAIL		
		TYPE	DIMENSION	C/L HEIGHT	AZIMUTH (TN)	DESTINATION	ANTENNA ACTION REQ	TYPE	OVERALL LENGTH	FEEDER ACTION REQ	QTY RAU	RAU ACTION REQ
A		PARABOLIC	Ø1200	28m	352°	OCEAN VIEW	INSTALL	2x LDF1-50	38m	INSTALL	2	INSTALL
B												
GPS		KRE 101 2182/1	Ø69x96	2.5m	N/A		INSTALL	LDF1-50	7m	INSTALL		

NOTE:
RRU HEIGHT TO BE +/- 250mm FROM SPECIFIED HEIGHTS. OFFSETS
REQUIRED DUE TO MOUNTING ARRANGEMENT BACK TO BACK.

ANTENNA SETOUT PLAN
SCALE 1:50

Client:

Client:

Project:

NATIONAL BROADBAND NETWORK
SITE No: 4DYB-51-06-SAMS
SAMSONVALE
230 HIPATHITES RD
KOBBLE CREEK
QLD 4520

FOR CONSTRUCTION

A 26.04.19 FOR CONSTRUCTION
03 09.01.19 LANDSCAPING UPDATED
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Rev Date Revision Details

Aurecon Australasia Pty Ltd ABN 54 005 139 873

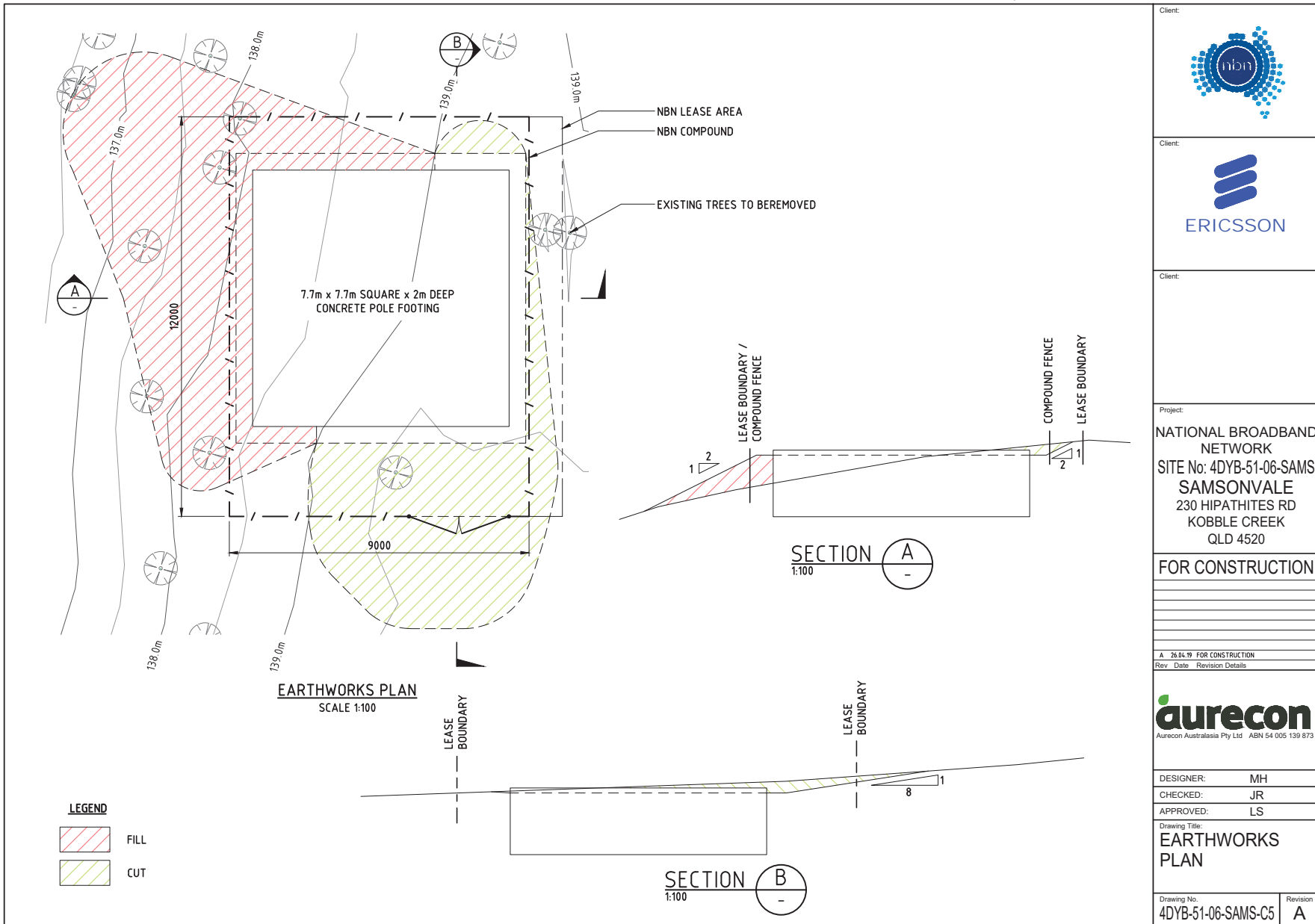
DESIGNER: MH
CHECKED: JR
APPROVED: LS


Drawing Title:


NBN ANTENNA CONFIGURATION & SETOUT PLAN

Drawing No. 4DYB-51-06-SAMS-A1	Revision A
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ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)



Client: 


Client: 

Client:

Project:
NATIONAL BROADBAND NETWORK
SITE No: 4DYB-51-06-SAMS
SAMSONVALE
230 HIPATHITES RD
KOBBLE CREEK
QLD 4520

FOR CONSTRUCTION

Rev	Date	Revision Details
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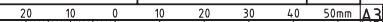

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DESIGNER: MH
CHECKED: JR
APPROVED: LS

Drawing Title:
EARTHWORKS PLAN

Drawing No. 4DYB-51-06-SAMS-C5	Revision A
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ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

#4 Documents for Approval

**230 Hipathities Road,
Kobble Creek QLD
(Lot 2 on RP162985)
(Samsonvale)**

Property Vegetation
Management Plan

NBN Co

Reference: 247473

Revision: 1

14 May 2019



ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Document control record

Document prepared by:

Aurecon Australasia Pty Ltd



ABN 54 005 139 873
Ground Floor, 25 King Street
Bowen Hills QLD 4006
Locked Bag 331
Brisbane QLD 4001
Australia

T +61 7 3173 8000
F +61 7 3173 8001
E brisbane@aurecongroup.com
W aurecongroup.com

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Document control						aurecon	
Report title		Property Vegetation Management Plan					
Document code		Project number		247473			
File path		\\Aurecon.info\shares\AUBNE\Projects\Telco\6. Ericsson NBN\Site Clusters\Ningi Cluster\Site Folders\Samsonvale\Planning\Correspondence\Council\Request for further information\Lodgement 14.5.19\NBN Co Vegetation Management Plan (Samsonvale) new.docx					
Client		NBN Co					
Client contact		Cezary Szablowski		Client reference			
Rev	Date	Revision details/status	Author	Reviewer	Verifier (if required)	Approver	
0	2019-02-27	Rev 1	AC	MP			
1	2019-05-14	Rev 2	AC	MP			
Current revision		1					

Approval			
Author signature		Approver signature	
Name	Andrew Craig	Name	Max Peel
Title	Senior Ecologist	Title	Town Planner

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

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Appendices

Appendix A

General Arrangement Drawing

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- Figure 1 Proposed Development
Figure 2 Tree Plot and Restoration Area

Tables

- Table 3.1 Trees with a DBH > 15 cm, contained within the Development Footprint (refer Figure 2 for a tree plot)
Table 5.1 Vegetation management measures
Table 7.1 Species palette for restoration based on RE 12.11.5/12.11.3
Table 7.2 Monitoring schedule of revegetation/restoration works

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

1 Introduction

1.1 Project background

The National Broadband Network (nbn™) has engaged Ericsson as the equipment vendor and Project Manager to establish the infrastructure required to facilitate the fixed wireless component of the nbn. Ericsson has in turn engaged Aurecon to act on its behalf in relation to the establishment of the required fixed wireless network infrastructure.

The national broadband network (nbn) is an upgrade to Australia's existing telecommunications network. It is designed to provide Australians with access to fast, affordable and reliable internet and landline phone services.

nbn™ plans to upgrade the existing telecommunications network in the most cost-efficient way using best-fit technology and taking into consideration existing infrastructure.

To support the fixed wireless component of this network, nbn™ requires a fixed wireless transmission site to provide fixed wireless internet coverage to the Samsonvale area.

An in-depth site selection process was undertaken in the area prior to confirming the site as the preferred location. This process matched potential candidates against four key factors, namely:

- Town planning considerations (such as zoning, surrounding land uses, environmental significance and visual impact)
- The ability of the site to provide acceptable coverage levels to the area
- Construction feasibility
- The ability for nbn™ to secure a lease agreement with the landowner

The nbn™ is proposing to establish a fixed wireless facility at 230 Hipathities Road, Kobbler Creek QLD (Lot 2 on RP162985) (Samsonvale) (refer Figure 1). The proposed "Samsonvale" fixed wireless facility (henceforth referred to as the "the Project") comprises a new 50 m high lattice tower, along with ancillary components. It is proposed that the facility will be located on Lot 2 on RP162985, with entry to the facility through existing access tracks from Hipathities Road, located to the east of the Project.

1.2 Purpose of the plan

Aurecon, on behalf of nbn™, are responding to information requested by Moreton Bay Regional Council (MBRC) (DA/37146/2018/V2U) dated 14 November 2018.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Specifically the development has requested in condition 5 the following in:

Environmental Planning

5. Performance Outcome PO99 in the Rural zone code requires that *Development avoids locating in a High Value Area or a Value Offset Area. Where it is not practicable or reasonable for development to avoid establishing in these areas, development must ensure that:*
 - a. *the quality and integrity of the biodiversity and ecological values inherent to a High Value Area and a Value Offset Area is maintained and not lost or degraded;*
 - b. *on-site mitigation measures, mechanisms or processes are in place demonstrating the quality and integrity of the biodiversity and ecological values inherent to a High Value Area and a Value Offset Area are maintained. For example, this can be achieved through replacement, restoration or rehabilitation planting as part of any proposed covenant, the development of a Vegetation Management Plan, a Fauna Management Plan, and any other on-site mitigation options identified in the Planning scheme policy - Environmental areas*.*

Where the proposed development cannot avoid establishing in a Value Offset Area, mitigation measures need to be adopted which ensure the quality and integrity of the biodiversity and ecological values inherent to the Value Offset Area are maintained. This can be achieved through replacement, restoration or rehabilitation.

It is necessary that the trees to be removed in the Value Offset Area to facilitate the telecommunication facility are replaced at a ratio of 3:1 (ie for every tree removed it is replaced by 3).

Information Request – Development Application No. DA/37146/2018/V2U Page 3

Provide details including a plan that demonstrates how and where this requirement will be delivered.

It is noted that Performance Outcomes PO100, PO102, and PO13 also require replacement and rehabilitation planting to occur.

For any queries in relation to the above matter/s please contact Rick Arnold on (07) 5433 2701.

It is the purpose of this plan to combine the information requested by MBRC as a single document to satisfy their information request.



ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

2 Project layout

The Development Footprint (ie Plan of Layout) is presented in Figure 2. The Development Footprint has been prepared to illustrate:

- The location and extent of the site works
- Areas of proposed infrastructure
- Illustrate the location of vegetation to be cleared or potentially cleared (that within the proposed development and firebreak) and retained (that contained outside of the disturbance footprint)



ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

3 Tree species within the area of impact

The location of trees contained within the development footprint and access track is presented in Figure 2. In total, 21 trees with a diameter of breast height (DBH) greater than, or equal to 15 cm are contained within or directly adjacent to the development footprint. Trees identified within the development footprint (including the access track), including comments related to their size and fauna habitat values, are presented in Table 3.1.

Moreton Bay Regional Council

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Table 3.1 Trees with a DBH > 15 cm, contained within the Development Footprint (refer Figure 2 for a tree plot)

Tree number	Scientific name	Common name	DBH	Height	Spread	Co-ordinates		Comments/fauna features	Retain/remove
						Latitude	Longitude		
1	<i>Corymbia citriodora</i>	Spotted gum	230 mm	14 m	3 m	-27.269241	152.834724	No hollows present	Remove
2	<i>Eucalyptus propinqua</i>	Grey gum	250 mm	14 m	3 m	-27.269247	152.83472	Scratches	Remove
3	<i>Eucalyptus acmenoides</i>	White mahogany	130 mm	9 m	2 m	-27.269238	152.834663		Remove
4	<i>Eucalyptus propinqua</i>	Grey gum	130 mm	9 m	3 m	-27.269238	152.834654	One-sided	Remove
5	<i>Lophostemon confertus</i>	Brush box	230 mm	13 m	3 m	-27.269232	152.834622		Remove
6	<i>Corymbia citriodora</i>	Spotted gum	310 mm	18 m	5 m	-27.269237	152.834609		Remove
7	<i>Corymbia citriodora</i>	Spotted gum	180 mm	12 m	3 m	-27.269229	152.834606	One sided	Remove
8	<i>Eucalyptus propinqua</i>	Grey gum	290 mm	17 m	3 m	-27.269224	152.834604		Remove
9	DEAD		190 mm	10 m	2 m	-27.269218	152.834579	Termite nest	Remove
10	<i>Corymbia citriodora</i>	Spotted gum	280 mm	19 m	4 m	-27.269254	152.834567		Remove
11	<i>Corymbia citriodora</i>	Spotted gum	150 mm	12 m	2 m	-27.269301	152.834576		Retain
12	<i>Eucalyptus acmenoides</i>	White mahogany	200 mm	14 m	3 m	-27.269325	152.834562		Retain
13	<i>Eucalyptus acmenoides</i>	White mahogany	150 mm	11 m	2 m	-27.269337	152.834612	Dieback	Retain
14	<i>Corymbia citriodora</i>	Spotted gum	270 mm	14 m	3 m	-27.269347	152.834624		Retain
15	<i>Eucalyptus microcorys</i>	Tallowwood	180 mm	14 m	2 m	-27.26935	152.834627		Retain
16	<i>Eucalyptus acmenoides</i>	White mahogany	180 mm	13 m	3 m	-27.269312	152.834632		Remove
17	<i>Corymbia citriodora</i>	Spotted gum	200 mm	15 m	3 m	-27.269311	152.834653		Remove
18	<i>Eucalyptus siderophloia</i>	Northern grey ironbark	130 mm	10 m	2 m	-27.269321	152.834664		Remove
19	<i>Lophostemon confertus</i>	Brush box	280 mm	12 m	3 m	-27.269348	152.834678		Remove
20	<i>Eucalyptus acmenoides</i>	White mahogany	180 mm	13 m	2 m	-27.269376	152.834659		Retain
21	<i>Lophostemon confertus</i>	Brush box	180 mm	10 m	3 m	-27.269377	152.834638		Retain
22	<i>Eucalyptus propinqua</i>	Grey gum	760 mm	18 m	4 m	-27.269309	152.83477	3 hollows	Remove
23	<i>Eucalyptus propinqua</i>	Grey gum	370 mm	12 m	4 m	-27.269329	152.834847	One sided	Remove
24	<i>Eucalyptus propinqua</i>	Grey gum	340 mm	14 m	4 m	-27.269343	152.834858		Remove

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Tree number	Scientific name	Common name	DBH	Height	Spread	Co-ordinates		Comments/fauna features	Retain/remove
						Latitude	Longitude		
25	<i>Eucalyptus acmenoides</i>	White mahogany	280 mm	15 m	3 m	-27.26939	152.834875		Retain
26	<i>Corymbia citriodora</i>	Spotted gum	420 mm	16 m	5 m	-27.269375	152.834795		Remove
27	<i>Lophostemon confertus</i>	Brush box	190 mm	9 m	3 m	-27.269378	152.834769		Remove
28	<i>Corymbia citriodora</i>	Spotted gum	390 mm	17 m	2 m	-27.269354	152.834743	Dieback/trunk damage	Remove
29	<i>Corymbia citriodora</i>	Spotted gum	170 mm	14 m	2 m	-27.269364	152.83472		Remove

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4 Project management

4.1 Key aims and outcomes

- To formulate and implement vegetation management actions
- To clearly identify objectives, methodologies and reporting lines
- To inform all relevant stakeholders of their responsibilities

4.2 Approach

This Property Vegetation Management Plan will form an integral part of the Project's construction phase. Any vegetation clearing works associated with the Project are to follow the measures stipulated in this plan.

Should vegetation clearing works be required to extend beyond the limits specified in this plan (shown on Figure 2 as the Development Footprint), approval must be sought from the appropriate authorities and relevant amendments made to this plan prior to works commencing.

The vegetation management actions and the methods to be employed to monitor the implementation and success of the actions are provided in Section 5 of this plan.

4.2.1 Training and awareness

All staff personnel, contractor staff, consultants and subcontractors will be made aware of their role in vegetation management on the Project site prior to the commencement of clearing activities.

All staff personnel, contractor staff, consultants and subcontractors will be required to complete a site induction prior to commencing any site work. The site induction will include, but will not be limited to, the following points:

- Site personnel will be informed that vegetation clearing must only occur in areas that have been marked for clearing and approved by the relevant agencies
- Site personnel will be advised of areas that are to be retained and remain undamaged by the project activities
- Vehicle traffic must remain on designated tracks only and not disturb surrounding vegetation unless authorised to do so
- Contractors shall not knowingly introduce any Restricted Matter as listed in Schedule 2 of the *Biosecurity Act 2015*. Contractors will be responsible for ensuring all machinery under their control is pest and weed free
- Site personnel will be informed that all native wildlife is protected and shall not be intentionally harmed, stressed or otherwise impacted as a result of works or workers' actions
- Site personnel will not interfere with any fauna in any way. If an animal is impeding project works, staff will not be permitted to interfere with the animal in any way. In such cases staff must wait for the animal to move on or contact a qualified and registered spotter/catcher to relocate the animal.
- Site personnel are to be made aware of the species inhabiting the area and any potential risk the animals may pose (eg snakes)
- Site personnel will be educated in relation to the risks of fauna deaths and how to manage animals that are injured, displaced or orphaned species. Site personnel must contact a certified spotter catcher should the situation arise, and any injured fauna must be safely taken to the nearest vet by the spotter catcher.

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- An inspection of any trenches and other structures that have the potential to act as fauna traps, are to be undertaken on a daily basis where applicable, to determine whether there are any trapped or injured fauna species present and employ the relevant action as appropriate to ensure the health/wellbeing of the animal

4.2.2 Point of contact

The contact details of the person nominated to oversee the vegetation clearing works and responsible for implementing the vegetation management actions on site are provided below:

Name: Cezary Szablowski
Position: Field Manager
Company: Visionstream
Telephone: 0429 389 225
Email: Cezary.Szablowski@visionstream.com.au

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5 Vegetation protection

5.1 Key aims and outcomes

- To limit vegetation clearing to that which is necessary for the construction of the nbn Project and protect and reduce environmental impacts

5.2 Approach

Table 5.1 presents the vegetation protection measures to be implemented during the Project construction phase.

Table 5.1 Vegetation management measures

Management measure ID	Control activity	Timing	Responsibility	Monitoring and reporting compliance		
				Activity	Activity timing	Activity performed by
Vegetation management						
VM 1	Comply with the mitigation measures outlined in this Plan	PD	All staff	PI/CL	PD	All staff
VM 2	In the instance where undertaking an action identified in this Plan represents a threat to human safety, the action is not to be undertaken. Records are to be kept detailing why the action was not undertaken and ensure that these records are made available to any relevant administering authority upon request	PD	SM	PI/CL	PD	All staff
VM 3	Ensure that vegetation clearing boundaries are established with visible and physical markings delineating the disturbance footprint and ensure that all contractors are aware of these boundaries	Pre C	SM/HSER	PI	WR	SM/HSER or delegate
VM 4	The clearing of all areas will be restricted to the areas contained within the disturbance footprint as indicated on Figure 2 (also see Appendix A) to enable safe construction, operation and maintenance of the project infrastructure.	PD	SM	PI/CL	PD	SM
VM 5	No vegetation clearing is to take place without the appropriate vegetation clearing permits issued by the relevant government authority in place	PD	SM	PI/VI/CL	PD	SM/PE/HSER
VM 6	No vegetation is to be burned as a form of removal or disposal	PD	PE/HSER/SM	PI	PD	PE/SM
VM 7	Native tree species which are cleared, damaged or unintentionally removed during construction activities, this must be replaced by the proponent or relevant contractor, at a ratio of 3:1. The identification of trees to be removed is provided in Figure 2 and Table 3.1. Vegetation will be planted, where practical, on the subject lot following final profiling. Specimens planted as part of the compensatory planting will be sufficiently watered and maintained until establishment (ie 6 months). Plants that die during this 6-month period are to be replaced (replanted) at a ratio of 1:1.	PD	HSER/SM	PI	WR	HSER/SM
VM 8	Where practical, cleared vegetation will be recycled on site as mulch and used for purposes such as landscaping and rehabilitation	PD	HSER/SM	PI	WR	HSER/SM
VM 9	Rehabilitation monitoring will occur post disturbance, to ensure that ground stability has been achieved with no instances of erosion or scouring. The viability of planted vegetation will be assessed at this time. In instances where planted specimens have died within 6 months of planting, these specimens will be replaced using the same species. Plants will be watered and tendered sufficiently to ensure their establishment. In instances where erosion and/or scouring has occurred remediation works must be undertaken as soon as reasonably practical.	WR	HSER/SM	PI/VI	WR	HSER/SM

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Management measure ID	Control activity	Timing	Responsibility	Monitoring and reporting compliance		
				Activity	Activity timing	Activity performed by
Fauna management						
VM 10	All site personnel are to be made aware of local fauna that could occur on site. Fauna are only to be handled by suitably qualified personnel	PD	SM/HSER	PI/VI	WR	HSER
VM 11	Implement fauna escape devices such as planks within trenches where practical to enable fauna to exit hazardous areas within the construction site.	PD	PM/HSER	VI	WR	PM
VM 12	<p>A certified fauna spotter/catcher (ie holding a Damage Mitigation Permit (Removal and Relocation of Wildlife) and/or Rehabilitation Permit (issued by the <i>Department of Environment and Science</i> (DES))) will be engaged, as needed (ie where fauna habitat is identified such as trees containing hollows, or in instances where there is a likelihood that fauna may be adversely impacted by the clearing activities). The fauna spotter/catcher is to inspect the project area immediately prior to vegetation clearing. The Contractor will give notice to the Principal prior to commencing any clearing within the project area. The fauna spotter/catcher will:</p> <ul style="list-style-type: none"> ■ Identify and clearly mark (onsite with flagging tape or similar) and map all hollow bearing and potentially hollow bearing trees, as well as hollow logs, immediately prior to vegetation clearing. These will be retained wherever practicable. Identification of all habitat trees requiring specific management measures will occur prior to developing a clearing schedule for the project so that sufficient time is allowed for removal of hollow bearing trees ■ Clearly identify clearing boundaries within the approved disturbance footprint. No clearing or disturbance is to occur outside these boundaries ■ Where practical, active breeding nests will be relocated prior to clearing ■ Identify infrastructure which is used by fauna (eg culverts may be used by some species for shelter/roosting). This is to be tagged and to remain undisturbed until the spotter/catcher has relocated any fauna inhabiting such areas 	Pre C	HSER/SM	PI/CL	WR	HSER

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Management measure ID	Control activity	Timing	Responsibility	Monitoring and reporting compliance		
				Activity	Activity timing	Activity performed by
VM 13	<p>Ensure any trees proposed for disturbance containing hollows, have the timber containing hollows removed (as outlined below) by a qualified arborist and a certified spotter/catcher prior to the commencement of any clearing in order to safely remove any fauna species which might be located inside.</p> <p>Actions to be implemented include:</p> <ul style="list-style-type: none"> ■ Hollows identified as containing fauna shall be plugged with a suitable material such as a towel, the section removed from the tree and gently lowered to the ground using ropes. Measures will be taken to avoid injuring animals. ■ Displaced fauna shall then be relocated (within their hollows) to a suitable, previously identified recipient site, provided the animal did not sustain any injuries. Any injured animals (native or introduced) are to be taken to receive veterinary attention immediately. Once recovered, animals will be relocated to an area of similar habitat adjoining the project area ■ All removed hollows not containing fauna shall be reattached to suitable trees in suitable recipient sites or adjacent to the project area ■ In the case of the presence of other fauna species, the spotter/catcher will encourage the fauna to leave by reasonable means or capture and relocate it in the local environment prior to felling and trimming. If the spotter/catcher determines that a fauna species is present in a tree he/she will remove the animal prior to the felling of that tree or any tree of which the crown overlaps that tree. All members of staff have an obligation to report any fauna species seen in areas to be cleared to the fauna spotter/catcher prior to clearing ■ A method of removing the hollows will be implemented which ensures that hollows are gently lowered to the ground and the chance of fauna mortality is minimized 	Pre C	HSER/SM	PI/CL	WR	HSER
VM 14	Where practical, any fauna to be relocated will be moved to an area of similar habitat adjoining the project area. Suitable relocation areas will be identified prior to the commencement of clearing	Construction	HSER/SM	PI/CL	WR	HSER
VM 15	The Principal will report any environmental incidents, including those which involve harm to native wildlife, to DES within 24 hours of the incident occurring. The report will include details on the location and cause of the incident, extent of impact and corrective action taken. Report are to be submitted to: wildlife.management@ehp.qld.gov.au	PD	SM	PI	PD	SM
Vehicle movement and storage						
VM 16	All vehicles will remain on designated tracks and roadways within the project footprint	PD	All Staff	PI/CL	PD	SM
VM 17	Exclude parking of vehicles, storage of plant and equipment and stockpiling from the drip zones of trees (to avoid soil compaction)	PD	All Staff	PI/CL	PD	SM

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Management measure ID	Control activity	Timing	Responsibility	Monitoring and reporting compliance		
				Activity	Activity timing	Activity performed by
VM 18	Place appropriate signage as required in prominent positions within the project area to reduce speed, promote awareness and provide safety for fauna crossing or inhabiting the area	Pre C	PE/HSER/SM	PI	WR	SM
VM 19	Storage of machinery, materials or equipment shall be within designated areas that have already been disturbed and outside of the drip zone of any trees. Areas outside of the Project footprint must not be disturbed in order to create storage areas	PD	All Staff	PI/CL	PD	SM
VM 20	Ensure all contractors are aware that all waste must be discarded in suitable waste receptacles that cannot be accessed by wildlife and must be removed from site following project completion	PD	SM/PE	VI	Daily	PE
Pest and weed management						
VM 21	Fill and imported soil materials if required for use on site, are to be sourced from weed free areas or suppliers	PD	HSER/SM	PI/VI/CL	Weekly	HSER/SM
VM 22	Weekly visual inspections are to be conducted by the HSER to identify any significant weed infestation. Any restricted matter as identified in Schedule 2 of the <i>Biosecurity Act 2015</i> , are to be controlled as necessary and as specified in the approved Ecological Restoration Plan.	PD	HSER	VI	Weekly	HSER
VM 23	Any vehicles or machinery coming onto site from an area known to contain a restricted matter as identified in Schedule 2 of the <i>Biosecurity Act 2015</i> , are to be washed down prior to entry to site.	PD	HSER/SM	Monitoring	Daily	HSER/SM
VM 24	A weed audit/inspection will be undertaken at the completion of construction and as specified in the approved Ecological Restoration Plan.	WR	HSER/SM	PI/VI	WR	HSER/SM
Erosion, drainage and sediment control						
VM 25	No stormwater will be discharged from the site without passing through appropriate treatment devices.	PD	HSER/SM	VI	Weekly and daily during rainfall event	PE
VM 26	Material stockpile areas shall be located as far as practicable from sensitive receptors such as drainage lines, creeks and roads	PD	HSER/SM	PI	As required during earthworks	PE and sub-contractors
VM 27	Sediment fences shall be located along the downslope construction boundary fence as required. Sediment fence posts should have maximum spacing of 2m and be installed appropriately.	PD	HSER/SM	VI/PI	Weekly	Sub-contractors PE and HSER

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Management measure ID	Control activity	Timing	Responsibility	Monitoring and reporting compliance		
				Activity	Activity timing	Activity performed by
VM 28	Sediment fences must be inspected daily for UV degradation, effectiveness and capacity (maintained at greater than 60%). Sediment fences must not be removed until disturbed areas have been stabilised. Replacement is to occur as required.	PD	HSER/SM	VI/PI	Weekly	HSER/Sub contractor
VM 29	All truck loads will be covered as required for potentially dusty materials exiting the site.	PD	SM	VI	WR	HSER/PE

Table notes:

Pre C Pre Construction WR When Required PE Project Engineer HSER Environmental Representative PI Practical Implementation CL Checklist
 PD Project Duration SM Site Manager VI Visual inspection

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6 Clearing and disposal

6.1 Key aims and outcomes

- To minimise the adverse impacts of vegetation clearance
- To maximise recycling or reuse of cleared vegetation

6.2 Approach

Figure 1 illustrates the proposed development area. Figure 2 illustrates the location and extent of the site works, and Table 3.1 identifies trees and their associated habitat features contained within the development area. Table 5.1 provides a number of mitigation measures which will be implemented to minimise adverse impacts associated with vegetation clearing, including the clear demarcation of vegetation clearing limits and the recycling of cleared vegetation on site for mulch where appropriate.

The following sections provide further information relating to the existing vegetation structure and habitat value of the proposed clearing area and the areas of vegetation to be retained on the subject lot.

6.2.1 Proposed clearing area

The subject lot upon which the project is contained is a rural property containing regrowth vegetation described as RE 12.11.5/12.11.3. The vegetation within the project area is described as Category C area containing a least concern regrowth regional ecosystem. Re 12.11.5 is described as "*Corymbia citriodora* subsp. *variegata* woodland to open forest +/- *Eucalyptus siderophloia*/*E. crebra*, *E. carnea*, *E. acmenoides*, *E. propinqua* on metamorphics +/- interbedded volcanics and RE12.11.3' *Eucalyptus siderophloia*, *E. propinqua* +/- *E. microcorys*, *Lophostemon confertus*, *Corymbia intermedia*, *E. acmenoides* open forest on metamorphics +/- interbedded volcanics (refer Photograph 1 and Photograph 2). A single dwelling and shed infrastructure is located on Lot 2 RP162985. The subject land contains some steep variable topography that slopes towards the south west.

The site is located to the west of Hipathities Road and located within a rural setting (refer Figure 1 and Figure 2). Access to the subject site will be provided via the existing property access from Hipathities Road (refer Photograph 3).

Twenty-one (21) trees are required to be removed for the proposed compound area and access route. These trees are indicated in Figure 2 and identified in Table 3.1. Section 3 provides further details related to trees contained within the disturbance footprint.

6.2.2 Vegetation to be retained

Vegetation to be removed is indicated in Figure 2 as all vegetation located outside of the disturbance footprint will remain untouched (ie vegetation contained outside of the proposed area and associated access routes).

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Photograph 1 Location of proposed monopole and associated ancillary components



Photograph 2 Existing grassy access track from Betts Road to proposed compound area.

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Photograph 3 Existing access track from Hipathities Road

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7 Rehabilitation and maintenance

7.1 Key aims and outcomes

- To restore landforms and topsoil to facilitate natural recruitment processes post construction phase
- To maximise survival opportunities of retained vegetation adjacent to areas disturbed as part of the project construction activities

7.2 Approach

Earth disturbance and vegetation proposed for removal has been limited to that which is considered necessary to facilitate project construction and safe operation (refer Figure 1 and Figure 2).

Areas within the project footprint that are disturbed during construction and do not support infrastructure will be rehabilitated in relation to landform and topsoil to facilitate the natural recruitment of locally occurring flora species. An indicative rehabilitation area has been provided in Figure 2. The proposed rehabilitation area is subject to change and may be relocated if greater rehabilitation value can be obtained by relocating the proposed rehabilitation area.

The following species list, planting densities and numbers are required to be established within a designated rehabilitation area. Based on the Council ratio of 3:1 the number of plants to be planted is 63. The restoration area have been allocated within the project development area and will be planted to not only satisfy the offset requirements but to also provide additional screening to the proposed development area therefore reducing the visual impact of the Project. Species and number for rehabilitation are contained in Table 7.1. The flora species utilized for rehabilitation have been derived from RE 12.11.5/12.11.3.

The vegetation within the project area is described as Category C area containing a least concern regrowth regional ecosystem. Re 12.11.5 is described as "*Corymbia citriodora* subsp. *variegata* woodland to open forest +/- *Eucalyptus siderophloia*/E. *crebra*, E. *carnea*, E. *acmenoides*, E. *propinqua* on metamorphics +/- interbedded volcanics and RE12.11.3' *Eucalyptus siderophloia*, E. *propinqua* +/- E. *microcorys*, *Lophostemon confertus*, *Corymbia intermedia*, E. *acmenoides* open forest on metamorphics +/- interbedded volcanics

Table 7.1 Species palette for restoration based on RE 12.11.5/12.11.3

Scientific name	Common name	Planting density	Quantity
Canopy Layer			
<i>Eucalyptus siderophloia</i>	Northern grey Ironbark		3
<i>Eucalyptus microcorys</i>	Tallowwood		5
<i>Eucalyptus propinqua</i>	Grey gum	Approximately 1 plant/4 m ²	5
<i>Lophostemon confertus</i>	Brush box		10
<i>Eucalyptus acmenoides</i>	White mahogany		10
<i>Corymbia citriodora</i>	Spotted gum		30

The following maintenance works will be undertaken on site, following construction, to ensure the cleared areas are suitably rehabilitated and maintained:

The revegetation site will be maintained and monitored to assess the success of the restoration works. The monitoring and maintenance schedule has been summarised in Table 7.2.

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Table 7.2 Monitoring schedule of revegetation/restoration works

Timing	Task	Remedial Action	Responsibility
Preliminary Pre-planting Phase	1. Undertake preliminary inspection of restoration area to ensure the following:	1. Identify areas for treatment for declared plants and weeds	Restoration Ecologist and Rehabilitation Contractor
	2. Check that the appropriate restricted plant and weed control has been implemented.	2. Undertake these tasks if not appropriately completed	
	3. Check erosion hazards have been repaired and that erosion and sediment control devices are in place as required		
	4. Acquire mulch, fertiliser, sun hardened seedlings etc; and		
	5. Establish exclusion fencing and signage to exclude the area from unauthorised vehicle access		
Initial Restoration	1. Any necessary follow-up restricted plant and weed control.	1. Undertake initial restoration works as per the approved Restoration Plan	Restoration Ecologist and Rehabilitation Contractor
	2. Install plant tubestock, mulch and water.		
First week after planting	1. Water newly installed seedlings DAILY for the first week.	1. Replace damaged seedlings; and	Rehabilitation Contractor
		2. Weak or leaning plants are to be staked.	
Month 1	1. Water newly installed seedlings EVERY SECOND DAY for remainder of the first month.	1. Replace damaged seedlings and stake weak or leaning plants	Rehabilitation Contractor
Month 2	1. Water newly installed seedlings twice each week during month 2 after planting or as required. Additional watering may be required when rainfall is low.	1. Replace damaged seedlings and replace mulch as required	Rehabilitation Contractor
	2. Check exclusion signage is still in place	2. Implement erosion and sediment control ie jute matting, mulch, sediment control fencing in areas suffering erosion.	
	3. Check that erosion and sediment control devices are in place		
	4. Check for disturbances from pests or vandals; and		
	5. Check for signs of soil erosion and instability		
Month 3	1. Check mulch	1. Replace damaged seedlings and replenish mulch where required;	Restoration Ecologist and Rehabilitation Contractor
	2. Check for erosion and sediment control	2. Implement erosion and sediment control ie jute matting, mulch, sediment control fencing in areas suffering erosion.	
	3. Monitor site for presence of restricted plants and weeds.	3. Treat restricted plants and weeds and spray/remove to prevent the spread of other emergent weeds	

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Timing	Task	Remedial Action	Responsibility
	4. Monitor rehabilitation progress and seedling health.		
Month 6	1. Check for erosion and sediment control	1. Implement erosion and sediment control ie jute matting, mulch, sediment control fencing in areas suffering erosion.	Restoration Ecologist and Rehabilitation Contractor (weed monitoring and control)
	2. Monitor site for presence of restricted plants and weeds.	2. Replace damaged seedlings and replenish mulch where required;	
	3. Monitor rehabilitation progress and seedling health	3. Additional watering when rainfall is low; and	
		4. Treat restricted plants and weeds and spray/remove to prevent the spread of other emergent weeds.	
Month 12	1. Check for erosion and sedimentation;	1. Report restoration progress result to client.	Restoration Ecologist and Rehabilitation Contractor (weed monitoring and control)
	2. Monitor declared plants and weeds, record progress and ongoing weed issues;		
	3. Monitor and record rehabilitation progress and seedling health; and		
	4. Review the first 12 months of the monitoring schedule and assess effectiveness of Restoration Plan		
Month 18	1. Check for erosion and sedimentation;	1. Implement erosion and sediment control ie jute matting, mulch, sediment control fencing in areas suffering erosion.	Restoration Ecologist and Rehabilitation Contractor (weed monitoring and control)
	2. Monitor declared plants and weeds, record progress and ongoing issues; and	2. Replace damaged seedlings and replenish mulch where required;	
	3. Monitor and record restoration progress and seedling health.	3. Additional watering when rainfall is low; and	
		4. Treat restricted plants and weeds and spray/remove to prevent the spread of any other emergent weeds	
Month 24	1. Check for erosion and sedimentation;	1. Replace damaged seedlings and replenish mulch;	Restoration Ecologist and Rehabilitation Contractor (weed monitoring and control)
	2. Monitor declared plants and weeds, record progress and ongoing issues; and	2. Additional watering when rainfall is low; and	
	3. Monitor and record restoration progress and seedling health.	3. Treat restricted plants and weeds and spray/remove to prevent the spread of any other emergent weeds	
	4. Prepare documentation and evidence of restoration works completion for lodgement to Council		

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

8 Conclusion

This PVMP provides mitigation strategies to reduce impacts to extant flora and fauna species located within and adjacent to the Project area.

Compliance with the mitigations strategies contained within this PVMP will ensure that the proposed works are conducted in a sustainable manner.

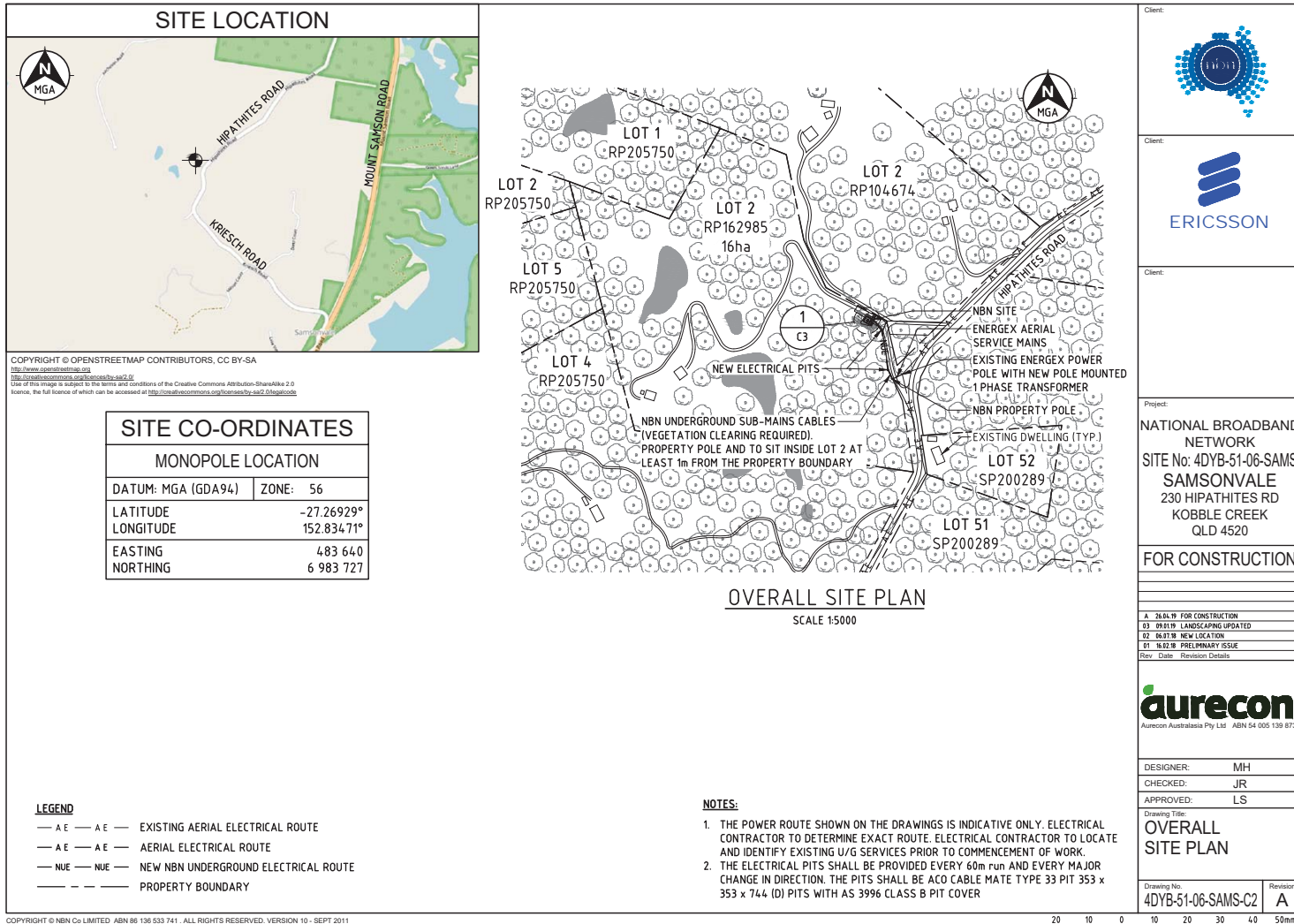
Should situations arise in relation to flora and fauna that have not been addressed in this PVMP, works are to cease until such time and this PVMP is amended to address the unforeseen circumstance.

