

Cloncurry Shire Council

38-46 Daintree Street
PO Box 3
Cloncurry QLD 4824
ABN: 76 581 540 914



Telephone: (07) 4742 4100
Facsimile: (07) 4742 1712
Email: council@cloncurry.qld.gov.au
Website: www.cloncurry.qld.gov.au

Our ref: 222573-TP15/17

Your ref: 4013630.1

24 October 2017

Telstra Corporation Ltd
C/- Service Stream Mobile Communications
Attention: Caitlin Spencer
PO Box 510
LUTWYCHE QLD 4030

Email: catlin.spencer@servicestream.com.au

Dear Caitlin

DECISION NOTICE – APPROVAL (WITH CONDITIONS)

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

The development application described below was properly made to the Cloncurry Shire Council on 16 August 2017.

1. Applicant details

Applicant name:	Telstra Corporation Ltd
Applicant contact details:	Service Stream – Mobile Communications Caitlin Spencer

2. Application details

Application number:	TP15/17
Approval sought:	Development Permit
Nature of development Proposed:	Material Change of Use
Details of proposed development:	Telecommunications Facility
Category of assessment:	Code assessment

3. Location details:

Street address:	Burke Development Road, FOUR WAYS QLD 4824
Real property description:	Lot 2 on Crown Plan LS12
Local Government Area:	Cloncurry Shire Council

4. Decision

Date of decision:	24 October 2017
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Decision details: Approved in full with conditions. These conditions are set out in Attachment 1.

5. Details of approval

Development permit: Development Application for a Material Change of Use – Telecommunications facility TP15/17

6. Conditions

This approval is subject to the conditions in Attachment 1

7. Properly made submission

There were no properly made submissions for this application.

8. Rights of appeal

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

A copy of the relevant appeal provisions is attached.

9. Currency period of the approval

This development approval will lapse at the end of the period set on in section 85 of the *Planning Act 2016*. This approval lapses if the change of use does not happen within 6 years after the approval starts to take effect.

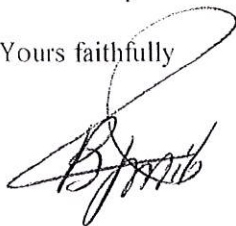
10. Approved plans and specifications

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

Title	Plan No	Rev	Date	Prepared By
Site Access/Locality Plan	Q114335	1	28.07.17	Servicestream
Site Layout	Q114335	1	28.07.17	Servicestream
Antenna Layout	Q114335	1	28.07.17	Servicestream
South Elevation	Q114335	1	28.07.17	Servicestream
Antenna Configuration Table	Q114335	1	28.07.17	Servicestream
Site Tenure Plan	Q114335	1	28.07.17	Servicestream

Should you have any questions or concerns in respect of this matter please contact Council's Planning and Development Officer, Larinda Turrell, at this office.

Yours faithfully



Ben Milligan

Chief Executive Officer

Encl: Conditions of Approval
Stamped approved plans
Planning Act 2016 appeal rights
SARA Concurrence Response

ATTACHMENT 1

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (Telecommunications facility TP15/17) SCHEDULE OF CONDITIONS

1. Site Layout

The development must generally comply with the Approved Plans as referenced in the table below, which forms part of this application, except as otherwise specified by any condition of this approval.

Title	Plan No	Rev	Date	Prepared By
Site Access/Locality Plan	Q114335	1	28.07.17	Servicestream
Site Layout	Q114335	1	28.07.17	Servicestream
Antenna Layout	Q114335	1	28.07.17	Servicestream
South Elevation	Q114335	1	28.07.17	Servicestream
Antenna Configuration Table	Q114335	1	28.07.17	Servicestream
Site Tenure Plan	Q114335	1	28.07.17	Servicestream

2. Compliance with conditions

- (a) All conditions must be complied with prior to the commencement of use on the subject site, unless specified in an individual condition.
- (b) The conditions of this development approval are to be read in conjunction with the approved plans / documents at all times. Where a conflict occurs between the conditions of this approval and the approved plans / documents, the conditions of this development approval shall prevail.

3. Stormwater Drainage

- (a) Stormwater discharging from the site is to be directed to a lawful point of discharge.
- (b) Overland flow paths on the site must not be altered in a way that inhibits or alters the characteristics of existing overland flows on other properties or that creates an increase in flood damage on other properties.
- (c) Stormwater and any on-site wastewater systems proposed should not result in the contamination of groundwater flows.

4. Dust Management

During operation of the approved use, the operator must put in place adequate mitigation measures for the suppression of dust, so as not to cause a nuisance to neighbouring properties.

ADVICE – Please note that these are not conditions

A. Indigenous Cultural Heritage Legislation and Duty of Care Requirement

The “*Aboriginal Cultural Heritage Act*” (ACHA) establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:

- (a) Is not negated by the issuing of this development approval;
- (b) Applies on all land and water, including freehold land;
- (c) Lies with the person or entity conducting an activity; and
- (d) If breached, is subject to criminal offence penalties.

Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care. Details of how to fulfil this duty of

care are outlined in the duty of care guidelines gazetted with the ACHA. The Applicant should contact NRW's Cultural Heritage Coordination Unit on (07) 3238 3838 for further information on the responsibilities of developers under the ACHA.

B. Limitation of Approval

The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the development application including its supporting material provided to it by the Applicant.

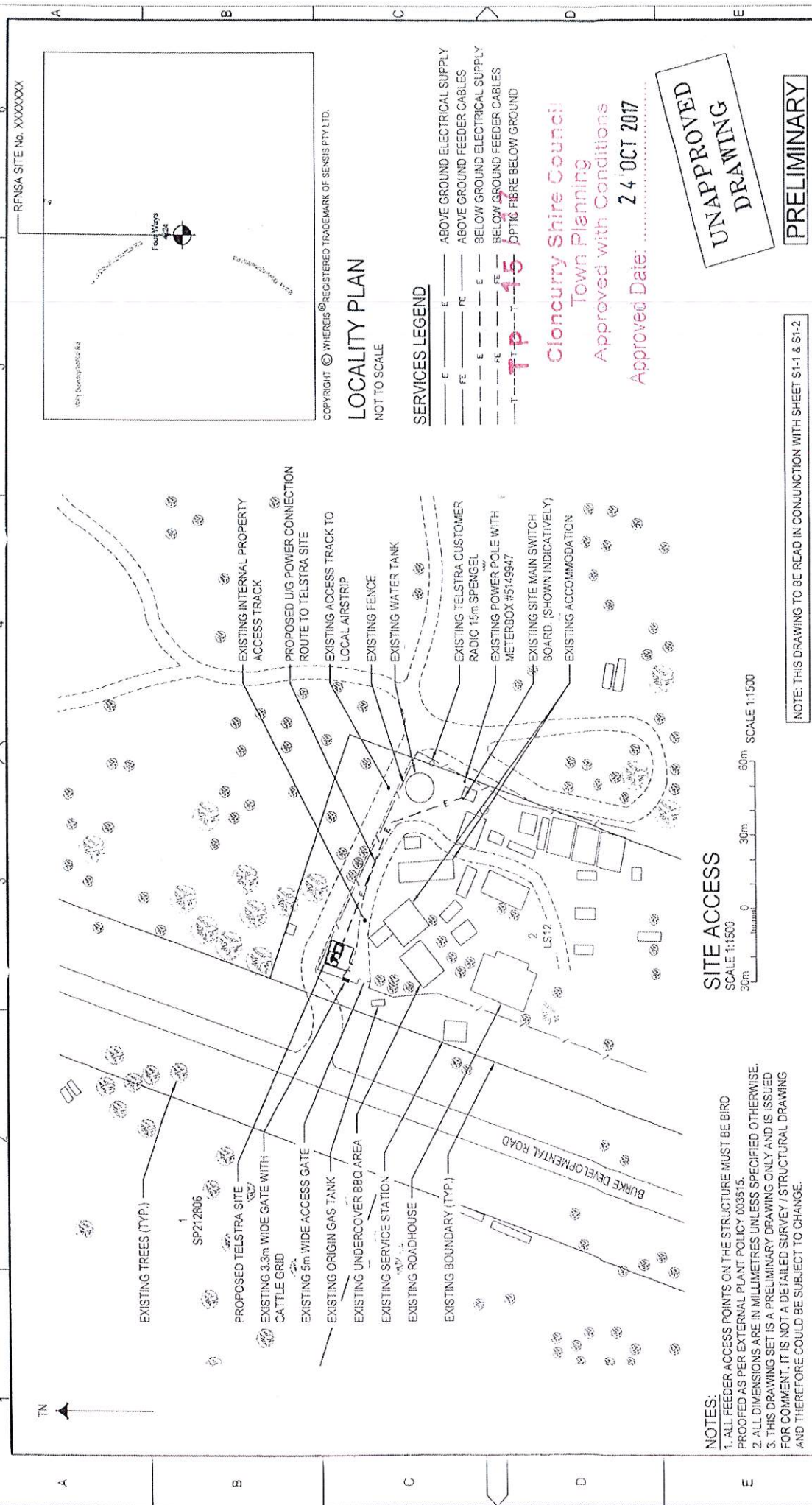
The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the development application and supporting material as constituting a representation by the applicant as to its accuracy and completeness.

C. Further Permits

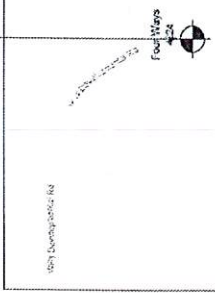
Further permit for Building works only in the case of undertaking building works assessable under Building Act and Building Regulations.

