

# Council Meeting

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## Agenda

**Tuesday, 12 March 2024**

Council Chamber - Civic Centre  
and via Videoconference

## Information for Councillors and the community

### ACKNOWLEDGEMENT OF COUNTRY

Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nations as the Traditional Owners and Custodians of these lands and waterways.

We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region.

We proudly share custodianship to care for Country together.



### COUNCIL VISION

Whether you live here or visit, you will see how much we care for country, how inclusive and connected our communities are, and how sustainable balanced growth makes this the best place in the world.

### VALUE OF HISTORY

We acknowledge that history shapes our identities, engages us as citizens, creates inclusive communities, is part of our economic well-being, teaches us to think critically and creatively, inspires leaders and is the foundation of our future generations.

### COUNCILLOR COMMITMENT

We'll be truthful, represent the community's needs, be positive and responsive and always strive to do better.

### OUR COUNCILLORS

**Billanook Ward:** Tim Heenan  
**Chandler Ward:** David Eastham  
**Chirnside Ward:** Richard Higgins  
**Lyster Ward:** Johanna Skelton  
**Melba Ward:** Sophie Todorov

**O'Shannassy Ward:** Jim Child  
**Ryrie Ward:** Fiona McAllister  
**Streeton Ward:** Andrew Fullagar  
**Walling Ward:** Len Cox

### CHIEF EXECUTIVE OFFICER & DIRECTORS

**Chief Executive Officer,** Tammi Rose  
**Director Built Environment & Infrastructure,** Hjalmar Philipp  
**Director Communities,** Leanne Hurst

**Director Corporate Services,** Andrew Hilson  
**Director Planning and Sustainable Futures,** Kath McClusky

### GOVERNANCE RULES

All Council and Delegated Committee meetings are to be conducted in accordance with Council's Governance Rules, which can be viewed at: <https://www.yarraranges.vic.gov.au/Council/Corporate-documents/Policies-strategies/Governance-rules>

### PUBLIC PARTICIPATION IN MEETINGS

Members of the community can participate in Council meetings in any of the following ways:

- making a verbal submission for up to 5 minutes on matters not listed on the agenda.
- submitting a question.
- speaking for up to 5 minutes to a specific item on the agenda. For planning applications and policy issues, the Chair will invite one person to speak on behalf of any objectors and one person to speak on behalf of the applicant. For other matters on the agenda, only one person will be invited to address Council, unless there are opposing views. At the discretion of the Chair, additional speakers may be invited for items of large interest.
- speaking for up to 5 minutes to a petition to be presented at a meeting.



For further information about how to participate in a Council meeting, please visit: <https://www.yarraranges.vic.gov.au/Council/Council-meetings/Submissions-questions-petitions-to-Council>

## **LIVE STREAMING AND RECORDING OF MEETINGS**

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A person in attendance at the meeting must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any meeting without first obtaining the consent of the Chair.

The Minutes produced after each Council Meeting form the official record of the decisions made by Yarra Ranges Council.

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## **EVACUATION PROCEDURES**

In the case of an emergency during a meeting held at the Civic Centre, 15 Anderson Street, Lilydale, you should follow the directions given by staff and evacuate the building using the nearest available exit. You should congregate at the assembly point at Hardy Street car park.

## **CONTACT US**

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*In accordance with Chapter 3, Rule 60, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

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## **YARRA RANGES COUNCIL**

**AGENDA FOR THE 599<sup>TH</sup> COUNCIL MEETING TO BE HELD ON TUESDAY  
12 MARCH 2024 COMMENCING AT 7.00PM IN COUNCIL CHAMBER,  
CIVIC CENTRE, ANDERSON STREET, LILYDALE / VIA VIDEOCONFERENCE**

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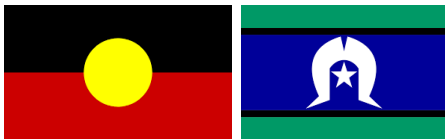
### **1. MEETING OPENED**

## 2. ACKNOWLEDGEMENT OF COUNTRY

Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nations as the Traditional Owners and Custodians of these lands and waterways.

We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region.

We proudly share custodianship to care for Country together.



### **3. INTRODUCTION OF MEMBERS PRESENT**

#### **OUR COUNCILLORS**

Billanook Ward: Tim Heenan  
Chandler Ward: David Eastham  
Chirnside Ward: Richard Higgins  
Lyster Ward: Johanna Skelton  
Melba Ward: Sophie Todorov  
O'Shannassy Ward: Jim Child  
Ryrie Ward: Fiona McAllister  
Streeton Ward: Andrew Fullagar  
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#### **CHIEF EXECUTIVE OFFICER & DIRECTORS**

Chief Executive Officer, Tammi Rose  
Director Built Environment & Infrastructure, Hjalmar Philipp  
Director Communities, Leanne Hurst  
Director Corporate Services, Andrew Hilson  
Director Planning & Sustainable Futures, Kath McClusky

**4. APOLOGIES AND LEAVE OF ABSENCE**

There were no apologies received prior to the commencement of this meeting.

**5. MAYORAL ANNOUNCEMENTS**



**6. CONFIRMATION OF MINUTES**

**RECOMMENDATION**

*That the Minutes of the Council Meeting held Tuesday 27 February 2024, as circulated, be confirmed.*

## 7. CONFLICTS OF INTEREST

*In accordance with Chapter 7, Rule 4, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

*The Local Government Act 2020 defines two categories of conflict of interest:*

- *a general conflict of interest, which is defined as "...a relevant person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty", and*
- *a material conflict of interest, which is defined as "...a relevant person has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit may arise or the loss incurred (a) directly or indirectly; or (b) in a pecuniary or non-pecuniary form."*

*In accordance with section 130 of the Local Government Act 2020, a conflict of interest must be disclosed in the manner required by the Governance Rules and the relevant person must exclude themselves from the decision-making process.*

No Conflicts of Interest have been received prior to the Agenda being printed.

## 8. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

*In accordance with Chapter 3, Rules 57 and 59, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

A person may make a submission to Council on matters that are not listed on the Agenda. A submission may be on any matter except if it:

- (a) is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
- (b) is substantially the same as a submission made to a Council meeting in the preceding 12 months;
- (c) relates to confidential information as defined under the Act;
- (d) relates to the personal hardship of any resident or ratepayer; or
- (e) relates to any other matter which the Council considers would prejudice the Council or any person.

## SUBMISSIONS FROM THE PUBLIC

### ***Senior Citizen Clubs***

Raymond Cooper wishes to provide Councillors with an update regarding Senior Citizens Clubs within Yarra Ranges.

**9. PETITIONS**

*In accordance with Chapter 3, Rules 60, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

A person may submit a petition to Council on matters that are not listed on the Agenda. Every petition or joint letter submitted to Council must:

- a) identify a 'Lead Petitioner' who Council can correspond with;
- b) be legible and in permanent writing;
- c) be clear and state on each page the matter and action sought from Council. Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter;
- d) not be derogatory, defamatory or objectionable in language or nature;
- e) not relate to matters outside the powers of Council; and
- f) clearly state the names and addresses of at least seven (7) people who live, work, study or do business in the Municipal district.

There were no Petitions received prior to the Agenda being printed.

## MUNICIPAL ASSOCIATION OF VICTORIA STATE COUNCIL - ENDORSEMENT OF MOTIONS

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Report Author: Advocacy & Government Relationship Advisor  
 Responsible Officer: Chief Executive Officer  
 Ward(s) affected: (All Wards);

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*The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.*

### CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

### SUMMARY

The Municipal Association of Victoria (MAV) will hold the next State Council meeting on Friday 17 May 2024. The MAV has called for councils to submit proposed motions to be considered at the meeting. If supported by the member councils, motions become resolutions and policy positions of the MAV.

### RECOMMENDATION

***That Council submit the following motions to the Municipal Association of Victoria (MAV) for consideration at the State Council meeting on Friday 17 May 2024:***

- 1. That the MAV advocate to the Victorian Government to invest in funding for emergency relief services (ERS), to increase core staff and respond to growing community need, climate change impacts and frequency of severe weather events.***
- 2. That the MAV advocate to the Victorian Government to strengthen Victorian laws to address vexatious requests against Councillors and serial complainants to Council.***
- 3. That the MAV advocate to the Victorian Government to:***
  - (a) develop a Flood Information Framework.***
  - (b) release flood mapping data collected by state authorities and water corporations.***
  - (c) provide urgent investment into flood mitigation infrastructure.***

## RELATED COUNCIL DECISIONS

Council submitted three motions to the last State Council meeting, held on 13 October 2023 – [see agenda](#). All motions were endorsed by MAV members at the State Council meeting. The motions related to:

- Permit exemptions for Rural Worker accommodation in the Green Wedge Zones and release of other reforms from the Planning for Melbourne's Green Wedge and Agricultural Land Review.
- A broad strategic review of the School Crossing Supervisor Program
- Maternal Child Health services, and advocacy for a policy that supports local government to implement a targeted services approach.

## DISCUSSION

### *Purpose and Background*

State Council is the MAV's governing body and is made up of representatives from each member council. State Council's powers include:

- determining the Rules of the Association
- electing the President and other members of the Board
- determining the Strategic Direction
- appointing the Auditor.

State Council meets twice a year, or more if needed. The MAV calls for councils to submit motions approximately two months in advance of State Council.

As decisions of State Council constitute policy directions of the MAV and remain active until the issue is resolved, motions should relate to either new policy directions, or variations to existing policy directions.

The MAV Rules require that motions: be of state-wide significance to the local government sector; link to the strategic outcomes in the MAV Strategy 2021-25; not be identical or substantially similar to a motion submitted to State Council at any of the previous four State Council meetings; and not seek to endorse a motion to be put to the Australian Local Government Association National General Assembly.

When submitting a motion, Council is required to identify whether the motion is supported by a council resolution.

The MAV Strategy 2021-25 identifies six strategic outcomes:

1. Economically sound councils
2. Healthy, diverse and thriving communities
3. Well-planned, connected and resilient built environment

4. Changing climate and a circular economy
5. Sector capability and good governance
6. Effective and responsive MAV.

***Options considered***

Council has considered various emerging issues and strategic risks impacting Council as an organisation as well as the broader community, and the suitability of these matters for advocacy through MAV State Council.

***Recommended option and justification***

Of the strategic risks and issues currently impacting Council and the community, the proposed motions have been determined as appropriately matched to the advocacy opportunity presented by State Council, in terms of both timing and MAV’s submission criteria.

The rationale for each proposed motion is provided below.

1. Emergency Relief Services

Motion	That the MAV advocate to the Victorian Government to invest in funding for emergency relief services (ERS), to increase core staff and respond to growing community need, climate change impacts and frequency of severe weather events.
Rationale	<p>Emergency and food relief services provide critical support to communities, including to those impacted by the cost-of-living crisis and by severe weather events that are increasing in frequency and intensity – such as the recent storm and bushfire events that swept across the state.</p> <p>Services are experiencing some of the highest increases in demand in Yarra Ranges and Victoria more broadly, making these services more critical than ever.</p> <p>The increase in community needs observed through COVID has not subsided, and emergency relief services have noticed a shift in clientele with cost-of-living pressures contributing to expanded demand.</p> <p>Councils have not only recognised an increase in these services struggling to meet growing demand, but also services closing, particularly due to the lack of resourcing to engage paid staff to manage increasing complex compliance requirements.</p> <p>One example in Yarra Ranges was the closing of a service that had operated for 40 years, providing over \$300,000 in value to our local community per year through financial and personal support services, including for food, clothing, case work and advocacy. The service could not be sustained without ongoing funding for an officer to</p>

	<p>support operations while existing core staff focus on building critical partnerships and relationships with other agencies.</p> <p>Councils have a role to play in funding emergency relief services, however, this funding alongside other sources are not sufficient to meet growing demand.</p> <p>Yarra Ranges has seen benefit from increased funding to support local emergency relief agencies through time-limited grant funding. This has provided for the coordination of effort across 12-15 local groups and is a model that should be recognised and built upon.</p> <p>It is critical that emergency relief agencies are adequately supported, particularly as the cost of living continues to increase and disasters and emergency events become more frequent and severe. Importantly, this must include a funding model that provides for ongoing support officer roles to oversee operations, allowing other staff to focus on building strategic partnerships with other service areas.</p>
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2. Addressing vexatious requests and serial complainants

Motion	That the MAV advocate to the Victorian Government to strengthen Victorian laws to address vexatious requests against Councillors and serial complainants to Council.
Rationale	<p>Councils across Victoria have recently experienced an increase in vexatious requests and serial complainants.</p> <p>Council complaints processes are a critical mechanism for ensuring that councils and councillors are accountable to community and function in line with their obligations and democratic principles.</p> <p>However, with a growing number of vexatious requests intended to overwhelm council resources and disparage councils and councillors, it has become clear that Victoria’s laws require strengthening to ensure that the system functions effectively and efficiently.</p> <p>Queensland has recently passed laws and recalibrated its Councillors conduct framework to ensure that only matters of substance and in the public interest can proceed to its Councillor Conduct Tribunal. It also ensures that serial complainants who’ve had more than three complaints dismissed as trivial can be prevented from making further complaints for four years. This is a model that could be considered for Victoria.</p> <p>Victorian councils are operating in increasingly tight fiscal environments. Council effectiveness and business efficiencies are severely impacted through responding to and managing vexation and or serial complaints. Such changes would ensure that only complaints of substance are proceeding in the public interest.</p>