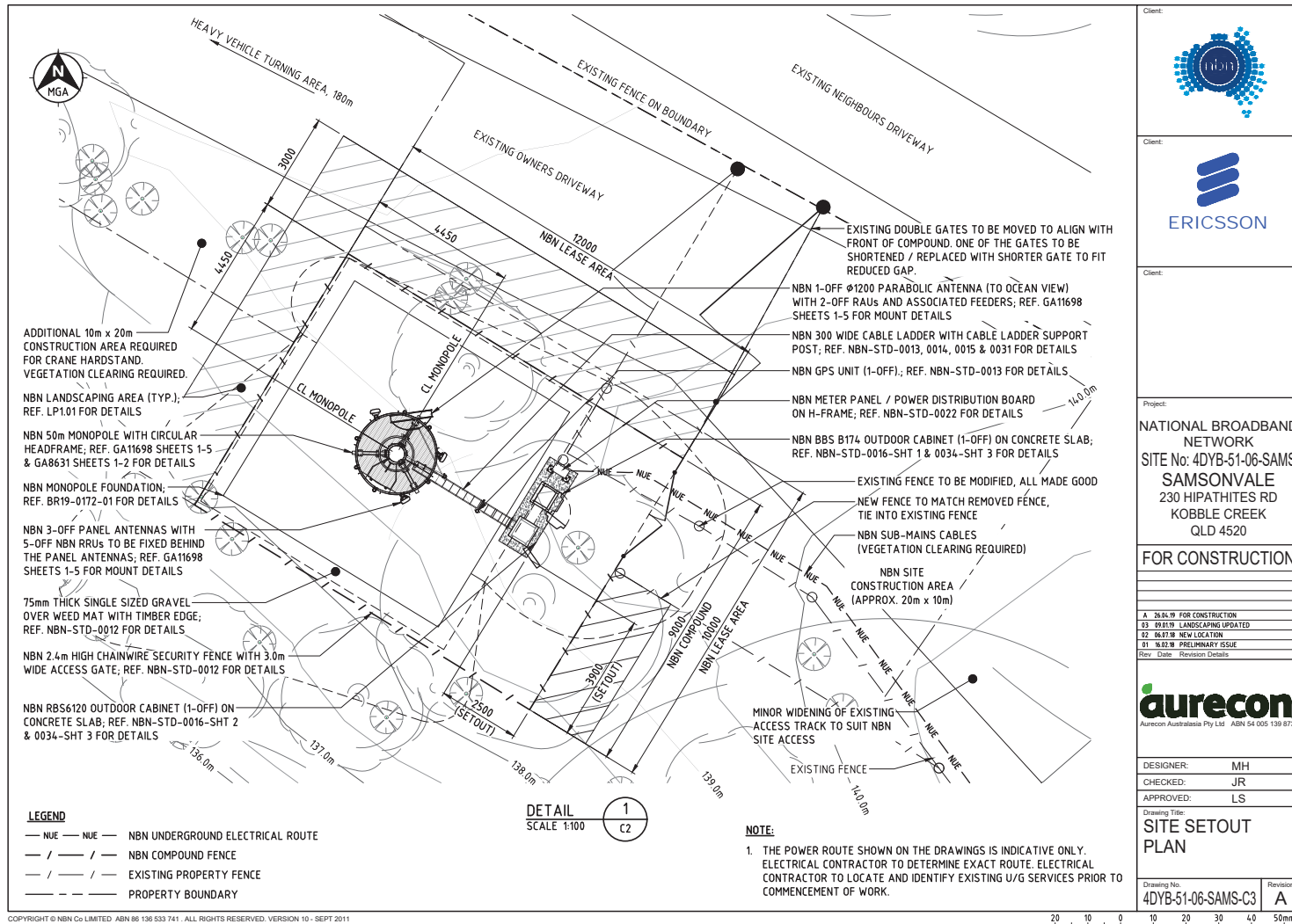
ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230
HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

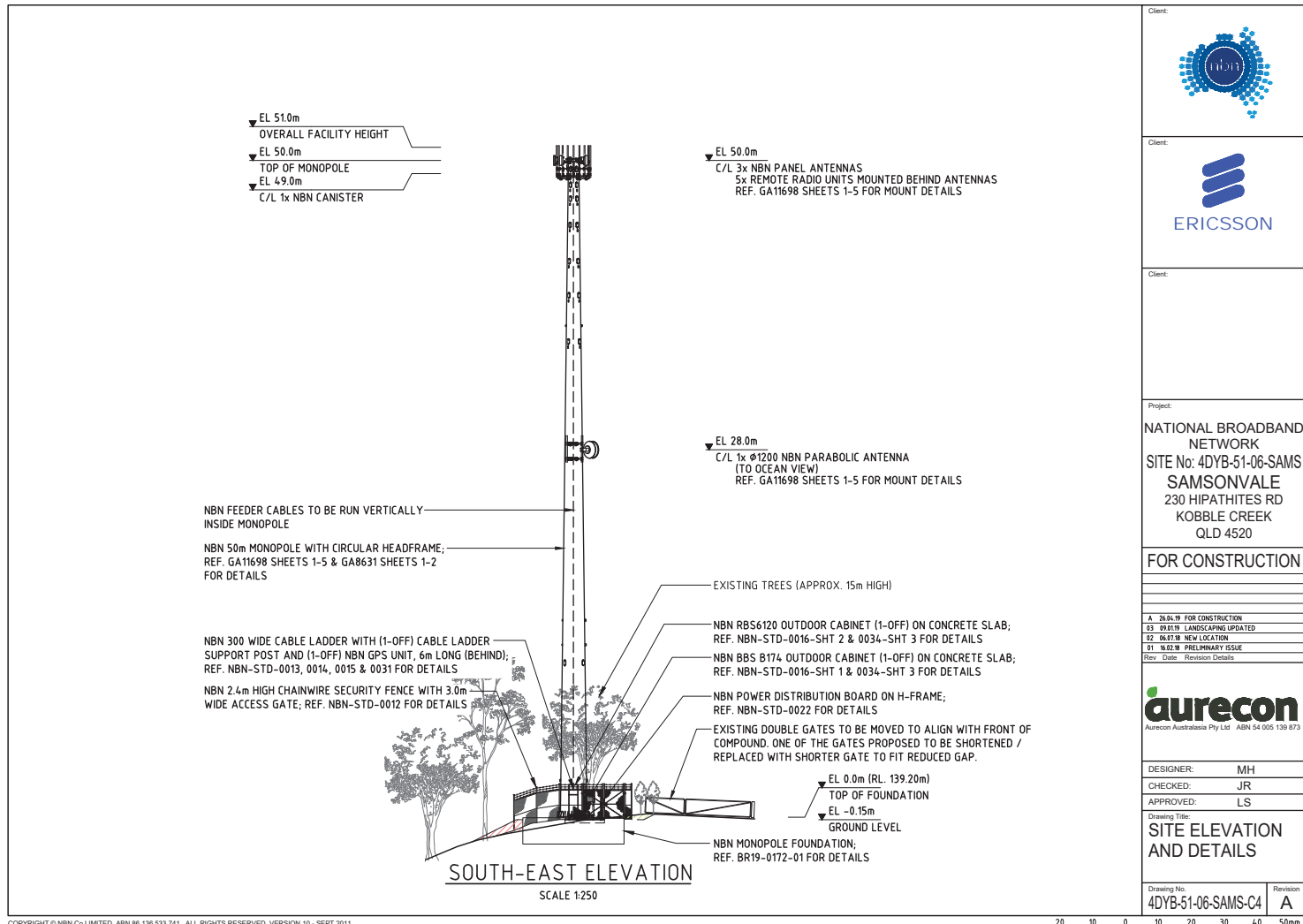


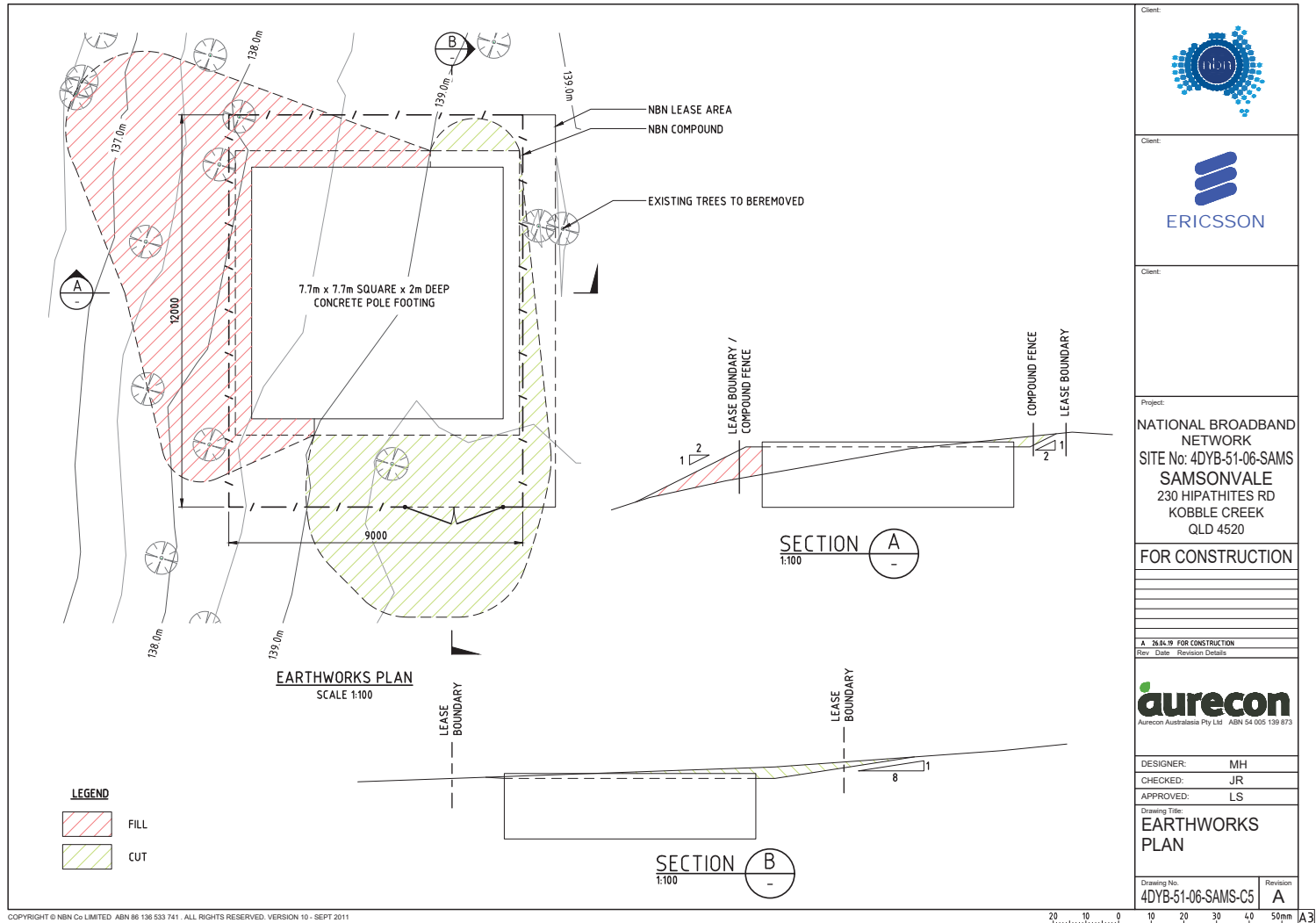
A

General Arrangement Drawing









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Moreton Bay Regional Council

COORDINATION COMMITTEE MEETING
11 June 2019

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Agenda

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

NBN ANTENNA CONFIGURATION - 3400MHZ																					
SECTOR	SYMBOL	PANEL ANTENNA DETAIL						MAIN FEEDER DETAIL				RRU DETAIL					RF TAIL H&S 1/2" BIRD PROOFED LISCA CABLE	RET CABLE 1/1SR 484 21/2000			
		TYPE	DIMENSION HxWxD	C/L HEIGHT	AZIMUTH (TN)	P1 & P2 E-TILT	P3 & P4 E-TILT	MECH TILT	ANTENNA ACTION REQ	TYPE	OVERALL LENGTH	CANISTER HEIGHT	CANISTER TO RRU LENGTH	FEEDER ACTION REQ	TYPE	LOCATION			C/L HEIGHT	ANTENNA PORT	RRU ACTION REQ
B1	⬆️	ARGUS SSPX310R	750x300x115	50m	350°	7°	7°	0°	INSTALL	H&S HYBRID MkII 6x6 (27.5mm)	60m	49m	2m	INSTALL	RRUS2218	BEHIND	50m	1 & 2	INSTALL	1.5m	2m
B2	⬆️	ARGUS SSPX310R	750x300x115	50m	120°	6°	6°	0°	INSTALL				2m	INSTALL	RRUS2218	BEHIND	50m	3 & 4	INSTALL	1.5m	
B3	⬆️	ARGUS SSPX310R	750x300x115	50m	150°	5°	5°	0°	INSTALL				2m	INSTALL	RRUS2218	BEHIND	50m	1 & 2	INSTALL	1.5m	
B4																					
B5																					
B6																					

NBN TRANSMISSION & GPS ANTENNA CONFIGURATION												
ANTENNA	SYMBOL	ANTENNA DETAIL					MAIN FEEDER DETAIL			RAU DETAIL		
		TYPE	DIMENSION	C/L HEIGHT	AZIMUTH (TN)	DESTINATION	ANTENNA ACTION REQ	TYPE	OVERALL LENGTH	FEEDER ACTION REQ	QTY RAU	RAU ACTION REQ
A	⬆️	PARABOLIC	Ø1200	28m	352°	OCEAN VIEW	INSTALL	2x LDF1-50	38m	INSTALL	2	INSTALL
B												
GPS		KRE 101 2182/1	Ø69x96	2.5m	N/A		INSTALL	LDF1-50	7m	INSTALL		

NOTE:
RRU HEIGHT TO BE +/- 250mm FROM SPECIFIED HEIGHTS. OFFSETS
REQUIRED DUE TO MOUNTING ARRANGEMENT BACK TO BACK.

ANTENNA SETOUT PLAN
SCALE 1:50

Client:

Client:

Client:

Project:

NATIONAL BROADBAND NETWORK
SITE No: 4DYB-51-06-SAMS
SAMSONVALE
230 HIPATHITES RD
KOBBLE CREEK
QLD 4520

FOR CONSTRUCTION

A	26/04/19	FOR CONSTRUCTION
B3	09/01/19	LANDSCAPING UPDATED
B2	06/07/18	NEW LOCATION
B1	16/03/18	PRELIMINARY ISSUE

Rev. Date Revision Details

DESIGNER: MH
CHECKED: JR
APPROVED: LS

Drawing Title:
NBN ANTENNA CONFIGURATION & SETOUT PLAN

Drawing No: 4DYB-51-06-SAMS-A1
Revision: A

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ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK - DIVISION 11 - A18576724 (Cont.)

LANDSCAPE SPECIFICATION NOTES:

EARTH WORKS
CLEARING: Clear areas indicated on the drawings of trees, stumps, shrubs, site foundations, paving and other surface obstructions.
EXCAVATION: Excavate to fill areas to dimensions as shown on the drawings. All debris and material not suitable for backfill shall be removed from the site. Ensure caution when excavating near services. Consolidate areas of fill.
TREE PROTECTION:
MARKING: Mark all trees to be retained with a zinc coated tag, painted yellow. Secure the tag to the tree with a loose galvanneal steel wire band. At the end of the Contract, the Superintendent will check and remove the tags.
TREE PROTECTION ZONES: Trees to be retained are to be protected within tree protection zones (TPZs) as follows:
- The perimeter of TPZs must enclose the existing canopy of the vegetation or as specified by the Arboricultural Consultant.
- All TPZs are to be fenced with Temporary Fencing Panels (TFP) or Arboricultural Consultant approved alternative.
- No person, vehicles or machinery are to enter the TPZs except with the written consent of Council.
- Any underground service installations must be bored and utility authorities must advise a common trench where possible.
- No fuel, oil, dumps or chemicals are allowed to be used or stored within TPZs and the servicing and refuelling of equipment and vehicles must be carried out away from the root zones.
- No storage of material, equipment or temporary building is to take place within the TPZs.
- Nothing whatsoever is to be attached to any tree including temporary services wires, nails, screws or any other fitting device.
- TPZ fencing is not to be relocated without specific approval from the Consulting Arboricultural and the Ecologist or Landscape Architect.

EDUCATION: Do not remove topsoil from within the drip line of trees to be retained unless otherwise specified. If it is necessary to excavate within the drip line, use hand methods such that root systems are preserved intact and undamaged. Open up excavations under tree canopies for as short a period as possible. Do not place spoil from excavations against tree trunks, even for short periods. All care shall be taken to avoid damage to the bark of trees.

TREE ROOT TREATMENT: Do not cut tree roots exceeding 50 mm diameter unless permitted by the Superintendent. Where it is necessary to cut tree roots, use a chain saw or similar means such that the setting does not unduly disturb or rock the remaining root system. Immediately after cutting, apply an approved fungicide sealant to the cut surface.
BACKFILL: To excavation around tree roots with an approved topsoil mixture as specified. Add fertilizer at the rate of 0.5kg/m³ as specified in PLANTING. Place the backfill in layers, each 150 mm maximum depth, slightly compacted to eliminate voids. Do not backfill around tree trunk to a height greater than 150 mm above the original ground surface.

WATERING: Immediately after backfilling, thoroughly water the root zone surrounding the tree.
DECOMPACTION: If the ground under the tree canopies has been unduly compacted during the work under the Contract, for example by the operators of heavy construction plant, loosen the soil to a depth of 150 mm.
STOCKPILES: Do not stockpile materials near trees to be retained.

RETAINED TREES: Where pruning of retained trees is required it is to be undertaken in accordance with AS4373/96 and the "three-cut" method is to be utilised.

DAMAGE TO EXISTING TREES: Should any tree be damaged during the work under the Contract, and if the Superintendent requires repair work to be done, such repair work should be performed by an approved tree surgeon at no extra cost.

REPAIR: If repair work is considered impracticable, or is attempted and fails, i.e. as directed, remove the tree and root system, make good as necessary, and either replace the tree or pay damages, as determined by the Superintendent.

REPLACEMENT: Provide, plant and establish as part of the works, at no extra cost to the Principal, a replacement tree of the same species and similar size or as approved by the Superintendent.

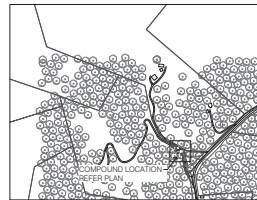
DAMAGE ASSESSMENT: If replacement as part of the works is not approved, pay for any tree removed pursuant to the above, damages assessed by the Superintendent as the cost of replacement by others or to a maximum cost of \$3,000 unless otherwise specified.

CULTIVATION: Cultivate all new planting areas to a minimum depth of 200mm.

TOPSOIL & MULCHING
TOPSOILING:
TYPE: Imported topsoil from an approved supplier to AS 4419 2003. Ensure soil is free of stones, weeds, sticks, roots and other deleterious material toxic to plant growth.
DEPTH: Planting areas: 300mm

SPREADING: Spread topsoil to the depths indicated and lightly compact so that the surface is smooth, free from hollows and has even grade falls. Signed the soil flush with any abutting surfaces generally, but allow for the depth of mulch as necessary.

MULCHING:
Mulch from an approved supplier to AS 4454 2003
Place a 75mm thick mulch ring to each plant at time of planting.
TYPE: Forest Litter mulch to a depth of 75mm to each tree indicated on the drawings. Full mulch away from stem of plants. The mulch must be free from soil, weed growth and other deleterious material harmful to the plants and finished 25mm below the final surface levels of adjacent surfaces.



LOCATION PLAN

N.T.S.

PLANTING
PLANT MATERIAL: Only use vigorous, well established plants of local provenance with large healthy root systems that show no evidence of having been restricted or damaged. Plants must be free from any pests and disease, well hardened off and of a good form consistent with their species or variety.
PLANT SIZES: Where a minimum plant height is specified in the "PLANT SCHEDULE" the height shall be the vertical distance between the top of the pot and the natural top of the plant whilst standing vertically in the pot.

SUBSTITUTIONS: Make no substitutions unless provided in writing. Substitutions will not be approved if plants have not been made available for inspection at the Nursery within 30 days of the Contract being awarded.

REPLACEMENTS: Replace, with plants of the same specified type, quality and size, any plants which fail or are damaged during the work under the Contract.

WARRANTY: Furnish a warranty from the supplier stating that the plants are true to the specified species and type, and free from diseases, pests, weeds and the like.

STORAGE: Whenever possible, plants shall be planted immediately after delivery to the site. If this is not possible, keep them in good condition by appropriate storage methods, or as may be directed. Prevent frost, drying out or damage from any cause including frost, wind, sun, vermin, animals and the like. Provide an on-site nursery for holding plant stock on site for more than 48 hours, of sufficient size, with provision for watering.

POTTING ON: If directed, pot plants into larger soil-filled containers to prevent them becoming root bound if there is an unforeseen delay. The Contractor shall bear the cost of potting on. Do not carry out potting on unless authorised.

POT SIZES: Supply plants in weed-free containers of the sizes specified in the "PLANT SCHEDULE" shown on the drawings.

PLANT TYPES: Refer Plant Schedule.

PLANTING: Water the plant and the planting area thoroughly before planting begins. The planting holes should be large enough to allow the placement of the plant without damaging its root system. Remove plants carefully from containers ensuring minimum soil loss and root disturbance. Root prune any root bound plants. Place plants centrally in their holes and so that the top of the soil level in the pot is 20mm below the finished surrounding soil level. Fertilise with a slow release tablet form of fertilizer. Backfill all holes using imported topsoil as specified. Water plants thoroughly.

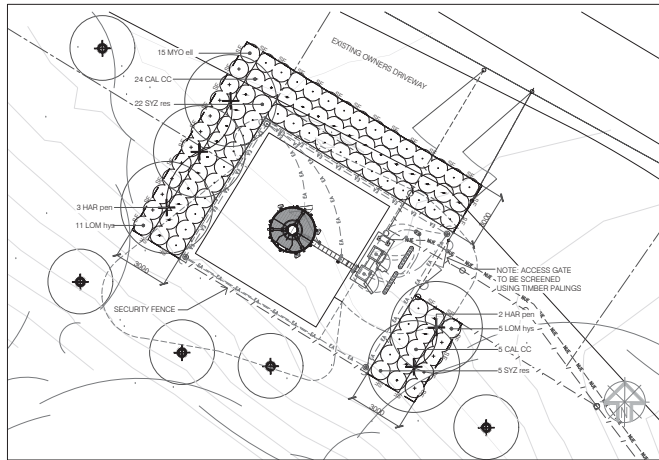
Tree Planting & Staking: Refer DETAIL LD01.

SPADE EDGE:
To each individual planting, provide a Spade Cut Edge to the perimeter of the mulch ring as per DETAIL LD02.

ESTABLISHMENT & MAINTENANCE
General:
Landscape areas shall be maintained by the Contractor from the time of installation until the end of the Landscape Establishment Period. The Landscape Establishment Period shall be 12 weeks. Maintenance shall include watering, fertilising, mowing, weeding, pruning, pest and disease management, plant replacement, site drainage and general tidying of the treated areas.

Watering:
Watering shall be carried out at sufficient frequency to ensure establishment of the plants and to achieve the specified acceptance criteria. Notwithstanding this requirement, watering shall be carried out at the minimum frequency stated in below. The stated rate of watering shall include any rain.

Watering of plants shall be directed at the base of the plant to thoroughly water the root ball.
No water shall be allowed to spray onto, flow across or pond on paved areas including roadways, bikeways and footpaths.



PLANT SCHEDULE

SCALE: 1:100 @A1

CODE	INSTANTANEOUS NAME	NO.	SIZE	HEIGHT	SPREAD	STAKING / GUYING
CAL CC	CALLISTEMON Captain Cook	29	200mm	500mm	-	-
HAR per	HARPER'S ELLi parvula	5	25L	1200mm	700mm	-
LOM hyp	LOMANSIA hystrix	16	140mm	300mm	-	-
MYO ell	MYOPORUM ellipticum	15	140mm	250mm	-	-
SYZ Res	SYZYGIUM Resilience	27	200mm	400mm	-	-

Pest and Disease Management
Plants shall be monitored for pest and disease incidence on a weekly basis. Acceptable plant protection techniques shall be employed to manage any infestations.

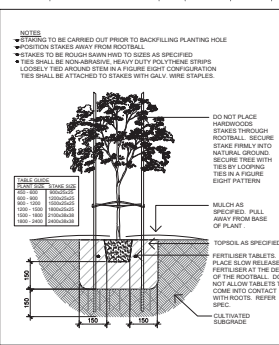
Site Drainage
All landscape areas shall be maintained with sound drainage principles and the avoidance of runoff from the Site shall be achieved. Each irrigation of the Site shall be over a period of time that allows water infiltration (percolation) via the soil and does not produce run-off water.

Tidying
All landscaped areas shall be kept in a neat and tidy condition during the Landscape Establishment Period.
Tidying shall include but not be limited to: the collection and removal of litter, plant prunings and dead plants; removal of mulch from roads and pathways; checking and adjusting plant support stakes and ties; and making good any disturbance to the surface of mulches.

Plant Replacement
Replace at no extra cost, any plant which dies from the cause whatsoever during the Establishment period. Plant replacements shall be of the same size and species and equal in size and similar plants at the time of death.

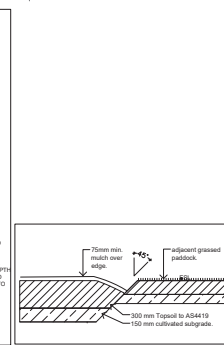
NOTES

- STAKING TO BE CARRIED OUT PRIOR TO BACKFILLING PLANTING HOLE
- POSITION STAKES AWAY FROM ROOTS
- STAKES TO BE ROUGH SAWN AND TO SIZES AS SPECIFIED
- TIES SHALL BE NON-ABRASIVE, HEAVY DUTY POLYTHENE STRIPS
- VEGETATION SHALL BE MAINTAINED IN A REGULAR LIGHT CONFIGURATION
- TIES SHALL BE ATTACHED TO STAKES WITH GALV. WIRE STAPLES



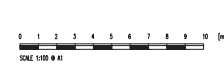
DETAIL LD01 TREE PLANTING & STAKING

Scale N.T.S.



DETAIL LD02 SPADE CUT EDGE

Scale 1:20 @ A1; 1:40 @ A3



LEGEND

- EXISTING TREE TO BE RETAINED
- TREES As Spec.
- SPADE EDGE AS SPEC.
- PLANTING AS SPEC.

APPROVAL APPROVAL APPROVAL
DATE: 13.05.2019 13.05.2019 13.05.2019
BY: [Signatures]

JEREMY FERRIER
LANDSCAPE ARCHITECT
73 VILLAGE ROAD, WINDSOR QLD 4011
Telephone: (07) 3644 0702
Facsimile: (07) 3644 0722
Email: jerry@jerryferrier.com.au

CLIENT: NBN Co. Ltd.

PROJECT: NATIONAL BROADBAND NETWORK SAMSONVALE

DRAWING: LANDSCAPE PLAN

SITE: 230 HIPATHITES RD KOBBLE CREEK QLD 4520

DATE: MAY 2019
SCALE: AS SHOWN

DRAWN: [Signature] APPROVED: JF
PROJECT NO: [Blank] DWG NO: [Blank] ISSUE: [Blank]
2019.01.1 LPI 01 C

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Document prepared by

Aurecon Australasia Pty Ltd

ABN 54 005 139 873

Ground Floor, 25 King Street
Bowen Hills QLD 4006

Locked Bag 331
Brisbane QLD 4001
Australia

T +61 7 3173 8000

F +61 7 3173 8001

E brisbane@aurecongroup.com

W aurecongroup.com

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to life*

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ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230
HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

**National Broadband
Network Fixed
Wireless Project**

4DYB-51-06-SAMS-Samsonvale
Landslide Risk Assessment
Report

Ericsson Australia Pty Ltd

2019-03-14



ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Document control record

Document prepared by:

Aurecon Australasia Pty Ltd

ABN 54 005 139 873
Ground Floor, 25 King Street
Bowen Hills QLD 4006
Locked Bag 331
Brisbane QLD 4001
Australia

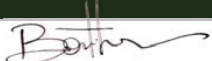
T +61 7 3173 8000
F +61 7 3173 8001
E brisbane@aurecongroup.com
W aurecongroup.com

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Author signature			
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Name		Bari Thomas	Name
Title		Associate	Title
			Lisa Shields
			Project Manager

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

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HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

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ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

1 Introduction

Aurecon Australia Pty Ltd was commissioned by Ericsson Australia Pty Ltd to undertake a Landslide Risk Assessment for the mobile network site at Samsonvale, at Kobbie Creek, Queensland 4520 (4DYB-51-06-SAMS) as part of the National Broadband Network Fixed Wireless project.

The site was identified on the Morton Bay Regional Council Planning Scheme, Landslide Hazard – Overlay Map as a location of concern based on a site slope angle of 15% (or more). Therefore, an assessment was required to determine the landslide risks and potential mitigation measures (if applicable) as per the Moreton Bay Regional Council's Planning Scheme Policy, Landslide Hazard (2015)

It is understood that the following structures are proposed at the site based on the preliminary drawings provided (refer Appendix A):

- 50 m monopole
- Outdoor cabinet on concrete slab on ground
- Access track works to facilitate construction and allow access for maintenance in the future

This report summarizes the findings of a landslide risk assessment carried out for the site considering the development referenced above.

2 Scope of Assessment

The scope of the assessment presented in this report is limited to a landslide risk assessment for the proposed works and its potential impact on surrounding infrastructure. This is to satisfy the requirements of Moreton Bay Regional Council's Planning Scheme Policy, Landslide Hazard (2015).

The assessment was carried out in accordance with Australian Geomechanics Society, Practice Note Guidelines for Landslide Risk Management (AGS 2007). It includes recommendations on additional works that, where deemed necessary, should be included as part of the development to mitigate the landslide risk at the site.

The assessment does not include assessment of other aspects such as footing capacity (geotechnical or structural), retaining wall stability or site erosion characteristics unless they relate to the landslide risk.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

3 Methodology

The landslide risk assessment was carried out in accordance with AGS, Practice Note Guidelines for Landslide Risk Management (AGS 2007).

The assessment was carried out using the “Degree of Belief” methodology based on qualitative terminology due to the lack of quantitative data available. A qualitative approach was also deemed appropriate as the structure was not deemed to be of a high importance level and was also at a reasonable offset from existing infrastructure.

4 Information Used in Assessment

The following information was used in the assessment:

- Drawings 4DBY-51-06-SAMS- (refer to Appendix A)
- 4DBY-51-06-SAMS – Samsonvale - Geotechnical Investigation Report (Rev 0, 21/01/2019) (Aurecon 2019) (refer to Appendix B)
- Aerial photography available via QLD Globe
- Site inspection/mapping was carried out on the 07/03/2019 by a suitably qualified geotechnical engineer (mapping results are included in Appendix C)

No historical information describing or categorising past landslides at the site was made available at the time of this assessment. It should be noted that according to the Moreton Bay Regional Council’s Planning Scheme Policy, Landslide Hazard (2015) (Section 1.1 and 2) that a site is classified as a “Landslide Hazard Area” when the land has a slope of 15% (1V:6.6H) or greater. Therefore, the site doesn’t necessarily have a history of landslides if it has been identified as a “Landslide Hazard Area”.

5 Site Characterization

5.1 Desktop Study

5.1.1 General Site Description

The proposed site is located on a private property with residential address 230 Hipathites Rd, Kobbler Creek, QLD 4520.

The property is located approximately 10km south of the Dayboro Township. The surrounding region predominantly consists of farmland and densely vegetated forests. The regional topography is typically hilly terrain.

The proposed NBN lease area is situated just off to the side of a private road on the crest of a hill, sloping down towards the south-west at an average gradient of around 15%, becoming slightly steeper downhill away from the lease. Rock outcrops along parts of the road and rock was also observed in road cuttings and clearings with limited vegetation cover within 10m of the borehole location. The rock was observed as being a phyllite. At the time of the geotechnical investigation, the site was covered with short to tall grass, small to large shrubs, and small to tall trees up to approximately 30m in height.

Trafficability across the site was found to be sufficient for light vehicles (4WD) and the track mounted drilling rig at the time of the investigation. Caution should be taken when considering access for heavy machinery, particularly after rainfall.

Site photographs of key features at around the site are included in Appendix C.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

5.1.2 Geological Setting

The 1:100,000 scale geology map of the site (Department of Mines and Energy website, www.minesonline.buisness.qld.gov.au) indicates that the site is underlain by the Bunya Phyllite Formation of Devonian - Carboniferous age. The Bunya Phyllite formation typically consists of slate, phyllite, arenite and metabasalt.

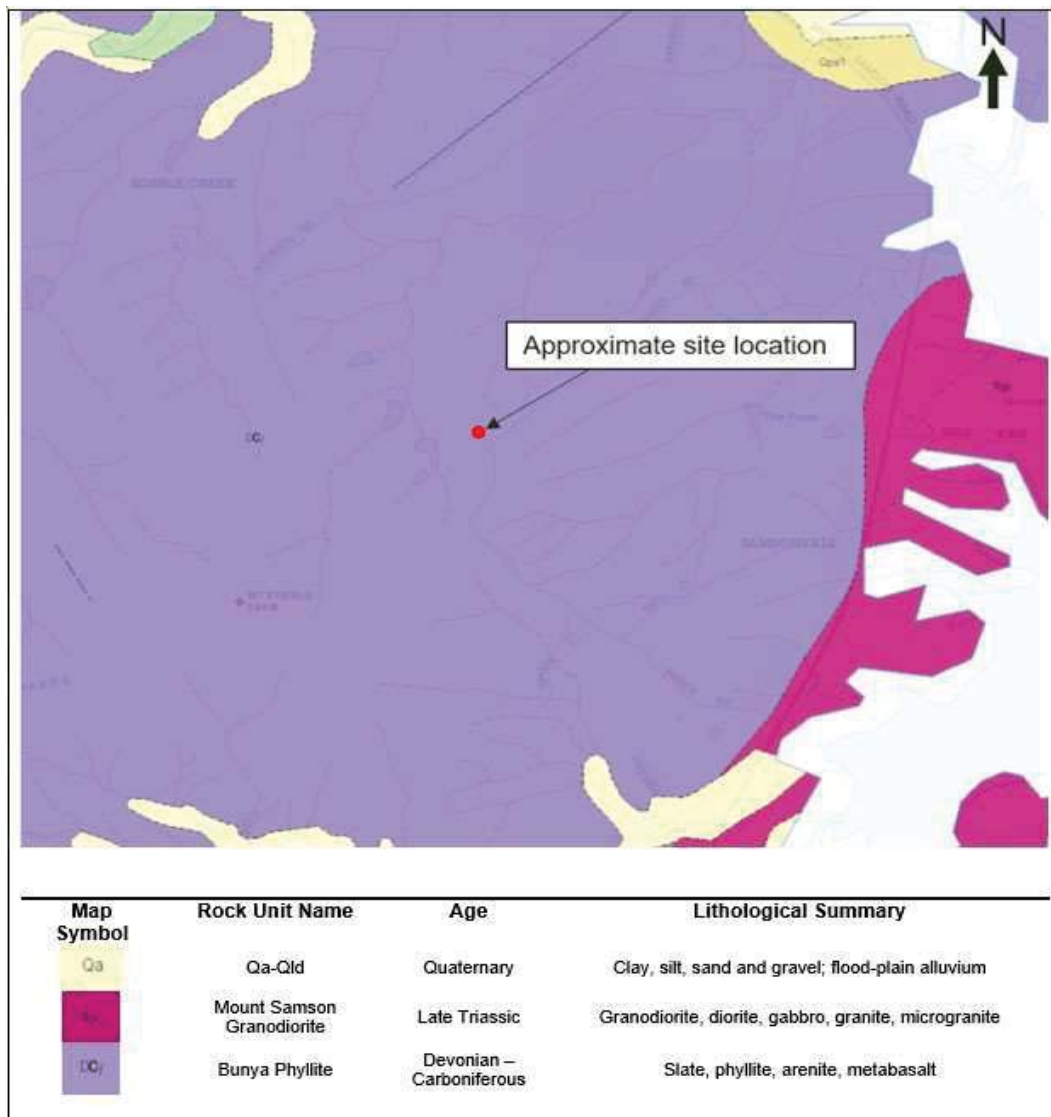


Figure 1: 1:100,00 Detailed Surface Geology Map Extract (Department of Mines and Resources)

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)



Figure 2: Site photograph showing view of lease area, facing north west



Figure 3: Location of where the geotechnical boreholes was drilled, facing south west and showing depicting road and fence

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5.2 Existing Geotechnical Investigation Data

An investigation was carried out by Aurecon on the 21/01/19 to inform the design of the monopole footing and outdoor cabinet on concrete slab on ground located within the main lease area. This consisted of borehole drilling and resistivity testing.

The site investigation found that the subsurface profile at the Samsonvale site comprised residual regolith and soil (phyllite) described as gravelly clayey sand from surface, grading into weathered PHYLLITE bedrock at approximately 3.6m bgl. The upper bedrock formation was typically extremely weathered to highly weathered, with very low strength, becoming typically slightly weathered with high strength below 6.5m to the depth of investigation (9.0m). It is noted that the bedrock was variable, with weathered zones and significant core loss observed.

Groundwater seepage was not observed during the investigation.

The results of the borehole investigation are summarized in Table 1. The location of the geotechnical investigation is within the main lease area and is shown in plans in Appendix B as part of the original geotechnical investigation report which includes more details.

Table 1: Summary of borehole investigation

Origin	Material	Depth (m) bgl		Consistency / Strength ⁽¹⁾	SPT 'N' (blows)
		From	To		
Residual	Gravelly Clayey SAND	0.0	3.6	Very Dense	N* = 100 @ 0.5m N* = 80 @ 2.0m N* = 45 @ 3.5m
Bedrock	PHYLLITE	3.6	6.5	Very Low to Low Strength	-
		6.5	9.0 (TD)	High Strength	-

Notes: TD – Termination Depth; N* - Extrapolated SPT N value, ⁽¹⁾: Where no in situ testing available for granular material, the strength has been inferred from engineering judgement.

5.3 Site Inspection

A site inspection was carried out by Aurecon on the 07/03/19 as part of the landslide risk assessment. This consisted of a walk-over of the site to map the key features (e.g. geology, existing features, surface hydraulics) that could be observed at surface. Weather conditions during the inspection was cloudy but warm with no rain and no wind. The results of this mapping are summarized below and presented in Appendix C.

5.3.1 Typical Topography

The regional topography is typically hilly terrain, with the proposed NBN lease area situated just off to the side of a private road on the crest of a slope which slopes down toward the south-west at an average gradient of 50%.

The topography within the main lease area is slightly hummocky with a small fall downslope to the south. The slope then increases away from the lease area starting at an initial ~15° slope angle that steepens to ~25° (approximately 1:2 to 1:3, V:H).

5.3.2 Inferred Subsurface Conditions

Prevailing ground conditions were observed to consist of regolith and residual soil (phyllite) that was a gravelly clayey sand from the surface, grading into weathered PHYLLITE bedrock at approximately 3.6m bgl (BH SAM-01).

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Exposed weathered phyllite outcrops was observed along within the road cuttings, within the private road surface and downslope of the lease area in the incised gully. No evidence of rock defect controlled stability was observed at the site during the inspection and no signs of previous failure (tension cracks, previous slips, etc.) were observed. Washout gullies were observed downslopes, where regolith had been washed away. These may have formed from a depression in the slope caused by fallen trees.

5.3.3 Vegetation Characteristics

The main lease area is vegetated, with the vegetation characterised predominantly by a high tree density. Straight-standing gumtrees and eucalypts measuring approximately 15m to 30m high populate the vicinity of the lease area. Some fallen trees and branches were observed, which may be the result of lightning strikes. Tree regrowth measured 10m high. A very large, mature tree was observed near the site of the proposed monopole. Several trees were marked with ribbons, presumably identified for removal.

Refer to Appendix C.

5.3.4 Surface Drainage Characteristics

The site walkover found drainage to be a key issue for the site. A rock outcrop was discovered in a large gully down the slope, as well as an area of deep scouring within the slope. The site is located up the road and on the right of a drainage feature that subject to visibly deep scouring down the middle. As the scour within the slope measures approximately 0.75m in depth, it could potentially affect the drainage of the lease area.

A hole measuring 1m wide and 0.7m deep was found in the slope, approximately 25 m from the lease area. The hole may have likely been caused by the displaced tree trunk of a fallen tree. Rainwater may collect in these holes left behind by the fallen trees, thus it is imperative that appropriate control measures are put in place to manage drainage in this site, and to keep the slope dry.

The thick layer of colluvial, regolith debris on the slope may further add to the site's drainage issues, due to the generally sodic and highly dispersive nature of high sediment delivery and low coherence soil regoliths that lack coherence especially when wet.

Refer to Appendix C.

5.3.5 Surrounding Infrastructure/Property

Infrastructure/property surrounding the development is not extensive. The site is on a private property located approximately 10km south of the Dayboro Township, with the proposed NBN lease area situated just off to the side of a private road on the crest of a hill.

Dial Before You Dig plans did not indicate the presence of underground services within the general vicinity of the subject NBN site. Overhead powerlines exist along the existing road to the property, and height clearance should be ensured for construction plant and equipment.

