



Queensland
Government

Minister for Transport and Main Roads

Our ref: PET 27108

Your ref: A333991

9 JUL 2018

Mr Neil Laurie
The Clerk of the Parliament
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Dear Mr Laurie

I refer to petition number 2917-18 lodged with the Legislative Assembly by Dr Christian Rowan MP, Member for Moggill on 12 June 2018, about the construction by Optus Mobile Pty Ltd (Optus) of a mobile tower at 301 Grandview Road, Pullenvale.

I can advise the Department of Transport and Main Roads (TMR) acquired the land at 301 Grandview Road, Pullenvale on 17 October 1997 for the future Moggill Pocket Arterial Road Project. The land is currently vacant, 6.724 hectares in size and is zoned 'rural'.

In May 2017, Optus approached TMR about installing and operating a tower at this location to improve mobile network coverage in the area, particularly in the event of an emergency. TMR entered into negotiations with Optus for a licence agreement of five years, with a further five-year option, conditional upon Optus first obtaining all relevant approvals. The proposed Optus tower site is surrounded by existing tree coverage and is located approximately 260 metres from the Pullenvale Hall.

Optus submitted a development application (DA) with Brisbane City Council (BCC) in July 2017 and complied with all requirements under the DA approval process. BCC approved the DA on 15 December 2017. Optus's consultant, Urbis advised the office of the Member for Moggill of the proposed tower on 12 January 2018. Urbis provided a copy of the approved DA by BCC, drawings of the proposed construction and an Australian Radiation Protection and Nuclear Safety Agency environmental electromagnetic energy report. Urbis advised TMR that it received an acknowledgement email from the office of the Member for Moggill on 23 January 2018, and that no objections or concerns were raised.

As conditions imposed by TMR on Optus had been met, TMR entered into a licence agreement with Optus on 1 March 2018. The licence agreement gives Optus access to TMR's land for installation and on-going maintenance of the tower. It should be noted the licence agreement is for a term of 10 years, provided Optus take up the further five-year option, or until TMR's future Moggill Pocket Arterial Road Project works commence.

The conditions imposed by TMR, including those contained in the licence agreement, have been or are being complied with. On that basis, TMR does not have any right to suspend construction or to direct construction to cease.

TMR understands that under the *Brisbane City Plan 2014*, the use is defined as a telecommunications facility and is code assessable under the subject site's rural zoning. The *Planning Act 2016* does not require public notification of code assessable developments as part of the development assessment process. The planning report submitted with the DA indicates Optus assessed five other sites, in addition to TMR's land.

TMR is unable to effect changes to the Planning Act and has no jurisdiction over BCC's planning decisions.

As this matter falls outside of my portfolio, it would be appropriate for the Member to write to the Honourable Stirling Hinchliffe MP, Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a long, horizontal, wavy line that tapers to the right.

MARK BAILEY MP
Minister for Transport and Main Roads