## 3. Flood Information Framework, data sharing and investment for flood mitigation

Motion	<p>That the MAV advocate to the Victorian Government to:</p> <ul style="list-style-type: none"> <li>• develop a Flood Information Framework,</li> <li>• release of flood mapping data collected by state authorities and water corporations, and</li> <li>• provide urgent investment into flood mitigation infrastructure.</li> </ul>
Rationale	<p>Planners require reliable flood mapping data to fulfil their duties in strategic planning, assessment of developments, and to support the community in preparing for and mitigating against such risks.</p> <p>This is becoming more critical given climate change impacts and increased frequency and severity of weather events.</p> <p>However, the current patchwork of existing datasets is insufficient, and exposes community to unnecessary risk.</p> <p>A joint partnership between local and state government and water authorities is needed to create a complete dataset.</p> <p>The Planning Institute of Australia's Victorian branch has recently renewed its calls for the Victoria Government to develop a Flood Information Framework to support state-wide consistency in flood mapping data collection and use, drawing together existing (and future) work by local governments and other authorities.</p> <p>Further, a Flood Information Framework should also enable the provision of data from state authorities and water corporations to local government. This information is key to creating a clear and full picture of risks and is not readily available to Councils currently.</p> <p>The Victorian Government's commitment in 2023 to provide \$22.2 million to fast-track more flood studies by local government is a welcome and worthwhile investment.</p> <p>However, without an overarching framework or provision of data from state and water authorities, constraints will remain for planners while risks will remain for communities and our natural and built environments.</p> <p>Beyond the framework and data, urgent investment in flood mitigation infrastructure is needed to manage increasing occurrences of severe weather and flooding events across Victoria.</p>

**FINANCIAL ANALYSIS**

There are no financial implications associated with submitting a motion to the State Council.

## **APPLICABLE PLANS AND POLICIES**

Council's participation in MAV State Council contributes to following action in the Council Plan:

- Consolidate and strengthen advocacy through evidence and stronger relationships to ensure other levels of government are effectively and efficiently engaged to support local services and programs.

## **RELEVANT LAW**

Not applicable.

## **SUSTAINABILITY IMPLICATIONS**

### ***Economic Implications***

Motion 1 seeks to increase support for emergency relief services that are facing challenges due to increasing demand amidst the cost-of-living crisis, and increased compliance requirements alongside limited resourcing and service cost pressures. If additional funding support were provided, services would be more financially sustainable and better able to meet the needs of communities through challenging economic conditions.

With councils operating under constrained financial environments, it is critical that council resources are used as efficiently as possible. As such, Motion 2 seeks to address external pressures that are being deliberately applied by some cohorts of the public with the intent of overwhelming resources and disrupting council business.

### ***Social Implications***

Economic pressures and climatic events are increasingly driving people to leave their communities, either temporarily or permanently, to access the resources and support they need. Motion 1 seeks to ensure that people have access to emergency relief support within their local communities, and for those services to be well-connected with other local support agencies that can provide tailored support.

### ***Environmental Implications***

Communities across Victoria and in Yarra Ranges are experiencing flooding events that are increasing in frequency with devastating impacts on natural and built environments. Motion 3 directly addresses these environmental challenges, and the need to plan effectively and invest urgently to mitigate flood impacts and drainage issues, and adapt to a changing climate.

## COMMUNITY ENGAGEMENT

As the submission of motions to State Council is operational in nature and presents no change to Council's strategic direction, community engagement was not undertaken on this matter.

An internal process has been undertaken with Officers and Councillors to identify potential motions for submission. The proposed motions must support Council's existing strategies and Council Plan, which have been developed through community consultation and deliberative engagement processes.

## COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

All three motions build on policy and advocacy efforts that Council and the MAV have undertaken in recent years to:

- ensure appropriate levels of support are available to communities through emergencies.
- address targeted campaigns that seek to disrupt the workings of councils.
- improve planning and strengthen investment in climate-resilient infrastructure.

## RISK ASSESSMENT

There are no significant environmental, social or economic risks arising from the recommendations in this report.

If adopted by the MAV, Motion 1 would contribute to mitigating Strategic Risk 36: Inadequate planning and resourcing to ensure continued delivery of business as usual services following a major event impacting our community.

If adopted by the MAV, Motion 2 would contribute to mitigating Strategic Risk 28: Organisation leadership fails to create a culture that ensures people are protected and supported, which leads to workforce performance and safety being compromised.

## CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

## ATTACHMENTS TO THE REPORT

Nil

**YR-2023/303 - 68 KINGSWOOD DRIVE, CHIRNSIDE PARK – PLANNING REPORT****APPLICATION DETAILS**

Site Address	68 Kingswood Drive (Lot 1 PS705919), Chirnside Park
Application No.	YR-2023/303
Proposal	Building and works to construct a telecommunication facility, ancillary equipment, and fence
Existing Use	Restricted recreation facility – Chirnside Park Country Club
Applicant	Ventia
Zone	Clause 37.01 Special Use Zone – Schedule 5- Chirnside Park Country Club (part site) Clause 32.06 Neighbourhood Residential Zone (part site)
Overlays	Clause 43.04 - Development Plan Overlay – Schedule 3 (part site) Clause 43.01 - Heritage Overlay – Schedule 136 (part site) Clause 42.03 - Significant Landscape Overlay – Schedule 23 (part site)
Permit trigger/s	Clause 37.01-4 - Construct a building or carry out works. Clause 52.19-1 - Construct a building or carry out works for a telecommunications facility.
Submissions	Sixteen (16) objections Eight (8) letters of support
Encumbrances on Title (Covenants/Section 173 Agreements)	Yes Section 173 Agreement AJ617447R; and Section 173 Agreement AK930905F The Section 173 Agreements do not restrict the use of the site for a telecommunications facility
Reason for Council Decision	More than ten objections received.
Ward	Chirnside

## SUMMARY

The application is for the building and works to construct a telecommunications monopole tower, ancillary equipment, and the construction of a fence around the tower and ancillary equipment. No vegetation is proposed to be impacted or removed.

The use of the land for a telecommunications facility is allowed by the Yarra Ranges Planning Scheme and does not require a planning permit.

The existing telecommunications facility on the site is a facility installed on a three-metre extension on the rooftop of the Chirnside Park Country Club building in the form of a slimline chimney. The facility and extension will be decommissioned and removed as part of the proposal.

The application was advertised, with sixteen (16) objections and eight (8) letters of support received. The objections raised concerns about visual impact, the proximity to residential properties and other sensitive land uses, health effects and impacts from construction.

The proposal has been assessed against the relevant provisions of the *Yarra Ranges Planning Scheme* and the *Yarra Ranges Council Telecommunications Facilities Policy (2012)*. It is consistent with the planning scheme and policy as they relate to the consideration of telecommunications infrastructure, visual amenity, protection of native vegetation, and the siting of the facility within the site, balanced with the need to ensure telecommunications service expectations is met for the broader community.

The proposal is generally in accordance with the Yarra Ranges Planning Scheme, and the development and use can be appropriately managed, subject to conditions. Accordingly, it is recommended that the planning permit application be approved and a Notice of Decision to Grant a Planning Permit, subject to conditions, be issued.

## RECOMMENDATION

***That Council resolve to approve planning permit YR-2023/303 for Building and works to construct a telecommunication facility, ancillary equipment and fence at 68 Kingswood Drive Chirnside Park and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.***

## DISCLOSURE OF CONFLICT OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

## CULTURAL HERITAGE SIGNIFICANCE

The application has been checked against the requirements of the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007* (Vic) as to the need for a Cultural Heritage Management Plan (CHMP). It has been assessed that a CHMP is not required.

## **EXTRACTIVE INDUSTRY**

The subject site is not located within 500 metres of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

## **HUMAN RIGHTS CONSIDERATION**

The application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Yarra Ranges Planning Scheme), reviewed by the State Government and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

## **ENCUMBRANCES ON TITLE**

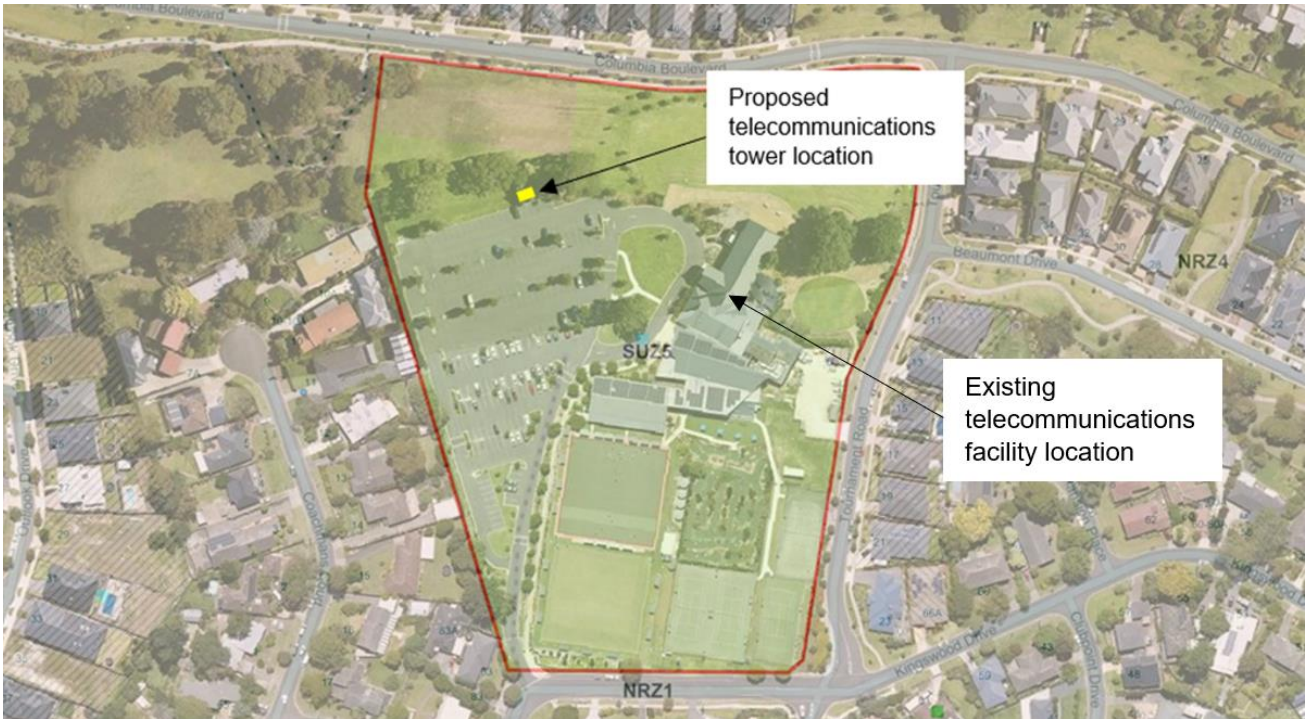
The subject site is 68 Kingswood Drive (Lot 1 PS705919), Chirnside Park. There are two encumbrances registered on the Certificate of Title, being Section 173 Agreement AJ617447R and Section 173 Agreement AK930905F (Attachment 2):

- Section 173 Agreement AJ617447R requires development contributions for the Oakhaven Development Plan, also known as the Cloverlea Estate, covering pedestrian access, footpaths, traffic control measures, contribution to traffic lights and contribution to footpaths outside of site.
- Section 173 Agreement AK930905F provides building envelope and retaining wall requirements approved as part of YR-2012/615 for a 117-lot subdivision which formed part of Cloverlea Estate.

The proposed telecommunications facility does not breach either Section 173 Agreement on title.