The impact of the proposed works on this infrastructure is nil to negligible.

Refer to Appendix C.

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6 Landslide Risk Assessment

6.1 Overview

The landslide risk assessment was carried out in accordance with AGS, Practice Note Guidelines for Landslide Risk Management (AGS 2007).

The assessment was carried out using the "Degree of Belief" methodology based on qualitative terminology due to the lack of quantitative data available. A qualitative approach was also deemed appropriate as the structure was not deemed to be of a high importance level and was at also at reasonable offset from existing infrastructure

6.1.1 Key Assumptions

Key assumptions are described below; reference should also be made to the scope in Section 2.

- This assessment is based on the development drawings provided to date (refer to Appendix A)
- A design life of 50 years for the development was assumed
- The qualitative descriptors for "Importance Level of Structure", "Likelihood", "Consequence", and "Risk" provided in the AGS, Practice Note Guidelines (2007) are assumed to be acceptable for this assessment (refer to Appendix D)
- A "Tolerable Risk Level" of "Low" was assumed to be acceptable for the works
- No information was provided which indicates significant development immediately surrounding the site

6.2 Key Site Features Considered & Control Measures

Based on the proposed development and the site mapping the following key feature were assessed:

- Feature A (Main Lease Area) – Main lease area, monopole, outdoor cabinets

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6.3 Assessed Landslide Risk Level

The assessed landslide risk levels for Feature A is summarised in Table 2. These risk levels were based on the qualitative risk classifications presented in AGS, Practice Note Guidelines (2007) and included in Appendix D.

The results of the assessment indicate the following:

Features A (Main Lease Area) – A “Low” risk rating was determined for the main lease area. This was based on borehole investigations and site mapping/inspections which indicated prevailing shallow bedrock and no evidence of a history of landslides or slope failures (of significant magnitude) at the site.

Table 2: Summary of landslide risk assessment

Feature	Likelihood	Consequence	Risk Rating	Comment
A – Main Lease Area	D – Unlikely	4 – Minor	L – Low	Care should be taken to ensure storm water is appropriately managed to reduce soil erosion on the western slope

Notes: a. Refer Section 6.2 for description of features

7 Conclusions and Recommended Controls

A landslide risk assessment was carried out as per the Moreton Bay Regional Council’s Planning Scheme Policy, Landslide Hazard (2015) for the proposed mobile network site at Samsonvale, at Kobble Creek, Queensland 4520 (4DYB-51-06-SAMS). This was in accordance with the AGS, Practice Note Guidelines for Landslide Risk Management (AGS 2007) and based on the development drawings appended to this report.

The landslide risk ratings and proposed controls from this process are summarised below.

7.1 Landslide Risk Rating

The following risk ratings were determined for key features related to the development based on the AGS, Practice note Guidelines (2007) presented in Appendix D.

- Main Lease Area, Monopole and Cabinet Footing – A “Low” risk rating was determined for the main lease area. This was based on borehole investigations and site mapping/inspections which indicated prevailing shallow bedrock and no evidence of a history of landslides or slope failures (of significant magnitude) at the site.

7.2 Controls to Reduce Landside Risk

As per the project drawings, (4DBY-51-06-SAMS-; refer Appendix A), the project works are required to comply with all relevant NBN construction standards, current Australian standards and specifications. These controls were deemed to be adequate and no further controls are recommended as the landslide risk rating was determined to be “Low” for the project works described.

Given that the monopole will constructed near the crest of the slope, the designer should account for sloping ground when assessing the geotechnical capacity of the pile.

Care should be taken to control stormwater drainage away from the site as the field inspection recorded localised washouts of the soil and regolith mantling the slope, which indicates the surface soils are susceptible to erosion. However, small localised erosion of the surface soils should not impact the stability fo the proposed monopole.

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8 References

- AGS 2007, Practice Note Guidelines for Landslide Risk Management, Australian Geomechanics Society (AGS), Vol 42, No 1.
- Aurecon 2018, 4DYB-51-06-SAMS-Samsonvale – Geotechnical Investigation Report, Ericsson Australia Pty Ltd.
- Moreton Bay Regional Council 2015, Planning Scheme Policy – Landslide Hazard

9 Limitations

This report has been prepared for the use of the client, Ericsson Australia Pty Ltd. This report has not been prepared for use by parties other than the client, and the client's respective consulting advisors. The landslide risk assessment has been based on experience and understanding of the geotechnical processes relevant to the site, bearing in mind the practical limitations of acquiring information including the frequency of inspections, cost and time constraints. Should conditions exposed at the site vary significantly from the interpretation provided in this report during construction works, or the works themselves vary significantly from those considered in this report it is requested that Aurecon be informed and have the opportunity to review any of the findings of this report.

This report has been written with the express intent of providing sufficient information for assessing the landslide risk at the site. Subsurface conditions relevant to construction works should be assessed by contractors who can make their own interpretation of the factual and perform any additional tests as necessary for their own purposes.

It is strongly recommended that any plans and specifications prepared by others and relating to the content of this report or amendments to the original plans and specifications be reviewed by Aurecon to verify that the intent of our recommendations is properly reflected in the design.

There are always some variations in subsurface conditions across a site that cannot be defined even by exhaustive investigation. Hence, it is possible that the measurements and values obtained from sampling, testing and site mapping may not represent the extremes of conditions which exist within the site.

Further conditions may change at the site over time, including subsurface conditions, groundwater levels, vegetation coverage or surrounding development/infrastructure. This should be borne in mind, particularly if the report is used after a protracted delay.

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Appendix A

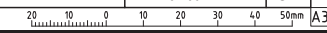
Site Plans and Development Drawings

Table A3: List of Development Drawings




Drawing Number	Title	Revision	Date
4DYB-51-06-SAMS-T1	Cover Sheet	02	06/07/2018
4DYB-51-06-SAMS-C1	Site Specific Notes	02	06/07/2018
4DYB-51-06-SAMS-C2	Overall Site Plan	02	06/07/2018
4DYB-51-06-SAMS-C3	Site Setout Plan	02	06/07/2018
4DYB-51-06-SAMS-C4	Site Elevation and Details	02	06/07/2018
4DYB-51-06-SAMS-A1	NBN Antenna Configuration & Setout Plan	02	06/07/2018

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font-weight: bold;">SITE No: 4DYB-51-06-SAMS</p> <p style="font-size: 36pt; font-weight: bold;">SAMSONVALE</p> <p style="font-size: 24pt;">230 HIPATHITES RD KOBBLE CREEK QLD 4520</p> <p style="font-size: 24pt; font-weight: bold;">RFNSA No.: 4520024</p> <div style="text-align: left; margin-top: 20px;"> <p style="font-size: 24pt; font-weight: bold;">Australia's broadband network</p> </div> <p style="font-weight: bold; margin-top: 20px;">PROJECT SUMMARY</p> <p>PROPOSED NBN GREENFIELD 50m MONOPOLE PROPOSED NBN OUTDOOR CABINETS ON CONCRETE SLAB ON THE GROUND</p>	<p>Client:</p> <p>Client:</p> <p>Client:</p> <p>Project:</p> <p>NATIONAL BROADBAND NETWORK SITE No: 4DYB-51-06-SAMS SAMSONVALE 230 HIPATHITES RD KOBBLE CREEK QLD 4520</p> <p style="text-align: center;">PRELIMINARY</p> <p>02 16/07/18 NEW LOCATION 01 06/07/18 PRELIMINARY ISSUE</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Rev</th> <th>Date</th> <th>Revision Details</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table> <p style="font-size: 8pt;">Aurecon Australia Pty Ltd ABN 54 005 139 873</p> <p>DESIGNER: MH CHECKED: JR APPROVED: LS</p> <p>Drawing Title: COVER SHEET</p> <table border="1" style="width: 100%; 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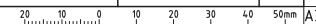
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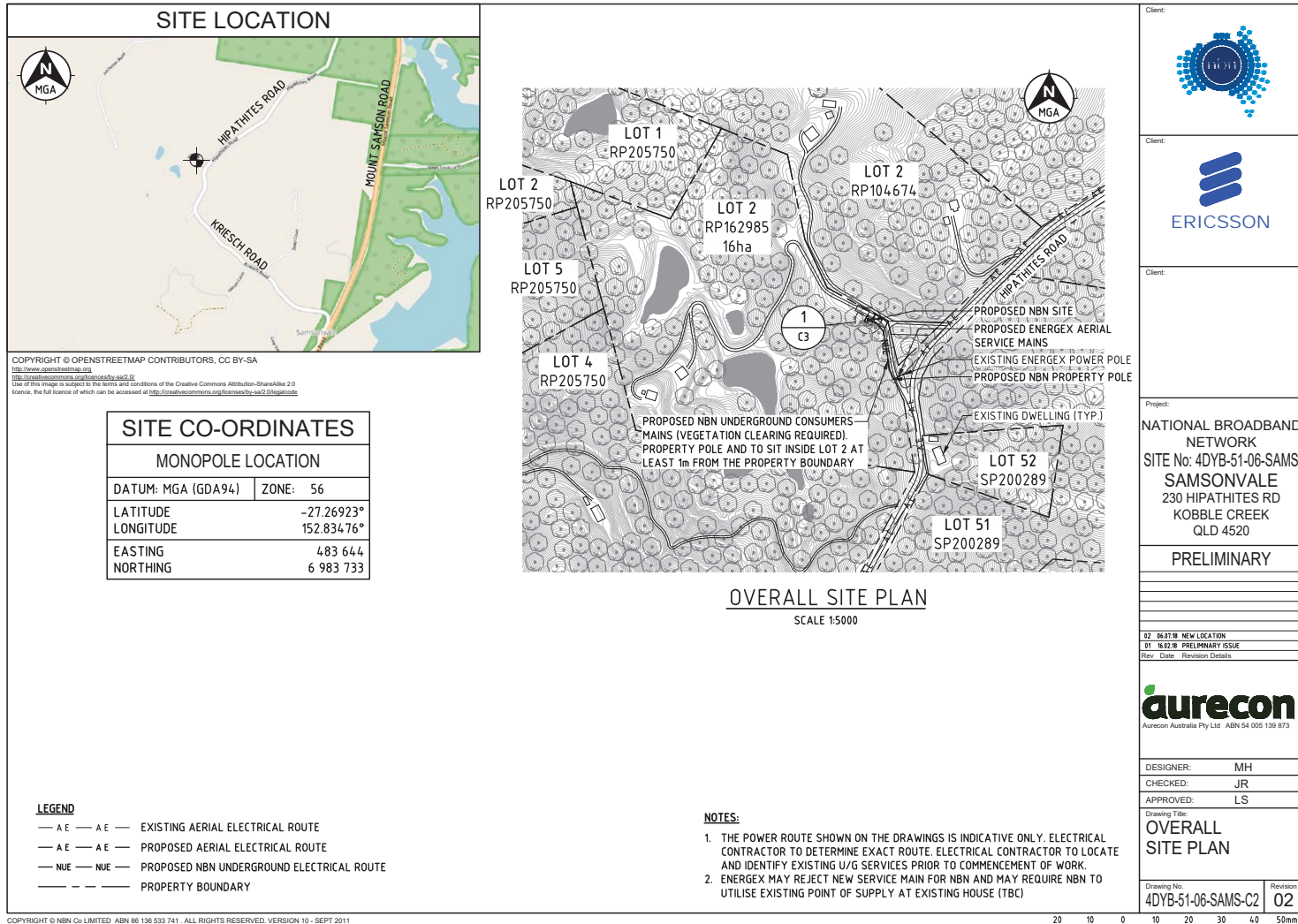
ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

<p>SITE INFORMATION:</p> <p><u>1. SITE ADDRESS</u> LOT 2 ON RP162985, 230 HIPATHITES RD, KOBBLE CREEK, QLD 4520.</p> <p><u>2. GENERAL</u> THE CONTRACTOR SHALL COMPLY WITH ALL RELEVANT NBN CONSTRUCTION STANDARDS, CURRENT AUSTRALIAN STANDARDS AND SPECIFICATIONS.</p> <p><u>3. SITE ACCESS</u> PROPOSED ACCESS FROM EXISTING DRIVEWAY OFF HIPATHITES ROAD.</p> <p><u>4. EQUIPMENT</u> PROPOSED NBN OUTDOOR CABINETS TO BE INSTALLED ON CONCRETE SLAB (<7.5m² GFA) WITHIN NBN LEASE AREA.</p> <p><u>5. STRUCTURE</u> PROPOSED NBN 50m MONOPOLE.</p> <p><u>6. ANTENNA ACCESS</u> ANTENNAS ARE PROPOSED TO BE ACCESSED USING ACCESS LADDER WITH LAD-SAF OR EWP, BY RIGGER QUALIFIED PERSONNEL ONLY.</p> <p><u>7. EXISTING SERVICES</u> THE CONTRACTOR SHALL IDENTIFY AND CONFIRM THE LOCATION OF ALL EXISTING SERVICES AS REQUIRED PRIOR TO COMMENCEMENT OF WORKS.</p> <p><u>8. EXISTING SITE HAZARDS</u> THE FOLLOWING HAZARDS ARE PRESENT ON THIS SITE: - WORK IN REMOTE AREA - STEEP SLOPE AT REAR OF SITE - DENSE VEGETATION</p> <p><u>9. ELECTRICAL SUPPLY</u> REFER TO DRAWINGS 4DYB-51-06-SAMS-C2 & C3 FOR DETAILS. CONDITIONS OF SUPPLY SUBJECT TO ENERGEX OFFER.</p> <p><u>10. TRANSMISSION LINK & RF CONFIGURATION</u> REFER TO TABLE ON DRAWING 4DYB-51-06-SAMS-A1.</p> <p><u>11. SITE SPECIFIC INFORMATION</u> - NO RETAINING WALLS ARE PROPOSED - NO STORMWATER DETENTION IS REQUIRED - VEGETATION CLEARING IS REQUIRED FOR COMPOUND AND CONSTRUCTION AREA - NO EASEMENTS ARE EXISTING OR PROPOSED OVER SITE LOT</p> <p><u>12. DIAL BEFORE YOU DIG</u> DBYD JOB NUMBER - 14473718 ENQUIRY DATE: 27/06/2018 CONTRACTOR SHALL REVALIDATE AND VERIFY AT THE TIME OF CONSTRUCTION.</p>	<p>Client:</p>  <p>Client:</p>  <p>Client:</p> <p>Project:</p> <p>NATIONAL BROADBAND NETWORK SITE No: 4DYB-51-06-SAMS SAMSONVALE 230 HIPATHITES RD KOBBLE CREEK QLD 4520</p> <p>PRELIMINARY</p> <p>02: 3637: NEW LOCATION 01: 3632: PRELIMINARY ISSUE</p> <p>Rev. Date Revision Details</p>  <p>DESIGNER: MH CHECKED: JR APPROVED: LS</p> <p>Drawing Title: SITE SPECIFIC NOTES</p> <p>Drawing No. 4DYB-51-06-SAMS-C1 Revision 02</p>
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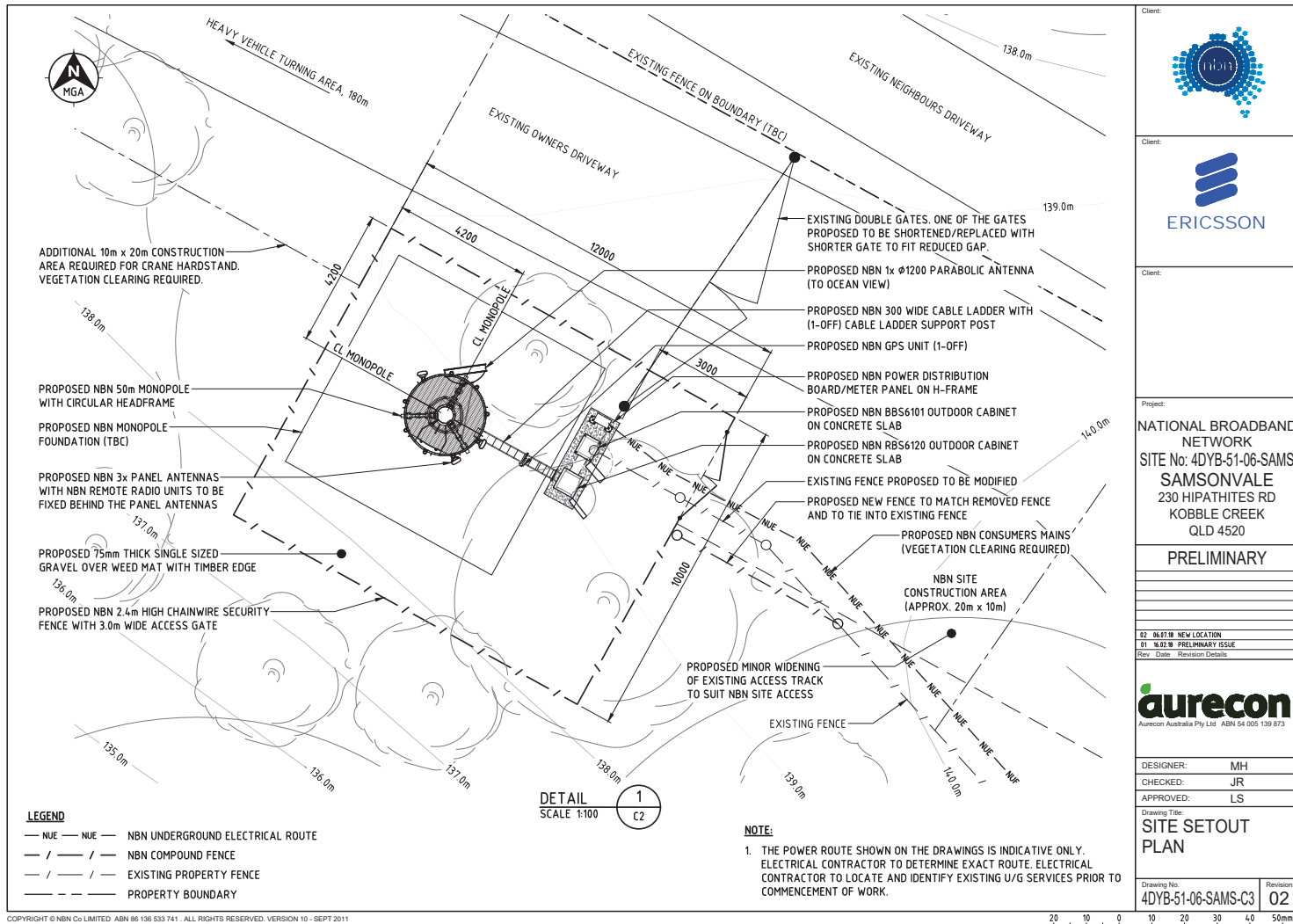
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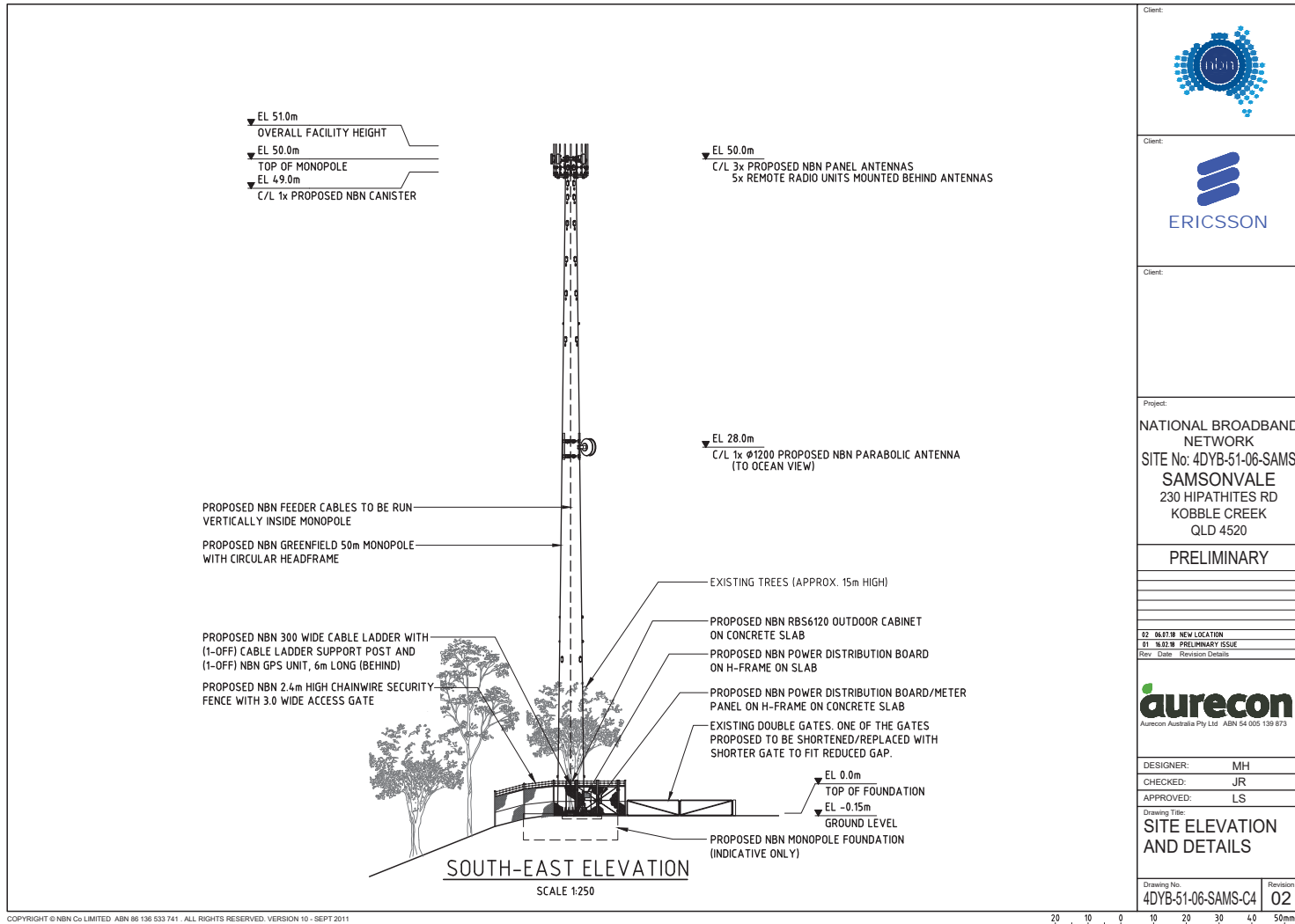


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Moreton Bay Regional Council

COORDINATION COMMITTEE MEETING
11 June 2019

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ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

NBN ANTENNA CONFIGURATION - 3400MHz																					
SECTOR	SYMBOL	PANEL ANTENNA DETAIL							MAIN FEEDER DETAIL					RRU DETAIL					RF TAIL H&S 1/2" BIRD PROOFED LSCA CABLE	RET CABLE 1/TSR 4&4 21/2000	
		TYPE	DIMENSION HxWxD	C/L HEIGHT	AZIMUTH (TN)	P1 & P2 E-TILT	P3 & P4 E-TILT	MECH TILT	ANTENNA ACTION REQ	TYPE	OVERALL LENGTH	CANISTER HEIGHT	CANISTER TO RRU LENGTH	FEEDER ACTION REQ	TYPE	LOCATION	C/L HEIGHT	ANTENNA PORT	RRU ACTION REQ	LENGTH	LENGTH
B1		ARGUS SSPX310R	750x300x115	50m	350°	7°	7°	0°	INSTALL	H&S HYBRID MkII 6x6 (27.5mm)	60m	49m	2m	INSTALL	RRUS221B	BEHIND	50m	1 & 2	INSTALL	1.5m	2m
B2		ARGUS SSPX310R	750x300x115	50m	120°	6°	6°	0°	INSTALL				2m	INSTALL	RRUS221B	BEHIND	50m	3 & 4	INSTALL	1.5m	2m
B3		ARGUS SSPX310R	750x300x115	50m	150°	5°	5°	0°	INSTALL				2m	INSTALL	RRUS221B	BEHIND	50m	1 & 2	INSTALL	1.5m	2m
B4																					
B5																					
B6																					

NBN TRANSMISSION & GPS ANTENNA CONFIGURATION												
ANTENNA	SYMBOL	ANTENNA DETAIL					MAIN FEEDER DETAIL			RAU DETAIL		
		TYPE	DIMENSION	C/L HEIGHT	AZIMUTH (TN)	DESTINATION	ANTENNA ACTION REQ	TYPE	OVERALL LENGTH	FEEDER ACTION REQ	QTY RAU	RAU ACTION REQ
A		PARABOLIC	φ1200	28m	352°	OCEAN VIEW	-	2x LDF1-50	38m	-	2	-
B												
GPS		KRE 101 2182/1	φ69x96	2.5m	N/A		-	LDF1-50	7m	-		

NOTE:
RRU HEIGHT TO BE +/- 250mm FROM SPECIFIED HEIGHTS. OFFSETS
REQUIRED DUE TO MOUNTING ARRANGEMENT BACK TO BACK.

ANTENNA SETOUT PLAN
SCALE 1:50

Client:

Client:

Client:

Project:
NATIONAL BROADBAND
NETWORK
SITE No: 4DYB-51-06-SAMS
SAMSONVALE
230 HIPATHITES RD
KOBBLE CREEK
QLD 4520

PRELIMINARY

02: 16/01/19 NEW LOCATION
01: 16/02/19 PRELIMINARY ISSUE
Rev Date Revision Details

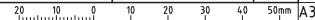
aurecon
Aurecon Australia Pty Ltd ABN 54 005 139 873

DESIGNER: MH
CHECKED: JR
APPROVED: LS

Drawing Title:
**NBN ANTENNA
CONFIGURATION &
SETOUT PLAN**

Drawing No: 4DYB-51-06-SAMS-A1 Revision: 02

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HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)*

Aooendix B
Geotechnical Investigation Report

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)



aurecon

**National Broadband Network Fixed
Wireless Project**

4DYB-51-06-SAMS – Samsonvale –
Geotechnical Report

Ericsson Australia Pty Ltd

21 January 2019
Revision: 0
Reference: 247473

*Bringing ideas
to life*

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)



Document control record

Document prepared by:

Aurecon Australasia Pty Ltd

ABN 54 005 139 873

Ground Floor, 25 King Street
Bowen Hills QLD 4006

Locked Bag 331
Brisbane QLD 4001
Australia

T +61 7 3173 8000

F +61 7 3173 8001

E brisbane@aurecongroup.com

W aurecongroup.com

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Title	Engineering Geologist	Title	Project Manager

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230
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Appendices

Appendix A

Borehole location plan

Appendix B

Borehole logs

Appendix C

Site photos

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1 Introduction

Aurecon Australia Pty Ltd was commissioned by Ericsson Australia Pty Ltd to undertake a geotechnical investigation for the mobile network site titled Samsonvale, at Kobbie Creek, Queensland 4520 (4DYB-51-06-SAMS) as part of the National Broadband Network Fixed Wireless project. It is understood that the following structures are proposed at the site:

- Construction of a 50m monopole,
- Outdoor cabinets on concrete slab on ground.

This report summarises the findings of a geotechnical investigation carried out at the site on the 19th of December 2018. Geotechnical recommendations have been provided based on the investigation.

The location of the site and borehole undertaken is presented on the site plan included as Appendix A.

2 Objectives

The scope of the site investigation included the following:

- Drilling of 1 exploratory boreholes to a minimum depth of 8.5m, or 3m of bedrock along with in-situ testing (SPT)
- Collection of bulk (disturbed) soil samples for visual examination
- Summarise findings of the geotechnical investigation including borehole logs, SPT
- Provide a geotechnical model for the site associated with engineering parameters
- Characterisation of the subsurface conditions on site;
- Classification of the site according to AS2870-2011: Residential Slabs and Footings;
- Obtaining in situ earth resistivity measurements at the proposed location of the monopole;
- Provision of a preliminary acid sulphate assessment; and
- Provide geotechnical parameters for foundation design for the proposed monopole and outdoor cabinet.

3 Methodology

The site investigation was carried out on the 19th of December 2018 under the full-time supervision of an Aurecon Engineering Geologist. The site investigation comprised one borehole drilled to a depth of 6.7m below the existing ground level (bgl) using a Boart Longyear DB520 E-Spec track mounted drill rig.

Earth resistivity testing was undertaken with the R1 and R2 traverses heading perpendicular in general north to south and east to west directions, adjacent to the borehole drilled. The location of the earth resistivity testing and borehole are shown on the site plan included in Appendix A.

Soil descriptions have been determined by an experienced Engineering Geologist in the field by tactile assessments and in situ testing results during the investigation.

No laboratory testing was conducted as part of the investigation.

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3.1 Borehole drilling

The borehole was advanced to 3.6 m bgl using solid flight augers equipped with a tungsten-carbide drill bit, followed by NMLC rock coring which extended to the termination depth of 9.0m bgl. In situ Standard Penetration Tests (SPTs) were conducted at 0.5m, 2.0m, and 3.5m bgl, in accordance with AS1289.6.3.1-2004.

The borehole log and accompanying explanatory notes are presented in Appendix B.

4 Results of the investigation

4.1 Site geology

The 1:100,000 detailed surface online geology map extracted from the Department of Mines and Energy website indicates that the site is likely to be underlain by Bunya Phyllite formation from the Devonian – Carboniferous age. The Bunya Phyllite formation typically consists of slate, phyllite, arenite and metabasalt.

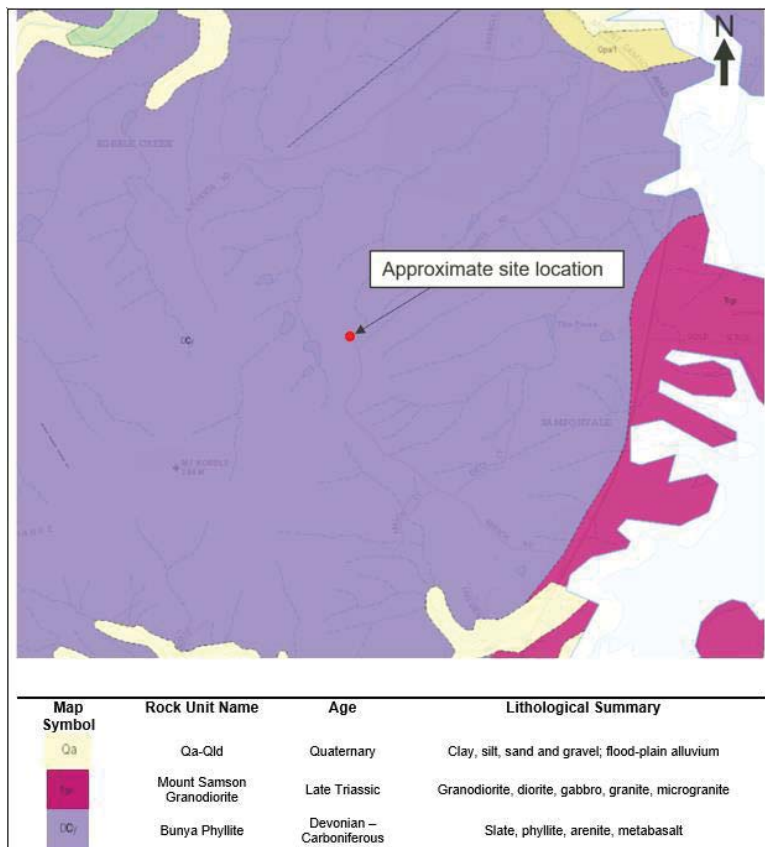


Figure 1: 1:100,000 Detailed Surface Geology Map Extract (Department of Mines and Resources)

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4.2 Site description

The proposed site is located on a private property with residential address 230 Hipathites Rd, Kobbler Creek, QLD 4520.

The property is located approximately 10km south of the Dayboro Township. The surrounding region predominantly consists of farmland and densely vegetated forests. The regional topography is typically hilly terrain.

The proposed NBN lease area is situated just off to the side of a private road on the crest of a hill, sloping down towards the south-west at an average gradient of 15%. Phyllite rock outcrops were visible along parts of the road, evident in road cuttings and clearings with limited vegetation cover within 10m of the borehole location. At the time of the investigation, the site was covered with short to tall grass, small to large shrubs, and small to tall trees up to approximately 15m in height.

Trafficability across the site was found to be sufficient for light vehicles (4WD) and the track mounted drilling rig at the time of the investigation. Caution should be taken when considering access for heavy machinery, particularly after rainfall.

Dial Before You Dig plans did not indicate the presence of underground services within the general vicinity of the subject NBN site. Overhead powerlines exist along the existing road to the property, and height clearance should be ensured for construction plant and equipment.

A photograph taken at the time of investigation is provided below in Figure 1 for reference. Additional photographs of the site are included as Appendix C.



Figure 2: Site location facing south-east

4.3 Sub-surface profile

The borehole logs indicate that the subsurface profile at the Samsonvale site comprised residual soil (phyllite) that was a gravelly clayey sand from surface, grading into weathered PHYLLITE bedrock at approximately 3.6m bgl. The upper bedrock formation was typically extremely weathered to highly

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weathered, with very low strength, becoming typically slightly weathered with high strength below 6.5m to the depth of investigation (9.0m). It is noted that the bedrock was variable, with weathered zones and significant core loss observed.

Groundwater seepage was not observed during the investigation.

The subsurface profile encountered within the borehole is summarised in Table 1 and the borehole log is included in Appendix B.

Table 1: Summary of ground conditions

Origin	Material	Depth (m) bgl		Consistency / Strength ⁽¹⁾	SPT 'N' (blows)
		From	To		
Residual	Gravelly Clayey SAND	0.0	3.6	Very dense	N* = 100 @ 0.5m N* = 80 @ 2.0m N* = 45 @ 3.5m
Bedrock	PHYLLITE	3.6	6.5	Very Low to Low Strength	-
		6.5	9.0 (TD)	High Strength	-

Notes: TD – Termination Depth; N* - Extrapolated SPT N value, ⁽¹⁾: Where no in situ testing available for granular material, the strength has been inferred from engineering judgement.

4.4 Earth resistivity testing

Earth resistivity testing was undertaken on site with a DET5/4R Megger Earth Tester using the Wenner Array method. A series of electrodes (steel spikes) were inserted into the ground along two orthogonal traverse lines (R1) and (R2), with a total length of 24 m. The electrode spacing along R1 and R2 ranged between 1 m and 8 m.

The soil resistivity testing traverses, R1 and R2, are indicated on the site plan included as Appendix A. The results of the earth resistivity testing are presented in Table 2.

Table 2: Earth resistivity test results

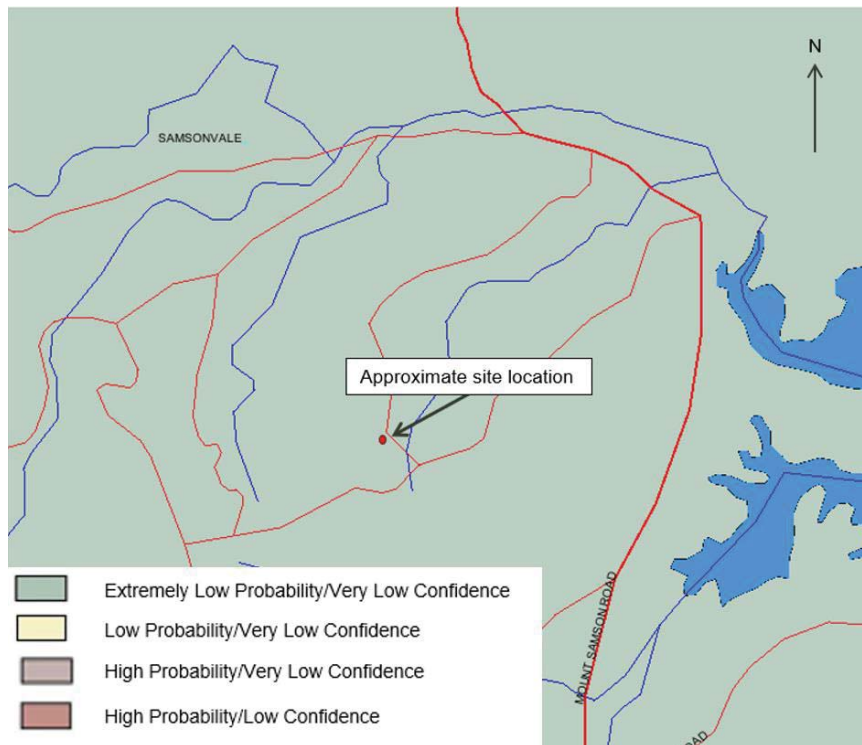
Test	Electrode spacing (m)	Resistance R (Ω)		Resistivity ρ (Ω-m)	
		R1	R2	ρ1	ρ2
1	1.0	1,400	2,200	8,792	13,816
2	2.0	2,800	250	35,168	3,140
3	4.0	178	120	4,471	3,014
4	8.0	90	43	4,522	2,160

Note: Resistivity is calculated assuming homogeneous ground $\rho = 2\pi aR$, where 'a' is in metres and 'R' is in ohms (Wenner Array method)

The calculated earth resistivity values are based on the assumption of homogeneous ground conditions from the surface to a depth approximately equal to the electrode spacing. Non-homogeneous ground conditions may affect the calculated earth resistivity values. The electrical resistance of the ground can also be affected by moisture.

At the time of geotechnical investigations, the ground conditions were typically described as dry. Resistivity of the upper soil profile may change according to the prevailing moisture condition.

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4.5 Acid Sulphate Soils

A desktop study was conducted to establish whether acid sulphate soils (ASS) may be present within the area. The ASS risk map (Figure 3), as published by the Australian Soil Resource Information System, showed the site to have an Extremely Low Probability of Occurrence for ASS. Thus, ASS sampling and testing was not undertaken for this site.

Should subsurface profile conditions change from those encountered during the investigation, further advice should be sought from Aurecon’s ground engineering team.

Geotechnical Assessment

4.6 Site classification

The characteristic surface movement (y_s) has been calculated in accordance with AS 2870-2011 ‘Residential Slabs and Footings’ in order to determine the site classification.

Soil classifications and plasticity’s were based on qualitative descriptions as recorded on the borehole logs. The soil within the depth of design soil suction change (H_s) was identified as:

- Gravelly Clayey SAND, with low plasticity fines (0.0 – 3.6 m bgl)

Climate zone was selected using the Thornwaite Moisture Index (TMI) map of Queensland by Fox (2002). Depth of design soil suction change (H_s) was determined based on AS 2870-2011 Table 2.5.

Figure 3: Australian Soil Resource Information System Acid Sulphate Soils Map

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The following parameters have been utilised in the calculation of characteristic surface movements:

- Climate Zone 1
- Depth of design soil suction change (H_s) 1.5m
- Change in suction at soil surface (Δu) 1.2 pF
- Maximum design drying depth close to trees (H_t) 3.0 m
- A maximum extra suction change due to tree group influences (Δu_{base}) 0.38 pF

Due to the surrounding trees, allowances for additional tree inducted suction effects have been factored in the characteristic surface movement calculations. Taking into consideration tree effects, the site is found to have a site classification of Class S. As a Class S site, the site may experience slight ground movement from moisture changes. Ground movements due to changes in moisture condition less than 20mm are expected.

4.7 Geotechnical design parameters

Geotechnical soil and rock parameters were derived from typical values, empirical formulae and correlations. Methods used for obtaining parameters are outlined below.

Bulk unit weights of soil layers (γ) were based on AS 4678-2002 Table D1 'Unit weights of soils (and similar materials)', whilst rock unit weights were based on Look (2014, Table 9.2).

The effective friction angle (ϕ') in non-cohesive soil types have been estimated with respect to angularity, grading and relative density (AS4678-2002), based on a visual description of the soil.

The recommended value for Poisson's ratio, for both undrained and drained conditions (ν_u, ν'), were taken from typical values with respect to the observed soil plasticity (Look, 2014, Table 11.17).

The undrained and drained modulus of elasticity have been estimated with respect to strength of soil, from both a tactile assessment and in-situ testing (Look, 2014, Table 11.7).

Using the methods outlined, the recommended soil design parameters obtained are shown in Table 3.

Table 3: Recommended design geotechnical parameters

Material	Depth (m bgl)		Consistency / Strength	γ (kN/m ³)	C_u (kPa)	c' (kPa)	ϕ' (deg)	E_u (MPa)	E' (MPa)	ν_u	ν'
	From	To									
PHYLLITE (recovered as Gravelly Clayey SAND)	0.0	3.6	Very dense ⁽¹⁾	20	-	-	36	-	70	0.30	0.30
PHYLLITE	3.6	6.5	Very Low strength	20	-	-	38	-	70	0.30	0.30
	6.5	9.0 (TD)	High strength	See Table 4 for rock parameters.							

Notes: γ : Bulk unit weight; C_u : undrained shear strength; c' : drained cohesion; ϕ' : drained friction angle; E_u : undrained elastic modulus; E' : drained elastic modulus; ν_u : undrained Poisson's ratio; ν' : drained Poisson's Ratio, TD: Termination Depth. ⁽¹⁾: inferred strength based on engineering judgement

Should the horizontal modulus of subgrade reaction (k_s) be required, it can be calculated using parameters as provided in Table 3 by the following formula (Bowles, 1997):

$$k_s = E / (B (1-\nu^2))$$

Where: E = Young's modulus

B = Pile diameter

ν = Poisson's ratio

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A value of B=1 would be appropriate assuming a spring spacing of 1 m. The appropriate value of E will depend on the nature of the loading and whether it is a sustained load or transient load.

Please note this provides a lower bound for the horizontal modulus of subgrade reaction and the designer should consider a range of k values for determination of worst case due to soil variability. It is recommended to consider +30% when checking deflection, bending and shear forces.

The estimated Point Load Strength Index, $I_s(50)$, was interpreted based on the SPT data and field observations in accordance with in house site investigation manual (Aurecon, 2012). The Unconfined Compressive Strength (UCS) has been estimated to be 10 times the $I_s(50)$ value, in accordance with Look (2014).