ATTACHMENT 2

STAMP APPROVED PLANS



RFNSA SITE No. XXXXXXX



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LOCALITY PLAN
 NOT TO SCALE

SERVICES LEGEND

- E — ABOVE GROUND ELECTRICAL SUPPLY
- FE — ABOVE GROUND FEEDER CABLES
- - - E - - - BELOW GROUND ELECTRICAL SUPPLY
- - - FE - - - BELOW GROUND FEEDER CABLES
- - - TP - - - OPTIC FIBRE BELOW GROUND

Cloncurry Shire Council
 Town Planning
 Approved with Conditions
 Approved Date: 24 OCT 2017

**UNAPPROVED
 DRAWING**

PRELIMINARY

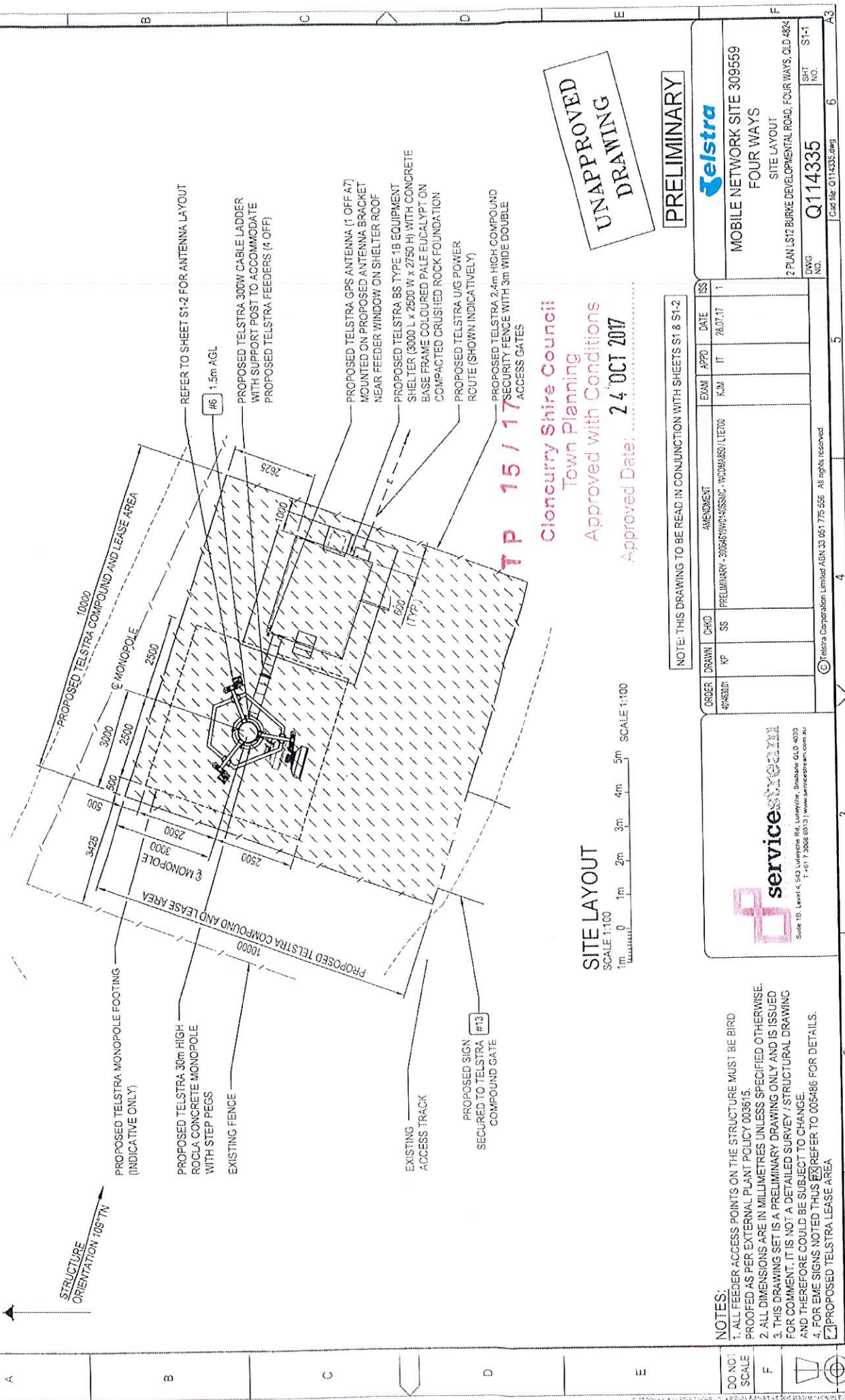
SITE ACCESS
 SCALE 1:1500
 0 30m 60m
 SCALE 1:1500