## **SITE LOCATION AND DESCRIPTION**

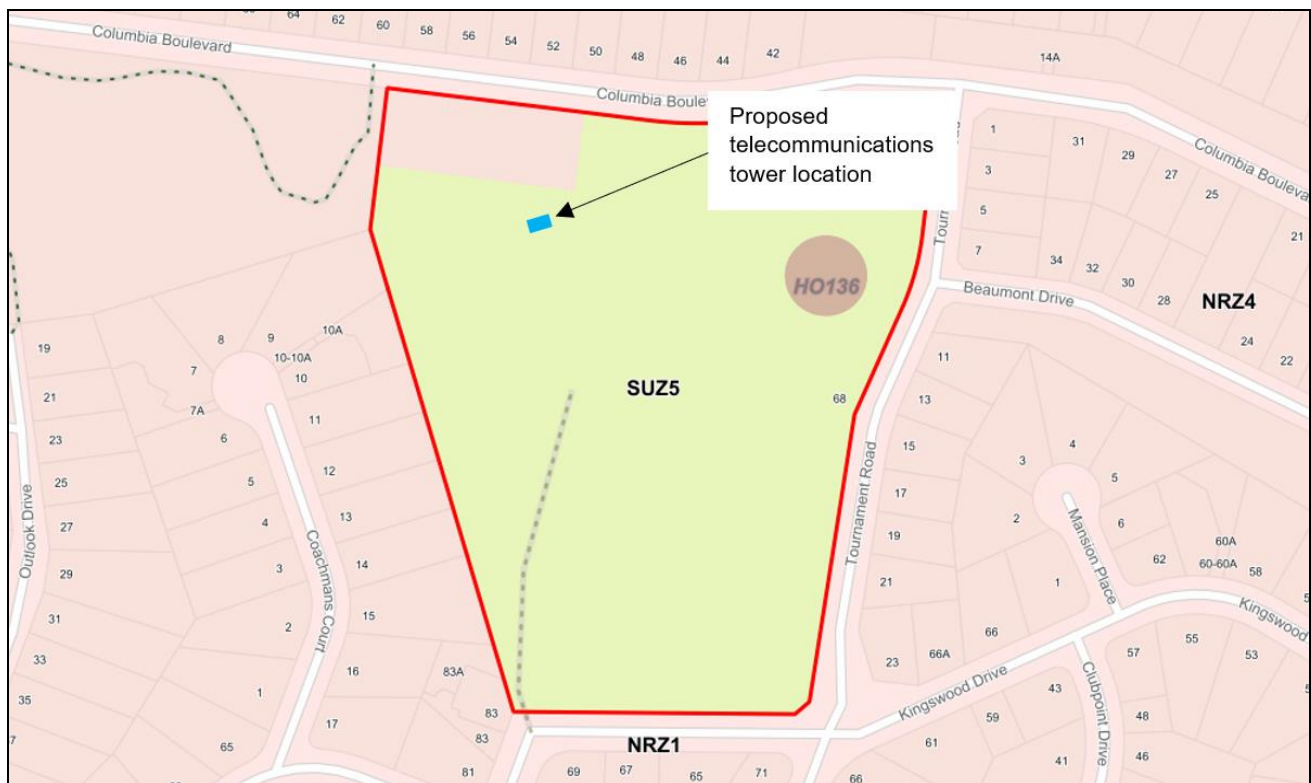
The subject site is the Chirnside Park Country Club. Buildings are located centrally within the site, and a car park located in the western portion of the site. Tennis courts and lawn bowling rinks are located on the southern side of the site. The main entrance to the Chirnside Park Country Club is from Kingswood Drive. A service entrance connects to Tournament Road. Figure 1 provides an aerial view of the land:



**Figure 1 - Aerial image of site with telecommunication tower location marked (Source – Intramaps)**

The subject site is bound by three roads, Columbia Boulevard to the north, Tournament Road to the east and Kingswood Drive to the south. The land has an area of 4.207 hectares and majority of the land, including the proposed development location, is within the Special Use Zone – Schedule 5- Chirnside Park Country Club. Two portions of the site fronting Columbia Boulevard are located within the Neighbourhood Residential Zone – Schedule 4. These two portions of Neighbourhood Residential Zone – Schedule 4 land are also covered by the Development Plan Overlay – Schedule 3.

Figure 2 provides the zoning of the land:



**Figure 2 - Zoning map of site with telecommunication tower location marked (Source – Intramaps)**

Heritage Overlay- Schedule 136, affects a portion of the site and is associated with a protected Oak tree located at the northern end of the Country Club building.

Significant Landscape Overlay – Schedule 23 (SLO23) adjoins the southern and western boundaries of the site.

The proposed replacement telecommunications facility is outside the mapped areas of both the Heritage Overlay and the Significant Landscape Overlay, and as such, the overlay requirements do not apply.

The topography of the site is generally level, and the site falls away by approximately five metres to the north-west and north-east corners. No easements affect the site.

**SURROUNDING AREA**

The site is surrounded by residential development and is zoned Neighbourhood Residential Zone. The older established areas have an average lot size of 800 square metres, while the more recently developed Cloverlea Estate has lot sizes of approximately 400 square metres. Construction at Cloverlea Estate started around ten years ago.

Vegetation in the surrounding area is mostly residential gardens. There are minimal scattered mature trees, with most mature trees located in Council reserves and road reserves, see Figure 3.





**Figure 3 - Aerial Image of the surrounding area**

#### **West**

- Dwellings to the west of the proposed telecommunications tower front Coachmans Court. The rear boundary of these lots adjoins the car parking area of the subject site. The telecommunications tower is proposed to be setback between 55 to 140 metres from the rear boundary of the dwellings on Coachmans Court
- Dwellings at 9 to 15 Coachmans Court generally have established vegetation within their rear yards and a number of these dwellings have outbuildings in their rear yards. All abutting lots have a 1.8-metre-high timber paling fence along the common boundary.

#### **North**

- Columbia Boulevard abuts the site with ten, single and double storey dwellings located on the north side of Columbia Boulevard. All ten dwellings contain a driveway accessing Columbia Boulevard, with gardens in the front setback. Private open spaces include built form features such swimming pools and outbuildings, as well as landscaping in the rear yards.

#### **South**

- Kingswood Drive abuts the southern boundary of the site, with dwellings located on the southern side of Kingswood Drive. The dwellings along Kingswood Drive are setback approximately 215 metres from the development location.

**East**

- Dwellings located on Tournament Road abut the eastern site boundary. Eleven dwellings abut Tournament Road, which are setback approximately 180 metres from the tower location. The country club building and surrounding facilities are located between the tower location and the properties.

**PROPOSAL**

This application seeks permission to construct a new telecommunications facility, ancillary equipment, and the construction of a fence on the land.

The new facility will replace the existing telecommunications facility, which is currently on a three-metre extension, in the form of a slimline chimney, which is an elevated structure mounted on the roof of the country club building. The existing Telstra facility on the roof of the building will be decommissioned and removed as part of this application.

The proposed facility will be owned by Telstra and will host Telstra telecommunications equipment providing 4G and 5G services to Chirnside Park.

The proposed facility is located within the north area of the site setback 1.5 metres north of the car park.

The proposed telecommunications tower facility is to be located 48 metres from Columbia Boulevard and 53 metres from the west boundary of the site. The facility is to be 150 metres from east boundary, Tournament Road, and 187 metres from south boundary, Kingswood Drive. Figure 1 shows the specific location of where the facility will be built on the site.

The details of the proposal are:

***Tower***

One (1) new 30-metre-high monopole from ground level to the top of the monopole, with an additional 1.5m of height for the antenna mounts. The structure has an overall height of 31.5 metres above ground level (monopole and antenna mounts).

The structure will be in Mist Green with a non-reflective finish.

The tower will accommodate Telstra infrastructure, including:

- nine (9) 4G/5G panel antennas on a triangular headframe
- one (1) GPS antenna
- eighteen (18) radio units.

Minimal cut and fill required to enable the levelling of the site.

### ***Ancillary Equipment***

Associated with the monopole will be a compound next to the tower. enclosed by a fence, housing an equipment shelter which is three metres by 2.4 metres.

The colour of the equipment shelter will be Mist Green with non-reflective finish.

Ancillary equipment will store cabling, remote radio unit interface, junction boxes, new mounts, tower mounted amplifier and feeders, required for the safety and operation of the facility.

### ***Fence Compound***

The fenced compound is six metres by ten metres, and 1.8 metres high. The fence will be galvanised chain wire mesh and galvanised metal posts, with 45 centimetres of barbed wire above the chain wire fence.

The maximum total height of the fence will not exceed 2.4 metres.

The compound is setback from boundaries as follows:

- 48 metres from the north property boundary
- 53 metres from west boundary fence with Coachmans Court
- 150 metres from the east boundary with Tournament Road
- 187 metres from the south boundary with Kingswood Drive.

A 1.5-metre-wide landscaping strip between the car park and the fenced compound will help to screen the development. The landscaping strip is proposed to be planted with Victorian native *Syzygium smithii* (Lilly Pilly) as an effective screening vegetation suggested by Council's arborist and agreed to by the proponent.

### ***Access***

The fenced compound will be accessible by a gate on the west side of the compound gate.

The applicant has advised construction and maintenance vehicles will use the existing road network, driveway and carparking area to achieve access to the site.

A full set of plans are provided in Attachment 3.

Attachment 4 is the submitted Environmental Electromagnetic Energy Report.

**HISTORY**

<b>Application Number and Decision Date</b>	<ul style="list-style-type: none"> <li>• YR-2023/751 – Use and Development of a Childcare Centre – This application was refused on February 23, 2024.</li> <li>• At the time of writing this report, there has been no appeal to the Victorian Civil and Administrative Tribunal (VCAT). The permit applicant has 60 days to lodge this appeal.</li> <li>• YR-2022/831 – Telecommunications Facility - Lapsed.</li> <li>• YR-2016/5/D – Staged buildings and works to extend existing country club building, associated vegetation removal, construct a building and display of illuminated business identification sign. Decision Date 03 Nov 2023</li> <li>• YR-2012/615/1 – Subdivision and variation of easements. Decision Date 18 Jan 2019</li> <li>• YR-2012/615/E – 117 Lot subdivision and variation of easements. Decision Date 24 Feb 2014</li> <li>• YR-2013/515 – Buildings and works for the construction of a floodlit tennis court. Decision Date 18 Oct 2013</li> <li>• YR-2012/1142 – Buildings and works to erect a floodlit business identification sign. Decision Date 01 Mar 2013</li> <li>• YR-2009/975 – Buildings and works for minor utility installation and associated vegetation removal and pruning. Decision Date 19 Jan 2010</li> <li>• YR-2008/917 – Installation of five water tanks. Decision Date 24 Sep 2008</li> <li>• YR-1997/1158 – Additional Gaming facilities. Decision Date 29 Sep 1997</li> <li>• YR-1996/299 – The removal of 10 English Birch trees from the 15<sup>th</sup> fairway of the golf course. Decision Date 08 Mar 1996</li> <li>• YR-1994/697 – Extension of clubhouse. Decision Date 27 Mar 1995</li> </ul>
<b>VCAT History</b>	None
<b>Other History</b>	None

**PLANNING CONTROLS**

<b>Zoning:</b>	<p>Clause 37.01 -SUZ5 – Special Use Zone – Schedule 5 (part site)</p> <p>Clause 32.09 - Neighbourhood Residential Zone – Schedule 4 (part site)</p>
<b>Overlay:</b>	<p>Clause 42.03 - Significant Landscape Overlay (part site)</p> <p>Clause 43.03 -Development Plan Overlay (part site)</p> <p>Clause 43.01 – Heritage Overlay (part site)</p>
<b>Planning Policy Framework:</b>	<p>Clause 12.05-2S – Landscapes</p> <p>Clause 13.07-1S – Land Use Compatibility</p> <p>Clause 15.01-1S – Urban design</p> <p>Clause 16.01-1S – Housing supply</p> <p>Clause 17.01-1S – Diversified economy</p> <p>Clause 19.03-4S &amp; Clause 19.03-4L Telecommunications</p>
<b>Clause 51.03:</b>	Not Applicable
<b>Schedule to Clause 51.03:</b>	Not Applicable
<b>Particular Provisions</b>	Clause 52.19 – Telecommunications Facility
<b>Other Requirements:</b>	<p>Clause 65 – Decision guidelines</p> <p>The Code of Practice for Telecommunications Facilities in Victoria (1999) – Attachment 5</p> <p>The shire of Yarra Ranges Telecommunication Facilities Policy (2012) – Attachment 6</p>

For further information on the planning controls refer to Attachment 7.

## PERMIT TRIGGERS

### *Zoning*

Under the Special Use Zone Clause 37.01-4 a permit is required to construct a building or construct or carry out works.

A permit not required for the use of the land for telecommunications facility in accordance with Clause 62.01 of the planning scheme.

### *Overlays*

Nil

### *Particular Provision*

Under the Clause 52.19 (Telecommunications Facility) a permit is required to construct a building or construct or carry out works for a telecommunications facility.

## CONSULTATION

### *Internal Referrals*

This application was referred to various business units or individuals within Council for advice on relevant matters. The following is a summary of the advice:

Department	Summary of Response	Conditions required
Development Engineer (Traffic)	<p>No objections subject to conditions.</p> <p>Traffic Engineers have reviewed the application and have only required amendments to the construction management plan for noise and hours of construction.</p> <p>A plan indicating a space for maintenance vehicles has also been requested.</p>	<p>Conditions to be included on the permit include the endorsement of an amended Construction Management Plan, that all vehicles must enter and exit the site in a forward direction.</p> <p>Recommendation also sought the provision of a maintenance vehicle condition, requiring a space to be dedicated on site for maintenance vehicles only. On review of the site and the large parking lot available within 1.5 metre distance to the compound area and access gate, it has been determined that a separate maintenance bay and access at the compound is not required and will not form conditions on permit.</p>
Arborist	<p>No objections subject to conditions.</p> <p>Council Arborist have reviewed and confirmed that there will be no</p>	<p>Amended landscape plan condition, requiring Victorian native <i>Syzygium smithii</i> (Lilly Pilly) to be used as the plant species to screen the compound development.</p>

Department	Summary of Response	Conditions required
	vegetation removed or impacted as a result of the works. Arborists have suggested a Victorian Native species be used for any onsite planting.	Other standard recommended conditions include tree protection fencing and service connection to be bored or diverted around existing protected trees.
Development Engineer (Drainage)	No objection	No conditions required. The equipment shelter will be constructed on four pier footings and is three metres by 2.6 metres (7.8 square metres in area) and is not required to be connected to the legal point of discharge. Areas of pervious ground within the vicinity of the development will be able to accommodate any runoff generated from the equipment shelter.