Recommended values of Poisson's ratio for rock are based on Look (2014) Table 11.23 'Poisson's ratio for rock' using a correlation of rock type.

The deformation modulus (E) of the rock mass was based on the following relationship from Tomlinson (1996):

$$E = j \cdot M_r \cdot q_{uc}$$

Where: j = Mass factor related to the discontinuity spacing in the rock mass, adopted as 0.2 for RQD < 50%

M_r = Modulus ratio, adopted as 300 for metamorphic rocks

q_{uc} = Unconfined Compressive Strength (MPa)

Recommended rock design parameters are shown in Table 4.

Table 4: Recommended design geotechnical parameters - rock

Material	Depth (m) bgl		Rock Strength	γ (kN/m ³)	ν	RQD (%)	$I_s(50)$ (MPa)	UCS (MPa)	E (MPa)
	From	To							
PHYLLITE	3.6	6.5	Very Low strength	23	0.3	0 - 10	0.1	1	60
	6.5	9.0 (TD)	High strength	25	0.25	20	1	10	600

Notes: γ : Bulk unit weight; ν_u : Undrained Poisson's ratio; ν' : Drained Poisson's Ratio; c_u : undrained shear strength; c' : drained cohesion; ϕ' : drained friction angle; E: Elastic modulus; E_u : Undrained elastic modulus; *: Inferred SPT value due to refusal

4.8 Foundation design parameters

For the prevailing site conditions, a pad footing / shallow foundation has been considered as founding system for the monopole and capacities are indicated in the proceeding sections. Where pull out and lateral resistance is found to be inadequate with a shallow pad footing, rock anchors can be implemented in the design.

The following section presents a preliminary assessment of foundation parameters. At the time of detailed design, these analyses may need to be revised to reflect actual loading conditions and construction preferences.

The foundation should be designed in accordance with applicable Australian/New Zealand standards including AS/NZS 4676-2000: *Structural Design Requirements for Utility Services Poles*.

Groundwater was assumed to exist from surface level for the purposes of bearing capacity calculations.

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4.8.1 Shallow foundation

Shallow foundations have been considered for the monopole and the outdoor cabinet. Where a shallow footing is not feasible, bored piles or rock anchors shall be considered.

Where a shallow pad footing is adopted, the designer shall carry out analyses on overturning and sliding stability in addition to long-term settlement, in accordance with AS/NZS 4676-2000. If the analyses show excess deformation or overturning instability a more deeply embedded or larger foundation shall be considered.

Typical footing size for a monopole foundation is considered to be 5.0 x 5.0 m, and when calculating the bearing capacity, the depth of the pad footing is assumed to be at the top of each respective soil layer. For the cabinet structure, a standard size of 1.0 x 2.4 m (W x L), embedded at a depth of 0.3 m is assumed. The load applied to the footing is taken to be in the vertical direction only.

Lateral restraint from the soils (passive resistance) should be ignored in shallow foundation design calculations due to the degree of movement necessary to fully mobilise passive resistance.

For long-term loads, the ultimate sliding resistance at the base of the foundation was estimated based on Das (2007) Section 8.6 'Checks for sliding along the base', using the following equation:

$$R_{ugs} = (V) \tan (k_1 \phi') + k_2 c' A$$

- Where: R_{ugs} = Unfactored ultimate sliding resisting friction (kN)
- V = Unfactored vertical load on footing (kN)
- k_1, k_2 = range from $1/2$ to $2/3$ (k_1 and k_2 are assumed to be both $2/3$)
- c' = Effective cohesion (kPa)
- A = Contact area (sq.m)

Estimated values for the ultimate unfactored bearing capacity (q_b) and sliding resistance (R_{ugs}) are presented in Table 5. Where appropriate, the effect of the weaker strata below has been taken into account to arrive at an appropriate design value.

Overturning or lateral pile loads need to be considered by the designer once the structural (wind load) forces are known.

Table 5: Estimated design parameters – Shallow pad footing

Material	Depth (m bgl)		Ultimate Unfactored Bearing Capacity, q_b (kPa)	Ultimate Unfactored Sliding Resistance, R_{ugs} (kN)
	From	To		
PHYLLITE (recovered as Gravelly Clayey SAND)	0.0	3.6	Monopole – 1,000 Cabinet – 350	0.45·V
PHYLLITE	3.6	5.2	1,000	0.47·V

The ultimate unfactored bearing capacity of the bedrock formation from depths 3.6m to 6.5m bgl has been limited to 1 MPa to account for the weathered zones and core loss observed. Founding level more than 3.5m is not recommended due to large excavation.

For limit state design, a geotechnical strength reduction factor of 0.35 and 0.45 should be applied to the ultimate unfactored bearing capacity and sliding resistance, respectively.

Under working stress analysis, a factor of safety of 3 would be appropriate for both cases.

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AS5100.3-2004 'Bridge design – foundations and soil supporting structures' and AS2159 'Piling – Design and installation' were utilised to obtain geotechnical strength reduction factors (ϕ_g) for shallow pad footings.

If the footing size or shear strength of substrata material is different from the assumptions discussed in this report, or if during the excavation phase the ground conditions vary from those indicated at the time of investigation, further advice should be sought from Aurecon's ground engineering team.

4.8.2 Piled Foundation

This report provides capacity values for bored piles at the Samsonvale site. The designer may consider raking piles for lateral stability if required.

Piles should have an embedded length of at least 4 x pile diameter (D/B=4) to allow distribution of both vertical and horizontal loads to the ground and be designed in accordance with the requirements of AS2159-2009. It is recommended that each pile be inspected by a geotechnical professional to confirm the geotechnical profile and pile capacity.

Bored pile capacity calculations consider single pile theory only. Where more than one pile is required to achieve capacity, a minimum centre-to-centre spacing of 3 x pile diameter, D, is recommended.

To allow for gapping, in accordance with AS 2159, side friction capacities shall be ignored to a depth which is equal to the greater of 1.5 times the pile diameter below the pile cap or 0.5 m bgl.

Values for the ultimate unfactored bearing capacity (q_b) and side friction (q_s) are provided in Table 6 for a bored pile foundation design. These values provided assume pile depth to be at the top of the respective layer, and where required, have taken into account the effect of the weaker strata below to arrive at an appropriate design value.

Table 6: Recommended design parameters – Bored Piled foundation

Material	Depth (m bgl)		Ultimate Unfactored Bearing Capacity, q_b (kPa)	Ultimate Unfactored Side friction, $q_s^{(1)}$ (kPa)
	From	To	D/B > 4	
PHYLLITE (recovered as Gravelly Clayey SAND)	0	3.6	Not recommended	
PHYLLITE	3.6	5.2	3600	30
	5.2	6.5	5200	30
	6.5	9.0 (TD)	6500	630

Notes: ⁽¹⁾ Where piles are to develop resistance to pull out then the ultimate shaft capacity should be factored down in accordance with the relevant standard. ⁽²⁾ shaft friction for about top 0.9m pile length is excluded to place the pile top cap.

1.1.1 Rock anchors

If resistance to pull out and lateral force is not adequate using a shallow pad footing, rock anchors can be used to provide non-vertical load resistance and adhesion between the concrete footing and the bedrock. The depth, spacing, and size of the anchors shall be designed with consideration to the rock mass condition, strength, fracture intensity and condition, and properties of the anchors. The rock anchors should be designed in accordance with applicable Australian/New Zealand standards including AS/NZS 4678-2002: Earth Retaining Structures.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)



A minimum fixed anchor length is recommended to be 3.0 m in accordance with AS 4678-2002 to account for variable rock quality and constructional imperfections. Ultimate unfactored bond adhesion is recommended in Table 6 for rock anchor design. It should be noted that cone pull-out may control anchor capacity and should also be checked.

The designer should apply reduction factors to the ultimate unfactored strength for the importance category, material factor, and structure classification in accordance with AS 4678-2002.

Table 6: Recommended design parameters – Rock anchors

Material	Depth (m bgl)		Ultimate Unfactored Bond adhesion, $F_s^{(1)}$ (kPa)
	From	To	
PHYLLITE	3.6	5.2	30
	5.2	6.5	30
	6.5	9.0 (TD)	630

Notes: (1) Where piles are to develop resistance to pull out then the ultimate shaft capacity should be factored down in accordance with the relevant standard.

Where rock anchors are to develop resistance to pull out then the ultimate shaft capacity shall be based on 35% of the values given for F_s above. The total uplift capacity should also consider an upper bound to uplift capacity based on a pullout cone with an apex angle of 60°.

5 Construction considerations

Trafficability should be assessed prior to heavy vehicles and machinery accessing the site, particularly in wet weather conditions.

Allowances for groundwater seepage and the effects of pore water pressure should be considered during the constructability assessment. If groundwater is encountered temporary shoring, and/or dewatering may be required. Materials, plant and equipment should not be located behind the crest of any excavation within an offset from the crest that is equal to the depth of the excavation, since surcharging effects may reduce slope instability.

It is expected that excavatability may be an issue due the presence of high strength bedrock within close proximity to the site surface. In this regard, rock-breaking equipment may be required. It is recommended that the geotechnical information be provided to the potential contractor to assist them in choosing the appropriate construction plant and methodologies for the project.

Excavation work should be conducted in accordance with Safe Work Australia Code of Practice for Excavation (2012). Open trench type excavations deeper than 1.5 m deep should be stepped, battered, or appropriately shored in accordance with the requirements by the Code of Practice.

It is recommended that the ground stratification and materials encountered during installation of the foundation(s) be inspected and approved by an experienced geotechnical professional to confirm the design intent and provided geotechnical design parameters.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)



6 References

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ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)



7 Limitations

This report has been prepared for the use of the client, Ericsson Australia Pty Ltd. This report has not been prepared for use by parties other than the client, and the client's respective consulting advisors. As subsurface conditions may vary, the borehole log(s) represents subsurface conditions at the specific test location only. The interpretation has been based on experience and understanding of the geotechnical processes relevant to the site, bearing in mind the necessary limitations in frequency of drilling and sampling due to cost and time constraints. Should conditions exposed at the site during excavation vary significantly from the interpretation provided in this report based on the project specific factors cited in the introductory scope of the report, it is requested that Aurecon be informed and have the opportunity to review any of the findings of this report.

This report has been written with the express intent of providing sufficient information for design purposes. Subsurface conditions relevant to construction works should be assessed by contractors who can make their own interpretation of the factual data provided as a borehole log and perform any additional tests as necessary for their own purposes.

It is strongly recommended that any plans and specifications prepared by others and relating to the content of this report or amendments to the original plans and specifications be reviewed by Aurecon to verify that the intent of our recommendations is properly reflected in the design.

There are always some variations in subsurface conditions across a site that cannot be defined even by exhaustive investigation. Hence, it is unlikely that the measurements and values obtained from sampling and testing during the investigation will represent the extremes of conditions which exist within the site.

Further, subsurface conditions, including groundwater levels and apparent resistivity, can change over time. This should be borne in mind, particularly if the report is used after a protracted delay.

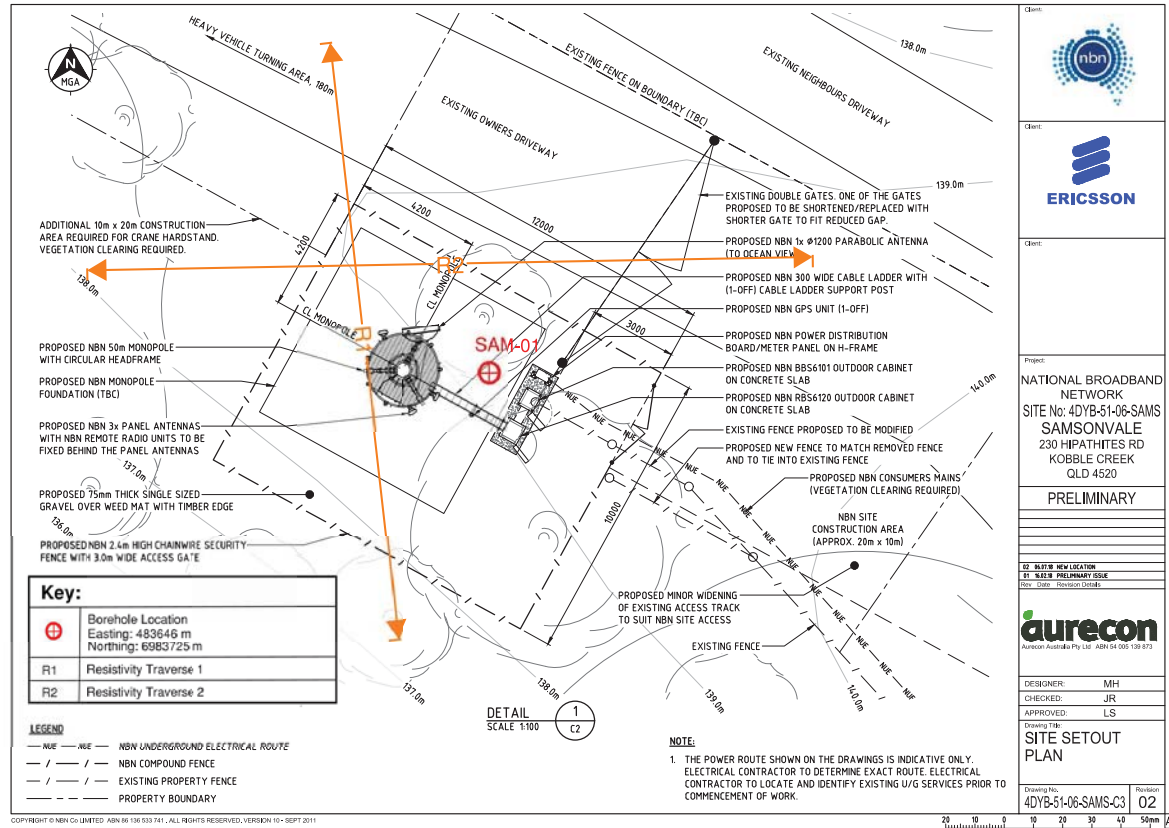
*ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230
HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)*



Appendix A

Borehole location plan

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)



Client: nbn

Client: ERICSSON

Project: NATIONAL BROADBAND NETWORK
SITE No: 4DYB-51-06-SAMS
SAMSONVALE
230 HIPATHITES RD
KOBBLE CREEK
QLD 4520

PRELIMINARY

DESIGNER: MH
CHECKED: JR
APPROVED: LS

Drawing Title: SITE SETOUT PLAN

Drawing No: 4DYB-51-06-SAMS-C3

Revision: 02

*ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230
HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)*



Appendix B

Borehole logs

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EXPLANATORY NOTES AND ABBREVIATIONS

The following information provides the terms and abbreviations used in Aurecon geotechnical borelogs and reports. Description of soil and rock are generally in accordance with the Unified Soil Classification System and Australian Standard AS1726-1993, Geotechnical Site Investigations. Soil and rock descriptions using established field techniques have been recorded independent of any laboratory test results. As far as is practicable the data contained on the log sheets is factual. Some interpretation is inevitable in the assessment of conditions between samples and of the origin of the materials. Standard colour charts have not been used.

Assessment of potential site contamination does not form part of this geotechnical report. Any reference to potential contaminants is for information only, and does not necessarily indicate the presence or absence of soil or groundwater contamination.

Soil Description

Soils are generally described in the borelog using the following sequence of terms:

[Drilling Information]; [USC Symbol]; [Soil Type, Colour, Plasticity/Particle Description, Structure]; [Moisture Condition]; [Consistency]

Unified Soil Classification Group Symbols

Typical Names	USC Symbol	Typical Names	USC Symbol
Well graded gravels	GW	Well graded sands	SW
Poorly graded gravels	GP	Poorly graded sands	SP
Silty gravels	GM	Silty sands	SM
Clayey gravels	GC	Clayey sands	SC
Inorganic silts of low plasticity.	ML	Inorganic clay of low plasticity	CL
Inorganic silts of high plasticity	MH	Inorganic clay of medium plasticity	CI
Organic silts of low plasticity	OL	Inorganic clays of high plasticity	CH
Organic clays of high plasticity	OH	Peat and other highly organic soils	Pt

Soil Type and Particle Size

Major Divisions		Symbols	Subdivision	Particle Size	
Coarse Grained Soils (more than half of material is larger than 0.075mm)	Boulders	G	Coarse	> 200 mm	
	Cobbles			63 mm – 200 mm	
	Gravels (more than half of coarse fraction is larger than 2.36mm)			Medium	20 mm – 63 mm
	Sands (more than half of coarse fraction is smaller than 2.36mm)	S	Fine	6 mm – 20 mm	
			Coarse	2.36 mm – 6 mm	
			Medium	0.6 mm – 2.36 mm	
Fine Grained Soils (more than half of material is smaller than 0.075mm)	M	C	Medium	0.2 mm – 0.6 mm	
			O	Fine	75 µm – 0.2 mm
				Organic	< 75 µm

Soil Plasticity

Term	Symbol	Field Assessment	
Low Plasticity	L	Cannot be rolled into threads when moist	
Medium Plasticity	I: L / H	Can be rolled into threads when moist.	Shows some shrinkage on drying
High Plasticity	H		Considerable shrinkage on drying. Greasy to touch. Cracks in dry material

Moisture Content

Term	Symbol	Field Assessment	
		Cohesive Soils	Granular Soils
Dry	D	Hard and friable or powdery	Runs freely through hands.
Moist	M	Feels cool, darkened in colour	
		Can be moulded	Tend to cohere.
Wet	W	Feels cool, darkened in colour	
		Free water forms on hands when handling	Tend to cohere

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Consistency of Cohesive Soil

Term	Symbol	Field Assessment	Undrained Shear Strength (kPa)
Very Soft	VS	Exudes between fingers when squeezed.	< 12
Soft	S	Can be moulded by light finger pressure.	12 – 25
Firm	F	Can be moulded by strong finger pressure.	25 – 50
Stiff	St	Cannot be moulded by fingers. Can be indented by thumb pressure.	50 – 100
Very Stiff	VSt	Can be indented by thumb nail.	100 – 200
Hard	H	Difficult to indented by thumb nail.	> 200

Consistency of Non-cohesive Soil

Term	Symbol	Field Assessment	SPT N – Value	Density Index (%)
Very Loose	VL	Foot Imprints easily.	< 4	< 15
Loose	L	Can be excavated with spade. 50mm peg easily driven	4 – 10	15 – 35
Medium Dense	MD	Shovelling difficult	10 – 30	35 – 65
Dense	D	Needs pick for excavation. 50mm peg hard to drive.	30 – 50	65 – 85
Very Dense	VD	Picking difficult	> 50	> 85
Cemented	C	Cemented, indurated or large size particles	> 50	N / A

Rock Description

Rocks are generally described in the borelog using the following sequence of terms:

[Drilling Information]; [Weathering]; [Rock Type, Colour, Structure]; [Rock Quality Designation]; [Strength]; [Defects]

Rock Weathering Classification

Term	Symbol	Field Assessment
Residual Soil	RS	Soil developed on extremely weathered rock; the mass structure and substance fabric are no longer evident; there is a large change in volume but the soil has not been significantly transported.
Extremely Weathered	XW	Soil is weathered to such an extent that it has 'soil' properties ie it either disintegrates or can be remoulded, in water.
Distinctly Weathered	DW	Rock strength usually changed by weathering. The rock may be highly discoloured, usually by ironstaining. Porosity may be increased by leaching, or may be decreased due to deposition of weathering products in spores.
Slightly Weathered	SW	Rock is slightly discoloured but shows little or no change of strength from fresh rock.
Fresh	FR	Rock shows no sign of decomposition or staining.

Rock Strength

Strength	Symbol	Field Assessment		Point Load Index I _s (50) (MPa)
		By Hand	Hammer with Hand Held Specimen	
Extremely Low	EL	Easily remoulded to a material with soil properties.		< 0.03
Very Low	VL	Easily crumbled in 1 hand.		0.03 – 0.1
Low	L	Broken into pieces in 1 hand.		0.1 – 0.3
Medium	M	Broken with difficulty in 2 hands.	Easily broken with light blow (thud).	0.3 – 1.0
High	H		1 firm blow to break (rings).	1.0 – 3.0
Very High	VH		> 1 blow to break (rings)	3.0 – 10
Extremely High	EH		Many blows to break (rings).	> 10

Notes on rock strength

- These items refer to the strength of the rock material and not to the strength of the rock mass which may be considerably weaker due to the effect of rock defects.
- Anisotropy of rock material samples may affect the field assessment of strength
- The unconfined compressive strength is typically about 20 x I_s (50), but the multiplier may vary widely for different rock types.

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Rock Defects

Defects are generally described using the following sequence of terms: *[Defect Spacing]; [Depth (metres from surface), Defect Type, Defect Angle (degrees from horizontal), Surface roughness, Infill, Defect thickness (mm)]*

Defect Spacing

Description	Spacing
Extremely closely spaced	< 20mm
Very closely spaced	20mm to 60mm
Closely spaced	60mm to 200mm
Medium spaced	0.2m to 0.6m
Widely spaced	0.6m to 2.0m
Very widely spaced	2.0m to 6.0m
Extremely widely spaced	> 6.0m

Defect Description

Defect Type	Surface Roughness		Coating or Infill
	Macro-surface geometry	Micro- surface geometry	
Bp – Bedding Parting	St – Stepped	Ro – Rough	cn – clean
Fp – Foliation Parting	Cu – Curved	Sm – Smooth	sn – stained
Jo – Joint	Un – Undulating	Sl – Slickensided	vn – veneer
Sh – Sheared Zone	Ir – Irregular		cg – coating
Cs – Crushed Seam	Pl – Planar		
Ds – Decomposed seam			
Is – Infilled Seam			

Water

▼	Measurement standing water level and date
▽	Water Noted
►	Water inflow
◄	Water / drilling fluid loss
Method	
BH	Backhoe bucket (rubber tyred machine)
EX	Excavator bucket (tracked machine)
HA	Hand Auger
AV	Auger drilling with steel "V" bit
AT	Auger drilling with Tungsten Carbide (TC) bit
HOA	Hollow Auger

Support

C	Casing
M	Mud
W	Water
RA	Rotary drilling with flushing of cuttings using - air circulation
RM	- bentonite or polymer mud circulation
RC	- water circulation
NMLC	Coring using an NMLC core barrel
RR	Tricone (Rock Roller) Bit
DB	Drag(Blade) Bit

Field Sampling and Testing

Symbol	Sample or Test
W	Water Sample
D	Disturbed Sample
B	Bulk Disturbed Sample
SPT	Standard Penetration Test
- 7, 11, 12 (eg)	Example of blows per 150mm penetration
- N = 23 (eg)	Penetration Resistance (blows for 300mm penetration following 150mm seating driven, Example of 11 + 12 = 23)
- 25/20mm (eg)	Partial Penetration, example of blow for the measured penetration
- N*	Inferred SPT Value

Symbol	Sample or Test
- RW	Rod Weight only causing penetration (N < I)
- HW	Hammer and rod weight only causing full penetration (N < I)
- HB	Hammer Bouncing (N* > 50)
U (50)	Undisturbed Sample (50mm diameter tube)
PP	Pocket Penetrometer Test (kPa)
FV	Field Shear Vane (kPa)
RQD	Rock Quality Designation expressed as : <u>Sum of lengths of sound core pieces > 100mm</u> Total Length of core section considered
DCP	Dynamic Cone Penetrometer measured in blows / 100mm


ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK - DIVISION 11 - A18576724 (Cont.)

 <p>Leading. Vibrant. Global. www.aurecongroup.com</p>	<p>32 Turbot St Brisbane QLD 4000 ph: +61 7 3173 8000 e: brisbane@aurecongroup.com</p>	<h1 style="margin:0;">SOIL SAM-01</h1>
<p>Client: Ericsson Project: NBN Fixed Wireless Location: Samsonvale Project Number: 247473</p>	<p>Driller: Numac Rig: DB520 E-Spec Easting: 483646 m Northing: 6983725 m Elevation: (Unknown) mAHD</p>	<p>Commenced: 19/12/2018 Completed: 19/12/2018</p> <p style="text-align: right;">Sheet: 1 of 3</p>

Drilling Information			Soil Description				Testing		Strata Information				
Groundwater	Drilling Method	Sample Type	Depth (m)	MATERIAL DESCRIPTION Soil Type, Colour, Plasticity or Particle Characteristic, Secondary and Minor Components	USC	Moisture Content	Consistency / Relative Density	Comments / Origin <small>Note: Pocket Penetrometer Results in kg/cm2</small>	In-situ Testing	Graphic Log	Elevation (mAHD)	Depth (m)	Installation
		D	0.0	0 m: Gravelly clayey SAND Grey brown, fine to coarse with angular gravel (phyllite), low plasticity clay fines, dry	SP	D		Residual Soil (Phyllite)					
		SPT	0.5	0.7 m: Very dense, becoming brown grey, mottled orange brown					SPT@ 0.50 to 0.94m 5 / 8, 30/135mm (N*=100)			0.5	
			1.0	1 m: Gravelly clayey SAND Grey, fine - medium sand, fine to coarse angular gravel, low plasticity clay, dry	SP			Material is extremely weathered phyllite				1.0	
		SPT	2.0						SPT@ 2.00 to 2.26m 23 / 30/110mm (N*=80)			2.0	
		SPT	3.5	3.5 m: Becoming brown, increased clay fines <i>Continued as Cored Drill Hole</i>					SPT@ 3.50 to 3.60m 30/100mm (N*=) HB			3.5	
			4.0									4.0	
			4.5									4.5	

<p>Remarks:</p> <ol style="list-style-type: none"> 1. Borehole coordinates obtained using handheld GPS with accuracy +/- 6m. 2. Borehole backfilled with cuttings immediately upon completion of drilling. 3. No groundwater encountered during augering. 4. Ground elevation not recorded. 	<p>Logged: TL Logged Date: 19/12/2018 Checked: JB Checked Date: 8/01/2019</p>
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ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

 <p>Leading. Vibrant. Global. www.aurecongroup.com</p>	Ground Floor, 25 King St Bowen Hills, QLD 4006 ph: +61 7 3173 8000 e: brisbane@aurecongroup.com	<h1 style="margin: 0;">CORED SAM-01</h1>
Client: Ericsson Project: NBN Fixed Wireless Location: Samsonvale Project Number: 247473	Driller: Numac Rig: DB520 E-Spec Easting: 483646 m Northing: 6983725 m Elevation: (Unknown) mAHD	Commenced: 19/12/2018 Completed: 19/12/2018
Sheet: 3 of 3		

Drilling Information				Rock Description	Intact Strength	Rock Mass Defects	Strata Information									
Groundwater	Drilling Method	TCR (%)	SCR (%)	ROD (%)	Depth (m)	MATERIAL DESCRIPTION Rock Type; Colour; Grain Size; Mineralogy Characteristics; Fracture Details; Strength	Weathering	Is ₍₉₀₎ A/Ir/D (MPa)	UCS (MPa)	ESTIMATED STRENGTH Is(50)		Defect Spacing (mm)	Defect Description (depth, type, angle, shape, roughness, infill)	Graphic Log	Elevation (mAHD)	Depth (m)
										● - Axial	○ - Diametral					
		48		0		4.85 m: Phyllite Dark grey, extremely weathered, very low strength, Rubbled quartz veins (<i>continued</i>) 5.2 m: CORE LOSS (1.37m) Core loss likely attributed to rock quality	MV XW			EL -0.03 VL -0.1 J -0.3 M -1 H -3 WH -10 EH						
	NMLC	42		40	6.5	6.57 m: PHYLLITE Dark grey, some brown, fine grained, slightly weathered, highly fractured, high strength, foliated, frequent quartz veins, Iron stained	SW						~6.76m: VN, 60°, PL, SM, Qz FILLED ~6.96m: FC, PL, SM ~6.98m: VN, PL, SM, Qz FILLED ~7.07m: FL, 30°, PL, SM, CN ~7.08m: FL, 30°, PL, SM, CN ~7.15-7.19m: VN, Qz ~7.20m: JT, PL, SM ~7.49m: VN, Qz ~7.77m: VN, Qz ~7.91-7.99m: JT, 60°, UN, SM, Fe SN ~8.01m: JT, 40°, UN, SM, CN ~8.05-8.10m: JT, 40°, IR, SM, CN ~8.10-8.13m: JT, 40°, IR, SM, CN ~8.19m: JT, 45°, IR, RO, Fe FILLED ~8.35-8.60m: VN, Qz SN ~8.64m: FL, 45°, PL, SM, Fe SN			
		100		20	8.0											
		100		20	8.5											
					9.0	SAM-01 Terminated at 9.00 m (Target depth)										

Remarks: 1. Borehole coordinates obtained using handheld GPS with accuracy +/- 6m. 2. Borehole backfilled with cuttings immediately upon completion of drilling. 3. No groundwater encountered during augering. 4. Ground elevation not recorded.	Logged: TL Logged Date: 19/12/2018 Checked: JB Checked Date: 8/01/2019
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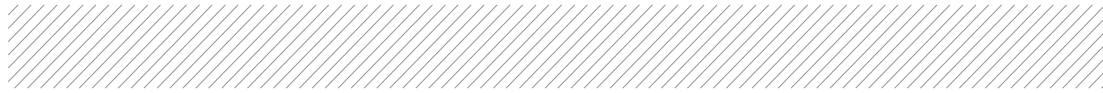
Moreton Bay Regional Council

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

 <div style="text-align: center;"> <p>Grey Scale</p>  <p>Colour Scale</p>  </div>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">Location</td> <td colspan="2">Samsonvale</td> </tr> <tr> <td colspan="2">Borehole Number</td> <td colspan="2">SAM-01</td> </tr> <tr> <td>Box</td> <td style="text-align: center;">1</td> <td>of</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Depth</td> <td style="text-align: center;">3.6m</td> <td>to</td> <td style="text-align: center;">9.0m</td> </tr> <tr> <td>Project</td> <td colspan="3">National Broadband Network Fixed Wireless</td> </tr> <tr> <td>Number</td> <td colspan="3">247473</td> </tr> <tr> <td>Client</td> <td colspan="3">Ericsson</td> </tr> </table>	Location		Samsonvale		Borehole Number		SAM-01		Box	1	of	1	Depth	3.6m	to	9.0m	Project	National Broadband Network Fixed Wireless			Number	247473			Client	Ericsson		
Location		Samsonvale																											
Borehole Number		SAM-01																											
Box	1	of	1																										
Depth	3.6m	to	9.0m																										
Project	National Broadband Network Fixed Wireless																												
Number	247473																												
Client	Ericsson																												



*ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230
HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)*



Appendix C

Site photos

Site Pictures
Samsonvale 19/12/2019



Figure 1: Borehole location, facing south west, depicting road and fence



Figure 2: West of the borehole location, facing north, depicting vegetation within the proposed lease area.



Figure 3: Rock outcrop in road cutting along access track approximately 50m south of lease area



Figure 4: Rock outcrop along road ~10m from borehole location



ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230
HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)



aurecon

*Bringing ideas
to life*

Aurecon Australasia Pty Ltd

ABN 54 005 139 873

Ground Floor, 25 King Street
Bowen Hills QLD 4006

Locked Bag 331
Brisbane QLD 4001
Australia

T +61 7 3173 8000

F +61 7 3173 8001

E brisbane@aurecongroup.com

W aurecongroup.com

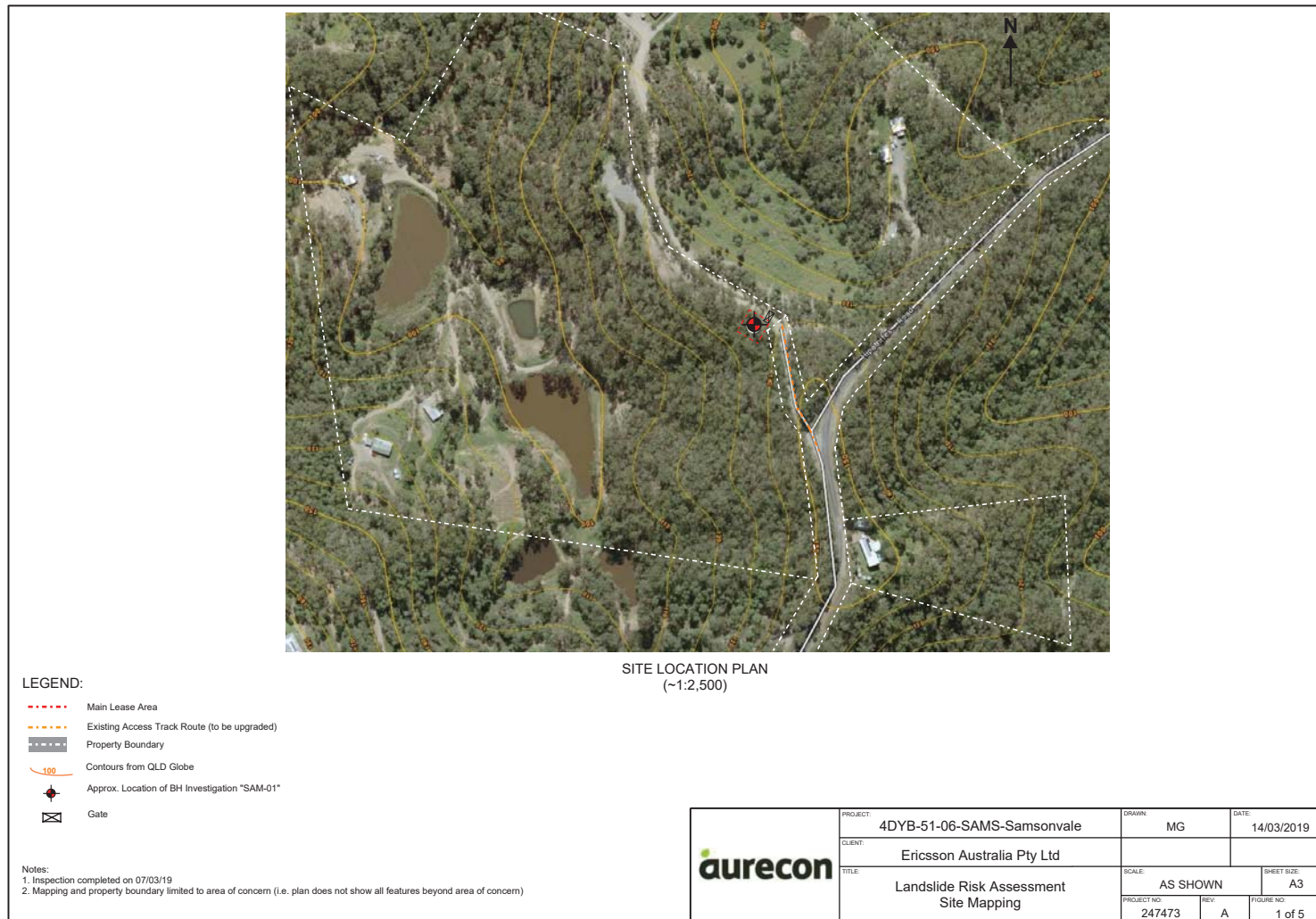
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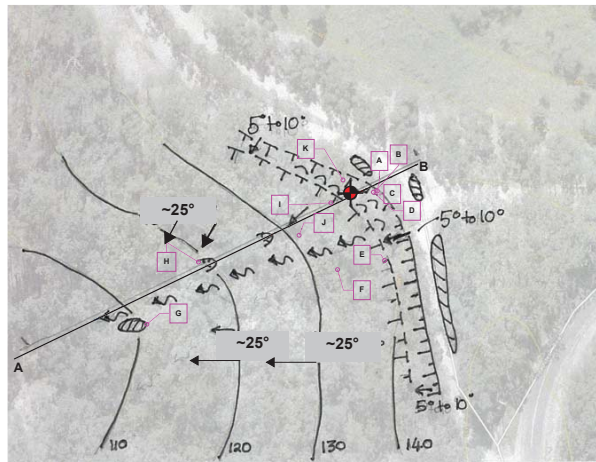
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*ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230
HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)*

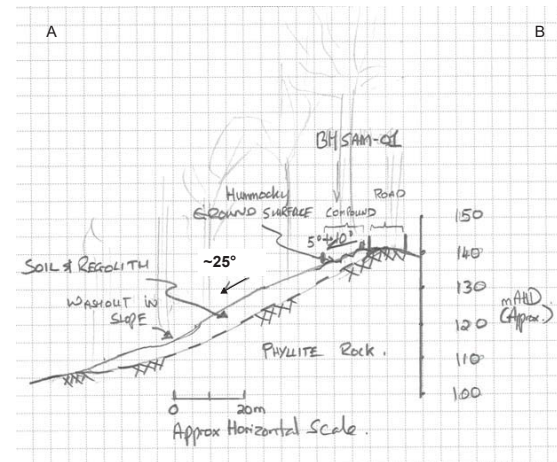
Appendix C

Site Mapping, Sketches and Photographs





INSET, SITE MAPPING OF KEY FEATURES, PLAN (~1:750)



INTERPRETED GEOLOGICAL CROSS SECTION

LEGEND:

- Approx. Location of BH Investigation "SAM-01"
- Photograph Location, Orientation & ID
- Slope Dip Direction (Approx Angle Degrees)
- Gate
- Surface Flow Direction
- Gradual Break in Slope
- Sharp Break in Slope (Crest)
- Contours from QLD Globe
- Rock Outcrop
- Minor gully

- Notes:
1. Inspection completed on 07/03/19
 2. Mapping and property boundary limited to area of concern (i.e. plan does not show all features beyond area of concern)
 3. Recorded slope angles and locations are approximate only

	PROJECT:	4DYB-51-06-SAMS-Samsonvale	DRAWN:	BIT	DATE:	14/03/2019	
	CLIENT:	Ericsson Australia Pty Ltd					
	TITLE:	Landslide Risk Assessment Site Mapping		SCALE:	AS SHOWN	SHEET SIZE:	A3
	PROJECT NO:	247473	REV:	A	FIGURE NO:	2 of 5	

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)



PHOTOGRAPH A. View of the entrance to the site, looking north west.



PHOTOGRAPH B. View of the lease area, looking west. Note marked trees, presumably to be removed.



PHOTOGRAPH C. Another view of the lease area, showing the approximate 5° to 10° slope. Note the slightly hummocky ground.



PHOTOGRAPH D. Loose rock and soil of the ground surface in the lease area.

Note: Refer to Figure 01 & 02 for location and orientation of photographs

	PROJECT:	4DYB-51-06-SAMS-Samsonvale	DATE:	14/03/2019
	CLIENT:	Ericsson Australia Pty Ltd	DRAWN:	MG
	TITLE:	Landslide Risk Assessment Site Mapping	SCALE:	NTS
		PROJECT NO:	247473	REV:
				FIGURE NO:
				A
				3 of 5

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)



PHOTOGRAPH F. Looking down the eroding gully or drainage channel



PHOTOGRAPH H. Example of small washouts in the slope



PHOTOGRAPH E. View of the sharp break in the slope next to the access road, looking south

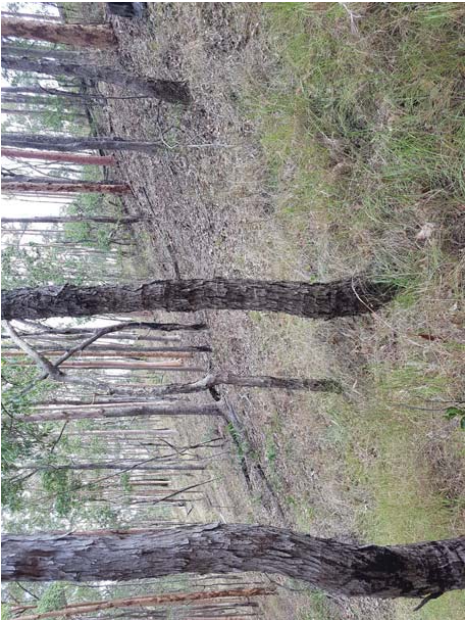






PHOTOGRAPH G. Rock outcrop in the gully or drainage channel

aurecon	PROJECT	4DYB-51-06-SAMS-Samsonvale	DRAWN	MG	DATE	14/03/2019
	CLIENT	Ericsson Australia Pty Ltd	SCALE	NTS	PROJECT NO.	247473
	TITLE	Landslide Risk Assessment Site Mapping	REV	A	SHEET NO.	4 of 5

Note: Refer to Figure 01 & 02 for location and orientation of photographs

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

 <p>PHOTOGRAPH J. View of the slope to the south of the lease, looking west. The slope grading is ~25°</p>	 <p>PHOTOGRAPH L. Rock outcrop in the road</p>	 <table border="1"> <tr> <td>PROJECT</td> <td>4DYB-51-06-SAMS-Samsonvale</td> <td>DATE</td> <td>14/03/2019</td> </tr> <tr> <td>CLIENT</td> <td>Ericsson Australia Pty Ltd</td> <td>DRAWN</td> <td>MG</td> </tr> <tr> <td>TITLE</td> <td>Landslide Risk Assessment Site Mapping</td> <td>SCALE</td> <td>NTS</td> </tr> <tr> <td></td> <td></td> <td>PROJECT NO.</td> <td>247473</td> </tr> <tr> <td></td> <td></td> <td>REV</td> <td>A</td> </tr> <tr> <td></td> <td></td> <td>SHEET NO.</td> <td>A3</td> </tr> <tr> <td></td> <td></td> <td>FIGURE NO.</td> <td>5 of 5</td> </tr> </table>	PROJECT	4DYB-51-06-SAMS-Samsonvale	DATE	14/03/2019	CLIENT	Ericsson Australia Pty Ltd	DRAWN	MG	TITLE	Landslide Risk Assessment Site Mapping	SCALE	NTS			PROJECT NO.	247473			REV	A			SHEET NO.	A3			FIGURE NO.	5 of 5
PROJECT	4DYB-51-06-SAMS-Samsonvale	DATE	14/03/2019																											
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		REV	A																											
		SHEET NO.	A3																											
		FIGURE NO.	5 of 5																											
 <p>PHOTOGRAPH I. Small hole in the slope, south of the lease, probably caused by the roots of a fallen tree</p>	 <p>PHOTOGRAPH K. View of the lease area, looking east</p>	<p>Note: Refer to Figures 01 & 02 for location and orientation of photographs</p>																												

*ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230
HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)*

Appendix D
Excerpt from AGS 2007

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

PRACTICE NOTE GUIDELINES FOR LANDSLIDE RISK MANAGEMENT 2007

Importance Level of Structure	Explanation	Examples (Regulatory authorities may designate any structure to any classification type when local conditions make such desirable)
1	Buildings or structures generally presenting a low risk to life and property (including other property).	Farm buildings. Isolated minor storage facilities. Minor temporary facilities. Towers in rural situations.
2	Buildings and structures not covered by Importance Levels 1, 3 or 4.	Low-rise residential construction. Buildings and facilities below the limits set for Importance Level 3.
3	Buildings or structures that as a whole may contain people in crowds, or contents of high value to the community, or that pose hazards to people in crowds.	Buildings and facilities where more than 300 people can congregate in one area. Buildings and facilities with primary school, secondary school or day-care facilities with capacity greater than 250. Buildings and facilities for colleges or adult education facilities with a capacity greater than 500. Health care facilities with a capacity of 50 or more residents but no having surgery or emergency treatment facilities. Jails and detention facilities. Any occupancy with an occupant load greater than 5,000. Power generating facilities, water treatment and waste water treatment facilities, any other public utilities not included in Importance Level 4. Buildings and facilities not included in Importance Level 4 containing hazardous materials capable of causing hazardous conditions that do not extend beyond property boundaries.
4	Buildings or structures that are essential to post-disaster recovery, or with significant post-disaster functions, or that contain hazardous materials.	Buildings and facilities designated as essential facilities. Buildings and facilities with special post-disaster functions. Medical emergency or surgery facilities. Emergency service facilities: fire, rescue, police station and emergency vehicle garages. Utilities required as back-up for buildings and facilities of Importance Level 4. Designated emergency shelters. Designated emergency centres and ancillary facilities. Buildings and facilities containing hazardous (toxic or explosive) materials in sufficient quantities capable of causing hazardous conditions that extend beyond property boundaries.