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEET ST-1 & ST-2

DO NOT SCALE																							
F	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>PROPERTY DESCRIPTION PART OF LOT 2 ON CROWN PLAN LS12</p> </div> <div style="width: 45%;"> <p>service stream Suite 18, Level 4, 503 Llewellyn Rd, Lismore, Lismore QLD 4020 T +61 7 2068 6213 www.servicestream.com.au</p> </div> </div>																						
	<p>SITE STRUCTURE CO-ORDINATES (GDA94) GPS READING ACCURACY: ± 10m</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">CENTRE OF POLE</td> <td style="width: 50%;">GDA 94</td> </tr> <tr> <td>LATITUDE</td> <td>-19.22645</td> </tr> <tr> <td>LONGITUDE</td> <td>140.34751</td> </tr> </table>							CENTRE OF POLE	GDA 94	LATITUDE	-19.22645	LONGITUDE	140.34751										
CENTRE OF POLE	GDA 94																						
LATITUDE	-19.22645																						
LONGITUDE	140.34751																						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>ORDER</th> <th>DRAWN</th> <th>CHKD</th> <th>AMENDMENT</th> <th>EXAM</th> <th>APPD</th> <th>DATE</th> <th>ISS</th> </tr> <tr> <td>4782321</td> <td>RP</td> <td>SS</td> <td>PRELIMINARY - 30534519W140550C - WCDM24650111E1700</td> <td>KJM</td> <td>IT</td> <td>28.07.17</td> <td>1</td> </tr> </table>							ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS	4782321	RP	SS	PRELIMINARY - 30534519W140550C - WCDM24650111E1700	KJM	IT	28.07.17	1
ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS																
4782321	RP	SS	PRELIMINARY - 30534519W140550C - WCDM24650111E1700	KJM	IT	28.07.17	1																
	<p>MOBILE NETWORK SITE 309559 FOUR WAYS SITE ACCESS AND LOCALITY PLAN 2 PLAN LS12 BURKE DEVELOPMENTAL ROAD, FOUR WAYS, QLD 4024</p>																						
	<p>DWG NO. Q114335 SHT NO. S1</p>																						
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TN

STRUCTURE
ORIENTATION 108°TN



REFER TO SHEET S1-4 FOR ANTENNA LAYOUT

#6 1.5m AGL

PROPOSED TELSTRA 300W CABLE LADDER
WITH SUPPORT POST TO ACCOMMODATE
PROPOSED TELSTRA FEEDERS (4 OFF)

PROPOSED TELSTRA GPS ANTENNA (1 OFF A7)
MOUNTED ON PROPOSED ANTENNA BRACKET
NEAR FEEDER WINDOW ON SHELTER ROOF

PROPOSED TELSTRA BS TYPE 1B EQUIPMENT
SHELTER (3000 L x 2500 W x 2750 H) WITH CONCRETE
BASE FRAME COLOURED PALE EUCALYPT ON
COMPACTED CRUSHED ROCK FOUNDATION

PROPOSED TELSTRA U/G POWER
ROUTE (SHOWN INDICATIVELY)

PROPOSED TELSTRA 2.4m HIGH COMPOUND
SECURITY FENCE WITH 3m WIDE DOUBLE
ACCESS GATES

TP 15 / 17
Cloncurry Shire Council
Town Planning
Approved with Conditions
Approved Date: 24 OCT 2017

UNAPPROVED
DRAWING

SITE LAYOUT
SCALE 1:100

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

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEETS S1 & S1-2

PRELIMINARY

MOBILE NETWORK SITE 309559	
FOUR WAYS	
SITE LAYOUT	
2 PLAN LS12 BURKE DEVELOPMENTAL ROAD, FOUR WAYS, QLD 4824	
DWG NO.	Q114335
SIT NO.	6

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
40-4830P	KP	SS	PRELIMINARY - 20054610W4-GSSBAC - WCD4830 / L1E70S	KJM	IT	28.07.17	1

service
1 Level 4, 5/5 Lutwyche Rd, Lutwyche, Brisbane QLD 4003
T 61 7 3568 6913 | www.servicetree.com.au