### ***External Referrals***

There were no external referrals required by the planning scheme.

### ***Public Notification and Consultation***

Notification of the application was undertaken in October 2023 by:

- Placing three (3) signs on the land
- Mailing notices to owners and occupiers of adjoining and/or nearby properties
- Placing a notice in local newspaper Mountain Views Star Mail
- Placing the proposal on Council's website for a minimum of 14 days

### **Objections:**

Sixteen (16) objections have been received at the time of publishing this agenda:

- 10 objections from within 200 metres.
- Three objections from within 500 metres.
- Two objections are within one kilometre.
- One objection is beyond one kilometre from the location.

The grounds of objection are summarised as follows:

- Electromagnetic Energy and health issues.
- Why the development location was chosen.
- Proximity to proposed childcare centre (planning application YR-2023/751).
- Visual impacts of the proposal.
- Noise during construction.
- Lights from the tower.
- Devaluation of property.
- Method of consultation.

### **Letters of Support:**

Eight (8) letters of support have been received at the time of publishing this agenda.

- Five letters of support from within 500 metres.
- Three letters of support from within one kilometre.

The reasons for support are summarised as follows:

- Not relying on home internet to make phone calls.
- Reception and coverage in the area is currently not good.
- Phone signal in the local area drops out.
- Functional communications facilities are important.
- The tower will improve 5G coverage in the area.

### **ASSESSMENT/ KEY ISSUES**

The proposed telecommunications facility requires assessment against the provisions of the Planning Policy Framework, Special Use Zone, Clause 52.19, and the decision guidelines of Clause 65 of the Yarra Ranges Planning Scheme.

Relevant planning considerations are:

- Service provision and need.
- Suitability of alternative locations.
- Suitability of the site.
- Visual impact of the structure.
- Assessment against the Code of practice for Telecommunications Facilities.

Health impacts and devaluation of property are not relevant planning considerations.



### ***State, Regional and Local Policy***

Planning policies recognise the need to facilitate the development of telecommunications infrastructure. In considering proposals for telecommunications services, a balanced approach between the provision of important telecommunications services and the need to protect the environment from adverse impacts is required. Clause 71.02-3 of the planning scheme seeks to strike a balance between competing factors and 'endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Clause 12.05-2S and Clause 12.05-2L requires a development to respond to, and to protect landscapes that have aesthetic value. Clause 12.05-2L relates to rural landscapes and is included in the assessment due to the Green Wedge A Zone land five hundred metres north and 550 metres west of the development site. The proposed telecommunication tower will provide 5G coverage to the nearby Green Wedge A Zone land. Views, landmarks, and vistas are required to be protected and enhanced.

### ***Service provision and need***

The Yarra Ranges Planning Scheme and relevant regulations, as part of any assessment of a telecommunications facility, require that the need for a facility be demonstrated by the applicant. The decision is based on a balance of the need with the other requirements of the planning scheme.

The applicant is a licenced carrier for the purposes of the *Telecommunications Act 1997* and operates as an infrastructure provider or 'neutral host', whereby new facilities are sited, designed, acquired, built, and maintained by the applicant but used by carriers – such as the mobile carriers – as part of their respective networks. The structures are purpose built to allow for co-location by two or three carriers.

The facility replaces the existing onsite facility. It will provide infrastructure which will cater for the projected future need by the carriers in this area and forms part of a larger strategic program across the south-east region of Victoria. As such, the proposal represents strategic and practical forward planning based on the projected growth around the Chirnside Park Area, which is part of the Major Activity Centre in Clause 02.04 and service delivery gaps. The new facility will improve services in Chirnside Park, with a specific emphasis on providing 5G coverage to an area where 5G coverage is not currently available.

### ***Opportunities to upgrade or co-locate using an existing telecommunication facility.***

Opportunities to co-locate new infrastructure on an existing telecommunications monopole in the area have been explored.

Figure 4 below shows the location of existing facilities in the area around the proposed site.



**Figure 4 - Existing Communication Facilities in Chirside Park**

The applicant has confirmed that none of the surveyed sites in the area are suitable for co-location.

The closest nearby facility is located approximately 1.3 kilometres south of the development site and co-locating the services with this tower to the south will not provide the coverage required.

The following locations were assessed for their suitability for co-location:

Address	Existing structure type and carrier details	Base elevation (AHD) and distance from subject site	Assessment
Rooftop Chirside Park Country Club (subject site)	Three (3) metre extension on rooftop in the form of a slimline chimney.	163 metres AHD is the ground level under the Country Club rooftop where the facility is located.	Not able to be augmented. Facility proposed to be replaced and decommissioned.
Chirside Park Shopping Centre 239-241 Maroondah Highway	18-metre-high tower Telstra already has equipment at this location; therefore, co-location is not an option.	Base elevation 118 metres AHD. 1.6 kilometres.	Telstra already has equipment at this location; therefore, co-location is not an option.

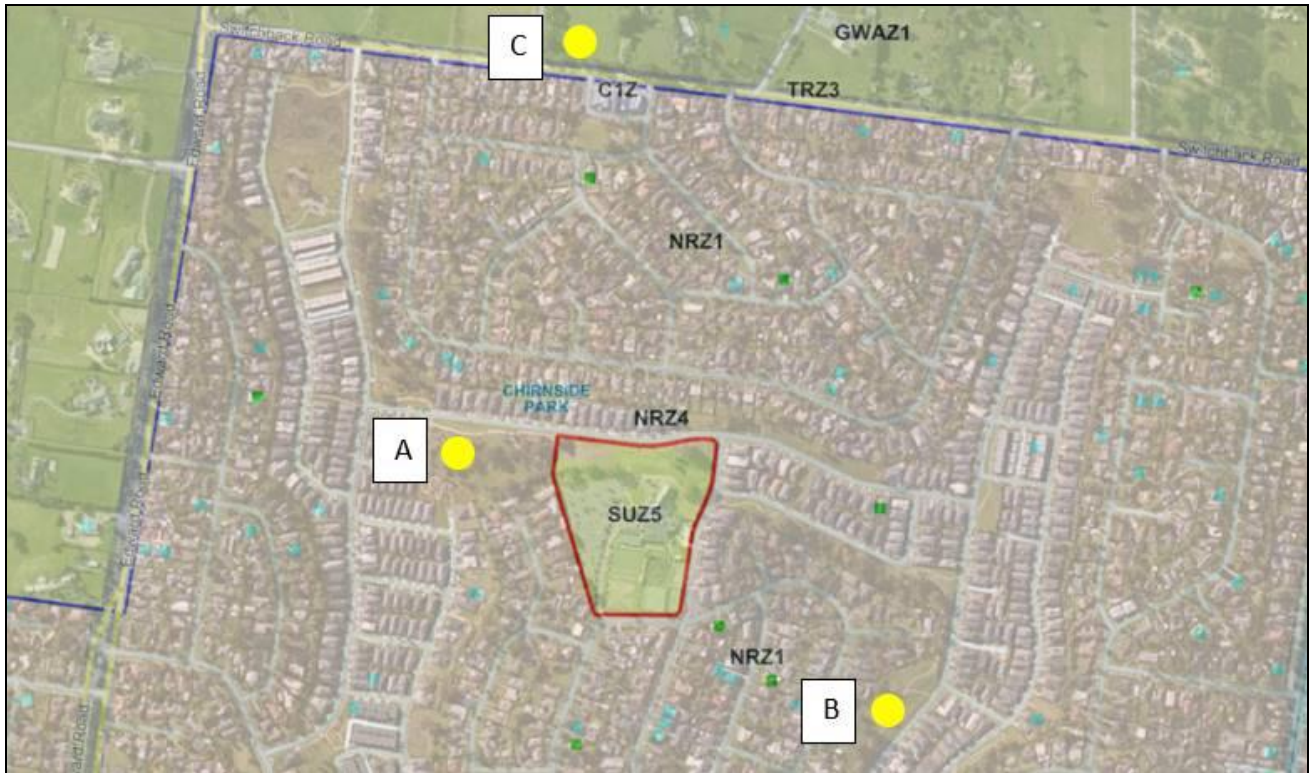
Address	Existing structure type and carrier details	Base elevation (AHD) and distance from subject site	Assessment
12/122-130 Beresford Road, Lilydale	30-metre-high tower. Monopole	Base elevation 96 metres AHD.	Structure is located 2.1 kilometres from coverage area and at a lower elevation.
20 Hardy Street Lilydale	25-metre-high steel pole	Base elevation 114 metres AHD.	Structure is 2.6 kilometres from development site.
South Plante's Hill Reserve 162 Maroondah Hwy, Mooroolbark.	40 metre high Indara Lattice Tower	203 metres AHD.	Telstra already has equipment at this location; therefore, co-location is not an option.

*Recently approved facility - 275 Edward Road, Chirnside Park*

In September 2023, Council recently approved a new 35-metre-high monopole at 275 Edward Road, Chirnside Park, 1.9 kilometres north-west from the development location. This Edward Road facility will provide 4G and 5G capable antennas for both Vodafone and Optus equipment. Co-locating at this recently approved tower has been determined by the applicant as being outside the serviceable area.

***Alternative site exploration***

Investigation of potential alternative site locations has been undertaken. The alternative sites are shown in Figure 5:



**Figure 5 - Alternative sites explored but not progressed**

These alternative sites were not progressed as the sites did not provide the best location to service the identified coverage gap, environmental impacts due to construction impacts or unable to reach an agreement with landowners.

Attachment 8 details out the assessment done at each alternative location and identifies why these alternative sites were deemed as not appropriate.

***Suitability of the subject site***

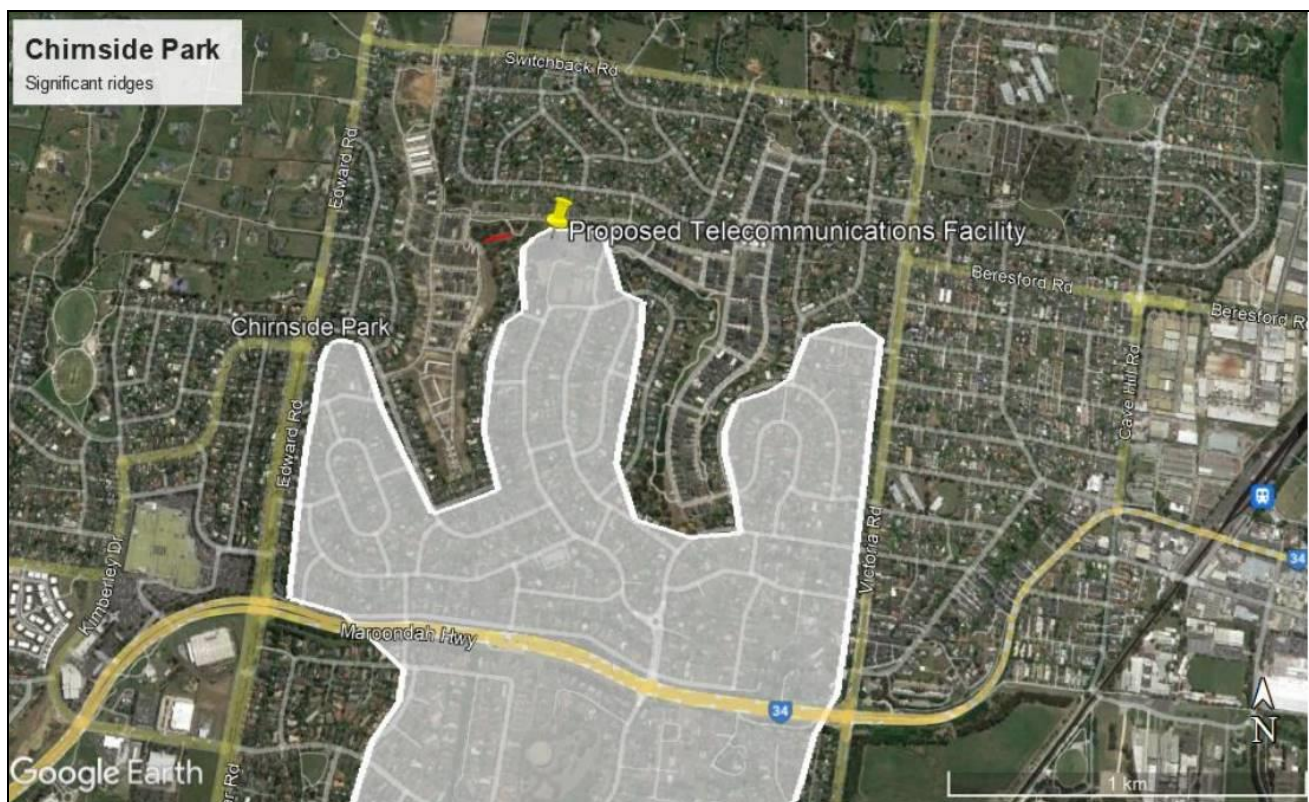
The subject site was identified as a suitable location for the structure as it has adequate space for the tower, ancillary structures and compound fence and will allow for adequate setbacks to nearby dwellings. The site offers a treed setting for the monopole and ancillary structures to blend into the landscape and additional landscaping is proposed at the base of the tower to help minimise impacts.