(from BCA Guidelines)

Practitioner – A specialist Geotechnical Engineer or Engineering Geologist who is degree qualified, is a member of a professional institute and who has achieved chartered professional status – being either Chartered Professional Engineer (CPEng) within the Institution of Engineers Australia, Chartered Professional Geologist (CPGeo) within the Australasian Institute of Mining & Metallurgy, or Registered Professional Geoscientist (RPGeo) within the Australian Institute of Geoscientists – specifically with Landslide Risk Management as a core competency.

A Practitioner will include persons qualified under the Institution of Engineers Australia NPER – LRM register.

It would normally be required that the Practitioner can demonstrate an appropriate minimum period of experience in the practice of landslide risk assessment and management in the geographic region, or can demonstrate relevant experience in similar geological settings.

Regulator – The regulatory authority [Federal Government/ State Government/ Instrumentality/ Regional/Local.

PRACTICE NOTE GUIDELINES FOR LANDSLIDE RISK MANAGEMENT 2007
APPENDIX C: LANDSLIDE RISK ASSESSMENT
QUALITATIVE TERMINOLOGY FOR USE IN ASSESSING RISK TO PROPERTY

QUALITATIVE MEASURES OF LIKELIHOOD

Approximate Annual Probability		Implied Indicative Landslide Recurrence Interval		Description	Descriptor	Level
Indicative Value	Notional Boundary					
10 ⁻¹	5x10 ⁻²	10 years	20 years	The event is expected to occur over the design life.	ALMOST CERTAIN	A
10 ⁻²		100 years		The event will probably occur under adverse conditions over the design life.	LIKELY	B
10 ⁻³	5x10 ⁻³	1000 years	200 years	The event could occur under adverse conditions over the design life.	POSSIBLE	C
10 ⁻⁴		5x10 ⁻⁴		2000 years	The event might occur under very adverse circumstances over the design life.	UNLIKELY
10 ⁻⁵	5x10 ⁻⁵	10,000 years	20,000 years	The event is conceivable but only under exceptional circumstances over the design life.	RARE	E
10 ⁻⁶	5x10 ⁻⁶	100,000 years	200,000 years	The event is inconceivable or fanciful over the design life.	BARELY CREDIBLE	F
		1,000,000 years				

Note: (1) The table should be used from left to right; use Approximate Annual Probability or Description to assign Descriptor, not *vice versa*.

QUALITATIVE MEASURES OF CONSEQUENCES TO PROPERTY

Approximate Cost of Damage		Description	Descriptor	Level
Indicative Value	Notional Boundary			
200%	100%	Structure(s) completely destroyed and/or large scale damage requiring major engineering works for stabilisation. Could cause at least one adjacent property major consequence damage.	CATASTROPHIC	1
60%		Extensive damage to most of structure, and/or extending beyond site boundaries requiring significant stabilisation works. Could cause at least one adjacent property medium consequence damage.	MAJOR	2
20%	40%	Moderate damage to some of structure, and/or significant part of site requiring large stabilisation works. Could cause at least one adjacent property minor consequence damage.	MEDIUM	3
5%		10%	Limited damage to part of structure, and/or part of site requiring some reinstatement stabilisation works.	MINOR
0.5%	1%	Little damage. (Note for high probability event (Almost Certain), this category may be subdivided at a notional boundary of 0.1%. See Risk Matrix.)	INSIGNIFICANT	5

- Notes:** (2) The Approximate Cost of Damage is expressed as a percentage of market value, being the cost of the improved value of the unaffected property which includes the land plus the unaffected structures.
(3) The Approximate Cost is to be an estimate of the direct cost of the damage, such as the cost of reinstatement of the damaged portion of the property (land plus structures), stabilisation works required to render the site to tolerable risk level for the landslide which has occurred and professional design fees, and consequential costs such as legal fees, temporary accommodation. It does not include additional stabilisation works to address other landslides which may affect the property.
(4) The table should be used from left to right; use Approximate Cost of Damage or Description to assign Descriptor, not *vice versa*

PRACTICE NOTE GUIDELINES FOR LANDSLIDE RISK MANAGEMENT 2007

APPENDIX C: – QUALITATIVE TERMINOLOGY FOR USE IN ASSESSING RISK TO PROPERTY (CONTINUED)

QUALITATIVE RISK ANALYSIS MATRIX – LEVEL OF RISK TO PROPERTY

LIKELIHOOD		CONSEQUENCES TO PROPERTY (With Indicative Approximate Cost of Damage)				
	Indicative Value of Approximate Annual Probability	1: CATASTROPHIC 200%	2: MAJOR 60%	3: MEDIUM 20%	4: MINOR 5%	5: INSIGNIFICANT 0.5%
A – ALMOST CERTAIN	10 ⁻¹	VH	VH	VH	H	M or L (5)
B – LIKELY	10 ⁻²	VH	VH	H	M	L
C – POSSIBLE	10 ⁻³	VH	H	M	M	VL
D – UNLIKELY	10 ⁻⁴	H	M	L	L	VL
E – RARE	10 ⁻⁵	M	L	L	VL	VL
F – BARELY CREDIBLE	10 ⁻⁶	L	VL	VL	VL	VL

- Notes: (5) For Cell A5, may be subdivided such that a consequence of less than 0.1% is Low Risk.
 (6) When considering a risk assessment it must be clearly stated whether it is for existing conditions or with risk control measures which may not be implemented at the current time.

RISK LEVEL IMPLICATIONS

Risk Level	Example Implications (7)
VH VERY HIGH RISK	Unacceptable without treatment. Extensive detailed investigation and research, planning and implementation of treatment options essential to reduce risk to Low; may be too expensive and not practical. Work likely to cost more than value of the property.
H HIGH RISK	Unacceptable without treatment. Detailed investigation, planning and implementation of treatment options required to reduce risk to Low. Work would cost a substantial sum in relation to the value of the property.
M MODERATE RISK	May be tolerated in certain circumstances (subject to regulator's approval) but requires investigation, planning and implementation of treatment options to reduce the risk to Low. Treatment options to reduce to Low risk should be implemented as soon as practicable.
L LOW RISK	Usually acceptable to regulators. Where treatment has been required to reduce the risk to this level, ongoing maintenance is required.
VL VERY LOW RISK	Acceptable. Manage by normal slope maintenance procedures.

- Note: (7) The implications for a particular situation are to be determined by all parties to the risk assessment and may depend on the nature of the property at risk; these are only given as a general guide.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Document prepared by

Aurecon Australasia Pty Ltd

ABN 54 005 139 873

Ground Floor, 25 King Street
Bowen Hills QLD 4006

Locked Bag 331
Brisbane QLD 4001
Australia

T +61 7 3173 8000

F +61 7 3173 8001

E brisbane@aurecongroup.com

W aurecongroup.com

aurecon

*Bringing ideas
to life*

Aurecon offices are located in:

Angola, Australia, Botswana, China, Ghana, Hong Kong, Indonesia, Kenya, Lesotho, Mozambique, Namibia, New Zealand, Nigeria, Philippines, Qatar, Rwanda, Singapore, South Africa, Swaziland, Tanzania, Thailand, Uganda, United Arab Emirates, Vietnam, Zambia,

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

#5 Plan to be Amended - Landscaping Plan

LANDSCAPE SPECIFICATION NOTES:

SITE WORKS
CLEARING: Clear areas indicated on the drawings of trees, stumps, shrubs, slab foundations, paving and other surface debris.
EXCAVATION: Excavate to all areas to dimensions as shown on the drawings. All debris and material not suitable for backfill shall be removed from the site. Ensure caution when excavating near services. Consolidate areas of fill.
TREE PROTECTION
MARKING: Mark all trees to be retained with a zinc-anneal tag, painted yellow. Secure the tag to the tree with a loose galvanneal steel wire band. At the end of the Contract, the Superintendent shall check and remove the tags.
TREE PROTECTION ZONES: Trees to be retained are to be protected within tree protection zones (TPZs) as follows:
 - The perimeter of TPZs must be outside the existing canopy of the vegetation or as specified by the Arboricultural Consultant.
 - All TPZs are to be fenced with Temporary Fencing Panels (TFP) or Arboricultural Consultant approved alternative.
 - No person, vehicle or machinery are to enter the TPZs except with the written consent of Council.
 - Any underground service installations must be bored and utility authorities must utilise a common trench where possible.
 - All fuel, oil drums or chemicals are allowed to be used or stored within TPZs and the servicing and re-fuelling of equipment and vehicles must be carried out away from the root zone.
 - No storage of materials, equipment or temporary building is to take place within the TPZs.
 - Nothing whatsoever is to be attached to any tree including temporary services wires, nails, screws or any other fixing device.
TPZ fencing is to be relocated without specific approval from the Consulting Arboriculturalist and the Ecologist or Landscape Architect.
EXCAVATION: Do not remove topsoil from within the drip line of trees to be retained unless otherwise specified. If it is necessary to excavate within the drip line, use hand methods such that root systems are preserved intact and undamaged. Open up excavations under tree canopies as short a period as possible. Do not place soil from excavations against tree trunks, even for short periods. All care shall be taken to avoid damage to the bark of trees.
TREE ROOT TREATMENT: Do not cut tree roots exceeding 50 mm diameter unless permitted by the Superintendent. Where it is necessary to cut tree roots, use a chain saw or similar means such that the cutting does not unbalance or rock the remaining root system. Immediately after cutting, apply an approved fungicidal sealant to the cut surface.
BACKFILL: In excavation around tree roots with an imported topsoil mixture as specified. Add fertilizer at the rate of 0.5kg/m³ as specified in PLANTING. Place the backfill in layers each of 100 mm maximum depth, solidly compacted to eliminate voids. Do not backfill around tree trunk to a height greater than 150 mm above the original ground surface.
WARNING: Immediately after backfilling, thoroughly water the root zone surrounding the tree.
DECOMPACTION: If the ground under the tree canopies has been unduly compacted during the work under the Contract, for example by the operations of heavy construction plant, loosen the soil to a depth of 150 mm.
STOCKPILES: Do not stockpile materials near trees to be retained.
RETAINED TREES: Where pruning of retained trees is required it is to be undertaken in accordance with AS4373:06 and the "three-cut" method is to be utilised.
DAMAGE TO EXISTING TREES: Should any tree be damaged during the work under the Contract, and if the Superintendent permits repair work to be done, such repair work should be performed by an approved tree surgeon at no extra cost.
REMOVAL: If repair work is considered impracticable, or is attempted and fails, if so directed, remove the tree and root system, make good as necessary, and either replace the tree or pay damages, as determined by the Superintendent.
REPLACEMENT: Provide, plant and establish as part of the works, at no extra cost to the Principal, a replacement tree of the same species and similar size or as approved by the Superintendent.
DAMAGE ASSESSMENT: If replacement as part of the works is not approved, pay for any tree removed pursuant to the above, damages assessed by the Superintendent as the cost of replacement by others or to a maximum cost of \$3,000 unless otherwise specified.
CULTIVATION: Cultivate all new planting areas to a minimum depth of 200mm.
TOPSOIL MULCHING
TOPSOILS:
TYPE: Imported topsoil from an approved supplier to AS 4419:2003. Ensure soil is free of stones, weeds, sticks, roots and other deleterious material toxic to plant growth.
DEPTH:
 Planting areas: 300mm
SPREADING: Spread topsoil to the depths indicated and lightly compact so that the surface is smooth, free from hollows and has even grade falls. Spread the soil flush with any adjoining surfaces generally, but allow for the depth of mulch as necessary.
MULCHING
 Mulch from an approved supplier to AS 4454:2003
TYPE: Forest Litter mulch to a depth of 75mm to each tree indicated on the drawings. Put mulch away from stems of plants. The mulch must be free from soil, weed growth and other deleterious material harmful to the plants and finished 25mm below the final surface levels of adjacent surfaces.

LOCATION PLAN

PLAN
SCALE 1:100 @A1

LEGEND

- EXISTING TREE TO BE RETAINED
- TREES AS SPEC.
- SPADE EDGE AS SPEC.
- PLANTING AS SPEC.

PLANT SCHEDULE

CODE	BOTANICAL NAME	NO	SIZE	HEIGHT	SPREAD	STAKING / GUYING
CAL CC	CALLISTEMON Cuscuta Cook	29	200mm	500mm	-	-
HAR pen	HARRULLIA pendula	5	25L	1200mm	700mm	s
LOM hys	LOMANNA hystrix	16	140mm	300mm	-	-
MYO all	MYOPORUM allspurium	15	140mm	250mm	-	-
SVZ Res	SVZGULM Resilience	27	200mm	400mm	-	-

NOTES

- STAKING TO BE CARRIED OUT PRIOR TO BACKFILLING PLANTING HOLE
- SPADE EDGES AWAY FROM FOOTPATH
- STAKES TO BE HOUGH BARK HED TO SIZE AS SPECIFIED
- STAKES SHALL BE NON-ABRASIVE, HEAVY DUTY POLYESTER STRIPS
- LOCATED TIES INDICATED IN A FIGURE SHOWN CONFORMANCE TIES SHALL BE ATTACHED TO STAKES WITH GALV WIRE STAPLES

Tree Planting & Staking: TREE DETAIL LD01

DETAIL LD01 TREE PLANTING & STAKING DETAIL LD02 SPADE CUT EDGE
Scale 1:20 @ A1; 1:40 @ A3

CLIENT
NBN Co. Ltd.

PROJECT
NATIONAL BROADBAND NETWORK SAMSONVALE

DRAWING
LANDSCAPE PLAN

SITE
230 HIPATHITES RD KOBBLE CREEK QLD 4520

DATE: MAY 2019
SCALE: AS SHOWN
PROJECT NO: DW101
ISSUE NO: 1
DATE: 2019/01/11

APPROVED: JF
REVISION: C

Not Approved DA/37146/2018/V2U

20/05/2019

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

#6 State Development, Manufacturing, Infrastructure & Planning Response with conditions

RA6-N



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Our reference: 1811-8286 SRA
Your reference: DA/37146/2018/V2U
Applicant reference: NBN-4NIZ-4DYB-5106-SAMSONVALE

30 November 2018

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510
mbrc@moretonbay.qld.gov.au

Attention: Mr Clancy Sloan

Dear Mr Sloan

Referral agency response—with conditions

(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 7 November 2018.

Applicant details

Applicant name:	Nbn Co. c/- Aurecon Australasia Pty Ltd.
Applicant contact details:	Locked Bag 331 Brisbane QLD 4001 melita.brown@aurecongroup.com

Location details

Street address:	230 Hipathites Road, Kobbler Creek
Real property description:	Lot 2 on RP162985
Local government area:	Moreton Bay Regional Council

Application details

Development permit	Material change of use for telecommunications facility
--------------------	--

South East Queensland (North) regional
office
Mike Ahern Building, Level 3, 12 First
Avenue, Maroochydore
PO Box 1129, Maroochydore QLD 4558

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

1811-8286 SRA

Referral triggers

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

- 10.3.4.3.1 Clearing native vegetation

Conditions

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

Reasons for decision to impose conditions

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

Advice to the applicant

The department offers advice about the application to the applicant—see Attachment 3.

Approved plans and specifications

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

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material change of use				
Technical Agency Response (Vegetation) Plan	Queensland Government	15 November 2018	TARP 1811-8286 SRA	-

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

For further information please contact Candace Mitchell, Senior Planning Officer, on 5352 9708 or via email SEQNorthSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Garth Nolan
Manager (Planning)

cc Nbn Co. c/- Aurecon Australasia Pty Ltd., melita.brown@aurecongroup.com

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

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

1811-8286 SRA

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development permit for material change of use		
10.3.4.3.1 – Clearing native vegetation—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources, Mines and Energy to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The clearing of vegetation under this development approval is limited to the area identified as Area A as shown on attached Technical Agency Response (Vegetation) Plan (TARP) 1811-8286 SRA dated 15 November 2018.	At all times
2.	Any person(s) engaged or employed to carry out the clearing of vegetation under this development approval must be provided with a full copy of this development approval, and must be made aware of the full extent of clearing authorised by this development approval.	At all times

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

1811-8286 SRA

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development minimises clearing of native vegetation and is restricted to the area identified on the Technical Agency Response (Vegetation) Plan (TARP).
- To ensure any person(s) carrying out clearing of native vegetation is compliant with the development approval.

Decision

- The development application is for material change of use for a telecommunications facility.
- The proposed development site is identified as containing vegetation shown on the vegetation management supporting mapping as Category B area containing least concern regional ecosystems.
- Clearing of vegetation as a result of the development, including essential management (e.g. firebreaks), will cover an area of 0.2 hectares.
- Date of the referral agency response, with conditions: 30 November 2018.

Relevant material

- Submitted development application material
- Section 22A determination provided by the Department of Natural Resources, Mines and Energy on 16 October 2018
- State Development Assessment Provisions published by the Department of State Development, Manufacturing, Infrastructure and Planning, version 2.3
- *Planning Act 2016*
- Planning Regulation 2017

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

1811-8286 SRA

Attachment 3—Advice to the applicant

General advice	
1.	Clearing of vegetation has the potential to disturb the roots of the trees of proposed retained vegetation thereby resulting in the death of trees not approved to be cleared under this development approval. It is recommended clearing and excavation activities be undertaken in accordance with the 'Australian Standards for the Protection of Trees on Development Sites (AS4970-2009)' to avoid any consequential unauthorised clearing.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

GE78-N



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Department of State Development, Manufacturing, Infrastructure and Planning

Statement of reasons for application 1811-8286 SRA

(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

Applicant details

Applicant name: Nbn Co. c/- Aurecon Australasia Pty Ltd.
Applicant contact details: Locked Bag 331
Brisbane QLD 4001
melita.brown@aurecongroup.com

Location details

Street address: 230 Hipathites Road, Kobbler Creek
Real property description: Lot 2 on RP162985
Local government area: Moreton Bay Regional Council

Development details

Development permit: Material change of use for telecommunications facility

Assessment matters

Aspect of development requiring code assessment	Applicable codes
Planning Regulation 2017, Schedule 10, Part 3, Division 4, Table 3, Item 1 – Clearing native vegetation	State Development Assessment Provisions (SDAP), version 2.3, State Code 16: Native vegetation clearing

Reasons for the department's decision

The reasons for the decision are:

- To ensure the development minimises clearing of native vegetation and is restricted to the area identified on the Technical Agency Response (Vegetation) Plan (TARP).
- To ensure any person(s) carrying out clearing of native vegetation is compliant with the development approval.

Decision

- The development application is for material change of use for a telecommunications facility.
- The proposed development site is identified as containing vegetation shown on the vegetation management supporting mapping as Category B area containing least concern regional ecosystems.
- Clearing of vegetation as a result of the development, including essential management (e.g. firebreaks), will cover an area of 0.2 hectares.
- Date of the referral agency response, with conditions: 30 November 2018.

South East Queensland (North) regional office
Mike Ahern Building, Level 3, 12 First Avenue, Maroochydore
PO Box 1129, Maroochydore QLD 4558

Moreton Bay Regional Council

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ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

1811-8286 SRA

Relevant material

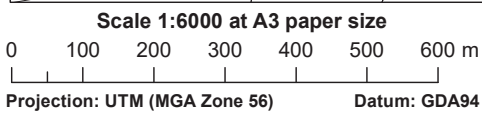
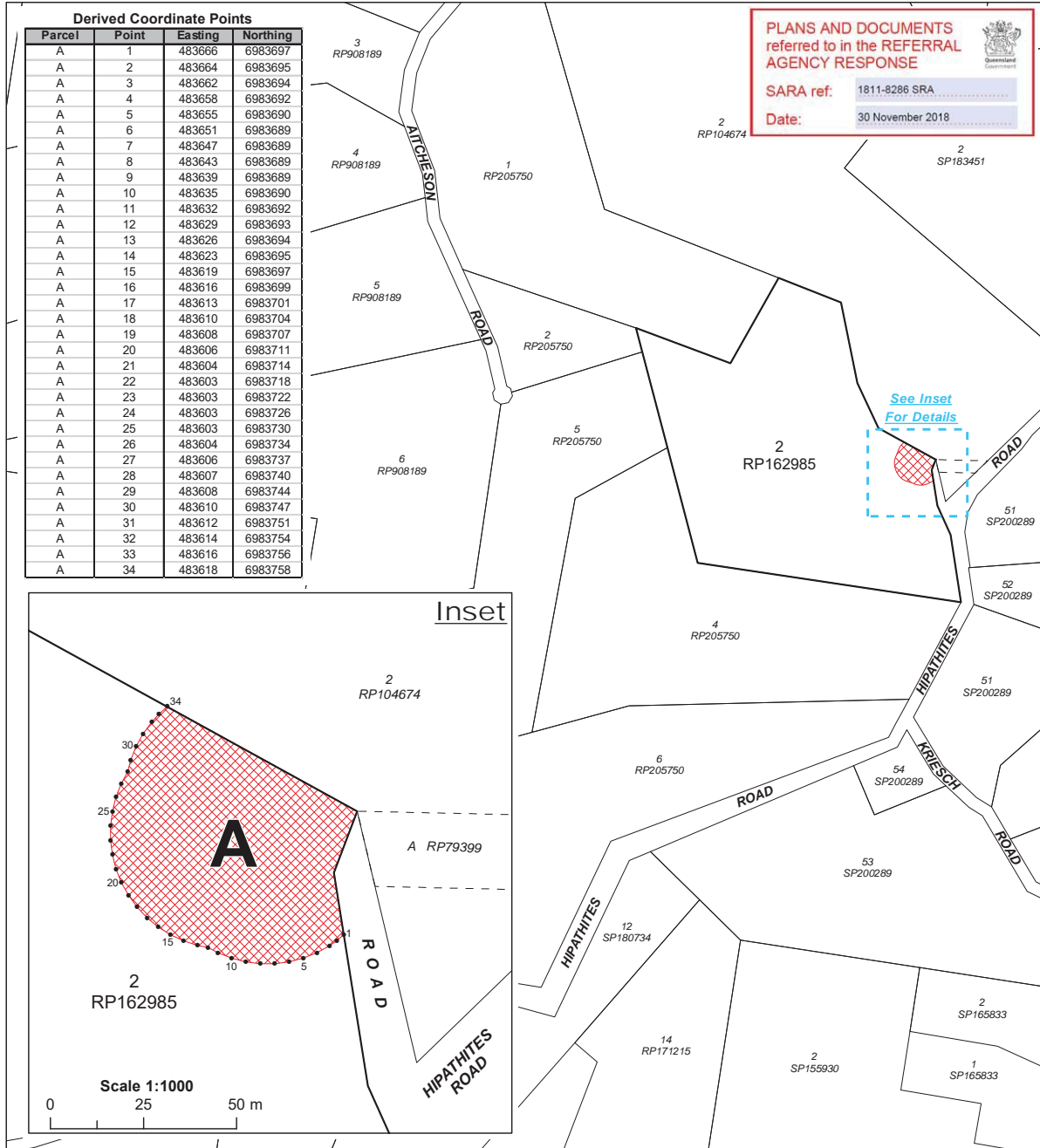
- Submitted development application material
- Section 22A determination provided by the Department of Natural Resources, Mines and Energy on 16 October 2018
- State Development Assessment Provisions published by the Department of State Development, Manufacturing, Infrastructure and Planning, version 2.3
- *Planning Act 2016*
- Planning Regulation 2017

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ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)



Note: The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

Note: Derived Coordinate Points are provided to aid in the location of the Technical Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated clearing contractor(s).

Note: All Derived Coordinate Points continue sequentially when labels are missing.

Note: This is a colour plan and should be reproduced in colour.

Note: This plan must be read in conjunction with Technical Agency Response 1811-8286-SRA.

<p>LEGEND</p> <ul style="list-style-type: none"> • Derived Coordinate Point. □ Subject Lot. ▨ Area A. 	<p>Technical Agency Response (Vegetation) Plan</p> <p>Plan of Area A in Lot 2 on RP162985</p>	<p>© The State of Queensland (Department of Natural Resources Mines and Energy) 2018</p>
<p>CENTRE: IPSWICH LOCALITY: KOBBLE CREEK</p>	<p>REGION: SOUTH LGA: REGIONAL COUNCIL OF MORETON BAY</p>	<p>TARP 1811-8286-SRA</p>
<p>Map Reference: 9443 Elvas Reference: 2018/006279</p>	<p>For data compilation sources see 2018/006279/GIS Prepared by: NWF Date: 15 November 2018</p>	

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

#7 Properly Made Submissions

Catherine Louise Smit
306 Aitcheson Road,
Kobble Creek. 4250

19tharch 2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobble Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
- 1 x parabolic dish;
- 3 x panel antennas;
- 5 x Remote Radio Units (RRUs);
- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

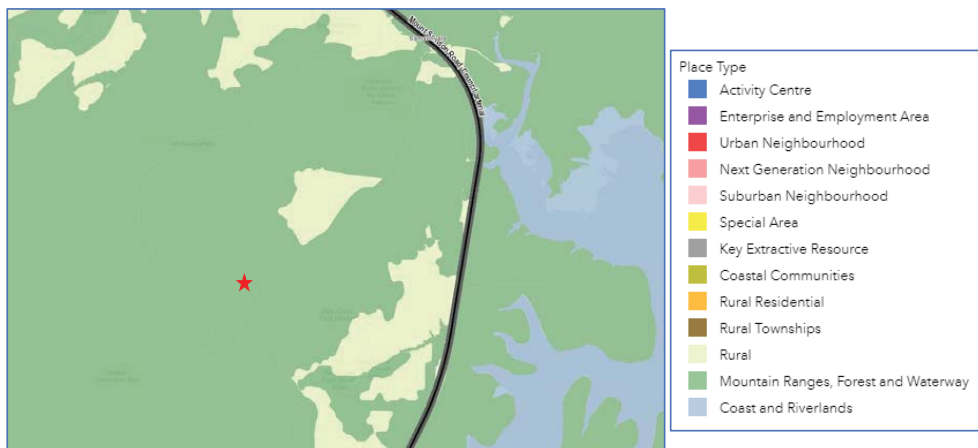
- ii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
- iii. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
- iv. Loss of significant native vegetation in the rural setting;
- v. The application material supporting the development presents false and misleading information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

*Residential development will be in the form of dispersed dwellings and farm buildings **with limited infrastructure services provided**. Non-residential development is provided in appropriate locations but is small in scale with a particular focus on tourism activities.*

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

*The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving downstream water quality. **The environmental values in these areas are given preference over development that would impact on these values.***

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1-9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

3.14.2.8 Specific Outcomes - Infrastructure

1. *The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;*
2. *Infrastructure, including public utilities and major telecommunication facilities, are designed and located to mitigate detrimental impacts on the visual quality and environmental values, character and amenity of the place type; and*
3. *Access to high speed broadband is provided to support residential and business needs.*

Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. The proposal **does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

2. Conflict with Rural Zone Code

The proposal seeks approval for a Development Permit for Telecommunications Facility which although we note is a land use anticipated in the Rural Zone (Overall outcome t), the proposal must still demonstrate that it is consistent with the Purpose of the Rural Zone Code.

*The purpose of the **Rural zone** code is to:*

- a. *provide for a wide range of rural uses including cropping⁽¹⁹⁾, intensive horticulture⁽⁴⁰⁾, intensive animal industries⁽³⁹⁾, animal husbandry⁽⁴⁾, animal keeping⁽⁵⁾ and other primary production activities;*
- b. *provide for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;*
- c. *protect and manage significant natural features, resources, and processes, including the capacity for primary production;*
- d. *ensure the rural area remains a pleasant place for people to work, live and recreate;*
- e. *restrict further encroachment of urban and rural residential activities into rural areas and reinforce the Regions' identified urban footprint;*
- f. *implement the policy direction set in Part 3, Strategic Framework.*

The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

- s. *Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*
 - i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
 - ii. *ensuring no further instability, erosion or degradation of the land, water or soil resource;*
 - iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
 - iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
 - B. *the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;*
 - C. *the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.*
 - v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline.



We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be **restricted** to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put

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forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

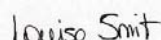
The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure **or amend the proposal to be fully compliant with the requirements of its planning scheme**.

Should you require any further information about this submission I/we can be contacted on **32899164 or 0438899164**

Yours faithfully,



Catherine Louise Smit

Moreton Bay Regional Council

COORDINATION COMMITTEE MEETING
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ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

16/March/2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

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I/we refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobble Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

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The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the

CHEYNE CIKOJA
251 HIPATHITES RD
KOBBLE CREEK
QLD, 4520

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

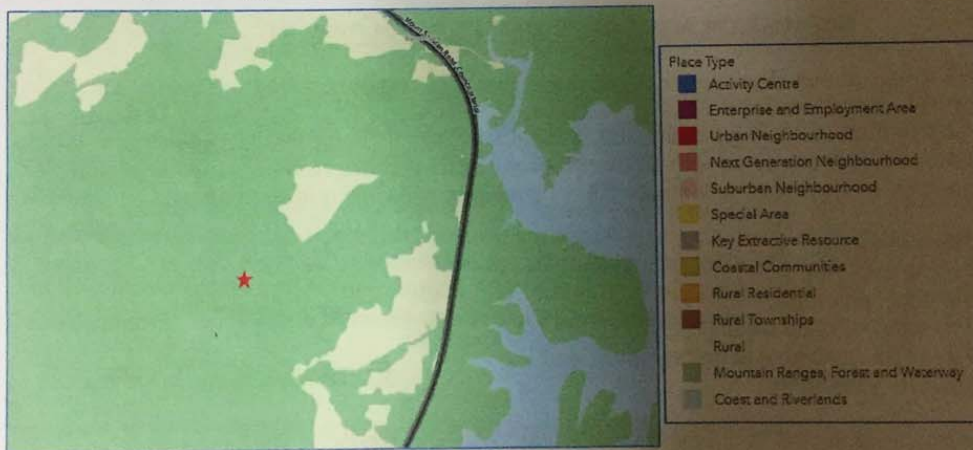
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Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

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- d. *ensure the rural area remains a pleasant place for people to work, live and recreate;*
- e. *restrict further encroachment of urban and rural residential activities into rural areas and reinforce the Regions' identified urban footprint;*
- f. *implement the policy direction set in Part 3, Strategic Framework.*

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The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

- s. *Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*
- i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
 - ii. *ensuring no further instability, erosion or degradation of the land, water or soil resource;*
 - iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
 - iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
 - B. *the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;*
 - C. *the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.*
 - v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional

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clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline.



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We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be **restricted** to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological

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value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

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Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure

Should you require any further information about this submission I/we can be contacted on.

04666 99889

Yours faithfully,



CHEYNE CIKOSA.

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Chrystiene Hetherman
222 Hipathites Road
Kobble Creek 4520

19 March 2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I/we refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobble Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
- 1 x parabolic dish;
- 3 x panel antennas;
- 5 x Remote Radio Units (RRUs);
- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the

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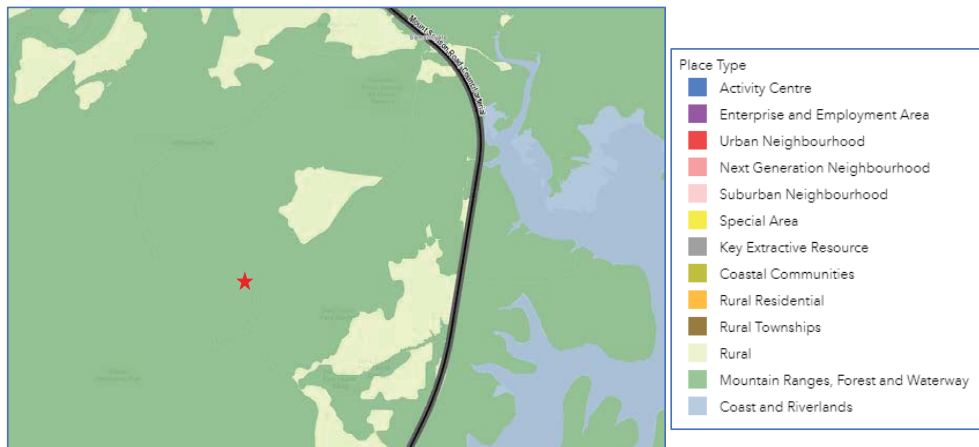
- Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.
- ii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
 - iii. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
 - iv. Loss of significant native vegetation in the rural setting;
 - v. The application material supporting the development presents false and misleading information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

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*Residential development will be in the form of dispersed dwellings and farm buildings **with limited infrastructure services provided**. Non-residential development is provided in appropriate locations but is small in scale with a particular focus on tourism activities.*

*The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving downstream water quality. **The environmental values in these areas are given preference over development that would impact on these values.***

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1-9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

3.14.2.8 Specific Outcomes - Infrastructure

1. *The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;*
2. *Infrastructure, including public utilities and major telecommunication facilities, are designed and located to mitigate detrimental impacts on the visual quality and environmental values, character and amenity of the place type; and*
3. *Access to high speed broadband is provided to support residential and business needs.*

Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. The proposal **does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

2. Conflict with Rural Zone Code

The proposal seeks approval for a Development Permit for Telecommunications Facility which although we note is a land use anticipated in the Rural Zone (Overall outcome t), the proposal must still demonstrate that it is consistent with the Purpose of the Rural Zone Code.

*The purpose of the **Rural zone** code is to:*

- a. *provide for a wide range of rural uses including cropping⁽¹⁹⁾, intensive horticulture⁽⁴⁰⁾, intensive animal industries⁽³⁹⁾, animal husbandry⁽⁴⁾, animal keeping⁽⁵⁾ and other primary production activities;*
- b. *provide for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;*
- c. *protect and manage significant natural features, resources, and processes, including the capacity for primary production;*
- d. *ensure the rural area remains a pleasant place for people to work, live and recreate;*
- e. *restrict further encroachment of urban and rural residential activities into rural areas and reinforce the Regions' identified urban footprint;*
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The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction of a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

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- i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
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Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional

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clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
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Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be **restricted** to a 50m slimline monopole*.

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological

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value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

Comments from Chrystiene Hetherman property owner lot 2 rp104674

The visual impact of the tower being 51 meters high and under 10 meters from the northern boundary conflicts with the requirement of the rural zone code item K **“development does not result in adverse or Nuisance impacts on adjoining properties or the wider rural environment.”**

The nuisance to our rural way of life is that there is no screening that can hide a 50 metre tall tower that is 3 meters at its base and less than the required 10 meters from the property entry gate at 222 Hipathites rd which is the adjoining northern boundary.

As mentioned earlier the development applications fails to meet the required 3 meters of dense screening. The dense screening that has been offered in the revised landscaping plan, at only one meter wide and is an attempt to appease the requirement rather than to provide a satisfactory outcome

In the photo provided by Aurecon on page 5, the minimum of 500m² of trees and scrub that will be removed, including the 21 trees to be removed are still in shot and are being used to hide the overall impact, of not only the height of the tower but does not show ground or aerial equipment listed in the development application. Therefore this photo montage misrepresents the reality of the overall impact of the tower to the northern boundary.

I have attached a photograph taken at the same location as the photo supplied by the NBN showing a White motor vehicle at the proposed location of the tower. The second Photo shows a truer indication of the visual impact of the ground Buildings caused by this development. I have deleted the trees that will be removed and added a representation of the tower. The tower representation stops at the current tree line, the tower will be at least twice the tree line height.

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Before



ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)



After

Dept of State development, manufacturing, infrastructure and planning response dated 15 November 2018 ref number TARP 1811-8286 SRA states that the area identified as area A is the allowable area to be cleared of vegetation, this area as stated is .02 of a hectare which is an area of 2000 m². This is in direct conflict with the Rural Zone Code.

The overall outcomes put forward in support of the NBN, proposed Fixed Wireless Network is the guarantee of fast internet. It has been recently reported that the network is not able to provide the speeds suggested in the planning report, It has also been reported that the ACCC in investigating NBN CO for failing to supply basic internet speeds and is considering imposing fines. The council has an obligation to protect the Rural Zone yet this development is in breach of the Rural Zone Codes and the Strategic Framework and will not be able to fulfil its overall outcome.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure.

Should you require any further information about this submission I/we can be contacted on stevechrys222@hotmail.com or 0422 864 549

Yours faithfully,

Chrystiene Hetherman

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Danial Hetherman
11 Moonya street
Kingaroy 4610

17 March 2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I/we refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobbler Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
- 1 x parabolic dish;
- 3 x panel antennas;
- 5 x Remote Radio Units (RRUs);
- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

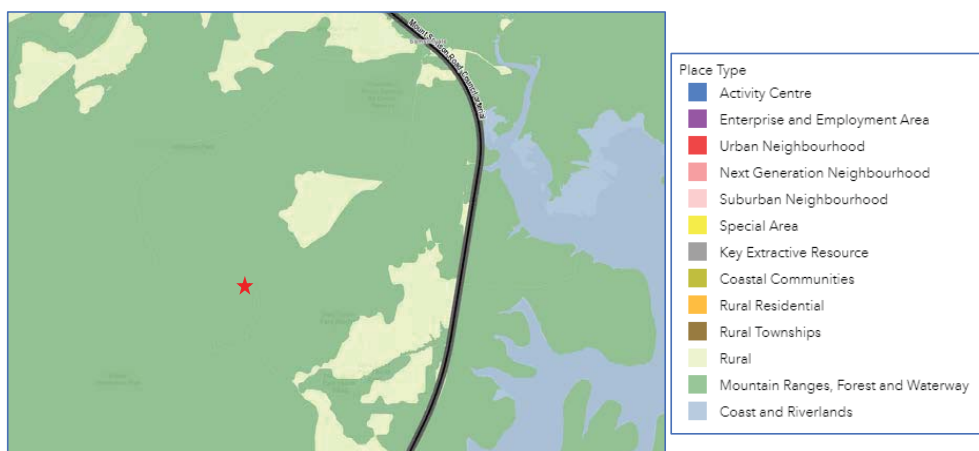
- ii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
- iii. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
- iv. Loss of significant native vegetation in the rural setting;
- v. The application material supporting the development presents false and misleading information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

*Residential development will be in the form of dispersed dwellings and farm buildings **with limited infrastructure services provided**. Non-residential development is provided in appropriate locations but is small in scale with a particular focus on tourism activities.*

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*The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving downstream water quality. **The environmental values in these areas are given preference over development that would impact on these values.***

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1-9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

3.14.2.8 Specific Outcomes - Infrastructure

1. *The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;*
2. *Infrastructure, including public utilities and major telecommunication facilities, are designed and located to mitigate detrimental impacts on the visual quality and environmental values, character and amenity of the place type; and*
3. *Access to high speed broadband is provided to support residential and business needs.*

Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. The proposal **does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

2. Conflict with Rural Zone Code

The proposal seeks approval for a Development Permit for Telecommunications Facility which although we note is a land use anticipated in the Rural Zone (Overall outcome t), the proposal must still demonstrate that it is consistent with the Purpose of the Rural Zone Code.

*The purpose of the **Rural zone** code is to:*

- a. *provide for a wide range of rural uses including cropping⁽¹⁹⁾, intensive horticulture⁽⁴⁰⁾, intensive animal industries⁽³⁹⁾, animal husbandry⁽⁴⁾, animal keeping⁽⁵⁾ and other primary production activities;*
- b. *provide for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;*
- c. *protect and manage significant natural features, resources, and processes, including the capacity for primary production;*
- d. *ensure the rural area remains a pleasant place for people to work, live and recreate;*
- e. *restrict further encroachment of urban and rural residential activities into rural areas and reinforce the Regions' identified urban footprint;*
- f. *implement the policy direction set in Part 3, Strategic Framework.*

The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

- s. *Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*
- i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
 - ii. *ensuring no further instability, erosion or degradation of the land, water or soil resource;*
 - iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
 - iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
 - B. *the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;*
 - C. *the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.*
 - v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

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The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline.