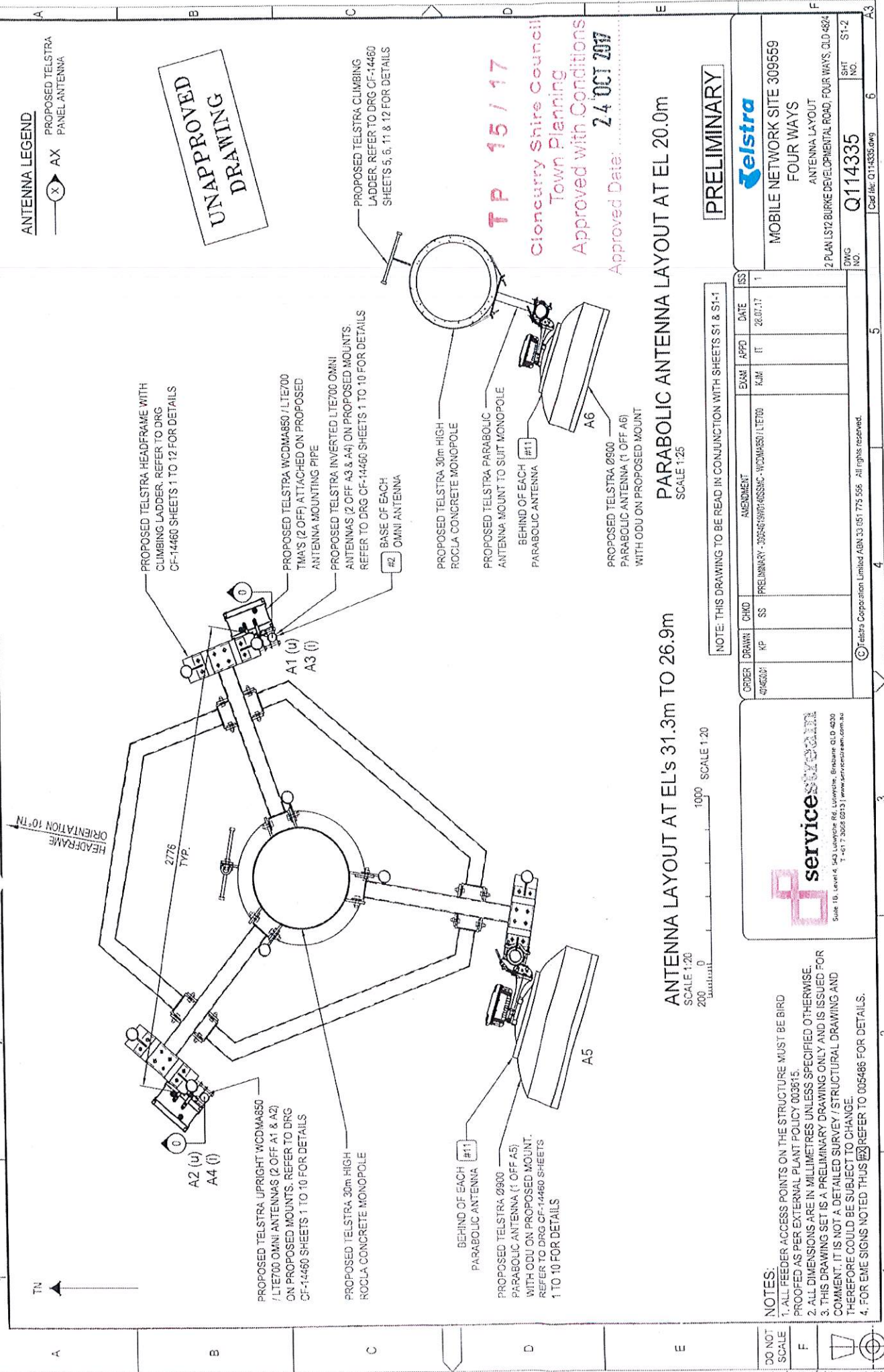
- NOTES:**
1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
 2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
 3. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
 4. FOR EME SIGNS NOTED THIS REFERS TO 005486 FOR DETAILS.

DO NOT SCALE	
F	

ANTENNA LEGEND
 PROPOSED TELSTRA PANEL ANTENNA

UNAPPROVED DRAWING

TP 15 / 17
 Cloncurry Shire Council
 Town Planning
 Approved with Conditions
 Approved Date: **24 OCT 2017**