***Height of the proposed monopole***

The telecommunications tower is proposed to have an overall height of 31.5 metres (monopole and antennas), or 192.5 metres to Australian Height Datum (AHD). A monopole design is considered to be sympathetic outcome in the landscape compared to other lattice type structures. The applicant has advised the height of the monopole is needed to address the unique geographical characteristics of the local area. The application material states ridgelines create a barrier for telecommunications facilities that are not on a ridgeline, or not near the ridgeline and at a height that allows for antennas to ‘peak’ over the ridgelines. Elevated antennas help to avoid any obstruction from the surrounding trees and effectively cover the target areas.



Figure 6 shows the ridgelines in white which requires the 31.5 metre structure to be positioned in an elevated location so the signal from the antennas is not obstructed by land, vegetation, or buildings.



**Figure 6 - Mapped ridgelines within the local area**

The new facility will be taller than the existing roof top tower, however the tower's height of 31.5 metres (monopole plus antennas) is required to provide coverage over the ridgelines to maximise coverage without the need for additional towers in the area.

The location of the monopole is well placed in a position where there will be interrupted views of the structure due to the topography of the land in the area and onsite scatted vegetation. The location of the monopole has also been clustered near the existing country club building and surrounding facilities, including both the car park and tennis courts. Both the car park and tennis courts have fixed commercial lighting, while lower than the tower, the monopole will not be the only elevated structure on the land.

### ***Visual Impact***

There will be no substantial detrimental impact on the visual amenity of the area. The equipment shelter and fenced compound will be partially visible from Columbia Boulevard and are of a scale which is smaller and more lightweight than the Country Club building reducing the dominance of the compound. The 31.5 metre-high structure will be partially visible (the top third approximately) when viewed from Columbia Boulevard to the north. The lower portion of the monopole will be partially visible through scatted vegetation from Columbia Boulevard up close.

A condition on the permit has been included to require an updated landscape plan to provide additional planting around the compound to improve the screening from up close from Columbia Boulevard.

Views from dwellings in Tournament Road and Kingswood Drive, the existing country club facility and scattered vegetation will either partially or completely screen the facility and lower portion of the monopole. The abutting properties to the west on Coachmans Court, the existing real timber fence will screen both the compound and lower portion of the monopole.

The top third will be partially visible as seen in Figure 7:



**Figure 7 - Artist impression of view from Coachmans Court**

Existing screening vegetation is located immediately north of the compound and east and west of the development site. Two stands of established vegetation are in the north-east of the site which help to screen the development when viewed from long distances. Also, long views along Columbia Boulevard will be screened by existing trees within the abutting reserve, see Figure 8 and Figure 9 below





**Figure 8 - Artist impression of view from Columbia Boulevard**



**Figure 9 - Artist impression of view from Locksley and Columbia Boulevard**

There is strong planning policy support for community safety, when balancing community safety with environmental (including visual) impact and other considerations, for which the proposal provides a net community benefit.

In this instance it is considered the proposed telecommunications facility satisfactorily meets the above objective. It is considered an appropriate location which takes into consideration the visual impacts of telecommunications facilities as far as is reasonably practicable. By nature, telecommunications facilities will have some level of visibility due to the need to cover a sufficient area to result in a viable project.

The objective of Clause 19.03-4S is to facilitate the orderly development, extension, and maintenance of telecommunications infrastructure. It is considered that the proposed telecommunications facility complies with the above objective and will aid in the growth and accessibility of mobile telephone coverage in the immediate area and will provide increased opportunities for better communication networks whilst appropriately addressing the environmental and landscape character of the area.

### ***Special Use Zone***

The proposal does not qualify for any of the exemptions at Clause 52.19-1 therefore a planning permit is required.

Accordingly, the development needs to be assessed against the purpose and decision guidelines of the Special Use Zone.

#### Purpose of the Special Use Zone

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.

#### Purpose of Schedule 5 to the Special Use Zone

- To provide for the ongoing use of the land as a restricted recreation facility.
- To ensure that the use and development of the land minimises adverse impact on the use and development of nearby land.

The decision guidelines contained at Clause 37.01-4 – Buildings and Works of the Special Use Zone, are:

- The Municipal Planning Strategy and the Planning Policy Framework.
- For an apartment development, the objectives, standards, and decision guidelines of Clause 58.
- Any guidelines in the schedule to this zone.

No decision guidelines are contained within Schedule 5 to the Special Use Zone.



### Assessment of amenity considerations

Any impacts on visual amenity caused by the proposed monopole have been minimised by the sensitive location of the tower near to established vegetation and proposed landscaping, protecting the amenity of nearby dwellings.

The applicant has provided a construction management plan which has been included in Attachment 9. Council's Traffic engineers have recommended a condition requiring an amended construction management plan to include details of afterhours communication with neighbours, excavation extent, hours of construction, noise emissions, dust emissions and the route sections of the monopole need to take to access the site.

The fence around the compound is proposed for security purposes. The fence will achieve security while being visually transparent and not a dominant visual form. The additional planting required by permit conditions between the compound and car park will assist in providing a visual break from views of the compound particularity from the south.

Equipment within the compound will be housed within one cabinet. The cabinet will be mounted to the ground and be finished with colour treated Mist Green with non-reflective finish and will not be visually intrusive and are acceptable.

The applicant has considered several ways to reduce the visual amenity impacts of the development.

- Choice of a monopoles compared to other structure types, such as lattice towers.
- To minimise visual bulk antennas will be mounted on a single headframe, reducing visual impact, compared to separate headphones at different heights.
- Locating the proposed facility on the 4.207-hectare Chirnside Park Country Club land provides opportunity for considerable setbacks to adjoining properties.

While the top of the monopole and headframe will protrude above the nearby vegetation and will be visible from vantage points within the locality, it is highlighted that this is a technical requirement for telecommunication facilities to be tall enough to function. Nevertheless, the amenity impact of the proposal is appropriate in its context.

Access to the compound will be via the existing road network, driveway, and car parking area of the country club.

### ***Assessment against the provisions***

The proposal complies with the purpose and decision guidelines of the Special Use Zone – Schedule 5 Chirnside Park Country Club. The land is intended to be used for the specific purpose of the Chirnside Park Country Club and to ensure the development of the land minimises adverse impact on the use and development of nearby land. No changes are proposed to the use of the land as a restricted recreation facility and the proposed monopole will not impact the country club use.

On balance, it is considered the proposal complies with the purpose and decision guidelines of the Special Use Zone – Schedule 5 for the following reasons:

- The proposal does not impact the use and development of the site as the Chirnside Park Country Club restricted recreation facility.
- The proposed development ensures the telecommunications facility minimises adverse impact on the use and development of nearby land through sensitive location of the monopole beside existing vegetation and the use of a non-reflective mist green finish.
- The application does not propose the removal of any vegetation.
- Minimal site works are proposed.
- The fenced compound is on an unutilised area of site. The Chirnside Park Country Club is located on 4.207 hectares.
- The monopole will replace the existing facility on the roof of the Chirnside Park Country Club.
- The facility is proposed to improve services in Chirnside Park, with a specific emphasis on providing 5G coverage to an area where 5G coverage is not currently available.
- The monopole has been sited setback from residential properties in a residential dominate area, the monopole has been clustered next to country club building and infrastructure.

#### **Clause 52.19 - Telecommunications**

Pursuant to Clause 52.19-1, a permit is required to construct a building or construct or carry out works for a telecommunications facility. This does not apply to buildings and works associated with a low-impact facility specified in the *Telecommunications (Low-impact Facilities) Determination 1997*. A low-impact facility is minor works to dishes and antennas to existing towers, or the erection of a temporary tower for less than 30 days. The facility cannot be classified as a low-impact facility as the proposal is seeking to develop a permanent new tower, and therefore requires a permit under this provision.

In considering the proposal against the provisions of this clause, regard must be given to the *Code of Practice for Telecommunications Facilities in Victoria, July 2004*, and the effect of the proposal on adjacent land. An assessment of the proposal against the code of practice is provided below:

#### **Code of Practice for Telecommunications Facilities**

The principles contained within the publication *A Code of Practice for Telecommunications Facilities in Victoria*, which is an incorporated document in the Planning Scheme specifically relate to the issues of design, siting, construction, and operation of telecommunications facilities. These principles are the basis for any design response, as specified with Clause 52.19-5 of the Planning Scheme and should be used in the assessment of applications for telecommunication facilities:

Principle 1 - A Telecommunications Facility should be sited to minimise visual impact.

The monopole is a concrete pole that will have non-intrusive colour treated Mist Green with non-reflective finish. The monopole is of a height required to provide radio access to the site. It is located on a ridge associated with the Chirnside Park Country Club. Vegetation is located near to the development site and the broader Chirnside Park Country Club land which helps to screen the development. The monopole is well setback from nearby properties within the area. It is considered that it would be relatively inconspicuous in the landscape.

There is sufficient existing vegetative screening on the site and on adjoining and nearby lands and the facility is not expected to dominate the visual environment.

Facilities of this nature are inherently visible as they need to be of sufficient height (and consequently visible) to serve their purpose of providing the required telecommunications service. As previously discussed, due to the site context, the visual impact from the nearest road and the surrounding sites is expected to be minimal.

- Principle 2 - Telecommunications facilities should be co-located wherever practical.

This application involves the de-commissioning of an existing telecommunications facility on the roof of the Chirnside Park Country Club building. The above report explains why upgrading the existing facility on the roof of the Country Club building is not feasible.

This report also identifies there are no existing buildings or structures in the area that would permit collocation to occur and the technical and network requirements to be met.

The long-term network objectives of a site in this area could not be achieved by using existing facilities in the area, and a standalone facility ensures future network capacity and the ability to provide upgraded and co-locations of services to the surrounding community.

This proposal offers the appropriate height and a structural suitability for future collocation of all Carriers.

- Principle 3 - Health standards for exposure to radio emissions will be met.

The proposed monopole will be designed to meet statutory requirements and standards relating to radio emissions. The facility is to be operated in compliance with the mandatory standard for human exposure to EME — currently the *Radio communications (Electromagnetic Radiation Human Exposure) Standard 2003*.

- Principle 4 - Disturbance and risk relating to siting and construction should be minimised. Construction activity and site location should comply with State environmental protection policies and best practise environmental management guidelines.

The site already comprises a modified environment with the general area of the proposed monopole already cleared with an existing access to the area via the country club car park. Trees and shrubs located around the proposed monopole and compound are setback sufficiently and will not be impacted. Conditions to protect existing vegetation are included on the permit.

Construction of the facility will have minimal disturbance to the activities on the site. Council's traffic team has assessed the application including construction management plan and not objected to the application subject to conditions.

Construction of the facility will be conducted in accordance with relevant Occupational Health and Safety Guidelines and the construction management plan assessed by Council.

**Yarra Ranges Telecommunication Facilities Policy**

The *Yarra Ranges Telecommunication Facilities Policy* it was adopted by Council in December 2012. It provides additional guidance and requirements for telecommunication facilities to reflect the special characteristics of the Yarra Ranges. Policy objectives include:

- To reduce the visual impact of telecommunication facilities and ensure the type, scale, design, and siting of the telecommunication facility is not detrimental to the landscape.
- To minimise disturbance to vegetation and natural features of the land.
- To ensure fire risk to the facility is considered as part of the proposal for the use and development of a proposed telecommunication facility.
- To minimise the number of telecommunication facilities by encouraging the co-location of facilities or upgrade to existing facilities.
- To recognise the public benefits of telecommunication infrastructure.