We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking

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at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be **restricted** to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest than an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put

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forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

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I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure

Should you require any further information about this submission I/we can be contacted on 0425131467 or dandan289@live.com

Yours faithfully,

Danial Hetherman
Property owner
222 hipathites rd Kobble Creek

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Darryl Clarke
96 Kriesch Road
Samsonvale Qld 4520

19 March 2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I/we refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobble Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

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The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.

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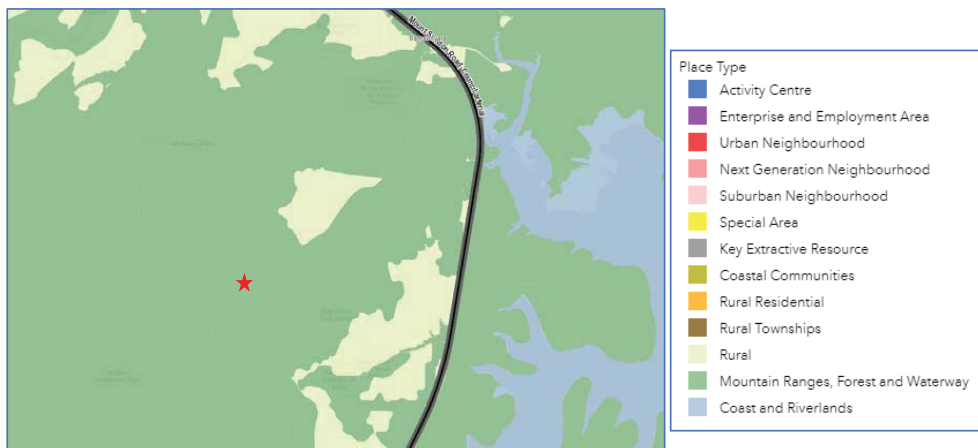
- ii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
- iii. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
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- v. The application material supporting the development presents false and misleading information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

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Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. The proposal **does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

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The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-

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Comment: The proposal is not for a rural use.

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- i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
 - ii. *ensuring no further instability, erosion or degradation of the land, water or soil resource;*
 - iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
 - iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
 - B. *the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;*
 - C. *the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.*
 - v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline.



We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be **restricted** to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure.

Yours faithfully,

D Clarke

Darryl Clarke

Moreton Bay Regional Council

COORDINATION COMMITTEE MEETING
11 June 2019

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From: [DONNA CLARICE MERRITT](#)
To: [MBRC Incoming Mail](#)
Subject: Attention: Clancy Sloan NBN Case #DA/37146/2018/V2U
Date: Monday, 18 March 2019 7:37:54 AM

18.03.19 David and Donna Merritt
230 Hipathites Road
Kobble Creek
QLD, 4520
Moreton Bay Regional Council
Attention: CLANCY SLOAN
DA/37146/2018/V2U
230 Hipathites Road, Kobble Creek, QLD, 4520 (Lot 2 RP 162985)

We as the land owner's to where this NBN Facility is being installed, would like to state that we "Fully Support This Proposal" as our "ADSL" service is of a very poor quality and has been for many years in our area.

Improved Broadband is a significant priority in this area with many people, businesses currently having insufficient and low quality "ADSL" Broadband options. The NBN Fixed Wireless facility offers speeds of 50Mbps downloads and 20Mbps upload, which will offer a significant improvement to the current services.

We understand that the site for the NBN facility is ideally suited to meeting the required NBN radio coverage and service levels, whilst minimising the impact on the surrounding landscape.

Regards

David and Donna Merritt

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

16/March/2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I/we refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobble Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
- 1 x parabolic dish;
- 3 x panel antennas;
- 5 x Remote Radio Units (RRUs);
- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

- Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.
- ii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
 - iii. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
 - iv. Loss of significant native vegetation in the rural setting;
 - v. The application material supporting the development presents false and misleading information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

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*Residential development will be in the form of dispersed dwellings and farm buildings **with limited infrastructure services provided**. Non-residential development is provided in appropriate locations but is small in scale with a particular focus on tourism activities.*

*The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving downstream water quality. **The environmental values in these areas are given preference over development that would impact on these values.***

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1-9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

3.14.2.8 Specific Outcomes - Infrastructure

1. *The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;*
2. *Infrastructure, including public utilities and major telecommunication facilities, are designed and located to mitigate detrimental impacts on the visual quality and environmental values, character and amenity of the place type; and*
3. *Access to high speed broadband is provided to support residential and business needs.*

Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. **The proposal does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

2. Conflict with Rural Zone Code

The proposal seeks approval for a Development Permit for Telecommunications Facility which although we note is a land use anticipated in the Rural Zone (Overall outcome t), the proposal must still demonstrate that it is consistent with the Purpose of the Rural Zone Code.

*The purpose of the **Rural zone** code is to:*

- a. *provide for a wide range of rural uses including cropping⁽¹⁹⁾, intensive horticulture⁽⁴⁰⁾, intensive animal industries⁽³⁹⁾, animal husbandry⁽⁴⁾, animal keeping⁽⁵⁾ and other primary production activities;*
- b. *provide for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;*
- c. *protect and manage significant natural features, resources, and processes, including the capacity for primary production;*
- d. *ensure the rural area remains a pleasant place for people to work, live and recreate;*
- e. *restrict further encroachment of urban and rural residential activities into rural areas and reinforce the Regions' identified urban footprint;*
- f. *implement the policy direction set in Part 3, Strategic Framework.*

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The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

- s. *Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*
- i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
 - ii. *ensuring no further instability, erosion or degradation of the land, water or soil resource;*
 - iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
 - iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
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Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

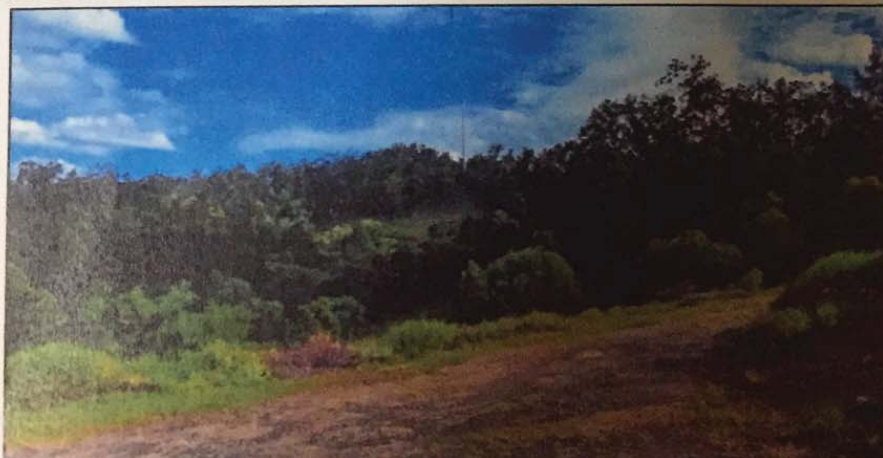
The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

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ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be **restricted** to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

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ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

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- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure

Should you require any further information about this submission I/we can be contacted on.

0478 900 977

Yours faithfully,



EMILY CIROJA.

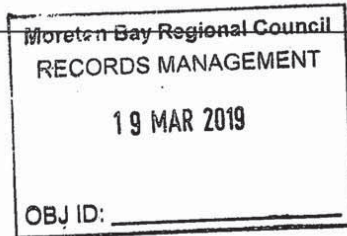
Moreton Bay Regional Council

COORDINATION COMMITTEE MEETING
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Scanned By: TYRRELL@MBRCDOM On: 19/03/2019 PM Moreton Bay Regional Council



C. J. GOEBEL
70 SADDLEBACK DVE
DAYBORO
4621

16/March/2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

MORETON BAY
REGIONAL COUNCIL

19 MAR 2019

Attention: Clancy Sloan – Development Services

CABOOLTURE CUSTOMER
SERVICE CENTRE

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I/we refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobble Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
- 1 x parabolic dish;
- 3 x panel antennas;
- 5 x Remote Radio Units (RRUs);
- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the

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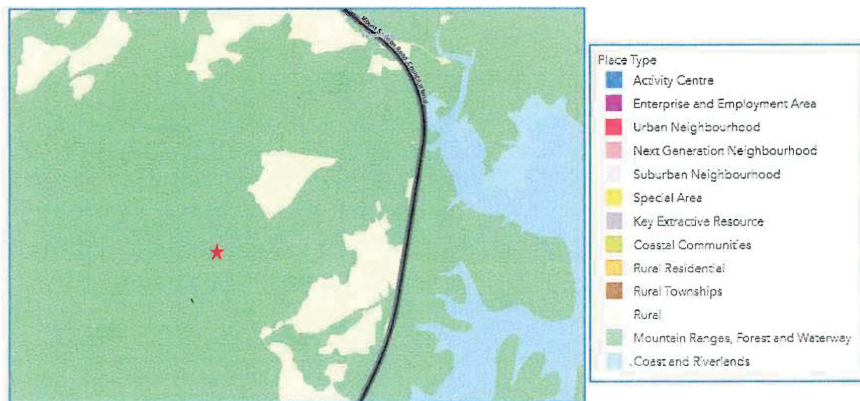
- Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.
- ii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
 - iii. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
 - iv. Loss of significant native vegetation in the rural setting;
 - v. The application material supporting the development presents false and misleading information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

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Residential development will be in the form of dispersed dwellings and farm buildings with limited infrastructure services provided. Non-residential development is provided in appropriate locations but is small in scale with a particular focus on tourism activities.

The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving downstream water quality. The environmental values in these areas are given preference over development that would impact on these values.

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1-9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

3.14.2.8 Specific Outcomes - Infrastructure

1. *The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;*
2. *Infrastructure, including public utilities and major telecommunication facilities, are designed and located to mitigate detrimental impacts on the visual quality and environmental values, character and amenity of the place type; and*
3. *Access to high speed broadband is provided to support residential and business needs.*

Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. **The proposal does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

2. Conflict with Rural Zone Code

The proposal seeks approval for a Development Permit for Telecommunications Facility which although we note is a land use anticipated in the Rural Zone (Overall outcome t), the proposal must still demonstrate that it is consistent with the Purpose of the Rural Zone Code.

The purpose of the Rural zone code is to:

- a. *provide for a wide range of rural uses including cropping⁽¹⁹⁾, intensive horticulture⁽⁴⁰⁾, intensive animal industries⁽²⁰⁾, animal husbandry⁽⁴⁾, animal keeping⁽⁹⁾ and other primary production activities;*
- b. *provide for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;*
- c. *protect and manage significant natural features, resources, and processes, including the capacity for primary production;*
- d. *ensure the rural area remains a pleasant place for people to work, live and recreate;*
- e. *restrict further encroachment of urban and rural residential activities into rural areas and reinforce the Regions' identified urban footprint;*
- f. *implement the policy direction set in Part 3, Strategic Framework.*

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The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

- s. *Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*

- i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
- ii. *ensuring no further instability, erosion or degradation of the land, water or soil resource;*
- iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
- iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
 - B. *the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;*
 - C. *the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.*
- v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional

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clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline.



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We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be restricted to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological

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value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

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Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes); and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.


The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure

Should you require any further information about this submission I/we can be contacted on.

0412 9322 88

Yours faithfully,


GORDON J. GOEBEL

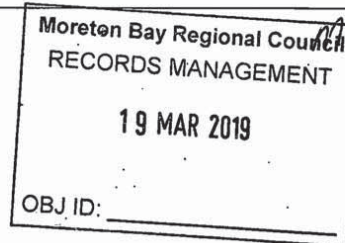
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MS- L. Goebel-Brown
70 Saddleback Drive
Dayboro Q 4521

16/March/2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

MORETON BAY
REGIONAL COUNCIL

19 MAR 2019

CABOOLTURE CUSTOMER
SERVICE CENTRE

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

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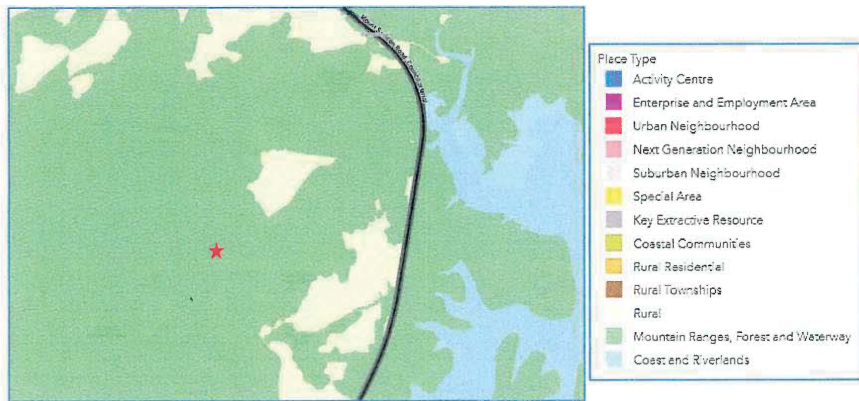
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- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridge line making it even more prominent in the landscape / skyline.



ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be restricted to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological

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value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

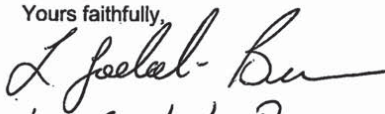
The proposal conflicts with multiple parts of the *MBRC Planning Scheme* and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure

Should you require any further information about this submission I/we can be contacted on.

0448 932 436

Yours faithfully,


L. Goebel-Brown.

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TOM & PAT HEIGHWAY.
198 HIPATHITES RD.
KOBBLE CREEK.
4520

16/March/2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

MORETON BAY
REGIONAL COUNCIL

Attention: Clancy Sloan – Development Services

19 MAR 2019

CABOOLTURE CUSTOMER
SERVICE CENTRE

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I/we refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobble Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
- 1 x parabolic dish;
- 3 x panel antennas;
- 5 x Remote Radio Units (RRUs);
- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

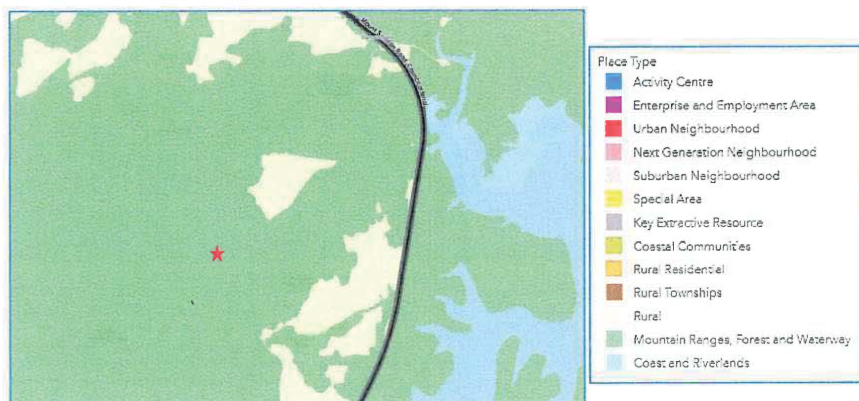
- ii. Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.
- iii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
- iv. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
- v. Loss of significant native vegetation in the rural setting;
- vi. The application material supporting the development presents false and misleading information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

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Residential development will be in the form of dispersed dwellings and farm buildings with limited infrastructure services provided. Non-residential development is provided in appropriate locations but is small in scale with a particular focus on tourism activities.

The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving downstream water quality. The environmental values in these areas are given preference over development that would impact on these values.

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1-9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

3.14.2.8 Specific Outcomes - Infrastructure

- 1. The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;*
- 2. Infrastructure, including public utilities and major telecommunication facilities, are designed and located to mitigate detrimental impacts on the visual quality and environmental values, character and amenity of the place type; and*
- 3. Access to high speed broadband is provided to support residential and business needs.*

Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. The proposal **does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

2. Conflict with Rural Zone Code

The proposal seeks approval for a Development Permit for Telecommunications Facility which although we note is a land use anticipated in the Rural Zone (Overall outcome t), the proposal must still demonstrate that it is consistent with the Purpose of the Rural Zone Code.

The purpose of the Rural zone code is to:

- a. provide for a wide range of rural uses including cropping⁽¹⁹⁾, intensive horticulture⁽²⁰⁾, intensive animal industries⁽²¹⁾, animal husbandry⁽²⁾, animal keeping⁽³⁾ and other primary production activities;*
- b. provide for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;*
- c. protect and manage significant natural features, resources, and processes, including the capacity for primary production;*
- d. ensure the rural area remains a pleasant place for people to work, live and recreate;*
- e. restrict further encroachment of urban and rural residential activities into rural areas and reinforce the Regions' identified urban footprint;*
- f. implement the policy direction set in Part 3, Strategic Framework.*

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The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

- s. *Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*

- i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
- ii. *ensuring no further instability, erosion or degradation of the land, water or soil resource;*
- iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
- iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
 - B. *the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;*
 - C. *the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.*
- v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional

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clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline.



ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

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One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be restricted to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological

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value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure

Should you require any further information about this submission I/we can be contacted on.

0405 706214

Yours faithfully,

P. Heighway
P. Heighway

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18th March 2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobble Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

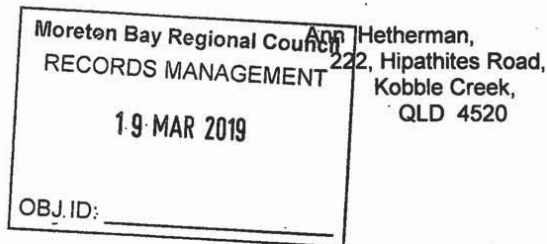
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- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.



Adrian Hetherman,
222, Hipathites Road,
Kobble Creek,
QLD 4520

MORETON BAY
REGIONAL COUNCIL

19 MAR 2019

CABOOLTURE CUSTOMER
SERVICE CENTRE

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- ii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
- iii. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
- iv. Loss of significant native vegetation in the rural setting;
- v. The application material supporting the development presents false and misleading information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

*Residential development will be in the form of dispersed dwellings and farm buildings **with limited infrastructure services provided**. Non-residential development is provided in appropriate locations but is small in scale with a particular focus on tourism activities.*

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

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The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving downstream water quality. The environmental values in these areas are given preference over development that would impact on these values.

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1-9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

3.14.2.8 Specific Outcomes - Infrastructure

1. *The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;*
2. *Infrastructure, including public utilities and major telecommunication facilities, are designed and located to mitigate detrimental impacts on the visual quality and environmental values, character and amenity of the place type; and*
3. *Access to high speed broadband is provided to support residential and business needs.*

Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. **The proposal does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

2. Conflict with Rural Zone Code

The proposal seeks approval for a Development Permit for Telecommunications Facility which although we note is a land use anticipated in the Rural Zone (Overall outcome t), the proposal must still demonstrate that it is consistent with the Purpose of the Rural Zone Code.

The purpose of the Rural zone code is to:

- a. *provide for a wide range of rural uses including cropping⁽¹⁹⁾, intensive horticulture⁽⁴⁰⁾, intensive animal industries⁽⁴⁹⁾, animal husbandry⁽²⁾, animal keeping⁽²⁾ and other primary production activities;*
- b. *provide for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;*
- c. *protect and manage significant natural features, resources, and processes, including the capacity for primary production;*
- d. *ensure the rural area remains a pleasant place for people to work, live and recreate;*
- e. *restrict further encroachment of urban and rural residential activities into rural areas and reinforce the Regions' identified urban footprint;*
- f. *implement the policy direction set in Part 3, Strategic Framework.*

The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-

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term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

- s. *Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*
 - i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
 - ii. *ensuring no further instability, erosion or degradation of the land, water or soil resource;*
 - iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
 - iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
 - B. *the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;*
 - C. *the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.*
 - v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

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The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline.



We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking

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at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be restricted to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put

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forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

We note that the photograph included does show the tower protruding above the tree line excessively, it does not include the solid clump of Aerials at the top of the pole nor does it show the dish Aerial to be mounted upon the pole approx. two thirds of distance from the ground. Neither does the photograph show the base infrastructure required to house associated electronic and support equipment, Thus the photograph illustration is intentionally misleading.

Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure.

Should you require any further information about this submission I can be contacted on 32899804

Yours faithfully



Ann Hetherman

Moreton Bay Regional Council

COORDINATION COMMITTEE MEETING
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17th March 2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobble Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
- 1 x parabolic dish;
- 3 x panel antennas;
- 5 x Remote Radio Units (RRUs);
- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.

Patrick A Hetherman,
222, Hipathites Road,
Kobble Creek,
QLD 4520



MORETON BAY
REGIONAL COUNCIL

19 MAR 2019

CABOOLTURE CUSTOMER
SERVICE CENTRE

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- iii. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
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Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

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The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

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at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be restricted to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there *is no other suitable location* for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

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forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

We note that the photograph included does show the tower protruding above the tree line excessively, it does not include the solid clump of Antennae at the top of the pole nor does it show the parabolic dish to be mounted upon the pole approx. two thirds of distance from the ground. Neither does the photograph show the base infrastructure required to house associated electronic equipment, Thus the photograph illustration is intentionally misleading.

Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure.

Should you require any further information about this submission I can be contacted on 32899804

Yours faithfully



Patrick A Hetherman

Moreton Bay Regional Council

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SARAH HETHERMAN
222 Hipathites Rd
Kobble Creek

16/March/2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

MORETON BAY
REGIONAL COUNCIL

19 MAR 2019

CABOOLTURE CUSTOMER
SERVICE CENTRE

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I/we refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobble Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
- 1 x parabolic dish;
- 3 x panel antennas;
- 5 x Remote Radio Units (RRUs);
- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

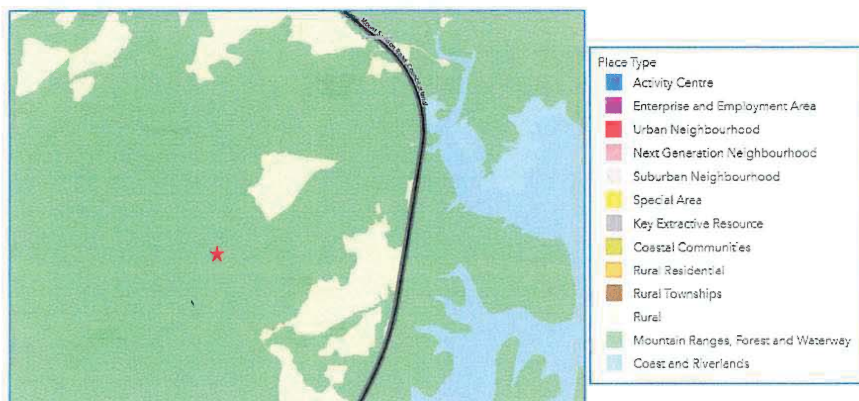
- ii. Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.
- iii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
- iv. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
- v. Loss of significant native vegetation in the rural setting;
- vi. The application material supporting the development presents false and misleading information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

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Residential development will be in the form of dispersed dwellings and farm buildings with limited infrastructure services provided. Non-residential development is provided in appropriate locations but is small in scale with a particular focus on tourism activities.

The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving downstream water quality. The environmental values in these areas are given preference over development that would impact on these values.

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1-9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

3.14.2.8 Specific Outcomes - Infrastructure

1. *The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;*
2. *Infrastructure, including public utilities and major telecommunication facilities, are designed and located to mitigate detrimental impacts on the visual quality and environmental values, character and amenity of the place type; and*
3. *Access to high speed broadband is provided to support residential and business needs.*

Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. **The proposal does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

2. Conflict with Rural Zone Code

The proposal seeks approval for a Development Permit for Telecommunications Facility which although we note is a land use anticipated in the Rural Zone (Overall outcome t), the proposal must still demonstrate that it is consistent with the Purpose of the Rural Zone Code.

The purpose of the Rural zone code is to:

- a. *provide for a wide range of rural uses including cropping⁽¹⁹⁾, intensive horticulture⁽²⁰⁾, intensive animal industries⁽²¹⁾, animal husbandry⁽²⁾, animal keeping⁽³⁾ and other primary production activities;*
- b. *provide for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;*
- c. *protect and manage significant natural features, resources, and processes, including the capacity for primary production;*
- d. *ensure the rural area remains a pleasant place for people to work, live and recreate;*
- e. *restrict further encroachment of urban and rural residential activities into rural areas and reinforce the Regions' identified urban footprint;*
- f. *implement the policy direction set in Part 3, Strategic Framework.*

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The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

- s. *Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*

- i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
- ii. *ensuring no further instability, erosion or degradation of the land, water or soil resource;*
- iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
- iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
 - B. *the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;*
 - C. *the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.*
- v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional

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clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline.



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We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be restricted to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological

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value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

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Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

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The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the *MBRC Planning Scheme* and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure

Should you require any further information about this submission I/we can be contacted on.

0411 106 742

Yours faithfully,



SARAH HETHERMAN.

Moreton Bay Regional Council

COORDINATION COMMITTEE MEETING
11 June 2019

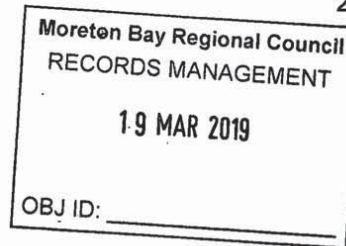
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17th March 2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510



Sheridan Hetherman,
222, Hipathites Road,
Kobble Creek,
QLD 4520

MORETON BAY
REGIONAL COUNCIL

Attention: Clancy Sloan – Development Services

19 MAR 2019

CABOOLTURE CUSTOMER
SERVICE CENTRE

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobble Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
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The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

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A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

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*The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving downstream water quality. **The environmental values in these areas are given preference over development that would impact on these values.***

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1-9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

3.14.2.8 Specific Outcomes - Infrastructure

1. *The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;*
2. *Infrastructure, including public utilities and major telecommunication facilities, are designed and located to mitigate detrimental impacts on the visual quality and environmental values, character and amenity of the place type; and*
3. *Access to high speed broadband is provided to support residential and business needs.*

Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. **The proposal does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

2. Conflict with Rural Zone Code

The proposal seeks approval for a Development Permit for Telecommunications Facility which although we note is a land use anticipated in the Rural Zone (Overall outcome t), the proposal must still demonstrate that it is consistent with the Purpose of the Rural Zone Code.

The purpose of the Rural zone code is to:

- a. *provide for a wide range of rural uses including cropping⁽¹⁹⁾, intensive horticulture⁽⁴⁰⁾, intensive animal industries⁽²⁰⁾, animal husbandry⁽⁴⁾, animal keeping⁽⁶⁾ and other primary production activities;*
- b. *provide for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;*
- c. *protect and manage significant natural features, resources, and processes, including the capacity for primary production;*
- d. *ensure the rural area remains a pleasant place for people to work, live and recreate;*
- e. *restrict further encroachment of urban and rural residential activities into rural areas and reinforce the Regions' identified urban footprint;*
- f. *implement the policy direction set in Part 3, Strategic Framework.*

The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-

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term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

- s. *Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*
 - i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
 - ii. *ensuring no further instability, erosion or degradation of the land, water or soil resource;*
 - iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
 - iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
 - B. *the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;*
 - C. *the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.*
 - v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

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The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline.



We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking

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at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be **restricted** to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put

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forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

We note that the photograph included does show the tower protruding above the tree line excessively, it does not include the solid clump of Aerials at the top of the pole nor does it show the dish Aerial to be mounted upon the pole approx. two thirds of distance from the ground. Neither does the photograph show the base infrastructure required to house associated electronic and support equipment, Thus the photograph illustration is intentionally misleading.

Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure.

Should you require any further information about this submission I can be contacted on 0434202644

Yours faithfully



Sheridan Hetherman

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John Hoffman
611 Mt Samson Road
Kobble Creek 4520

17 March 2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I/we refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobble Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
- 1 x parabolic dish;
- 3 x panel antennas;
- 5 x Remote Radio Units (RRUs);
- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the

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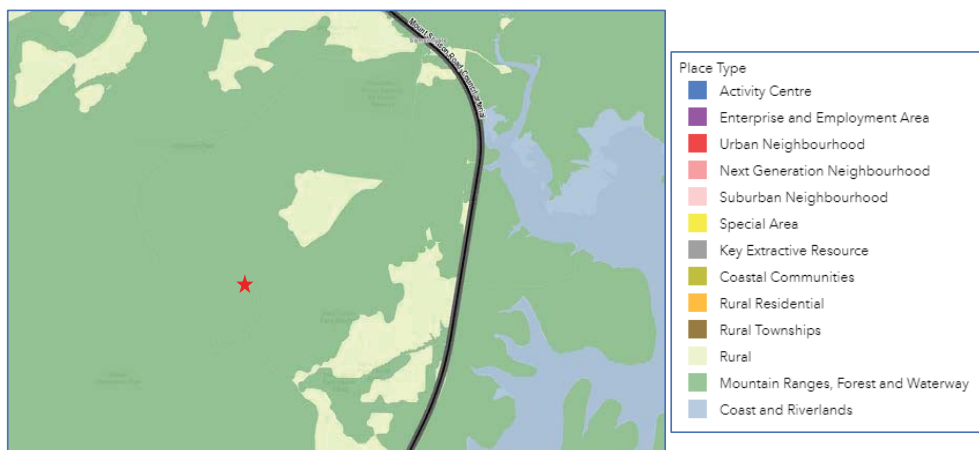
- Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.
- ii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
- iii. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
- iv. Loss of significant native vegetation in the rural setting;
- v. The application material supporting the development presents false and misleading information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

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*Residential development will be in the form of dispersed dwellings and farm buildings **with limited infrastructure services provided**. Non-residential development is provided in appropriate locations but is small in scale with a particular focus on tourism activities.*

*The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving downstream water quality. **The environmental values in these areas are given preference over development that would impact on these values.***

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

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Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. The proposal **does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

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The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

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Comment: The proposal is not for a rural use.

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Comment: The proposal involves the construction a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

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clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
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The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline.



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We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be **restricted** to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological

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ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure.

Should you require any further information about this submission I/we can be contacted on

hoffsare@bigpond.com

0457530509

Yours faithfully,

John Hoffman

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From: [DONNA CLARICE MERRITT](#)
To: [MBRC Incoming Mail](#)
Subject: NBN case # DA/37146/2018/V2U
Date: Monday, 18 March 2019 7:48:00 AM

18.03.19 Joshua and Joanne Hawton
230 Hipathites Road
Kobble Creek
QLD, 4520
Moreten Bay Regional Council
Attention: CLANCY SLOAN
NBN Case # DA/37146/2018/V2U
230 Hipathites Road, Kobble Creek, Qld, 4520

My husband and I believe the NBN tower being installed at the above address to be a massive positive advantage for home owners and business people in our community as it will increase our internet speeds.

The site itself makes sense as it will only slightly impact the surrounding environment while still being in an area to meet the required radio and service levels needed.

We are completely for the tower to go ahead and can't wait for the advantages the tower can bring to our internet uses.

Regards

Joshua and Joanne Hawton

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Justin Hunter and Sandra Ellis
260 Hipathites Road
Kobble Creek QLD 4520

17 March 2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

We refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobble Creek. It is noted that the facility proposed is for a facility with an overall height of 51 m above natural ground level and is to be located within a secure compound having an area of 120 m² and comprising:

- 50m monopole with circular headframe.
- 1 x parabolic dish (1.2 m diameter).
- 3 x panel antennas (0.75 m long).
- 5 x Remote Radio Units (1.5 m long).
- 2 x outdoor cabinets at ground level.
- ancillary equipment.

The development application is on a 16 ha property that is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

1. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.

2. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
3. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
4. Loss of significant native vegetation in the rural setting;
5. The application material supporting the development misrepresents information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The whole subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.

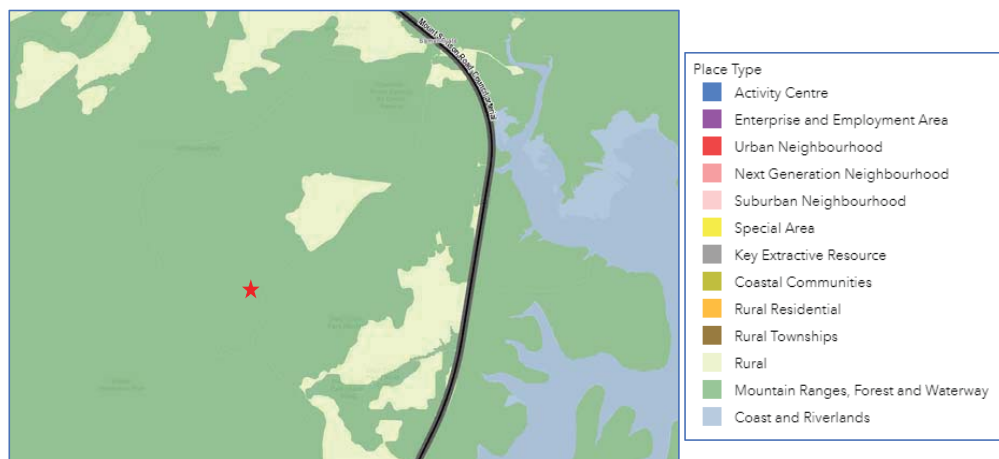


Figure 1 Place Type Zoning of the Moreton Bay Regional Council Planning Scheme

Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

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*Residential development will be in the form of dispersed dwellings and farm buildings **with limited infrastructure services provided**. Non-residential development is provided in appropriate locations but is small in scale with a particular focus on tourism activities.*

*The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving downstream water quality. **The environmental values in these areas are given preference over development that would impact on these values.***

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1 to 9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

3.14.2.8 Specific Outcomes - Infrastructure

- 1. The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;*
- 2. Infrastructure, including public utilities and major telecommunication facilities, are designed and located to mitigate detrimental impacts on the visual quality and environmental values, character and amenity of the place type; and*
- 3. Access to high speed broadband is provided to support residential and business needs.*

Whilst Specific Outcome No.3 does look for high speed broadband services in the area, Specific Outcome No.2 reinforces that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. The proposal **does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

2. Conflict with Rural Zone Code

The proposal seeks approval for a Development Permit for Telecommunications Facility which although we note is a land use anticipated in the Rural Zone, the proposal must still demonstrate that it is consistent with the Purpose of the Rural Zone Code.

*The purpose of the **Rural zone** code is to:*

- a. provide for a wide range of rural uses including cropping⁽¹⁹⁾, intensive horticulture⁽⁴⁰⁾, intensive animal industries⁽³⁹⁾, animal husbandry⁽⁴⁾, animal keeping⁽⁵⁾ and other primary production activities;*
- b. provide for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;*
- c. protect and manage significant natural features, resources, and processes, including the capacity for primary production;*
- d. ensure the rural area remains a pleasant place for people to work, live and recreate;*
- e. restrict further encroachment of urban and rural residential activities into rural areas and reinforce the Regions' identified urban footprint;*
- f. implement the policy direction set in Part 3, Strategic Framework.*

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The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction a 50 m high structure with antennas that increase the overall height of the facility to 51 m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and garish.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

- s. *Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*
 - i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
 - ii. *ensuring no further instability, erosion or degradation of the land, water or soil resource;*
 - iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
 - iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
 - B. *the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;*
 - C. *the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.*
 - v. *protecting native species and protecting and enhancing species habitat;*

Comment: The location of the facility includes a compound with dimensions of 10 m x 12 m (120 m²) for the monopole and ancillary equipment. Notes on the Site Setout Plan states that additional clearing of vegetation is required for a construction area crane

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

hardstand with dimensions of 10 m x 20 m (200 m²). Plus, vegetation clearing for the proposed underground electrical route and minor widening of the existing access track to suit NBN site access are required. We conclude that a cleared area of up to 500 m² may be required for this facility. Also, the applicant has yet to provide an earthworks plan for this development application. The property and broader locality already contain cleared areas for development and additional clearing of vegetation should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that co-location with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10 m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3 m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The height of the structure is excessively high and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, blatantly towering over the natural landscape. The monopole is proposed to be positioned on the edge of a ridgeline with the surrounding area generally being of lower topography. It will be more than double the height of the existing tree canopy. This means that the monopole will become a prominent feature on the skyline from our house as shown in Figures 2 to 5. We have serious concerns that the information and photomontages provided by the applicant are misleading. The applicant has been invited on numerous occasions to take photos from our house. As can be seen by the images in Figures 2 to 5, there is no mature vegetation that could obscure the proposed facility, which the applicant's photomontages typically depicts. The proposed tower significantly impacts on the view and rural character of our home.

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Figure 2 Monopole shown in red impacts outlook from front verandah



Figure 3 Monopole shown in red is more than double height of existing tree canopy

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Figure 4 Monopole shown in red visually impacts the skyline



Figure 5 Monopole shown in red can be seen from inside the house

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The height and location of the telecommunications facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impact on the rural landscape character that is required to be protected. The tower should not significantly impact and totally disregard the rural character and amenity that our community lives in.

Alternative Locations

We strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted Planning Report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be restricted to a 50m slimline monopole*. As detailed above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than “minor” clearing and “trimming”.

An alternative site would be co-location at the nearby existing Optus telecommunications facility. This co-location opportunity has already been identified as Candidate C and has been classified as “technically feasible”. Based on the conflict with the planning scheme and additional land clearing requirements identified in this development application, it is suggested that the applicant is asked to demonstrate that there is no other suitable location for the facility. Other than for minimising expenditure, it is hard to believe that the facility cannot be positioned at another location that will impact the community less in terms of the visual impact and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council’s planning scheme looks to protect and maintain areas of high value vegetation. A Property Vegetation Management Plan, Revision A dated 27-Feb-2019, was not made available to the public until 15-Mar-2019, when it was placed on Council’s PD Online portal. The Property Vegetation Management Plan document provided is incomplete as it does not include Figure 1, Proposed Development, or Figure 2, Tree Plot and Restoration Area, or a General Arrangement Drawing referenced in Appendix A. The Property Vegetation Management Plan states twenty-one (21) trees with a Diameter of Breast Height (DBH) greater than, or equal to 15 cm, are contained within or directly adjacent to the development footprint and will be removed. The number of trees to be removed has doubled since the applicant’s Response to Information Request on 21-Jan-2019 stated removal of only ten (10) trees and some tree trimming will be required, pending completion of the Geotechnical Investigation. The Geotechnical Investigation report (Reference 247473), Revision 0 dated 21-Jan-2019, was not made available to the public until 15-Mar-2019, when it was placed on Council’s PD Online portal as Appendix B in the Landslide Risk Assessment Report, Rev 0 dated 14-Mar-2019. The Property Vegetation Management Plan document states a total of eight (8) trees in the surrounding area will be retained. Without the Tree Plot and Restoration Area figure, it is not clear if the twenty-one (21) trees to be removed are only within the 120 m² compound area of the facility, and if additional trees for the construction works, widening of the access track and underground electrical route will also need to be removed. Additionally, without the Tree Plot and Restoration Area figure, it is not known where the replacement trees, at a ratio of 3:1, will be planted. The proposal does not accurately reflect the loss of vegetation required in an area mapped as having high ecological value. Insufficient information to support the development has been provided and Council’s planning scheme requires that clearing of high value vegetation is avoided in the first instance. We propose that suitable alternate locations for the facility have not been sufficiently considered and would have less impacts on the ecological values of the area.

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We also note that an amended Landscape Plan has only recently been made available to the public on 13-Mar-2019. The Landscape Plan shows that the landscaping is deficient in terms of meeting the minimum 3 m landscaped buffer required by the planning scheme. Plus, there is no indication of any screening on the access gates to the compound.

Misrepresentation of Information

The process undertaken by the applicant for the proposed development has fractured our community. An information session was held on 11th October 2018 at the Dayboro Bowls Club in regard to this development application for a telecommunications facility. Not all adjoining neighbours, or even nearby neighbours, were notified about this information session. It appears that the applicant selected the neighbours that were notified about the information session to increase the likelihood of receiving positive feedback about the proposed development.

As outlined above, the photomontages provided by the applicant typically depict mature vegetation obscuring a proposed facility. As shown in the images, there is no mature vegetation that can obscure the monopole, which will become a prominent feature on the skyline. The typical photomontages provided by the applicant do not show balanced viewpoints as the monopole tower will have significant visual impact and totally disregard the rural character and amenity that our community lives in.

The applicant has not released complete reports and information in a timely manner. For example, the Property Vegetation Management Plan detailing the loss of significant native vegetation in a rural setting was not made available to the public until the third last working day, 15-Mar-2019, before the end of the public notification period and relevant figures have not been included in the issued report. Review of the Response to Information Request, made by the applicant on 21-Jan-2019, stated the expected number of trees to be removed pending completion of the Geotechnical Investigation. However, review of the Landslide Risk Assessment Report, issued to the public on 15-Mar-2019, shows that the Geotechnical Investigation was first issued on 21-Jan-2019. The number of high value trees (DBH ≥15 cm) required to be removed has doubled from ten (10) to twenty-one (21) as a result of the Geotechnical Investigation. This additional information was not provided to the public in a timely manner.

Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51 m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity

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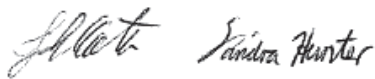
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and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

We strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure.

Should you require any further information about this submission, we can be contacted on 0429 899 040.

Yours sincerely,

Handwritten signatures of Justin Hunter and Sandra Ellis in black ink.