ANTENNA LAYOUT AT EL's 31.3m TO 26.9m
 SCALE 1:20

PARABOLIC ANTENNA LAYOUT AT EL 20.0m
 SCALE 1:25

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

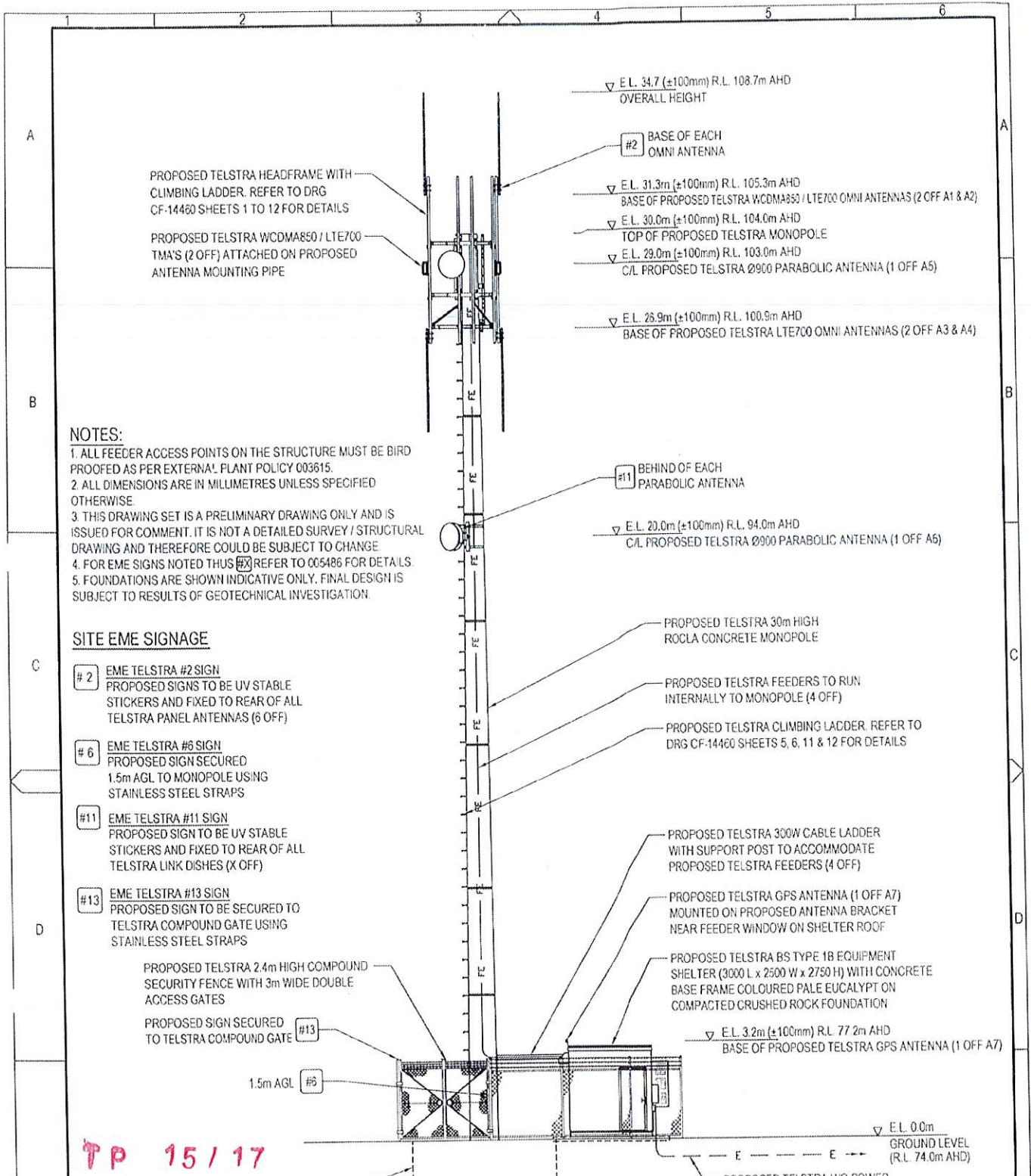
PRELIMINARY

ORDER NO.	4046201	DRWNR	SS	CHKD	SS	AMENDMENT	PRELIMINARY - 3054619814635NC - WDMA850/LTE700	EXAM	APPD	DATE	26.07.17
DATE	26.07.17	DATE	26.07.17	DATE	26.07.17	DATE	26.07.17	DATE	26.07.17	DATE	26.07.17

MOBILE NETWORK SITE	309559
FOUR WAYS	
ANTENNA LAYOUT	
2 PLAN L512 BURKE DEVELOPMENTAL ROAD, FOUR WAYS, QLD 4824	
DWG NO.	Q114335
SHT NO.	S1-2
Cell file:	0114335.dwg

services
 Suite 19, Level 4, 542 Lutwyche Rd, Lutwyche, Brisbane QLD 4030
 T +617 3056 0213 | www.servicesteam.com.au

- NOTES:**
1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
 2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
 3. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
 4. FOR EME SIGNS NOTED THIS DRAWING REFER TO 005486 FOR DETAILS.



NOTES:
 1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
 2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
 3. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
 4. FOR EME SIGNS NOTED THUS #X REFER TO 005486 FOR DETAILS.
 5. FOUNDATIONS ARE SHOWN INDICATIVE ONLY. FINAL DESIGN IS SUBJECT TO RESULTS OF GEOTECHNICAL INVESTIGATION.

SITE EME SIGNAGE

- # 2 EME TELSTRA #2 SIGN
PROPOSED SIGNS TO BE UV STABLE STICKERS AND FIXED TO REAR OF ALL TELSTRA PANEL ANTENNAS (6 OFF)
- # 6 EME TELSTRA #6 SIGN
PROPOSED SIGN SECURED 1.5m AGL TO MONOPOLE USING STAINLESS STEEL STRAPS
- #11 EME TELSTRA #11 SIGN
PROPOSED SIGN TO BE UV STABLE STICKERS AND FIXED TO REAR OF ALL TELSTRA LINK DISHES (X OFF)
- #13 EME TELSTRA #13 SIGN
PROPOSED SIGN TO BE SECURED TO TELSTRA COMPOUND GATE USING STAINLESS STEEL STRAPS

PROPOSED TELSTRA 2.4m HIGH COMPOUND SECURITY FENCE WITH 3m WIDE DOUBLE ACCESS GATES

PROPOSED SIGN SECURED TO TELSTRA COMPOUND GATE #13

1.5m AGL #6

TP 15/17

PROPOSED TELSTRA MONOPOLE FOOTING (INDICATIVE ONLY)
Cloncurry Shire Council
 Town Planning
 Approved with Conditions
 24 OCT 2017
 approved Date:

SOUTH ELEVATION
 SCALE 1:125
 2m 0 5m SCALE 1:125

UNAPPROVED DRAWING

PRELIMINARY

DO NOT SCALE

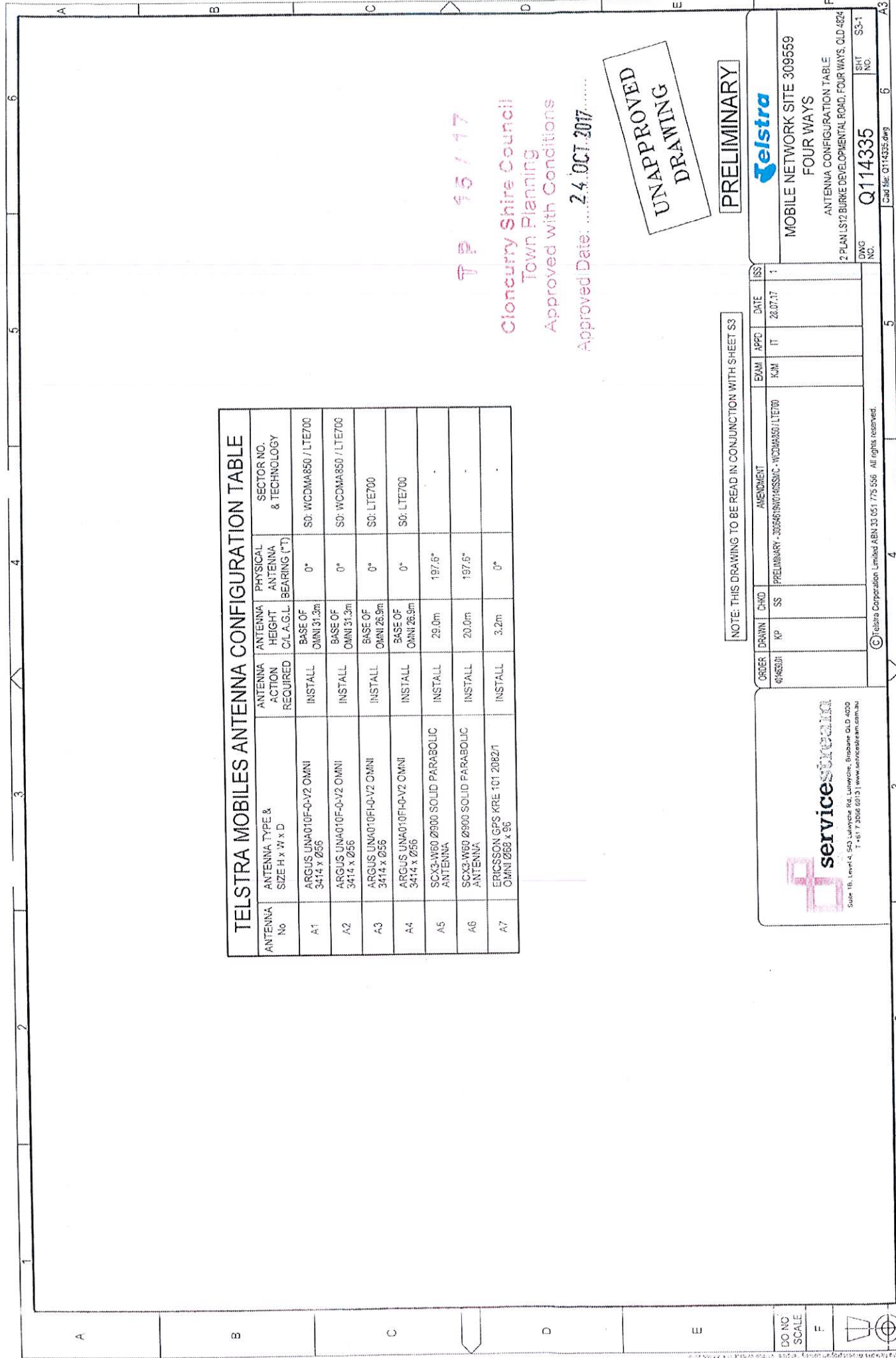
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01/25/2017	KP	SS	PRELIMINARY - 30084918A010SSMC - WCDMA850/LTE700	KJM	IT	28.07.17	1



Telstra
 MOBILE NETWORK SITE 309559
 FOUR WAYS
 SOUTH ELEVATION
 3 PLAN 1 S12 BURKE DEVELOPMENTAL ROAD FOUR WAYS O-D 4324
 DWG NO **Q114335** SH1 NO S3
 Cad file: Q114335.dwg

Telstra (Australia) Pty Ltd. 10/10/2017 11:47:30 AM

For copyright and other information please refer to the drawing title block.