An assessment of the proposal against the requirements of this policy is as follows:

Policy requirement	Response
Telecommunication Facilities demonstrate that there is a need for the facility at that location.	<p>The applicant has demonstrated that a new facility is needed to service the area of Chirnside Park to support increasing demand on the network and to achieve coverage objectives including new 4G/5G antennas to:</p> <ul style="list-style-type: none"> <li>• Ensure that increased demands for mobile network traffic on existing facilities.</li> <li>• Do not compromise a customer's ability to connect to a network.</li> <li>• Ensure that optimal data speeds are maintained at all times of the day.</li> <li>• Improve mobile phone coverage to nearby businesses.</li> </ul>
Telecommunication facilities are encouraged to co-locate	<p>No suitable co-location opportunities are identified. See above discussion in this report.</p>
Telecommunication facilities should not be located on sites of natural, historical, or cultural significance.	<p>The development location is not located within the heritage overlay, or in an area of Aboriginal Cultural Heritage Significance. Landscape impacts have been minimised, with no vegetation removal proposed and existing trees softening the visual impact of the monopole.</p>

Policy requirement	Response
Telecommunication facilities must be sited and designed to avoid tree or vegetation removal.	No trees or other vegetation are proposed to be removed for the monopole or associated structure or access.
Telecommunication facilities should be sited and designed to use any existing trees for visual screening	See above
Telecommunication facilities must not be located on land subject to landslip unless and appropriate Geotechnical report is provided	The site is not subject to landslip.
Telecommunication facilities must not be located on visually prominent sites such as ridgelines or skylines.	The telecommunications monopole is proposed to be located on the country club land and there are higher ridges south of the subject site. The monopole location on the elevated county club land allows for a 31.5 metre structure as opposed to a taller structure which would be required at a lower contour level.
The design and height of Telecommunication facilities must be compatible with the surrounding built form and natural features and avoid structures which will be visually intrusive.	<p>The structure will have a maximum overall height of 31.5 metres to top of antenna mounts. Whilst this will be taller than the existing surrounding trees. It is considered reasonable.</p> <p>The site is zoned Special Use Zone. The facility replaces an existing telecommunications facility on the land. Some existing dwellings and road users will be able to see glimpses of the top of the tower. The large site allows for generous setbacks of the monopole to nearby properties minimising visual amenity impacts.</p>
Telecommunication Facilities should be located within industrial, business, or non-residential areas wherever possible.	The site is the Special Use Zone – Schedule 5 Chirnside Park Country Club restricted recreation facility. The new monopole will provide new 4G/5G antenna coverage for this area of Chirnside Park.
The installation of cables should be underground and co-located with other facilities where possible.	The proposed underground cables have been included on the plans. The cables connect to existing infrastructure within site and avoid impacting on any existing vegetation.
Telecommunication Facilities should only be located on Council land or reserves where the facilities will not conflict with the use of the land by the community, or for the purpose for which the land	The subject site is not located on Council land or reserve land. The land is Special Use Zone – Schedule 5 Chirnside Park Country Club restricted recreation facility and the use of the land for telecommunications tower is a Section 1 Use in the SUZ5.

Policy requirement	Response
is reserved.	
Applications for Telecommunication Facilities on land owned and / or managed by a public authority must include written consent from the agency responsible for the management of the land.	The site is privately owned.

### **Response to Submitters concerns**

The following objection concerns are discussed in detail below:

Reason for Objection	Officer Response
<b>Electromagnetic Energy Report not provided with the application.</b>	<p>The applicant has provided a response to the submissions and advises that the application material has been prepared as required by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA sets the Australian Standard to which all mobile stations in Australia must comply with.</p> <p>The Australian Standard is named <i>Standard for Limiting Exposure to Radiofrequency Fields – 100 KHz to 300 GHz (RPS S1)</i>. The Australian Government specifies that mobile base stations are safe when they are operating within this standard.</p> <p>The report Environmental EME Report is available at the Radio Frequency National Site Archive website. The EME report for RFNSA: 3116001 shows the existing maximum EME level is 1.86 percent out of 100 percent of the public exposure limit.</p> <p>The EME report also shows the maximum EME level calculated for the proposed changes at the site to be 4.05 percent out of 100 percent of the public exposure limit.</p>
<b>EME Health &amp; Safety</b>	<p>Electromagnetic Energy emissions are not valid planning grounds upon which to refuse a development application and is not a matter which can be considered by a planning permit assessment.</p> <p>All telecommunications facilities are required to demonstrate that the facility complies with the Australian Standard which ensures that the facility is complying. This has been confirmed through VCAT appeals, notably <i>Mason</i></p>

Reason for Objection	Officer Response
	<p><i>v Greater Geelong CC (Red Dot) [2013] VCAT 2057.</i></p> <p>A copy of this VCAT decision is included at Attachment 10.</p> <p>Telecommunications operators rely on national and international experts such as the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) in relation to guidance on base stations and health.</p> <p>It is the responsibility of these expert authorities to continually review the science on EME and to protect public safety. ARPANSA's position on EME is "<i>Based on current research there are no established health effects that can be attributed to the low RF EME exposure from mobile phone base station antennas.</i>"</p>
<p><b>Environmental concerns relating to flora and fauna</b></p>	<p>No vegetation removal or impacts are proposed to enable the facility to be constructed.</p> <p>The proposal will be required to comply with the legislative guidelines to the environmental effects of Electromagnetic Energy (EME). Studies have demonstrated that limited exposure on flora and fauna will have minor impacts and be within the standard of providing protection to the environment.</p>
<p><b>Noise generation during construction and during operation</b></p>	<p>The development will need to comply with all building regulations as well as the <i>Environment Protection Act 2017</i> noise emission requirements applicable to the development.</p> <p>For noise during construction, the applicant has provided a construction management plan and permit conditions have been included to update the management plan to ensure noise, communication and access to the site are clearly outlined.</p> <p>Post-construction, during operation, the only part of the facility that generates noise is the cooling fans on the equipment shelter. Cooling equipment will only operate when required and will not operate continuously. Cooling equipment will operate at levels generally comparable to those of a domestic air conditioner. The proposal is not expected to result in any unacceptable noise nuisance.</p>
<p><b>Proximity to residential properties</b></p>	<p>The monopole has been sited and setback from nearby dwellings and street frontages within the site land. The fenced compound will be setback from nearby dwellings as follows:</p>

Reason for Objection	Officer Response
	<p><b>North</b></p> <p>A row of dwellings on the north side of Columbia Boulevard. This row of dwellings faces the direction of the proposed telecommunications tower and are setback approximately 65 to 150 metres from the fenced compound.</p> <p><b>South</b></p> <p>Facing the country club land from the south is a row of dwellings on the southern side of Kingswood drive approximately 215 metres from the fenced compound.</p> <p><b>East</b></p> <p>Dwellings along Tournament Road also face the development location. The dwellings along Tournament Road are setback more than 180 metres from the fenced compound.</p> <p><b>West</b></p> <p>The fenced compound is to be setback 55 to 140 metres from the rear boundary of the dwellings on Coachmans Court.</p> <p>The setbacks are adequate so that visual amenity impacts are considered to be acceptable.</p>
<b>Visual amenity impacts</b>	<p>As discussed in the above assessment the proposed location of the facility is visually obscured by established vegetation within the land.</p> <p>There is established vegetation between key vantage points and the proposed telecommunications facility. The established vegetation creates an effective visual screen to the ancillary equipment and fenced compound and a the monopole.</p> <p>The monopole and compound have also been clustered next to the existing country club and facilities.</p> <p>Permit conditions will require additional screening vegetation between the car park and the fence of the facility and to Columbia Boulevard, this will help to further screen the development.</p>
<b>Devaluation of property</b>	<p>Devaluation of property because of the proposed development is not a valid planning consideration under the planning scheme or <i>Planning and Environment Act 1987</i>.</p>



Reason for Objection	Officer Response
<p><b>Notification consultation period and</b></p>	<p>Pursuant to Section 52 of the <i>Planning and Environment Act 1987</i>, the application was advertised to the owners and occupiers of allotments adjoining and near to the site. The Act requires 14 Days of public notice.</p> <p>Letters were sent on 12 October to 126 properties surrounding the subject site on which the tower is proposed.</p> <p>Additionally, three signs were erected along the three road frontages of the site. The signs were placed on the site on 16 October and removed on 2 November, a period of 17 days.</p>
<p><b>Why was this site selected</b></p>	<p>The current application proposes the decommissioning and removal of the existing 4G antennas and mast on the roof of the country club. This application is a replacement of an existing 4G antenna mast and upgrades the infrastructure to 4G/5G capable antennas.</p> <p>The applicant has determined (as evidenced in the report above) the chosen site for the new monopole is the most appropriate location. The applicant states the country club site is an optimal location which meets the required coverage objectives, having a facility in this location will allow for a single facility to service the locality.</p>
<p><b>Why can't the structure and/or facilities go elsewhere?</b></p>	<p>The applicant has conducted an assessment of the suitability of the subject site and considered alternative sites.</p> <p>Detailed analysis has been undertaken in the assessment section and attachments of this report.</p>
<p><b>Proximity to Childcare Centre</b></p>	<p>Planning application YR 2023/753 Use and Development of a Childcare Centre has been refused by Council.</p> <p>Development setbacks to a childcare centre and other sensitive uses are not regulated or restricted by planning scheme or by the Federal legislation <i>Telecommunications Regulations 2021</i>.</p>

## CONCLUSION

This application has demonstrated that it meets the requirements of the Yarra Ranges Planning Scheme. The application has adequately demonstrated that there is no viable co-location or other alternative siting options to provide the required additional service upgrade for the Chirnside Park area. The replacement telecommunications facility has been located to meet operational requirements while adequately minimising visual and environmental impacts.

The development application has been assessed in accordance with Section 60(1) of the *Planning and Environment Act 1987* and all relevant instruments and policies. The proposal is consistent with the objectives of State and Local Planning Policies and the relevant zone and overlay provisions of the Yarra Ranges Planning Scheme. It is also considered to meet the assessment criteria of Council's Telecommunications Policy.

As such, it is recommended that Council resolve to approve a planning permit and a Notice of Decision to Grant a Planning Permit be issued.

## ATTACHMENTS

- 1 Planning Permit Conditions
- 2 Section 173 Agreements AJ617447R and AK930905F
- 3 Development Plans
- 4 Environmental Electromagnetic Energy (EME) Report 5
- 5 Code of Practice for Telecommunications Facilities in Victoria
- 6 Yarra Ranges Telecommunications Policy
- 7 Planning Scheme Policies
- 8 Alternative Site Selection
- 9 Construction Management Plan
- 10 VCAT Decision: Mason v Greater Geelong (Red Dot) 2013

## Planning Permit Conditions

<b>Application</b>	<b>YR-2023/303</b>
<b>Address of the land</b>	<b>68 Kingswood Drive, Chirside Park</b>
<b>Proposal</b>	<b>Building and works to construct a telecommunication facility, ancillary equipment, and fence</b>

### Amended Plans Required

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions and a digital copy must be provided. The plans must be generally in accordance with the plans submitted with the application (*prepared by Ventia, dated 11/05/2023, drawing number VIC003984*), but amended to showing the following:
  - a. The monopole and equipment shelter must be colour treated in G54 Mist Green
  - b. Landscape Plan in accordance with condition 3All of the above must be to the satisfaction of the Responsible Authority.

### Layout not Altered

2. The development as shown on the endorsed plans must not be altered or modified (unless the Yarra Ranges Planning Scheme specifies a permit is not required) without the prior written consent of the responsible authority.

### Landscape Plan

3. A landscape plan prepared in accordance with Council's Landscape Guidelines must be submitted to and approved by the Responsible Authority. The landscape plan must show:
  - a. Landscaping for a length of 10 metres on the north and south side of the compound.
  - b. Victorian native *Syzygium smithii* (Lilly Pilly) is to be used as the plant species, that will reach a mature height of at least 2.5 metres at maturity and have dense foliage.
  - c. The plants are to be planted at a density to provide dense screening of the compound at maturity.
  - d. Standard landscape notes included on the Landscape Plan in relation to soil preparation, irrigation of planting beds, replacement of dead plants and planting technique.
  - e. Adequate instruction on the Landscape Plan for the protection of existing vegetation to be retained during construction and tree protection requirements outlined in condition 19.
  - f. The geographical location of the *Syzygium smithii* (Lilly Pilly) proposed in the Plant Schedule on the Landscape Plan.

- g. The botanical name, common name, quantity, average size at maturity and intended pot size for each Lilly Pilly plant in the Plant Schedule of the Landscape Plan.
  - h. The type of irrigation listed on the Landscape Plan to be drippers or aqua hose.
  - i. A note specifying that all planted areas will to be mulched to a minimum 75 mm thickness using an appropriate timber species such as Pine or local common Eucalyptus species avoiding rare timber species such as Red Gum or Jarrah.
  - j. A 24-month maintenance plan with notes on appropriate weed control, irrigation, mulch replenishment, dead plant replacement and pruning is included on the Landscape Plan to ensure the successful establishment, and on-going health, of new planting.
4. Prior to the completion and commissioning of the permitted development or by such later date with the prior written consent of the responsible authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
  5. The landscaping shown on the endorsed plans must be maintained in accordance with the endorsed plans to the satisfaction of the responsible authority. Areas shown on the endorsed plan as landscaped must not be used for any other purpose and any dead, diseased or damaged plants are to be replaced after becoming aware of the dead, diseased or damaged plants. The responsible authority may amend the endorsed Landscape Plan from time to time.