Justin Hunter and Sandra Ellis

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Kristiaan Amos and Aamee Hetherman
222 Hipathites road Kobble Creek 4520

18 March 2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I/we refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobble Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
- 1 x parabolic dish;
- 3 x panel antennas;
- 5 x Remote Radio Units (RRUs);
- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

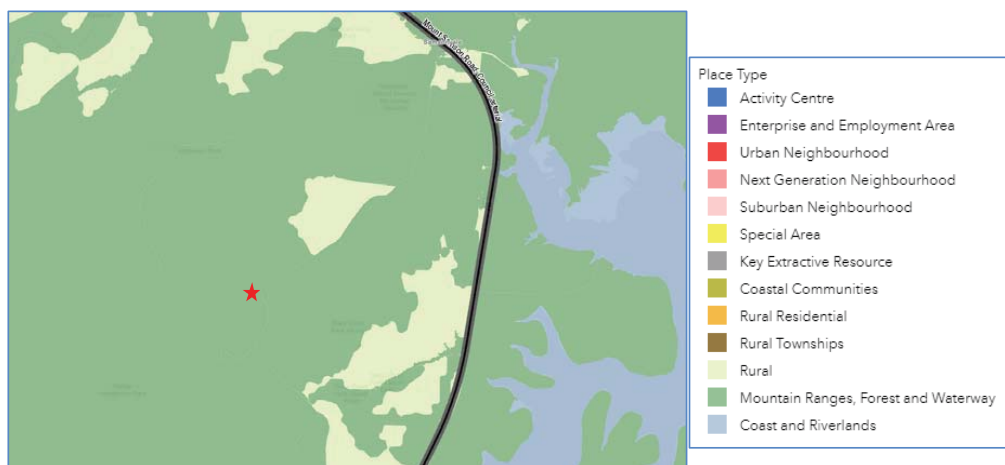
- ii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
- iii. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
- iv. Loss of significant native vegetation in the rural setting;
- v. The application material supporting the development presents false and misleading information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

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*The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving downstream water quality. **The environmental values in these areas are given preference over development that would impact on these values.***

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1-9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

3.14.2.8 Specific Outcomes - Infrastructure

1. *The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;*
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Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. **The proposal does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

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*The purpose of the **Rural zone** code is to:*

- a. *provide for a wide range of rural uses including cropping⁽¹⁹⁾, intensive horticulture⁽⁴⁰⁾, intensive animal industries⁽³⁹⁾, animal husbandry⁽⁴⁾, animal keeping⁽⁵⁾ and other primary production activities;*
- b. *provide for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;*
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The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-

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term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

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- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

- s. *Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*
 - i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
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 - v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

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The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.

PO73: insufficient information has been provided to demonstrate that co location with other existing facilities is not an option. There are several facilities in the 4520 postcode which have been approved by mbrc which include extensions of existing towers and footing upgrades to accommodate the extension. E.g. 191 Old mount Samson road. Why couldn't these techniques be used in this instance and use the existing area at 113 Kriesch Road.

PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.

- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline.

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We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be **restricted** to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area

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which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 21 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. There is also no mention of the clearing required to connect the facility to mains power. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

Misrepresentation of Information

I refer to the Response to Information dated the 21 January 2019. In this document there were photomontages presented as requested by mbrc to indicate the visual impact from dwellings on 222 Hipathites Road Kobble creek. I refer to images in attachment B, view 3 and view 4. These photomontages are not an accurate indication of what the facility would look like for the following reasons

Firstly they are not in the proposed lease area. In both photomontages the tower position is substantially left of the actual proposed location.

Secondly No tree clearing has been shown in the images.

Thirdly no ground equipment has been shown in the images, e.g. ground cabinets, fencing.

The visual impact from 222 Hipathites Road has not been demonstrated accurately in these photomontages.

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Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- Performance outcomes of the Rural Zone Code,
- The Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- The Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photomontages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

We strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure or amend the proposal to be fully compliant with the requirements of its planning scheme.

Should you require any further information about this submission we can be contacted on 0403127794

Yours faithfully,

Kristiaan Amos and Aamee Hetherman

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From: [Kathryn Thomson](#)
To: [MBRC Incoming Mail](#)
Cc: [Clancy Sloan](#)
Subject: Submission in Support of Telecommunication Facility as follows: DA/37146/2018/V2U 230 Hipathities Road
Kobble Creek qld 4520 lot 2 RP 162985
Date: Monday, 18 March 2019 11:29:35 AM

To Whom it May Concern,

**RE: Telecommunication Facility
at 230 Hipathities Road
Kobble Creek 4520
DA application No. DA/37146/2018/V2U**

We have read all of the information provided RE: tower to be situated on the above site. I did want to provide my feedback, as I have had people ringing me with false information encouraging me to submit a submission to get the tower stopped.

I have done my own research and would like to put forward a **submission in support FOR the Telecommunication Facility** to go ahead.

Our property directly backs onto the property at 230 Hipathities Road Kobble Creek. My husband and I are small business owners and rely heavily on the internet for communication for our business. The area of Samsonvale and Kobble Creek have large numbers of small business people which this will also benefit. Presently we have a very unreliable service and know that we will greatly benefit from anything that will support better and more reliable internet services for us and our community. We also use the internet for socializing for both us and our family.

So improved broadband should be a significant priority in this area with many people currently having insufficient quality ADSL broadband options. The NBN fixed wireless facility offers speeds of 50Mbps download and 20 Mbps upload, which will offer a significant improvement to current services.

We understand that the site for the facility is ideally suited to meeting the required NBN radio coverage and service levels, whilst minimising the impact on the surrounding landscape. We do understand that people are complaining that they will see the tower. Around our and the Dayboro area there are also towers that are visible if you are specifically looking for them, but with the colour of the towers being green, they blend in very well and are only noticeable if they are directly pointed out. I did have this discussion with people that rang me and they were unaware of the other towers around our area, so I don't believe that the tower will negatively effect there or our outlook. Presently the tower will be more visible from our home than any of the other neighbours around the property that the tower will be constructed on, and we definitely think that the benefits to our community far outweigh the fact that the tower will be visible from our home.

Our area is a growing area and definitely need all resources added to support the growing

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population. I have been a part of this community for all of my life and believe that the NBN would definitely be an asset to our community.

Thanking You
Lyle & Kathryn Thomson
271 Aitcheson Road
Kobble Creek
4520
0413121360

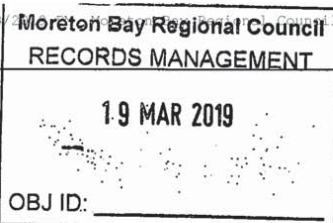
Moreton Bay Regional Council

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David and Amanda Massey

1132 WINN RD

MT SAMSON

4520

16/March/2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

MORETON BAY
REGIONAL COUNCIL

Attention: Clancy Sloan – Development Services

19 MAR 2019

Dear Clancy,

CABOOLTURE CUSTOMER
SERVICE CENTRE

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I/we refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobbler Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
- 1 x parabolic dish;
- 3 x panel antennas;
- 5 x Remote Radio Units (RRUs);
- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

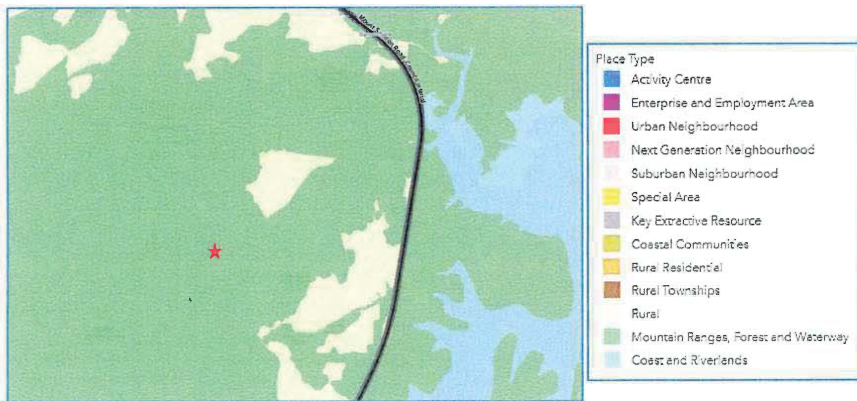
- ii. Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.
- iii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
- iv. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
- v. Loss of significant native vegetation in the rural setting;
- vi. The application material supporting the development presents false and misleading information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

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The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

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 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
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- v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

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clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline.



ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be restricted to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological

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value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure

Should you require any further information about this submission I/we can be contacted on.

0415957408 @davemassey Repairs@gmail.com

1132 WINN RD.
MT SAMSON. 4520.
QLD.

Yours faithfully,

DAVID MASSEY
AMANDAJAMASSEY



D.MASSEY.

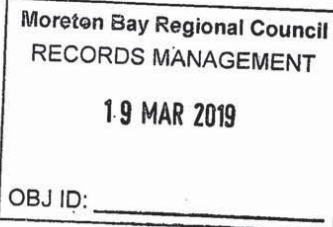
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GARRY MAYNE
17 KRIESCH RD
SAMSONVALE 4520.

16/March/2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

MORETON BAY
REGIONAL COUNCIL

19 MAR 2019

Attention: Clancy Sloan – Development Services

CABOOLTURE CUSTOMER
SERVICE CENTRE

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I/we refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobble Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
- 1 x parabolic dish;
- 3 x panel antennas;
- 5 x Remote Radio Units (RRUs);
- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

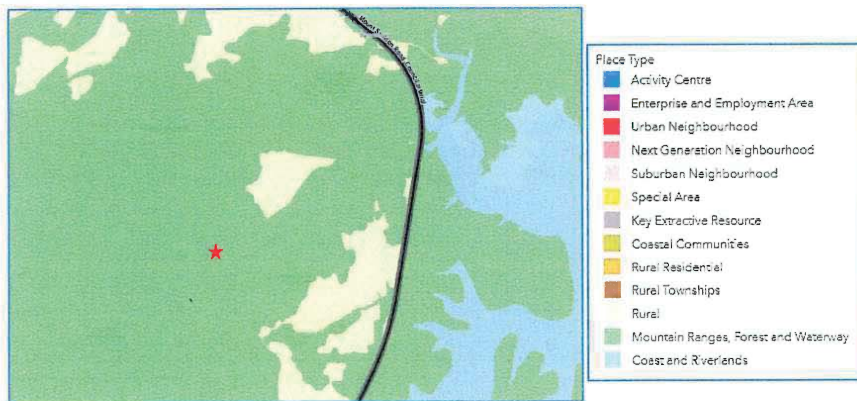
- ii. Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.
- iii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
- iv. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
- v. Loss of significant native vegetation in the rural setting;
- vi. The application material supporting the development presents false and misleading information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

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The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

- s. *Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*

- i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
- ii. *ensuring no further instability, erosion or degradation of the land, water or soil resource;*
- iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
- iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
 - B. *the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;*
 - C. *the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.*
- v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional

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Residential development will be in the form of dispersed dwellings and farm buildings with limited infrastructure services provided. Non-residential development is provided in appropriate locations but is small in scale with a particular focus on tourism activities.

The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving downstream water quality. The environmental values in these areas are given preference over development that would impact on these values.

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1-9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

3.14.2.8 Specific Outcomes - Infrastructure

1. *The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;*
2. *Infrastructure, including public utilities and major telecommunication facilities, are designed and located to mitigate detrimental impacts on the visual quality and environmental values, character and amenity of the place type; and*
3. *Access to high speed broadband is provided to support residential and business needs.*

Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. **The proposal does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

2. Conflict with Rural Zone Code

The proposal seeks approval for a Development Permit for Telecommunications Facility which although we note is a land use anticipated in the Rural Zone (Overall outcome t), the proposal must still demonstrate that it is consistent with the Purpose of the Rural Zone Code.

The purpose of the Rural zone code is to:

- a. *provide for a wide range of rural uses including cropping⁽¹⁹⁾, intensive horticulture⁽⁴⁰⁾, intensive animal industries⁽²⁹⁾, animal husbandry⁽⁴⁾, animal keeping⁽⁶⁾ and other primary production activities;*
- b. *provide for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;*
- c. *protect and manage significant natural features, resources, and processes, including the capacity for primary production;*
- d. *ensure the rural area remains a pleasant place for people to work, live and recreate;*
- e. *restrict further encroachment of urban and rural residential activities into rural areas and reinforce the Regions' identified urban footprint;*
- f. *implement the policy direction set in Part 3, Strategic Framework.*

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As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be restricted to a 50m slimline monopole* [bolding added for emphasis].

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Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological

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The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure

Should you require any further information about this submission I/we can be contacted on.

0428 624969.

Yours faithfully,


GARRY W. MAYNE.

Moreton Bay Regional Council

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Moreton Bay Regional Council
RECORDS MANAGEMENT

19 MAR 2019

OBJ ID: _____

JENNIFER MAYNE
77 KRIESCH RD.
SAMSONVALE. 4520

16/March/2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

MORETON BAY
REGIONAL COUNCIL

19 MAR 2019

Attention: Clancy Sloan – Development Services

CABOOLTURE CUSTOMER
SERVICE CENTRE

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

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- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the

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- ii. Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.
- iii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
- iv. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
- v. Loss of significant native vegetation in the rural setting;
- vi. The application material supporting the development presents false and misleading information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

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- Residential development will be in the form of dispersed dwellings and farm buildings with limited infrastructure services provided. Non-residential development is provided in appropriate locations but is small in scale with a particular focus on tourism activities.

The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving downstream water quality. The environmental values in these areas are given preference over development that would impact on these values.

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1-9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

3.14.2.8 Specific Outcomes - Infrastructure

- The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;
- Infrastructure, including public utilities and major telecommunication facilities, are designed and located to mitigate detrimental impacts on the visual quality and environmental values, character and amenity of the place type; and
- Access to high speed broadband is provided to support residential and business needs.

Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. The proposal **does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

2. Conflict with Rural Zone Code

The proposal seeks approval for a Development Permit for Telecommunications Facility which although we note is a land use anticipated in the Rural Zone (Overall outcome t), the proposal must still demonstrate that it is consistent with the Purpose of the Rural Zone Code.

The purpose of the Rural zone code is to:

- provide for a wide range of rural uses including cropping⁽¹⁹⁾, intensive horticulture⁽⁴⁰⁾, intensive animal industries⁽³⁹⁾, animal husbandry⁽⁴⁾, animal keeping⁽⁵⁾ and other primary production activities;
- provide for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;
- protect and manage significant natural features, resources, and processes, including the capacity for primary production;
- ensure the rural area remains a pleasant place for people to work, live and recreate;
- restrict further encroachment of urban and rural residential activities into rural areas and reinforce the Regions' identified urban footprint;
- implement the policy direction set in Part 3, Strategic Framework.

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The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

- s. *Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*

- i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
- ii. *ensuring no further instability, erosion or degradation of the land, water or soil resource;*
- iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
- iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
 - B. *the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;*
 - C. *the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.*
- v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional

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- clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline.



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We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be restricted to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest than an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological

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value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

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Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

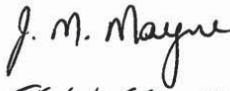
The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure

Should you require any further information about this submission I/we can be contacted on.

01 32899254

Yours faithfully,


JENNIFER MAYNE.

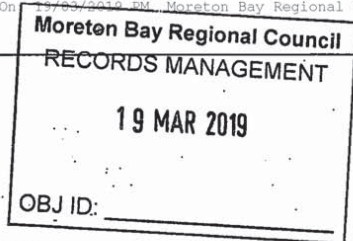
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STUART O'CONNELL
142 KRIESCH RD
SAMSONVALE QLD
4520

16/March/2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

MORETON BAY
REGIONAL COUNCIL

19 MAR 2019

CABOOLTURE CUSTOMER
SERVICE CENTRE

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I/we refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobble Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
- 1 x parabolic dish;
- 3 x panel antennas;
- 5 x Remote Radio Units (RRUs);
- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the

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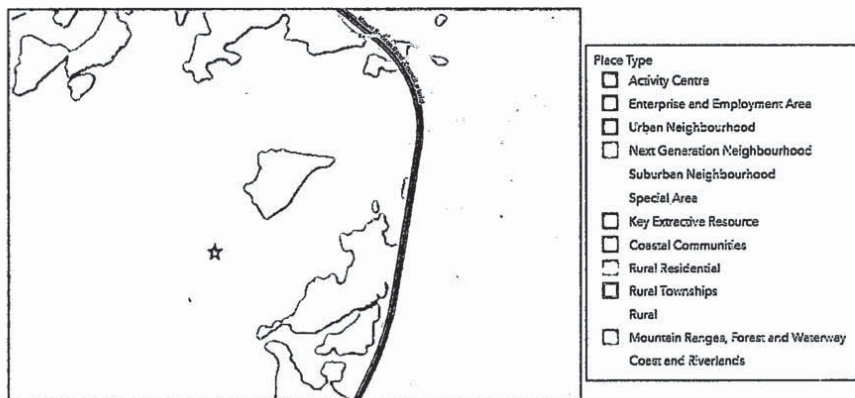
- Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.
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 - iii. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
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A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

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Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

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- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline..



ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be restricted to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest than an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological

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ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

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value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure

Should you require any further information about this submission I/we can be contacted on.

0412652949
FLATHEAD88@GMAIL.COM.

Yours faithfully,



ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Paul Smith
113 Kriesch Road
Samsonvale Qld 4520

18 March 2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

We refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobbler Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
- 1 x parabolic dish;
- 3 x panel antennas;
- 5 x Remote Radio Units (RRUs);
- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

- ii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
- iii. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
- iv. Loss of significant native vegetation in the rural setting;
- v. Removal of koala habitat

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

*Residential development will be in the form of dispersed dwellings and farm buildings **with limited infrastructure services provided**. Non-residential development is provided in appropriate locations but is small in scale with a particular focus on tourism activities.*

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*The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving downstream water quality. **The environmental values in these areas are given preference over development that would impact on these values.***

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1-9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

3.14.2.8 Specific Outcomes - Infrastructure

1. *The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;*
2. *Infrastructure, including public utilities and major telecommunication facilities, are designed and located to mitigate detrimental impacts on the visual quality and environmental values, character and amenity of the place type; and*
3. *Access to high speed broadband is provided to support residential and business needs.*

Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. The proposal **does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

2. Conflict with Rural Zone Code

The proposal seeks approval for a Development Permit for Telecommunications Facility which although we note is a land use anticipated in the Rural Zone (Overall outcome t), the proposal must still demonstrate that it is consistent with the Purpose of the Rural Zone Code.

*The purpose of the **Rural zone** code is to:*

- a. *provide for a wide range of rural uses including cropping⁽¹⁹⁾, intensive horticulture⁽⁴⁰⁾, intensive animal industries⁽³⁹⁾, animal husbandry⁽⁴⁾, animal keeping⁽⁵⁾ and other primary production activities;*
- b. *provide for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;*
- c. *protect and manage significant natural features, resources, and processes, including the capacity for primary production;*
- d. *ensure the rural area remains a pleasant place for people to work, live and recreate;*
- e. *restrict further encroachment of urban and rural residential activities into rural areas and reinforce the Regions' identified urban footprint;*
- f. *implement the policy direction set in Part 3, Strategic Framework.*

The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-term use of the land for rural purposes, it is incompatible with the environment and landscape

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

- s. *Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*

- i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
- ii. *ensuring no further instability, erosion or degradation of the land, water or soil resource;*
- iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
- iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
 - B. *the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;*
 - C. *the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.*
- v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

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- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridge line making it even more prominent in the landscape / skyline.



We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for

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Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be **restricted** to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location “restricts” the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than “minor” clearing and “trimming”.

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council’s planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest than an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological value. Little to no information is available on the loss of this vegetation and Council’s planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

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In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

Removal of Koala Habitat

The proposed site is situated in an area of Priority Koala Assessable Development Area. Per the Queensland Government mapping, it is likely Medium Value Bushland, or is otherwise Medium Value Rehabilitation. Other location options proposed by the application are in a lower value koala habitat classification. Locating the tower adjacent to the existing telecommunications facility at 113 Kriesch Road, Samsonvale, would see it placed within Low Value Koala Habitat Bushland.

We have enclosed as Annexure A to this letter Queensland Government mapping that includes both locations.

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Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

The proposal is in medium value koala habitat areas where other options are available in low value koala habitats.

We strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure.

We propose that the tower should be co located on, or adjacent to, the existing tower approximately 500m south of the proposed tower, on 113 Kriesch Road Samsonvale.

Should you require any further information about this submission We can be contacted on 0428 844 083.

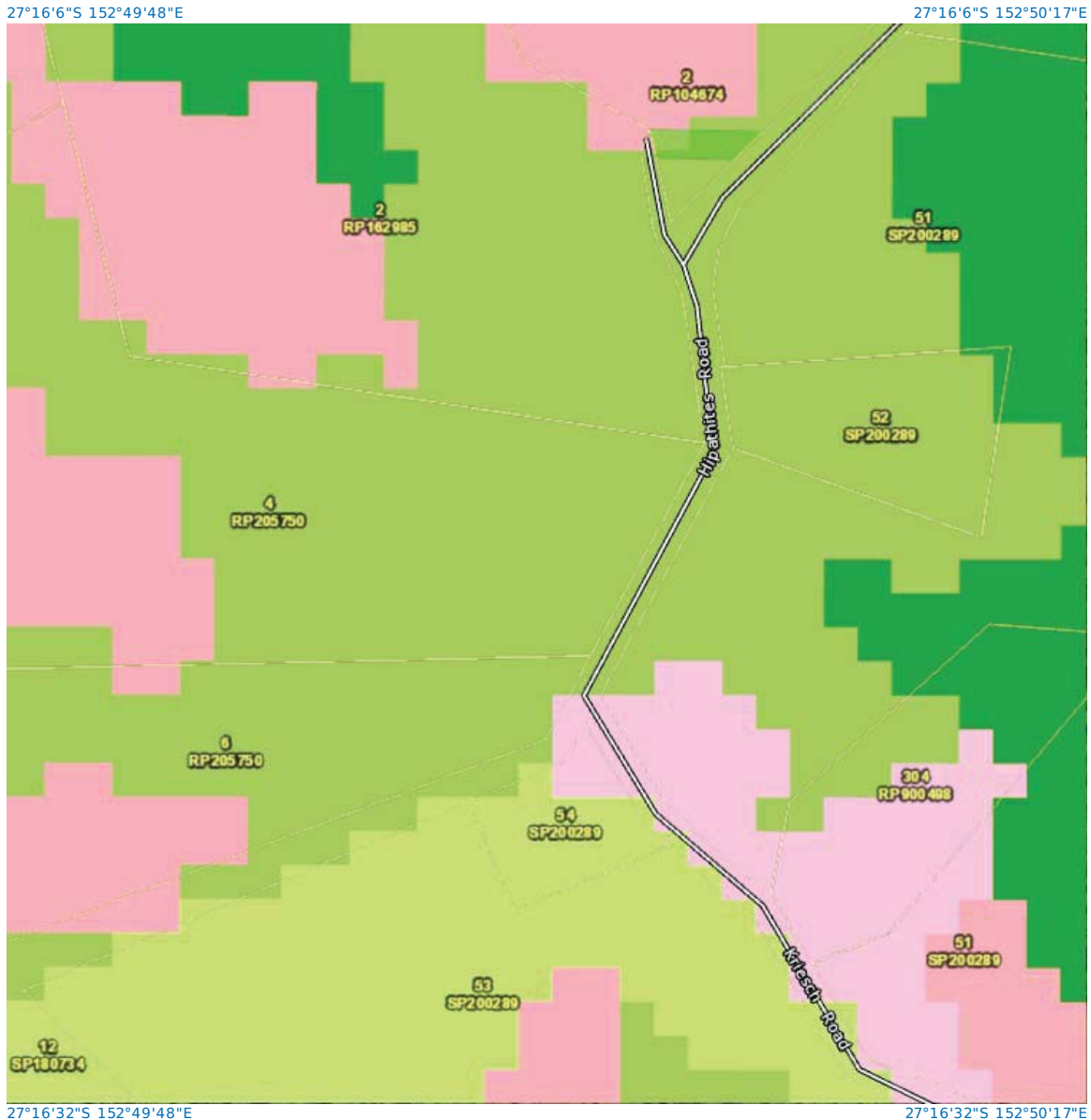
Yours faithfully,



Paul Smith
Encl.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Annexure A



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 Queensland Globe



100 metres

Print Date: 19/3/2019
Paper Size: A4

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 **Legend**

 **Attribution**

Road crossing

-  Bridge
-  Tunnel

Road

-  Highway
-  Main
-  Local
-  Private

Railway



Natural parcel boundary



Land parcel

-  Parcel

Easement parcel



Strata parcel






Volumetric parcel






Land parcel label






Bushland habitat [SEQ]

-  High value bushland
-  Medium value bushland
-  Low value bushland

Suitable for rehabilitation [SEQ]

-  High value rehabilitation
-  Medium value rehabilitation
-  Low value rehabilitation

Other areas of value [SEQ]

-  High value other
-  Medium value other
-  Low value other
-  Generally not suitable
-  Water

MBRC, DigitalGlobe

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© State of Queensland (Department of Natural Resources, Mines and Energy) 2018

© State of Queensland (Department of Natural Resources and Mines), 2016

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From: [Pete Smit](#)
To: [MBRC Incoming Mail](#)
Subject: Assessment Manager , APPLICATION NUMBER: DA/37146/2018/V2U
Date: Tuesday, 19 March 2019 2:27:25 PM
Attachments: [1c1e762c.jpg](#)

Attn: Assessment Manager
MBRC
PO Box 159
Caboolture. Qld. 4510

Re: Council Ref. DA/37146/2018/V2U

Dear Sir,

I must preface this objection by stating that it is not my want to oppose any development that is for the betterment of the community at large.

Sadly, it is acknowledged that the NBN is, and always was going to be, a dud.

The proposed tower (on land at 230 Hipathites Rd, Kobbie Creek, Qld, 4520), to which this submission relates is further testimony to the lack of clear vision that NBN Co has shown.

If the proposed tower needed to be located in suburbia, I readily accept that it would be very difficult to relocate from a chosen site due to land scarcity issues. However, there is an abundance of vacant land in the proposed zone, where the tower could be relocated to the appeasement of all residents.

I have enough faith in the MBRC to believe that no way in this wide world would they approve a structure that will cause heartache and uncalled for stress to those adversely affected by its proximity. The diabolical financial effect this tower will have on affected landowners is surely not acceptable to our elected representatives.

This ill planned and ill placed tower has pitted neighbour against neighbour, friend against friend. The ill feeling generated by this proposed tower is perhaps another fine example of NBN Co's failing on the human front.

Thank you.

Yours faithfully,

Pete Smit

Moreton Bay Regional Council

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Agenda

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)



PO Box 11, Dayboro. Qld.4521
Ph 07 - 3289 9164
Mob. 043 8899164
www.cobblecastaustralia.com

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Sarah Smith
113 Kriesch Road
Samsonvale Qld 4520

18 March 2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

We refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobble Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
- 1 x parabolic dish;
- 3 x panel antennas;
- 5 x Remote Radio Units (RRUs);
- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.

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- ii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
- iii. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
- iv. Loss of significant native vegetation in the rural setting;
- v. Removal of koala habitat

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

*Residential development will be in the form of dispersed dwellings and farm buildings **with limited infrastructure services provided**. Non-residential development is provided in appropriate locations but is small in scale with a particular focus on tourism activities.*

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*The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving downstream water quality. **The environmental values in these areas are given preference over development that would impact on these values.***

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1-9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

3.14.2.8 Specific Outcomes - Infrastructure

1. *The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;*
2. *Infrastructure, including public utilities and major telecommunication facilities, are designed and located to mitigate detrimental impacts on the visual quality and environmental values, character and amenity of the place type; and*
3. *Access to high speed broadband is provided to support residential and business needs.*

Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. The proposal **does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

2. Conflict with Rural Zone Code

The proposal seeks approval for a Development Permit for Telecommunications Facility which although we note is a land use anticipated in the Rural Zone (Overall outcome t), the proposal must still demonstrate that it is consistent with the Purpose of the Rural Zone Code.

*The purpose of the **Rural zone** code is to:*

- a. *provide for a wide range of rural uses including cropping⁽¹⁹⁾, intensive horticulture⁽⁴⁰⁾, intensive animal industries⁽³⁹⁾, animal husbandry⁽⁴⁾, animal keeping⁽⁵⁾ and other primary production activities;*
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- e. *restrict further encroachment of urban and rural residential activities into rural areas and reinforce the Regions' identified urban footprint;*
- f. *implement the policy direction set in Part 3, Strategic Framework.*

The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-term use of the land for rural purposes, it is incompatible with the environment and landscape

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character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

- s. *Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*
- i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
 - ii. *ensuring no further instability, erosion or degradation of the land, water or soil resource;*
 - iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
 - iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
 - B. *the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;*
 - C. *the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.*
 - v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

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- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridge line making it even more prominent in the landscape / skyline.



We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for

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Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be **restricted** to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

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In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

Removal of Koala Habitat

The proposed site is situated in an area of Priority Koala Assessable Development Area. Per the Queensland Government mapping, it is likely Medium Value Bushland, or is otherwise Medium Value Rehabilitation. Other location options proposed by the application are in a lower value koala habitat classification. Locating the tower adjacent to the existing telecommunications facility at 113 Kriesch Road, Samsonvale, would see it placed within Low Value Koala Habitat Bushland.

We have enclosed as Annexure A to this letter Queensland Government mapping that includes both locations.

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Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

The proposal is in medium value koala habitat areas where other options are available in low value koala habitats.

We strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure.

We propose that the tower should be co located on, or adjacent to, the existing tower approximately 500m south of the proposed tower, on 113 Kriesch Road Samsonvale.

Should you require any further information about this submission We can be contacted on 0428 844 083.

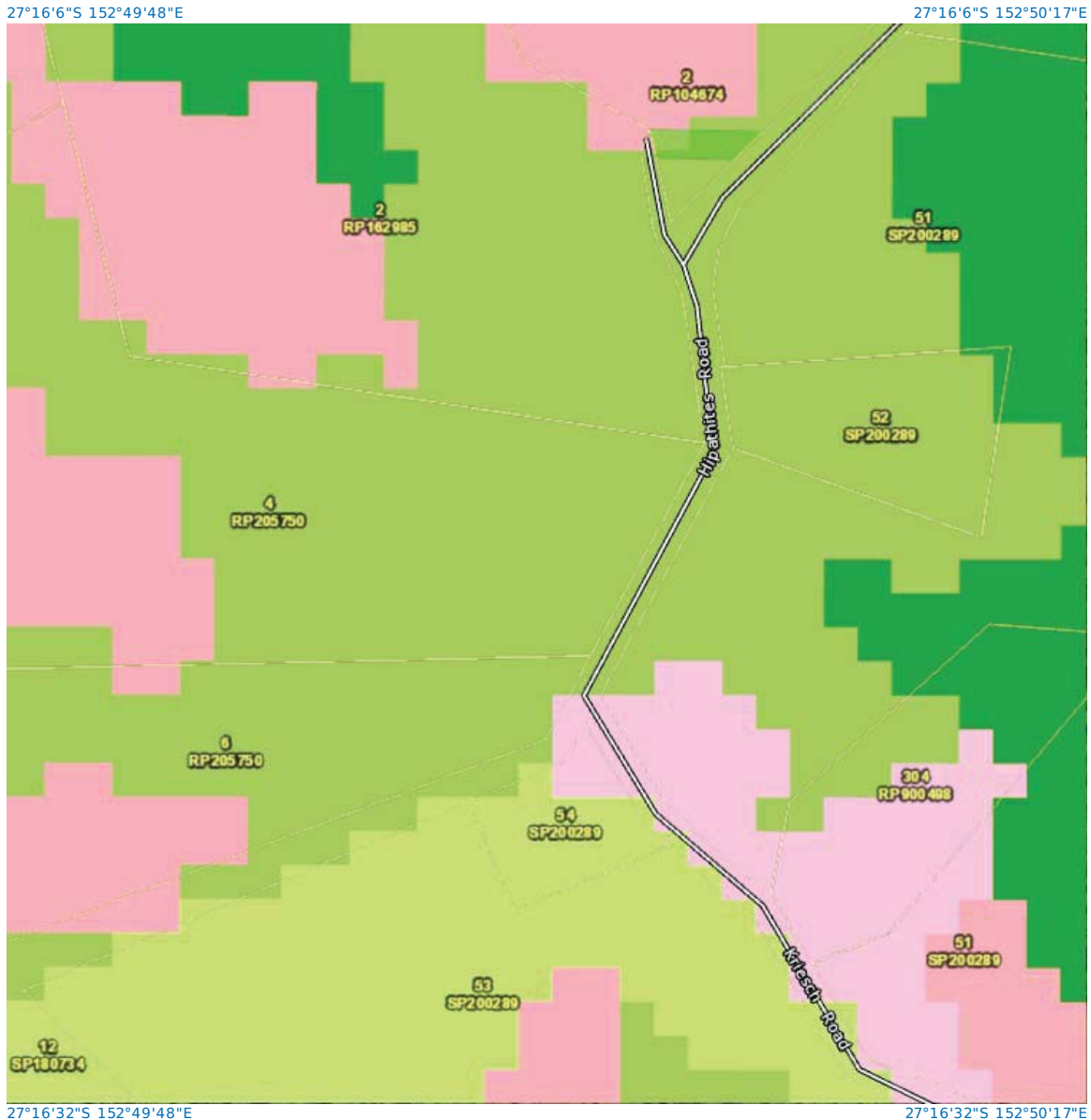
Yours faithfully,



Sarah Smith
Encl.

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Annexure A



A product of
 Queensland Globe



100 metres

Print Date: 19/3/2019
Paper Size: A4

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 **Legend**

 **Attribution**

Road crossing

-  Bridge
-  Tunnel

Road

-  Highway
-  Main
-  Local
-  Private

Railway



Natural parcel boundary



Land parcel

-  Parcel

Easement parcel



Strata parcel






Volumetric parcel






Land parcel label






Bushland habitat [SEQ]

-  High value bushland
-  Medium value bushland
-  Low value bushland

Suitable for rehabilitation [SEQ]

-  High value rehabilitation
-  Medium value rehabilitation
-  Low value rehabilitation

Other areas of value [SEQ]

-  High value other
-  Medium value other
-  Low value other
-  Generally not suitable
-  Water

MBRC, DigitalGlobe

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Shaylene Hoffman
611 Mt Samson Road
Kobble Creek 4520

17 March 2019

The Chief Executive Officer
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PO Box 159
CABOOLTURE QLD 4510

Attention: Clancy Sloan – Development Services

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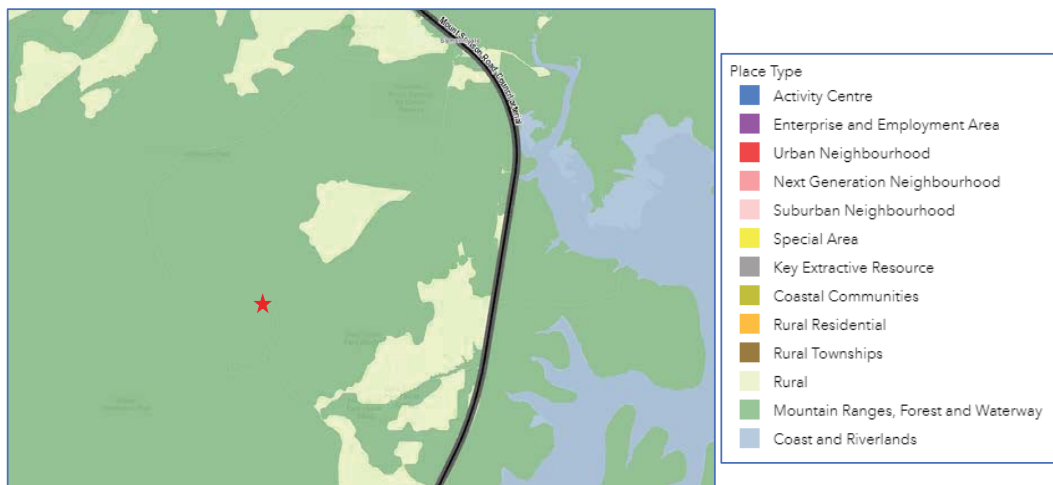
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- iv. Loss of significant native vegetation in the rural setting;
- v. The application material supporting the development presents false and misleading information.

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term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

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Comment: The proposal involves the construction a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

- s. *Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*
 - i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
 - ii. *ensuring no further instability, erosion or degradation of the land, water or soil resource;*
 - iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
 - iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
 - B. *the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;*
 - C. *the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.*
 - v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

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The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridge line making it even more prominent in the landscape / skyline.



We have done some research on Council’s Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking

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at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be **restricted** to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put

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forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

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Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure

Should you require any further information about this submission I/we can be contacted on

hoffsare@bigpond.com

0488777610

Yours faithfully,

Shaylene Hoffman

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Stephen Hetherman
222 Hipathites rd
Kobble creek 4520

17 March 2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I/we refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobble Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
- 1 x parabolic dish;
- 3 x panel antennas;
- 5 x Remote Radio Units (RRUs);
- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the

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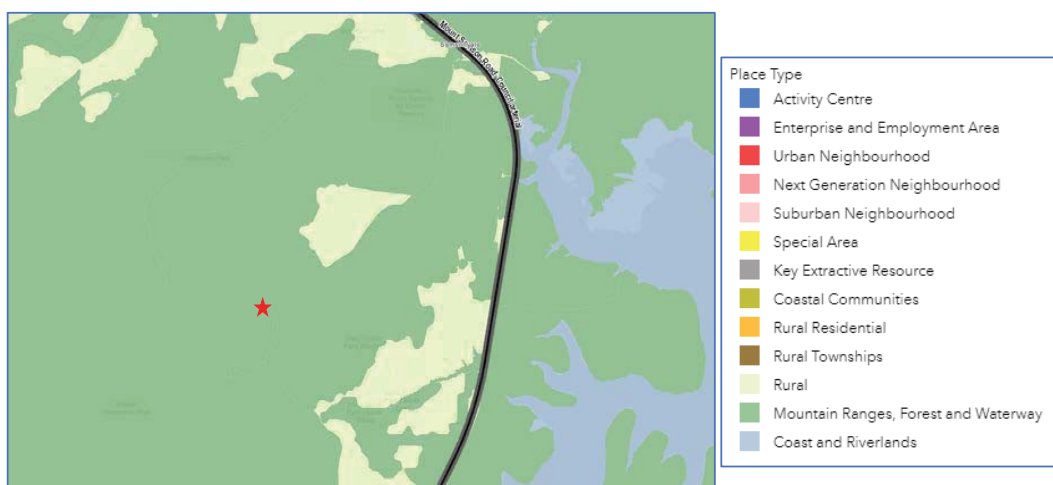
- Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.
- ii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
 - iii. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
 - iv. Loss of significant native vegetation in the rural setting;
 - v. The application material supporting the development presents false and misleading information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

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*Residential development will be in the form of dispersed dwellings and farm buildings **with limited infrastructure services provided**. Non-residential development is provided in appropriate locations but is small in scale with a particular focus on tourism activities.*

*The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving downstream water quality. **The environmental values in these areas are given preference over development that would impact on these values.***

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1-9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

3.14.2.8 Specific Outcomes - Infrastructure

- 1. The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;*
- 2. Infrastructure, including public utilities and major telecommunication facilities, are designed and located to mitigate detrimental impacts on the visual quality and environmental values, character and amenity of the place type; and*
- 3. Access to high speed broadband is provided to support residential and business needs.*

Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. The proposal **does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

2. Conflict with Rural Zone Code

The proposal seeks approval for a Development Permit for Telecommunications Facility which although we note is a land use anticipated in the Rural Zone (Overall outcome t), the proposal must still demonstrate that it is consistent with the Purpose of the Rural Zone Code.

*The purpose of the **Rural zone** code is to:*

- a. provide for a wide range of rural uses including cropping ⁽¹⁹⁾, intensive horticulture⁽⁴⁰⁾, intensive animal industries⁽³⁹⁾, animal husbandry⁽⁴⁾, animal keeping⁽⁵⁾ and other primary production activities;*
- b. provide for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;*
- c. protect and manage significant natural features, resources, and processes, including the capacity for primary production;*
- d. ensure the rural area remains a pleasant place for people to work, live and recreate;*
- e. restrict further encroachment of urban and rural residential activities into rural areas and reinforce the Regions' identified urban footprint;*
- f. implement the policy direction set in Part 3, Strategic Framework.*

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The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction of a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

- s. *Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*
 - i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
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 - iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
 - iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
 - B. *the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;*
 - C. *the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.*
 - v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional

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clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline.



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We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be **restricted** to a 50m slimline monopole*.

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest than an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological

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value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

Comments from Stephen Hetherman property owner lot 2 rp104674

The visual impact of the tower being 51 meters high and under 10 meters from the northern boundary conflicts with the requirement of the rural zone code item K **“development does not result in adverse or Nuisance impacts on adjoining properties or the wider rural environment.”**

The nuisance to our rural way of life is that there is no screening that can hide a 50 metre tall tower that is 3 meters at its base and less than the required 10 meters from the property entry gate at 222 Hipathites rd which is the adjoining northern boundary.

As mentioned earlier the development applications fails to meet the required 3 meters of dense screening. The dense screening that has been offered in the revised landscaping plan, at only one meter wide and is an attempt to appease the requirement rather than to provide a satisfactory outcome

In the photo provided by Aurecon on page 5, the minimum of 500m² of trees and scrub that will be removed, including the 21 trees to be removed are still in shot and are being used to hide the overall impact, of not only the height of the tower but does not show ground or aerial equipment listed in the development application. Therefore this photo montage misrepresents the reality of the overall impact of the tower to the northern boundary.

I have attached a photograph taken at the same location as the photo supplied by the NBN showing a White motor vehicle at the proposed location of the tower. The second Photo shows a truer indication of the visual impact of the ground Buildings caused by this development. I have deleted the trees that will be removed and added a representation of the tower. The tower representation stops at the current tree line, the tower will be at least twice the tree line height.

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Before



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After

Dept of State development, manufacturing, infrastructure and planning response dated 15 November 2018 ref number TARP 1811-8286 SRA states that the area identified as area A is the allowable area to be cleared of vegetation, this area as stated is .02 of a hectare which is an area of 2000 m2. This is in direct conflict with the Rural Zone Code.

Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

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The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure.