TELSTRA MOBILES ANTENNA CONFIGURATION TABLE

ANTENNA No	ANTENNA TYPE & SIZE H x W x D	ANTENNA ACTION REQUIRED	ANTENNA HEIGHT C/L.A.G.L.	PHYSICAL ANTENNA BEARING (°T)	SECTOR NO. & TECHNOLOGY
A1	ARGUS UNA010F-0-V2 OMNI 3414 x 2556	INSTALL	BASE OF OMNI 31.3m	0°	SD: WCDMA850 / LTE700
A2	ARGUS UNA010F-0-V2 OMNI 3414 x 2556	INSTALL	BASE OF OMNI 31.3m	0°	SD: WCDMA850 / LTE700
A3	ARGUS UNA010F-0-V2 OMNI 3414 x 2556	INSTALL	BASE OF OMNI 26.9m	0°	SD: LTE700
A4	ARGUS UNA010F-0-V2 OMNI 3414 x 2556	INSTALL	BASE OF OMNI 26.9m	0°	SD: LTE700
A5	SCX3-W60 2900 SOLID PARABOLIC ANTENNA	INSTALL	29.0m	197.6°	-
A6	SCX3-W60 2900 SOLID PARABOLIC ANTENNA	INSTALL	20.0m	197.6°	-
A7	ERICSSON GPS KRE 101 20821 OMNI 268 x 66	INSTALL	3.2m	0°	-

TP 15/17

Cloncurry Shire Council
Town Planning
Approved with Conditions
Approved Date: 24 OCT 2017

UNAPPROVED DRAFT

PRELIMINARY

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEET S3

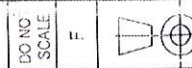
MOBILE NETWORK SITE 309559
FOUR WAYS

ANTENNA CONFIGURATION TABLE
2 PLAN L12 BURKE DEVELOPMENTAL ROAD, FOUR WAYS, QLD 4824

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
47462301	KP	SS	PRELIMINARY - 30554615W148SSUC - WCDMA850/LTE700	KJM	IT	28.07.17	1

Suite 16, Level 4, 503 Lakeside Rd, Lakeside, Brisbane QLD 4200
T +61 7 3266 6033 www.servicesstream.com.au

DWG NO. **Q114335**
SHT NO. **SS-1**
Cad file: Q114335.dwg

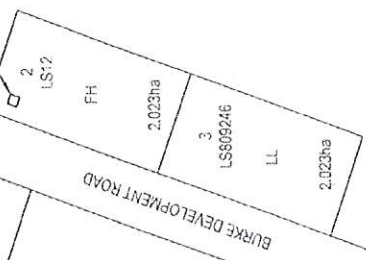




50 SP212806
1
RE

50 SP212806

PROPOSED TELSTRA SITE



3300000ha

3300000ha

TP 15 / 17

Cloncurry Shire Council
Town Planning
Approved with Conditions
Approved Date: 24.OCT.2017

UNAPPROVED
DRAWING

PRELIMINARY

SITE TENURE PLAN

SCALE 1:5000
50m 0 50m 100m 150m 200m 250m SCALE 1:5000

DO NO. SCALE	F

ServiceStream
Suite 1B, Level 4, 543 Lakeside Rd, Lakeside, Brisbane QLD 4033
T +61 7 3068 8913 | www.servicestream.com.au

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
41462011	KP	SS	PRELIMINARY - 385647891455316 - WCDIAR801 UTE190	K.M	IT	28.07.17	1

MOBILE NETWORK SITE 309559	
FOUR WAYS	
SITE TENURE PLAN	
2 PLAN LS12 BURKE DEVELOPMENTAL ROAD, FOUR WAYS, QLD 4824	
DWG NO.	Q114335
SHEET NO.	6
Cad file: Q114335.dwg	

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ATTACHMENT 3

APPEAL RIGHTS

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 of the Planning Act 2016 states –

- (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
- (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to *Schedule 1 of the Planning Act 2016*)

(2) An appellant may start an appeal within the appeal period.

(3) The *appeal period* is –

- (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

(4) Each respondent and co-respondent for an appeal may be heard in the appeal.

(5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

(6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-

- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

(1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-

- (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
- (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
- (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
- decision* includes-
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.
 - non-appealable*, for a decision or matter, means the decision or matter-
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

**ATTACHMENT 4
SARA CONCURRENCE RESPONSE**

Decision

- The development application is for Material change of use for Telecommunications facility (monopole and associated equipment) on land situated at Burke Developmental Road, Four Ways, more particularly Lot 2 on LS12.
- The Department of Infrastructure, Local Government and Planning provided a referral agency response on 26 September 2017 **approving** the application.

Reasons for the department's decision

The reasons for the decision are:

- development does not create a safety hazard for users of a state-controlled road, by increasing the likelihood or frequency of fatality or serious injury
- development does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works
- development does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- development does not compromise the state's ability to construct state-controlled roads and future state-controlled roads, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- development does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads
- development does not compromise the structural integrity of public passenger transport infrastructure located on state-controlled roads or compromise the operating performance of public passenger transport services on state-controlled roads
- the community is protected from significant adverse impacts resulting from environmental emissions generated by vehicles using state-controlled roads.

Relevant material

- Development Application
- State Development Assessment Provisions published by the Department of Infrastructure, Local Government and Planning
- Planning Act 2016
- Planning Regulation 2017