#### **Prior to Commencement**

6. Before any buildings or works for the development start, an amended Construction Management Plan (CMP) must be prepared to the satisfaction and approval of the Responsible Authority, detailing how the owner will manage the environmental and construction issues associated with the development. The CMP must be generally in accordance with the CMP submitted with the application (*prepared by Ventia, dated 25/08/2023, revision 1*). The CMP must also set out measures and must address all aspects of construction management to the satisfaction of the Responsible Authority including, but not limited to:
  - a. Communication with the Responsible Authority and neighbours (including after-hours communication).
  - b. Bulk excavation.
  - c. Management of the construction site.
  - d. Hours of construction.
  - e. Noise, where the use of truck engine brakes along the local road network, and any noise that are outside of the Environment Protection Authority requirements, must only be used during 7am and 8pm on weekdays, and from 9am on the weekends.
  - f. Control of dust, public safety, traffic management, construction vehicle road routes, soiling and cleaning of roadways, security of the site, on-site facilities for vehicle washing, discharge of any polluted water, disposal of site waste and any potentially contaminated materials.

- g. The road route along the local road network must only occur between the site and Maroondah Highway, via Grandvalley Drive, and Country Club Drive.
  - h. Demonstrate how the largest construction vehicle(s) is to travel through the Chirnside Park Country Club carpark to access the northern end of this carpark, if such vehicle cannot travel around the sharp bend that exists along the carpark accessway, at the north end of this carpark. This would be through a turning movement plan.
  - i. The car park is the designated loading/unloading and storage zone for all materials, equipment, and vehicles associated with the development.
7. Prior to the commencement of any buildings and/or works approved by this permit, temporary fencing must be erected around any tree shown for retention on the endorsed plans to define a Tree Protection Zone (TPZ) to the satisfaction of the Responsible Authority and must:
- a. Exclude access and construction activity within the TPZs assessed in the Arborist Report (*prepared by PSY Inv, updated 24/04/2023*). If trees have not been assessed, the TPZ is a circle with a radius equal to 12x the trunk diameter measured at 1.4 metres above ground level;
  - b. Have a minimum height of 1.8 metres and comply with Australian Standard AS 4687 for temporary fencing and hoardings;
  - c. Not extend beyond the site boundaries except into roadside reserve and/or nature strip areas. Fencing within roadside reserves and/or nature strip areas must not prevent the use of a road or footpath; and
  - d. Remain in place until all buildings and/or works are completed, unless with the prior written consent of the Responsible Authority.

Temporary fencing can be modified to accommodate encroachment into the TPZ of tree(s) as per the endorsed plans. Fencing must be modified in line with the footprint of the approved works only.

### **Removal of Existing Telecommunications Facility**

- 8. Within one (1) month of completion of the development permitted by this permit (or by such time agreed by the responsible authority), the existing telecommunications facility (slimline chimney) on the roof of the Chirnside Park Country Club building must be removed from the site to the satisfaction of the responsible authority.

### **General Provisions**

- 9. Once the development starts, the development must be carried out and completed to the satisfaction of the responsible authority.
- 10. Once development is complete, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the responsible authority.
- 11. Council's assets must not be altered or damaged in any way except with the prior written consent of the responsible authority.
- 12. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

13. All external lighting provided on the site must be baffled so that no direct light is emitted beyond the boundaries of the site and no nuisance is caused to adjoining properties.
14. The external finish of the permitted development must remain muted and non-reflective to the satisfaction of the Responsible Authority.

### **General Amenity**

15. The development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a. transport of materials, goods, or commodities to or from the land
  - b. appearance of any building, works or materials
  - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, or oil.
  - d. presence of vermin
  - e. others as appropriate.

All to the satisfaction of the Responsible Authority

### **Engineering**

16. All vehicles must enter and exit the site in a forward direction.

### **Arboriculture**

17. All underground service pipes/conduits including storm water and sewerage must be diverted around the Tree Protection Zone (TPZ) of any retained tree, or bored underneath with a minimum cover of 600mm to top of pipe/conduit from natural ground surface to the satisfaction of the Responsible Authority. All pits, holes, joints, and tees associated with the installation of services must be located outside the TPZ, or the project arborist must demonstrate works in the TPZ will not impact viable tree retention to the satisfaction of the Responsible Authority.

### **Permit Expiry**

18. This permit will expire if:
  - a. The development is not started within two years of the date of this permit; or
  - b. The development is not completed within four years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of expiry of permit of the commencement date.

An extension of time to complete the development or a stage of the development may be requested if:

- The request for an extension of time is made within 12 months after the permit expires; and
- The development or stage started lawfully before the permit expired.

**NOTES:**

- The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority, under this or any other Act, Regulation or Local Law.
- The owner and/or developer must ensure all relevant permits have been obtained before the development starts.
- Prior to the commencement of any works affecting or involving Council roads or drains, Asset Protection and/or Road Reserve/Easement Works permit(s) are required. An application for a permit can be obtained at the Yarra Ranges Council Community Links.
- Building works approved under this planning permit must not be commenced until a building permit has also been obtained under the Building Act 1993 and the Building Regulations 2006.
- Before any earthworks are undertaken, contact Dial Before You Dig.
- For further information with regard to the Telecommunications Conditions above, please refer to Advisory Note 49 – Telecommunications Services & Facilities in Subdivisions available from the Victorian State Government.

# Application by a Responsible Authority for the making of a Recording of an Agreement

Section 181 Planning and Environment Act 1987



## Form 18

Lodged by:

Name: MADDOCKS  
Phone: 9288 0555  
Address: Level 6, 140 William Street, Melbourne, Victoria, 3000  
Ref: TGM:5900958  
Customer Code: 1167E

The Responsible Authority having made an agreement referred to in section 181(1) of the *Planning and Environment Act 1987* requires a recording to be made in the Register.

Land: Volume 8947 Folio 942, Volume 8731 Folios 222 and 223, Volume 8436 Folios 242 and 243, Volume 8689 Folio 084 and Volume 8469 Folio 621 ✓

Responsible Authority: Yarra Ranges Council of Civic Centre, Anderson Street, Lilydale, 3140

Section and Act under which agreement made: Section 173 of the *Planning and Environment Act 1987*

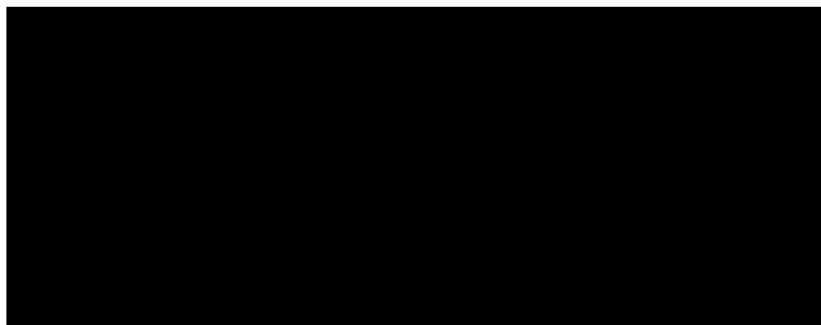
A copy of the Agreement is attached to this Application

Date:

Signature for Responsible Authority:

Name of officer:

Position Held:





KEEP

Date / /2012

**AJ617447R**

23/04/2012 \$127.50 173



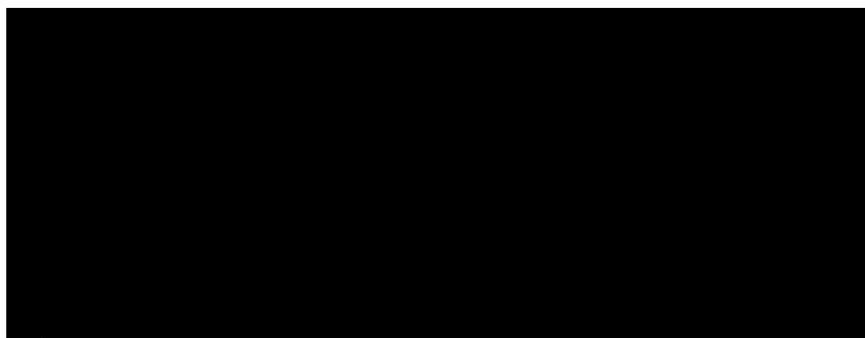
## **Agreement under Section 173 of the Planning and Environment Act 1987**

**Subject Land: Oakhaven Development Plan**

**Purpose: Development Contributions.**

**Shire of Yarra Ranges**

and



**AJ617447R**

23/04/2012 \$127.50 173



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# Agreement under Section 173 of the Planning and Environment Act 1987

DATED / / 2012

**AJ617447R**

23/04/2012 \$127.50 173



## Parties

Name	<b>Shire of Yarra Ranges</b>
Address	Civic Centre, Anderson Street, Lilydale Victoria 3140
Short name	<b>Council</b>

Name	
Address	
Short name	

Name	
Address	
Short name	

## Background

- A. Council is the responsible authority pursuant to the Act for the Planning Scheme.
- B. The CPCC is the registered proprietor of that part of the Subject Land described in certificate of title Volume 8947 Folio 942.
- C. CSR is the registered proprietor of that part of the Subject Land, described as the land in certificates of title: Volume 8731 Folio 223, Volume 8731 Folio 222, Volume 8436 Folio 243, Volume 8436 Folio 242, Volume 8689 Folio 084 and Volume 8469 Folio 621.
- D. The Subject Land is within an area that is being developed for urban purposes.
- E. The parties have agreed on the provision of development contributions partly in cash and partly by the carrying out of certain works in respect of the Development.
- F. The parties enter into this Agreement:
  - to record the terms and conditions on which the parties have agreed on development contributions; and
  - to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

**AJ617447R**

23/04/2012 \$127.50 173



## THE PARTIES AGREE

### 1. DEFINITIONS

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In this Agreement the words and expressions set out in this clause have the following meanings unless the context admits otherwise:

**Act** means the Planning and Environment Act 1987.

**Agreement** means this agreement and any agreement executed by the parties expressed to be supplemental to this agreement.

**Approved Development Plan** means the Development Plan approved from time to time under clause 43.04 of the Planning Scheme by Council.

**Development** means the development of the Subject Land in accordance with the Approved Development Plan.

**Infrastructure Project** means any one of the infrastructure projects described in clause 3 of this Agreement.

**Lot** means a lot on the plan endorsed under a planning permit.

**Mortgagee** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part of it.

**Party or parties** means the CPCC, CSR and Council under this Agreement as appropriate.

**Planning Scheme** means the Yarra Ranges Planning Scheme and any other planning scheme that applies to the Subject Land.

**Registered Proprietor** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land or any part of the Subject Land and includes any Mortgagee-in-possession.

**Schedule** means a schedule to this Agreement.

**Stage** followed by a reference to a stage number is a reference to a specified stage of the Development as identified in any staging plan forming part of the plans endorsed under a planning permit.

**Statement of Compliance** means a statement of compliance under the Subdivision Act 1988.

**Subject Land** means the whole of the parcel of land described in Schedule 1 and any reference to the Subject Land in this Agreement includes any and each lot created by the subdivision of the Subject Land or any part of it.



## **2. INTERPRETATION**

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In this Agreement unless the context admits otherwise:

- 2.1 The singular includes the plural and vice versa.
- 2.2 A reference to a gender includes a reference to each other gender.
- 2.3 A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- 2.4 If the Registered Proprietor in relation to a part of the Subject Land comprises more than one party, then this Agreement binds them jointly and each of them severally in relation only to the obligations of the Registered Proprietor of that part of the Subject Land.
- 2.5 A term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the meaning as defined in the Act.
- 2.6 A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.
- 2.7 The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.
- 2.8 The obligations of the Registered Proprietor under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land provided that if the Subject Land is subdivided, this Agreement must be read and applied so that each subsequent Registered Proprietor of a lot is only responsible for those covenants and obligations which relate to that Registered Proprietor's lot.

## **3. OBLIGATIONS OF THE PARTIES**

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### **3.1 Registered Proprietor's covenants**

The Registered Proprietor covenants and agrees that:

#### **Pedestrian Access**

- 3.1.1 prior to the completion of the penultimate stage of the Development it will at its own cost construct a pedestrian access from the Subject Land to Rolling Hills Road in a location that is to the satisfaction of Council;
- 3.1.2 prior to the commencement of works in respect of the pedestrian access the CPCC must lodge plans and specifications of the pedestrian access with Council for its approval;
- 3.1.3 the pedestrian access must be constructed in accordance with the approved plans and specifications and to the satisfaction of Council;

- 3.1.4 if the pedestrian access is not completed before the CPCC seeks a Statement of Compliance for the final stage of the subdivision of the Subject Land, the CPCC must provide a cash security in the amount of \$450,000 to Council to be held by Council as security pending the completion of the pedestrian access way by the CPCC in accordance with this Agreement;

**Footpaths within the Subject Land**

- 3.1.5 CPCC will construct footpaths on one side of each of the roads constructed within the Development. At its discretion and provided that it is consistent with plans endorsed under a planning permit, the CPCC may construct a footpath on both sides of the road;

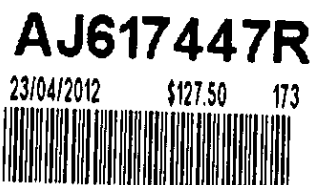
**Traffic Control Measures**

- 3.1.6 prior to the issue of a Statement of Compliance in respect of the third stage of the subdivision of the Subject Land, CPCC will at its own cost construct and undertake the traffic control measures on Park Valley Drive in a location or locations, as are reasonably required to discourage thorough traffic (**Traffic Control Measures**).
- 3.1.7 prior to the commencement of the Traffic Control Measures the CPCC must lodge plans and specifications identifying each of the elements of the Traffic Control Measures with Council for its approval;
- 3.1.8 the Traffic Control Measures must be constructed in accordance with the approved plans and specifications and to the satisfaction of Council;
- 3.1.9 if the Traffic Control Measures are not completed before the CPCC seeks a Statement of Compliance for the third stage of the subdivision of the Subject Land, the CPCC must provide a cash security in the amount of \$50,000 to Council to be held by Council as security pending the completion of the Traffic Control Measures way by the CPCC.