Should you require any further information about this submission I/we can be contacted on stevechrys222@hotmail.com or 0407 172 997

Yours faithfully,



Stephen Hetherman
222 hipathiteis rd
Kobble Kreek 4520

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Tammy Clarke
96 Kriesch Road
Samsonvale Qld 4520

18 March 2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I/we refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobbler Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
- 1 x parabolic dish;
- 3 x panel antennas;
- 5 x Remote Radio Units (RRUs);
- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.

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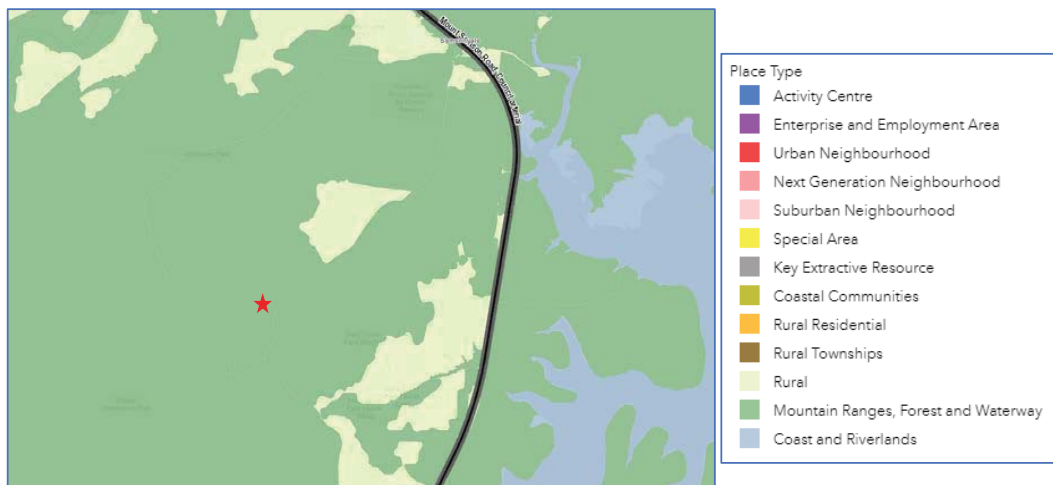
- ii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
- iii. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
- iv. Loss of significant native vegetation in the rural setting;
- v. The application material supporting the development presents false and misleading information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

*Residential development will be in the form of dispersed dwellings and farm buildings **with limited infrastructure services provided**. Non-residential development is provided in appropriate locations but is small in scale with a particular focus on tourism activities.*

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*The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving downstream water quality. **The environmental values in these areas are given preference over development that would impact on these values.***

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1-9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

3.14.2.8 Specific Outcomes - Infrastructure

1. *The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;*
2. *Infrastructure, including public utilities and major telecommunication facilities, are designed and located to mitigate detrimental impacts on the visual quality and environmental values, character and amenity of the place type; and*
3. *Access to high speed broadband is provided to support residential and business needs.*

Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. The proposal **does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

2. Conflict with Rural Zone Code

The proposal seeks approval for a Development Permit for Telecommunications Facility which although we note is a land use anticipated in the Rural Zone (Overall outcome t), the proposal must still demonstrate that it is consistent with the Purpose of the Rural Zone Code.

*The purpose of the **Rural zone** code is to:*

- a. *provide for a wide range of rural uses including cropping ⁽¹⁹⁾, intensive horticulture⁽⁴⁰⁾, intensive animal industries⁽³⁹⁾, animal husbandry⁽⁴⁾, animal keeping⁽⁵⁾ and other primary production activities;*
- b. *provide for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;*
- c. *protect and manage significant natural features, resources, and processes, including the capacity for primary production;*
- d. *ensure the rural area remains a pleasant place for people to work, live and recreate;*
- e. *restrict further encroachment of urban and rural residential activities into rural areas and reinforce the Regions' identified urban footprint;*
- f. *implement the policy direction set in Part 3, Strategic Framework.*

The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

- s. *Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*
 - i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
 - ii. *ensuring no further instability, erosion or degradation of the land, water or soil resource;*
 - iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
 - iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
 - B. *the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;*
 - C. *the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.*
 - v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

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The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline.



We have done some research on Council’s Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking

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at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be **restricted** to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put

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forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure.

Yours faithfully,

T Clarke

Tammy Clarke

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Paul Terrett
47 Dietz Court
Samsonvale. QLD. 4520

19 March 2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I/we refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobbler Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
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The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.
- ii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.

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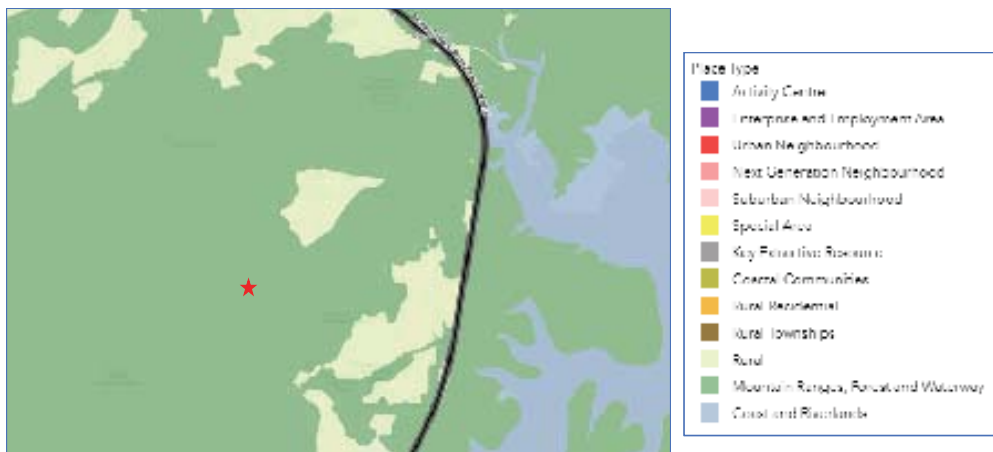
- iii. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
- iv. Loss of significant native vegetation in the rural setting;
- v. The application material supporting the development presents false and misleading information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

*Residential development will be in the form of dispersed dwellings and farm buildings **with limited infrastructure services provided**. Non-residential development is provided in appropriate locations but is small in scale with a particular focus on tourism activities.*

The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving

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downstream water quality. The environmental values in these areas are given preference over development that would impact on these values.

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1-9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

3.14.2.8 Specific Outcomes - Infrastructure

1. *The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;*
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3. *Access to high speed broadband is provided to support residential and business needs.*

Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. The proposal **does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

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The proposal seeks approval for a Development Permit for Telecommunications Facility which although we note is a land use anticipated in the Rural Zone (Overall outcome t), the proposal must still demonstrate that it is consistent with the Purpose of the Rural Zone Code.

The purpose of the Rural zone code is to:

- a. *provide for a wide range of rural uses including cropping (19), intensive horticulture(40), intensive animal industries(39), animal husbandry(4), animal keeping(5) and other primary production activities;*
- b. *provide for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;*
- c. *protect and manage significant natural features, resources, and processes, including the capacity for primary production;*
- d. *ensure the rural area remains a pleasant place for people to work, live and recreate;*
- e. *restrict further encroachment of urban and rural residential activities into rural areas and reinforce the Regions' identified urban footprint;*
- f. *implement the policy direction set in Part 3, Strategic Framework.*

The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

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In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

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 - i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
 - ii. *ensuring no further instability, erosion or degradation of the land, water or soil resource;*
 - iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
 - iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
 - B. *the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;*
 - C. *the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.*
 - v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline.



We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be **restricted** to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

Moreton Bay Regional Council

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ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Misrepresentation of Information

Discuss points raised by Kris in his email...

residents can add any additional concerns

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure.

Should you require any further information about this submission I/we can be contacted on
0418453866

Yours faithfully,

Paul Terrett

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Susan Terrett
47 Dietz Court
Samsonvale. QLD. 4520

19 March 2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I/we refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobble Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
- 1 x parabolic dish;
- 3 x panel antennas;
- 5 x Remote Radio Units (RRUs);
- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.
- ii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

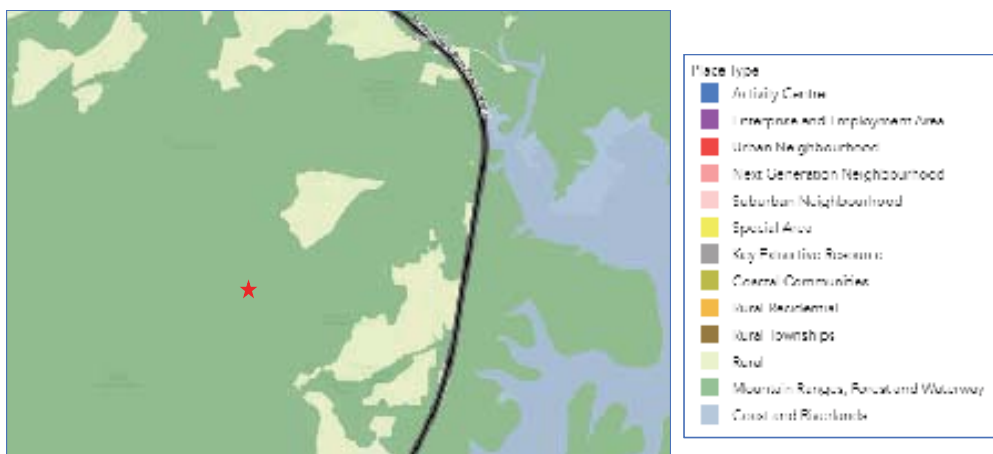
- iii. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
- iv. Loss of significant native vegetation in the rural setting;
- v. The application material supporting the development presents false and misleading information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

*Residential development will be in the form of dispersed dwellings and farm buildings **with limited infrastructure services provided**. Non-residential development is provided in appropriate locations but is small in scale with a particular focus on tourism activities.*

The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving

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downstream water quality. The environmental values in these areas are given preference over development that would impact on these values.

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1-9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

3.14.2.8 Specific Outcomes - Infrastructure

1. *The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;*
2. *Infrastructure, including public utilities and major telecommunication facilities, are designed and located to mitigate detrimental impacts on the visual quality and environmental values, character and amenity of the place type; and*
3. *Access to high speed broadband is provided to support residential and business needs.*

Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. The proposal **does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

2. Conflict with Rural Zone Code

The proposal seeks approval for a Development Permit for Telecommunications Facility which although we note is a land use anticipated in the Rural Zone (Overall outcome t), the proposal must still demonstrate that it is consistent with the Purpose of the Rural Zone Code.

The purpose of the Rural zone code is to:

- a. *provide for a wide range of rural uses including cropping (19), intensive horticulture(40), intensive animal industries(39), animal husbandry(4), animal keeping(5) and other primary production activities;*
- b. *provide for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;*
- c. *protect and manage significant natural features, resources, and processes, including the capacity for primary production;*
- d. *ensure the rural area remains a pleasant place for people to work, live and recreate;*
- e. *restrict further encroachment of urban and rural residential activities into rural areas and reinforce the Regions' identified urban footprint;*
- f. *implement the policy direction set in Part 3, Strategic Framework.*

The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

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In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

- s. *Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*
 - i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
 - ii. *ensuring no further instability, erosion or degradation of the land, water or soil resource;*
 - iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
 - iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
 - B. *the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;*
 - C. *the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.*
 - v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline.



We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be **restricted** to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

Moreton Bay Regional Council

COORDINATION COMMITTEE MEETING
11 June 2019

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Misrepresentation of Information

Discuss points raised by Kris in his email...

residents can add any additional concerns

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure.

Should you require any further information about this submission I/we can be contacted on 0407962264

Yours faithfully,

Susan Terrett

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Zoe Hetherman
11 Moonya street
Kingaroy 4610

17 March 2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I/we refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobbler Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
- 1 x parabolic dish;
- 3 x panel antennas;
- 5 x Remote Radio Units (RRUs);
- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.

ITEM 2.1 DA/37146/2018/V2U - MCU - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

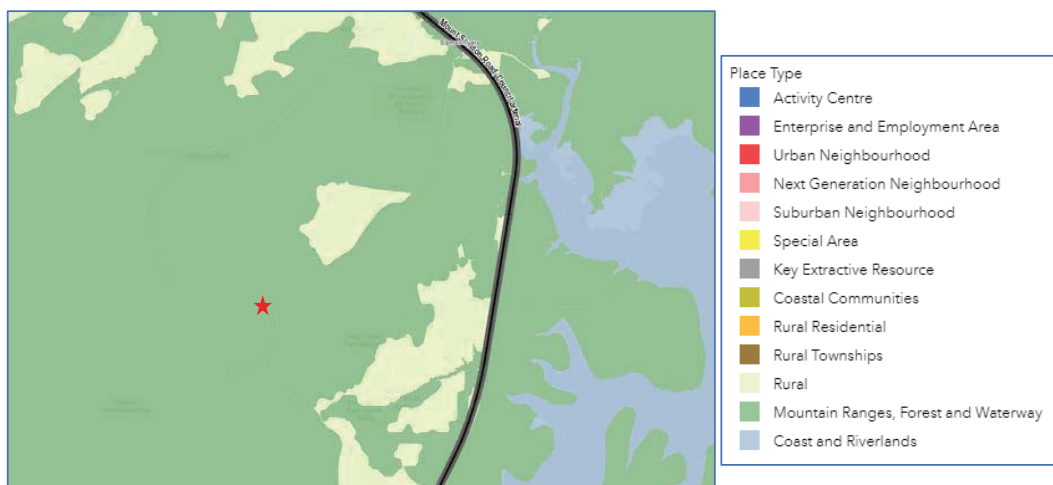
- ii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
- iii. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
- iv. Loss of significant native vegetation in the rural setting;
- v. The application material supporting the development presents false and misleading information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

*Residential development will be in the form of dispersed dwellings and farm buildings **with limited infrastructure services provided**. Non-residential development is provided in appropriate locations but is small in scale with a particular focus on tourism activities.*

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*The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving downstream water quality. **The environmental values in these areas are given preference over development that would impact on these values.***

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1-9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

3.14.2.8 Specific Outcomes - Infrastructure

1. *The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;*
2. *Infrastructure, including public utilities and major telecommunication facilities, are designed and located to mitigate detrimental impacts on the visual quality and environmental values, character and amenity of the place type; and*
3. *Access to high speed broadband is provided to support residential and business needs.*

Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. The proposal **does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

2. Conflict with Rural Zone Code

The proposal seeks approval for a Development Permit for Telecommunications Facility which although we note is a land use anticipated in the Rural Zone (Overall outcome t), the proposal must still demonstrate that it is consistent with the Purpose of the Rural Zone Code.

*The purpose of the **Rural zone** code is to:*

- a. *provide for a wide range of rural uses including cropping ⁽¹⁹⁾, intensive horticulture⁽⁴⁰⁾, intensive animal industries⁽³⁹⁾, animal husbandry⁽⁴⁾, animal keeping⁽⁵⁾ and other primary production activities;*
- b. *provide for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;*
- c. *protect and manage significant natural features, resources, and processes, including the capacity for primary production;*
- d. *ensure the rural area remains a pleasant place for people to work, live and recreate;*
- e. *restrict further encroachment of urban and rural residential activities into rural areas and reinforce the Regions' identified urban footprint;*
- f. *implement the policy direction set in Part 3, Strategic Framework.*

The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-

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term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

- s. *Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:*
 - i. *adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;*
 - ii. *ensuring no further instability, erosion or degradation of the land, water or soil resource;*
 - iii. *when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.*
 - iv. *maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:*
 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
 - B. *the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;*
 - C. *the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.*
 - v. *protecting native species and protecting and enhancing species habitat;*

Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

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The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
- PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.
- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

Height / Visual Impacts / Scenic Amenity

The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridge line making it even more prominent in the landscape / skyline.



We have done some research on Council’s Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking

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at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

One can only assume that the height of the structure allows the facility to service a broader area and in turn reduces the amount of facilities required in that area. Whilst it is understood all tiers of Government have an obligation to provide necessary infrastructure to our communities, it cannot be at the expense of and blatant disregard of the rural character and amenity within which we reside.

Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be **restricted** to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put

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forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure

Should you require any further information about this submission I/we can be contacted on 0425 149 482 or zoed89@hotmail.com

Yours faithfully,

Zoe Hetherman
Property owner
222 hipathites rd Kobble Creek

ITEM 2.1 DA/37146/2018/V2U - MCU OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

#8 Not Properly Made Submissions

INSERT: NAME

ADDRESS

XXX March 2019

The Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Attention: Clancy Sloan – Development Services

Dear Clancy,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE –
DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY (NBN TOWER)
230 HIPATHITES ROAD, KOBBLE CREEK (LOT 2 RP162985)
APPLICATION NUMBER: DA/37146/2018/V2U**

SUBMISSION AGAINST PROPOSED DEVELOPMENT

I/we refer to the above development application that has been submitted to Council for a proposed Telecommunications Facility (on behalf of NBN for a Fixed Wireless Facility) over Lot 2 on RP162985 and being located at 230 Hipathites Road, Kobble Creek. Specifically, it is noted the facility is proposed with an overall height of 51m above natural ground level and is to be located within a secure compound having an area of 120m² and comprising:

- 50m monopole;
- 1 x parabolic dish;
- 3 x panel antennas;
- 5 x Remote Radio Units (RRUs);
- 2 x outdoor cabinets at ground level; and
- Ancillary equipment

The property is 16ha and is located in the Rural Zone and Mountain Ranges, Forest and Waterways Place Type under the *MBRC Planning Scheme 2016*. The information presented by the applicant is not sufficient in demonstrating compliance with the relevant aspects of the relevant planning documents in the context of the rural setting within which it is proposed.

In accordance with the relevant provisions of the *Planning Act 2016* and the accompanying *Development Assessment Rules*, we write in **strong objection** to the proposed development. As a properly made submitter, we note our rights to appeal to the Planning and Environment Court against any decision made by Council on this application.

The grounds of objection follow in detail, and are summarised as follows:

- i. The proposal conflicts with elements of the *Moreton Bay Regional Council Planning Scheme 2016*, including the Purpose of the Rural Zone Code and components of the Strategic Framework, and there are insufficient planning grounds to support the development despite the conflict.

ITEM 2.1 DA/37146/2018/V2U - MCU OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

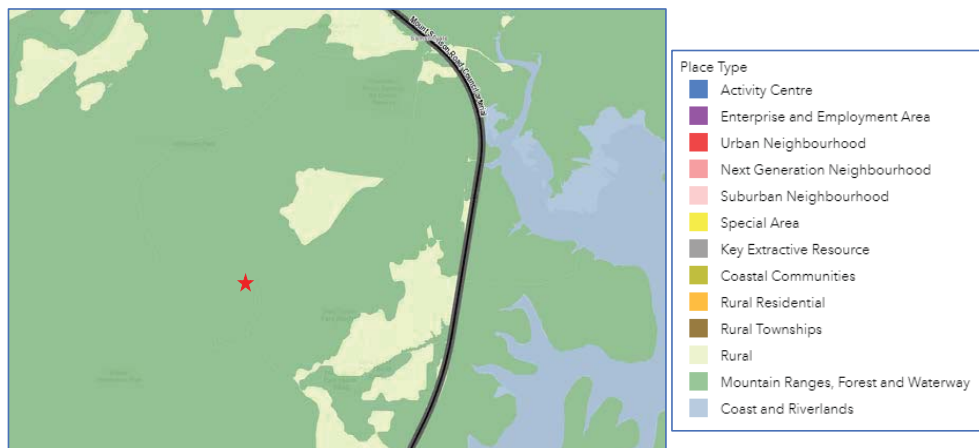
- ii. The proposal will have a significant adverse impact on the residential amenity of the surrounding community and will result in an unacceptable level of nuisance.
- iii. The height of the pole is excessive and there is a lack of information in the common material to confirm that alternative locations have been properly investigated with a view to reduce the height and visual impacts of the monopole;
- iv. Loss of significant native vegetation in the rural setting;
- v. The application material supporting the development presents false and misleading information.

A detailed summary of concerns relevant to each of these aspects, including how the proposed development does not address the relevant parts of the *MBRC Planning Scheme 2016* are provided in detail under each point below.

Conflict with MBRC Planning Scheme 2016

1. Conflict with Strategic Framework

The entirety of the subject site is located in the Rural Zone under the *MBRC Planning Scheme 2016*. As shown in the figure below, the site is also located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.



Importantly, an Impact Assessable application is assessable against the whole of the Planning Scheme. It is therefore considered relevant to consider how the proposed development complies with the Strategic Framework, particularly given the development also conflicts with parts of the Rural Zone Code. The Strategic Framework contains the broader intent for development in an area, reflected by outcomes in the MBRC Place Type Model.

The intent of the place type, as outlined in section 3.14.2 *Element – Mountain ranges, forests and waterways place type* states:

The mountain ranges, forests and waterways place type consists of protected areas, private lands which are more than 80% forests; ridge lines and steep slopes, Council managed natural reserves, and flood plains associated with waterways.

*Residential development will be in the form of dispersed dwellings and farm buildings **with limited infrastructure services provided**. Non-residential development is provided in appropriate locations but is small in scale with a particular focus on tourism activities.*

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*The protected areas within the Mountain ranges, forests and waterways place type are the cornerstones upon which the Council's strategy for protection of the Region's green infrastructure is founded. The place type also contains the headwater of the Region's drinking water supply catchments. Protection of water quality in these upper catchment areas is critical to achieving downstream water quality. **The environmental values in these areas are given preference over development that would impact on these values.***

The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region's green infrastructure should be given priority.

The intent of the Place Type is further expressed through the Strategic Outcomes which follow in section 3.14.2.1-9 of the Strategic Framework. The most relevant of the Specific Outcomes for Infrastructure state:

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1. *The Mountain ranges, forests and waterways place type is provided with limited Infrastructure services;*
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Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type.

The proposed 51m high facility which extends an excessive distance beyond the height of the existing tree line having detrimental impacts on the visual quality of the rural landscape and requires the removal of native vegetation in an area where the environmental values take priority. The proposal **does not satisfy the relevant components of the Strategic Framework and is therefore in conflict with the Planning Scheme.**

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The proposal seeks approval for a Development Permit for Telecommunications Facility which although we note is a land use anticipated in the Rural Zone (Overall outcome t), the proposal must still demonstrate that it is consistent with the Purpose of the Rural Zone Code.

The purpose of the Rural zone code is to:

- a. *provide for a wide range of rural uses including cropping⁽¹⁹⁾, intensive horticulture⁽⁴⁰⁾, intensive animal industries⁽³⁹⁾, animal husbandry⁽⁴⁾, animal keeping⁽⁵⁾ and other primary production activities;*
- b. *provide for non-rural uses that are compatible with agriculture, the environment, and the landscape character of the rural area where they do not compromise the long-term use of the land for rural purposes;*
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The proposal does not achieve compliance with the above. In particular, the development is not for a rural use and whilst it could be argued it does not significantly compromise the long-

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term use of the land for rural purposes, it is incompatible with the environment and landscape character (with respect to visual impacts), threatens the viability of the rural area to remain a pleasant place to live and does not implement the policy direction set out in the Strategic Framework as discussed above.

In addition to the above, the Purpose of the Rural Zone Code is expressed through a number of Overall Outcomes. The proposal is considered to be in conflict with the following Overall Outcomes:

- a. *A wide range of rural uses, as identified in the table below, are established.*

Comment: The proposal is not for a rural use.

- i. *Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.*

Comment: The proposal involves the construction a 50m high structure with ancillary antennas increasing the overall height of the facility to 51m. The height of the structure is excessive and more than double the height of the existing tree canopy. In addition, the structure is situated on the edge of a ridgeline and high point in the locality, somewhere in the vicinity of RL 135m AHD to 140m AHD with the surrounding area generally being of lower topography. The built form in the locality is generally not visible, being low density and integrated within the landscaping. The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

- k. *Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.*

Comment: The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation. These matters are discussed in further detail below.

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 - A. *the provision of replacement, restoration, rehabilitation planting and landscaping;*
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Comment: The siting of the facility includes a compound with dimensions of 10m x 12m for the facility and ancillary equipment however the notes on the proposal plans state that additional clearing of vegetation is required for access to the facility as well as an additional area of 10m x 20m for construction purposes. We conclude that a cleared area of up to 500sqm may be required. The property and broader locality already contain cleared areas for development and the additional clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

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The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:

- PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.
- PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.
- PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.
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- PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.

The proposed development is in conflict with several of the Performance Outcomes and Overall Outcomes and as such, the development is inconsistent with the Purpose of the Rural Zone Code and cannot be supported on merit.

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The excessive height of the structure and the negative visual impacts associated with it are a significant concern for our community. The structure seriously threatens our rural amenity and landscaped outlook, towering over the natural landscape in the most obtrusive way. We have serious concerns that the information provided by the applicant is misleading however the image below confirms that the tower sits significantly higher than (more than double) the tree canopy. The image also shows that the structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline.



We have done some research on Council's Planning Development Online (PD Online) records system, looking at other similar applications – our research dates back to around 2013, looking

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at the height of telecommunication towers in the Moreton Bay region over the last 5 years. PD Online revealed approximately 50 records of Development Applications for Telecommunication Facilities. Out of the 50 records, only five (5) of those have been proposed at 50m high and all of those were put forward by the *National Broadband Network*. Notably, NBN themselves have several facilities in rural areas proposed at around 40m high and the majority of monopoles during that time were proposed with an average height of 35m. Whilst it is accepted that technology needs change and develop over time, the height and location of the facility must be reconsidered. The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.

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Alternative Locations

As touched on above, we strongly believe Council should ask the applicant to look for an alternative location which would allow the facility to be lower in height and have less impact on the rural landscape and our community. Section 5.2 of the submitted town planning report touches on the reasons for the proposed location. It states that the proposal requires *only minor vegetation clearing and trimming* and that the *location enables the height of the proposed facility to be **restricted** to a 50m slimline monopole* [bolding added for emphasis].

Based on the research undertaken, a 50m high monopole is the highest of its kind in this region; to state that the location "restricts" the height of the structure is false and a misrepresentation of the issue. NBN itself have many facilities with a height of just over 41m so the location chosen requiring a 50m high pole is considered to be one of the poorest choices of location. As has been outlined above, a significant amount of native vegetation is to be removed for the facility, its compound and site access and certainly requires much more than "minor" clearing and "trimming".

In the first instance, the proposal should be refused for its conflict with the planning scheme as already outlined above. But secondly, we would put forward that in considering whether there are sufficient grounds to support the proposal, Council must ask the applicant to demonstrate there is no other suitable location for the facility. Other than for cost efficiencies to the Government, we find it hard to accept the facility could not be relocated to an area which has less impact to our community, both in terms of its visual impacts and loss of high value vegetation.

Loss of Vegetation

Despite the advice from the Department of State Development, Manufacturing, Infrastructure and Planning, Council's planning scheme in its own right looks to protect and maintain areas of high value vegetation. The proposal does not accurately consider the loss of vegetation required and there is insufficient information to support the development in this regard. The latest information provided by the applicant suggests that the removal of just 10 trees is required, however the photos provided and plans both indicate that additional clearing is required. The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological value. Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance. We put

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ITEM 2.1 DA/37146/2018/V2U - MCU OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

forward there would be suitable alternate locations for the facility which would have less impacts on the ecological values of the area.

In addition, we note that Council has requested the applicant provide additional information. The applicant states that Council has accepted this information could be provided at a later date, prior to the conclusion of the public notification period. At the time of writing this submission, the information is still not available for the public to review.

We note a landscape plan has been submitted recently. The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme and provides very limited information around exactly how many trees need to be removed on the premises.

ITEM 2.1 DA/37146/2018/V2U - MCU OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

Summary & Conclusions

The proposed development is inconsistent with purpose of the *MBRC Planning Scheme 2016*, being inconsistent with:

- performance outcomes of the Rural Zone Code,
- the Purpose of the Rural Zone Code (reflected by the Overall Outcomes), and
- the Strategic Framework (and in particular the Mountain Ranges, Forest and Waterway Place Type provisions)

The proposed telecommunication tower is completely out of character with its rural setting. At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes. In addition, it is positioned on high ground on the edge of a ridgeline at the highest point of the property and requires significant clearing of high value vegetation. The facility will be visually dominant and intrusive in the landscape and photo montages and material put forward by the applicant misrepresents the visual impacts of the structure in the locality.

The proposal conflicts with multiple parts of the MBRC Planning Scheme and whilst telecommunication facilities and broadband services are an essential part of infrastructure in our communities, the proposed facility does not in any way respond to or respect the amenity and values of our region's rural landscape. Council has an obligation to uphold these values as outlined in the relevant policy documents.

I/we strongly object to the proposed development in its entirety and recommend that Council refuse the application and require the applicant to consider a more suitable location for this infrastructure or amend the proposal to be fully compliant with the requirements of its planning scheme.

Dylan Clarke

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ITEM 2.1 DA/37146/2018/V2U - MCU OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

From: [harry thomson](#)
To: [MBRC Incoming Mail](#)
Subject: Nbn tower
Date: Monday, 18 March 2019 7:19:24 PM

To Clancy Sloan

This email is in regards to the nbn tower at 230 hipathites road, kobble creek qld 4520 (lot 2 RP162985

I am fully in support of the nbn tower as without it I am not able to get internet access and I know I am not the only person in this situation.

I know the site where the tower is proposed and I believe it is in the best position for the nbn service, and for minimal impact on surrounding residents as it is amongst the trees and nobody can see it from their house except for the people who are having it on there property.

Kind regards
Harry Thomson
0448277492

Sent from my Samsung Galaxy smartphone.

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ITEM 2.1 DA/37146/2018/V2U - MCU OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

From: [Michaela Thomson](#)
To: [MBRC Incoming Mail](#)
Subject: NBN tower.
Date: Monday, 18 March 2019 7:23:07 PM

To Clancy Sloan

This email is in regards to the nbn tower at 230 hipathites road, kobble creek qld 4520 (lot 2 RP[162985](#))

I am fully in support of the nbn tower as without it I am not able to get internet access and I know I am not the only person in this situation.

I know the site where the tower is proposed and I believe it is in the best position for the nbn service, and for minimal impact on surrounding residents as it is amongst the trees and nobody can see it from the house except for the people who are having it on there property.

Regards Michaela Thomson.

3 CORPORATE SERVICES SESSION

(Cr M Constance)

No items for consideration.

4 ASSET CONSTRUCTION & MAINTENANCE SESSION

(Cr A Hain)

ITEM 4.1

TOORBUL - ESPLANADE - AMENITIES RENEWAL - DIVISION 1

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A18562102 : 4 June 2019 - Refer **Confidential** Supporting Information
A18484612
Responsible Officer: BB, Manager Project Management (ECM Project Management)

Executive Summary

Tenders were invited for the 'Toorbul - Esplanade - Amenities Renewal (MBRC008012)' project. The tender closed on 16 April 2019 with seven tenders received, five of which were conforming.

It is recommended that Council award the contract to Anchor Building Services Queensland Pty Ltd for the sum of \$230,933.18 (excluding GST) as this tender provided the best overall value to Council.

OFFICER'S RECOMMENDATION

That the tender for 'Toorbul - Esplanade - Amenities Renewal (MBRC008012)' project be awarded to Anchor Building Services Queensland Pty Ltd for the sum of \$230,933.18 (excluding GST).

- a) That the Council enters into an agreement with Anchor Building Services Queensland Pty Ltd as described in this report.
- b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Anchor Building Services Queensland Pty Ltd for the 'Toorbul - Esplanade - Amenities Renewal (MBRC008012)' project and any required variations of the agreement on Council's behalf.

ITEM 4.1 TOORBUL - ESPLANADE - AMENITIES RENEWAL - DIVISION 1 - A18562102 (Cont.)

REPORT DETAIL

1. Background

The project is located along Toorbul Esplanade foreshore near the intersection of the Esplanade and Freeman Road, Toorbul. The project scope includes refurbishment of the existing toilet facility, by providing a new unisex disability toilet within the building and a fully accessible disability compliant car space and kerb ramp.

The works are expected to commence in June 2019 and take eight weeks to complete, which includes an allowance for wet weather.



Figure 1: Location of works

2. Explanation of Item

Tenders for 'Toorbul - Esplanade - Amenities Renewal (MBRC008012)' project closed on 16 April 2019 with seven tenders received, five of which were conforming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

All tenderers and their evaluation scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	Anchor Building Services Queensland Pty Ltd	99.23
2	Caspian Building Services	91.19
3	Daydream Building Innovations Pty Ltd	84.46
4	Bishton Group Pty Ltd	82.81
5	Leaf Building Group Pty Ltd	80.54
6	Anchor Building Services Queensland Pty Ltd (Alternative)	Non-conforming

ITEM 4.1 TOORBUL - ESPLANADE - AMENITIES RENEWAL - DIVISION 1 - A18562102 (Cont.)

RANK	TENDERER	EVALUATION SCORE
7	Caspian Building Services (Alternative)	Non-conforming

Anchor Building Services Queensland Pty Ltd (Anchor) submitted a comprehensive tender and demonstrated their experience on projects of a similar scale and complexity. A tender clarification meeting was held on 13 May 2019 at which Anchor demonstrated relevant experience, detailed methodology, understanding of the project and capability in effectively delivering the project in a timely manner. Anchor has undertaken construction work for Moreton Bay Regional Council through the ‘*Childcare Make Good*’ Project (\$60,196.00) and undertaken a project for the Valley Shopping Centre to complete a toilet block refurbishment (\$232,456.27).

Caspian Building Services submitted a comprehensive tender, demonstrating relevant similar project experience; however, there were no additional benefits for the higher price.

Daydream Building Innovations Pty Ltd’s submission confirmed their capability to complete the project; however, there were no additional benefits for the higher price.

The non-conforming tenders did not provide the mandatory tender documentation.

3. Strategic Implications

3.1 Legislative/Legal Implications

Due to the value of the works being greater than \$200,000, Council called a public tender for the work through the LG Tender system in accordance with the *Local Government Act 2009*.

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Healthy natural environment - a clean and healthy environment.

3.3 Policy Implications

This project has been procured in accordance with the provisions of the following documents:

- Council’s Procurement Policy 2150-006
- *Local Government Act 2009*
- Local Government Regulation 2012 Chapter 6.

3.4 Risk Management Implications

A detailed risk management plan has been prepared. The project risk has been assessed and the following issues identified. The manner in which the possible impact of these risks is minimised is detailed below.

Financial Risks:

A third-party review of financial status has been carried out and the successful tenderer was rated “*sound*”.

Construction Risks

- a. The recommended contractor will provide a program of works, traffic management plan, safety management plan and environmental management plan as part of the contract to identify and detail how they will manage and mitigate project construction risks.
- b. The recommended contractor has demonstrated their understanding of the project site and the need to manage the impact of the works and the safety of the park’s users and visitors.
- c. The recommended contractor has indicated in their program of works that they have taken into consideration the provision of appropriate resources to complete the works effectively.

3.5 Delegated Authority Implications

There are no delegated authority implications arising as a direct result of this report.

Moreton Bay Regional Council

ITEM 4.1 TOORBUL - ESPLANADE - AMENITIES RENEWAL - DIVISION 1 - A18562102 (Cont.)

3.6 Financial Implications

Council has allocated a total of \$250,000 for the commencement of construction in the 2018/19 Financial Year Capital Projects Program. All financials below are excluding GST.

Design	\$ 3,947.50
Tender price (construction)	\$ 230,933.18
Contingency (6%)	\$ 13,855.99
QLeave (0.475%)	\$ 1,096.93

Total Project Cost	\$ 249,833.60
	=====
Estimated ongoing operational/maintenance costs	\$ 4,000.00 per F/Y

The budget amount for this project is sufficient.

3.7 Economic Benefit

There are no economic benefits arising as a direct result of this report.

3.8 Environmental Implications

There are no environmental implications arising as a direct result of this report.

3.9 Social Implications

There are no social implications arising as a direct result of this report.

3.10 Consultation / Communication

A detailed communication plan has been prepared. Communication strategies include project notices, project signs, and fortnightly updates to the Divisional Councillor which will be implemented once the tender is awarded. The Divisional Councillor has been consulted and is supportive of the project.

SUPPORTING INFORMATION

Ref: A18484612

The following list of supporting information is provided for:

ITEM 4.1

TOORBUL - ESPLANADE - AMENITIES RENEWAL - DIVISION 1

Confidential #1 Tender Assessment

5 PARKS, RECREATION & SPORT SESSION

(Cr K Winchester)

No items for consideration.

6 LIFESTYLE & AMENITY SESSION

(Cr D Sims)

No items for consideration.

7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM SESSION

(Cr P Flannery)

No items for consideration.

8 REGIONAL INNOVATION

(Cr D Grimwade)

No items for consideration.

9 GENERAL BUSINESS

ANY OTHER BUSINESS AS PERMITTED BY THE MEETING CHAIRPERSON.

CLOSED SESSION (Confidential items)

(Resolution the meeting be closed under s275 of the Local Government Regulation 2012)

ITEM C.1 – CONFIDENTIAL

CARRY OUT ASSESSABLE DEVELOPMENT - COMMENCEMENT OF PROSECUTION - BUCKLEY ROAD, BURPENGARY EAST - DIVISION 2

Meeting / Session: 1 Governance (Cr M Charlton, Acting Mayor)

Reference: A18432290 : 30 May 2019

Responsible Officer: DM, Regulatory Services Compliance Coordinator (CES Regulatory Services)

Basis of Confidentiality

Pursuant to s275 (1)(f) of the *Local Government Regulation 2012*, as the matter involves starting or defending legal proceedings involving the Council.

Executive Summary

The Council's approval is sought for the commencement of appropriate court action against the responsible person, as described in this confidential report who is alleged to have wilfully carried out, and continues to carry out, assessable development without a permit in contravention of the *Planning Act 2016*.

ITEM C.2 – CONFIDENTIAL

MBRC PLANNING SCHEME - PROPOSED S18 TAILORED AMENDMENT STATE INTEREST REVIEW PROCESS AND PUBLIC CONSULTATION - REGIONAL

Meeting / Session: 2 Planning & Development (Cr M Gillam)

Reference: A18618290 : 30 May 2019 - Refer **Confidential Supporting Information (A18639483, fA799639 & A18641219) (provided separately)**

Responsible Officer: LF, Team Leader, Strategic Planning (PED Strategic Planning)

Basis of Confidentiality

Pursuant to s275 (1) of the Local Government Regulation 2012, clause (g), as the matter involves action to be taken by the Council under the Planning Act, including deciding applications made to the Council under that Act.

Executive Summary

At its Coordination Committee Meeting on 13 December 2018, Council resolved to make an amendment to the MBRC Planning Scheme under Section 18 (S18 Tailored Amendment) of the *Planning Act 2016* (the Act). On 7 May 2019 Council received a Notice (Notice) from the Chief Executive of the Department of State Development, Manufacturing, Infrastructure and Planning under section 18(3) of the Act which outlines the tailored process for making the proposed amendment to the planning scheme.

Having now completed Step 1 - Planning and preparation, Council must commence Step 2 - Notice to commence state interest review process and Step 5 - Commence public consultation as outlined in the notice.

This report recommends Council commence Step 2 and Step 5 to progress the proposed amendment.

ITEM C.3 – CONFIDENTIAL

MBRC PLANNING SCHEME - PROPOSED AMENDMENTS TO PLANNING SCHEME POLICIES AND PUBLIC CONSULTATION - REGIONAL

Meeting / Session: 2 Planning & Development (Cr M Gillam)

Reference: A18618292 : 30 May 2019 - Refer **Confidential Supporting Information fA799686 (provided separately)**

Responsible Officer: LF, Team Leader, Strategic Planning (PED Strategic Planning)

Basis of Confidentiality

Pursuant to s275 (1) of the Local Government Regulation 2012, clause (g), as the matter involves action to be taken by the Council under the Planning Act, including deciding applications made to the Council under that Act.

Executive Summary

Concurrently with the proposed MBRC Planning Scheme S18 Tailored Amendment, a new Planning Scheme Policy (PSP) and major amendments to existing PSPs are also proposed.

These amendments support the proposed S18 Tailored Amendment content and the general operations of the PSPs. Specifically, the proposed new and amended PSPs update information, provide clarity on current policy direction and further guidance on how to interpret the intended scope and intent of provisions of the MBRC Planning Scheme. These amendments are not able to be combined with the S18 Tailored Amendment and are required to follow a separate process under the *Planning Act 2016* (the Act).

As required by the *Minister's Guidelines and Rules* (MGR) new and proposed major amendments to PSPs are required to undergo public notification but not a State interest review process. It is proposed that the PSPs will go on public consultation with the proposed S18 Tailored amendment.

This report recommends Council make a new PSP and major amendments to existing PSPs, and publicly consult on these in accordance with the process prescribed in the MGR.

ITEM C.4 – CONFIDENTIAL

**PETRIE MILL REDEVELOPMENT STAGE 1 - PAPER AVENUE CULVERT
EXTENSION - DIVISION 7**

Meeting / Session: 4 Asset Construction & Maintenance (Cr A Hain)

Reference: A18509628 : 22 May 2019 Refer **Confidential Supporting Information**
A18603957

Responsible Officer: PH, Senior Project Manager (ECM Major Projects)

Basis of Confidentiality

Pursuant to s275(1) of the Local Government Regulation 2012, clause (e), as the matter involves contracts proposed to be made by the Council.

Executive Summary

As part of the Petrie Mill Redevelopment project, a culvert structure conveys stormwater flows from Whites Drain under the main entry road. The current culvert design is for a 110m long structure which was included in the tender for the Petrie Mill Redevelopment Civil Works Stage 1A contract MBRC007894 awarded to Hazell Bros (QLD) Pty Ltd.

Following further design development, there are significant benefits delivered through extending the culvert structure by an additional 75m. These benefits include replacement of a planned separate culvert (land bridge) structure with the extended culvert to provide a contiguous area for the active and adventure play spaces, amenities building, shade structures and connection of these public open space facilities to the oval and car parking.