**Contribution to Traffic Lights**

- 3.1.10 CPCC will contribute an amount of \$150,000 towards the cost of installation of traffic lights at -
  - 3.1.10.1 the intersection of Switchback Road and Edward Road; or
  - 3.1.10.2 the intersection of Switchback Road and Victoria Road –

within seven days of the Council providing the CPCC with a valid tax invoice and proof to the satisfaction of the CPCC, that Council has entered into a contract for the installation of the traffic lights;



### Contribution to Footpaths outside the Subject Land

3.1.11 CPCC will pay to Council the amount of \$650,000 in accordance with clause 3.1.12 towards the construction of:

(a) footpaths within approximately a 2 kilometre radius of the Subject Land, at locations to be determined by Council, and

(b) the following footpaths according to the following timing points:

3.1.11.1 after the receipt of the Stage 1 contribution, a footpath on one side of Valley Ho Drive from 43 Valley Ho Drive to the southern boundary of Switchback Road;

3.1.11.2 after the receipt of the Stage 2 contribution, a footpath on one side of the road from the entrance to the Development located on the corner of Kingswood Drive and Park Valley Drive to the intersection of Country Club Drive and Meadow Gate Drive;

3.1.11.3 after the receipt of the Stage 3 contribution, a footpath on one side of the road from the entrance to the Development located on the corner of St Andrews Drive and crown Point Ridge to the eastern boundary of 20 Allambi Road; and

3.1.11.4 after the receipt of the Final Stage contribution, a footpath on one side of Chirnside Drive from the current 68 Chirnside Drive to the eastern boundary of Edward Road;

provided that if the subdivision proceeds in more than 6 stages, Council and the CPCC must agree on an alternative payment schedule to the satisfaction of Council;

3.1.12 the \$650,000 is to be paid to Council in instalments at the completion of each Stage of the subdivision (**Stage Contribution**). The Stage Contribution for each Stage will be \$650,000 divided by the total number of lots in the Development of the whole of the Subject Land and multiplied by the number of lots in the relevant stage.

## 3.2 Indexation

The Registered Proprietor agrees that the amounts of all monetary values set out in this Agreement are to be adjusted annually effective on 1 July in each year commencing 1 July 2013 by the amount of the Annual Produce Price Index Australia, Victoria (Table 15 Selected Output of Division E – Construction Industry Building Construction Victoria (for buildings) and Roads and Bridge Construction Victoria published by the ABS (Series 6427.0) or if that index is not available or relevant the most similar or appropriate index available as published by the ABS.



**AJ617447R**



**4. OBLIGATIONS OF COUNCIL**

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**4.1 Credit and other matters**

Council agrees that

- 4.1.1 if it fails to commence the construction of the traffic lights referred to in clause 3.1.10 of this Agreement before the issue of a Statement of Compliance in respect of the final stage of the subdivision of the Subject Land, it must refund the \$150,000 contribution to the CPCC within 7 days unless the CPCC and Council agree on a different delivery date;
- 4.1.2 if it fails to complete the construction of the footpaths referred to in clause 3.1.11 of this Agreement within 4 years of issue of a Statement of Compliance in respect of the final stage of the subdivision of the Subject Land, it must refund any unspent funds, and any interest accrued on those funds, to the CPCC within 7 days of the expiry of the relevant 4 year period on a pro rata basis having regard to the value of works which have been completed;
- 4.1.3 within 7 days of the completion of an Infrastructure Project by the CPCC, Council will return to the CPCC any security held by Council in respect of that Infrastructure Project;
- 4.1.4 it will treat all contributions made by the CPCC pursuant to this Agreement as development contribution levies and keep proper records of any amount paid to it under this agreement;;
- 4.1.5 it will only use the relevant development contribution for a purpose relating to the provision of the specific Infrastructure Project for which the contribution was required; and
- 4.1.6 if it does not expend the funds for those purposes within the timeframes set out above, it must refund any unspent funds, and any interest accrued on those funds, to the CPCC.

**5. FURTHER OBLIGATIONS OF THE PARTIES**

---

**5.1 Notice and Registration**

CPCC and CSR covenant and agrees that they will bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns.

**5.2 Further actions**

CPCC and CSR covenant and agree that:

- 5.2.1 they will do all things necessary to give effect to this Agreement;
- 5.2.2 they will consent to Council making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the Subject Land in accordance with Section 181 of the Act and do all things necessary to enable Council to do so including signing any further agreement, acknowledgment or document or procuring the



consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that section.

### **5.3 Council's Costs to be Paid**

The CPCC agrees that it will immediately upon receipt of a demand, pay to Council, its costs and expenses (including legal expenses) of and incidental to the preparation, drafting, finalisation, engrossment, execution and registration of this Agreement which are and until paid will remain a debt due to Council by CPCC.

## **6. AGREEMENT UNDER SECTION 173 OF THE ACT**

---

The parties agree that without limiting or restricting the respective powers to enter into this Agreement and, insofar as it can be so treated, this Agreement is made as a Deed pursuant to Section 173 of the Act, and the obligations of the CPCC and CSR under this Agreement are obligations to be performed by the CPCC and CSR as conditions subject to which the Subject Land may be used and developed.

## **7. CPCC'S AND CSR'S WARRANTIES**

---

Without limiting the operation or effect which this Agreement has, the CPCC and CSR warrant that apart from any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

## **8. SUCCESSORS IN TITLE**

---

Without limiting the operation or effect that this Agreement has, the CPCC and CSR must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Subject Land, successors in title shall be required to:

- 8.1 give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
- 8.2 execute a deed agreeing to be bound by the terms of this Agreement.

## **9. GENERAL MATTERS**

---

### **9.1 Notices**

A notice or other communication required or permitted to be served by a party on another party must be in writing and may be served:

- 9.1.1 by delivering it personally to that party;
- 9.1.2 by sending it by prepaid post addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or
- 9.1.3 by sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party by hand delivery or prepaid post.

**AJ617447R**

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**AJ617447R**



**9.2 Service of Notice**

A notice or other communication is deemed served:

- 9.2.1 if delivered, on the next following business day;
- 9.2.2 if posted, on the expiration of 7 business days after the date of posting; or
- 9.2.3 if sent by facsimile, on the next following business day unless the receiving party has requested retransmission before the end of that business day.

**9.3 No Waiver**

Any time or other indulgence granted by Council to the CPCC or CSR or any variation of the terms and conditions of this Agreement or any judgment or order obtained by Council against the CPCC or CSR will not in any way amount to a waiver of any of the rights or remedies of Council in relation to the terms of this Agreement.

**9.4 Severability**

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement will remain operative.

**9.5 No Fettering of Council's Powers**

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Subject Land or relating to any use or development of the Subject Land.

**10. GST**

- 10.1 In this clause words that are defined in *A New Tax System (Goods and Services Tax) Act 1999* have the same meaning as their definition in that Act.
- 10.2 Except as otherwise provided by this clause, all consideration payable under this Agreement in relation to any supply is exclusive of GST.
- 10.3 If GST is payable in respect of any supply made by a supplier under this Agreement, subject to clause 10.4 the recipient will pay to the supplier an amount equal to the GST payable on the supply at the same time and in the same manner as the consideration for the supply is to be provided under this Agreement.
- 10.4 The supplier must provide a tax invoice to the recipient before the supplier will be entitled to payment of the GST payable under clause 10.3.



**11. COMMENCEMENT OF AGREEMENT**

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Unless otherwise provided in this Agreement, this Agreement commences from the date of this Agreement.

**12. ENDING OF AGREEMENT**

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- 12.1 On the issue of a Statement of Compliance for each plan of subdivision for residential allotments created over the Subject Land, the Agreement ends in respect of that part of the Subject Land in the plan of subdivision in accordance with s177(2) of the Act provided that at all times, the Agreement must remain registered on the balance of the Subject Land.
- 12.2 Once this Agreement ends as to part of the Subject Land in accordance with clause 12.1 the Council will, within a reasonable time, following a request from the Registered Proprietor and at the cost of the Registered Proprietor, execute all documents necessary to make application to the Registrar of Titles under section 183(2) of the Act to cancel the recording of this Agreement on the register as to the relevant part of the Subject Land.
- 12.3 On completion of the all of the Registered Proprietor's obligations (including all maintenance obligations) in accordance with this Agreement, the Council must, as soon as practicable following the ending of this Agreement and at the request and at the cost of the Registered Proprietor, execute all documents necessary to make application to the Registrar of Titles under section 183(2) of the Act to cancel the recording of this Agreement on the register.

**SIGNED, SEALED AND DELIVERED** as a Deed by the parties on the date set out at the commencement of this Agreement.

**SIGNED** on behalf of **YARRA RANGES COUNCIL** by an officer authorised to enter into this agreement in the presence of )  
)  
)  
)



Director Planning Building and Health

Witness .....

Name of Witness



**EXECUTED BY CHIRNSIDE PARK COUNTRY CLUB LIMITED ACN 005 070 468** in accordance with the Corporations Act 2001 by being signed by the following officers: )  
)  
)

Signature of director

Full name

Signature of director/company secretary

Full name

**EXECUTED BY CSR BUILDING PRODUCTS LIMITED ACN 008 631 356** in accordance with the Corporations Act 2001 by being signed by the following officers: )  
)  
)

Signature of director

Full name

Signature of director/company secretary

Full name

**Schedule 1  
Subject Land**

68 Kingswood Drive, Chirnside Park,  
66 Chirnside Drive, Chirnside Park,  
68 Chirnside Drive, Chirnside Park,  
78 St Andrews Drive, Chirnside Park,  
80 St Andrews Drive, Chirnside Park,  
131 Switchback Road, Chirnside Park,  
41 Valley Ho Road, Chirnside Park,

Certificate of Title Volume 8947 Folio 942 ✓  
Certificate of Title Volume 8731 Folio 223 ✓  
Certificate of Title Volume 8731 Folio 222 ✓  
Certificate of Title Volume 8436 Folio 243 ✓  
Certificate of Title Volume 8436 Folio 242 ✓  
Certificate of Title Volume 8689 Folio 084 ✓  
Certificate of Title Volume 8469 Folio 621 ✓

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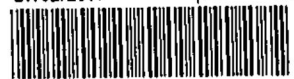


# Application by a Responsible Authority for the making of a Recording of an Agreement

Section 181 **Planning and Environment Act 1987**

## AK930905F

27/02/2014 \$113 173



### Form 18

Lodged by:

Name: MADDOCKS  
Phone: 9288 0555  
Address: Level 6, 140 William Street, Melbourne, Victoria, 3000  
Ref: MYM:LXE:LGC:6149574  
Customer Code: 1167E

The Responsible Authority having made an agreement referred to in section 181(1) of the *Planning and Environment Act 1987* requires a recording to be made in the Register.

Land: Volume 11393 Folios 580 and 581

Responsible Authority: Yarra Ranges Council of Anderson Street, Lilydale, Victoria

Section and Act under which agreement made: section 173 of the *Planning and Environment Act 1987*

A copy of the Agreement is attached to this Application

Date: 25/2/2014

Signature for Responsible Authority:

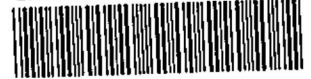
Name of officer:

Position held:



**AK930905F**

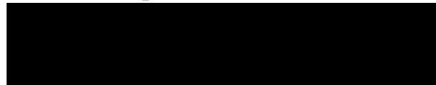
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**Hall&Wilcox  
Lawyers**

# Agreement under section 173 of the *Planning and Environment Act 1987* (Vic)

Yarra Ranges Council



Level 30  
Bourke Place  
600 Bourke Street  
Melbourne Vic 3000  
DX 320

Telephone +61 3 9603 3555  
Facsimile +61 3 9670 9632  
[www.hallandwilcox.com.au](http://www.hallandwilcox.com.au)  
CSR523-93643 CMH CMH 5306022\_1

# Agreement under section 173 of the Planning and Environment Act 1987 (Vic)



Date 25/2/2014.

Parties

Yarra Ranges Council of Anderson Street, Lilydale Victoria 3140 (Council)



## Recitals

- A The Council is the responsible authority under the Act for the purposes of the Planning Scheme. The Owner is the registered proprietor of the Land.
- B The Land is affected by the provisions of the Planning Scheme.
- C Council issued the Permit in respect of the Parent Title, requiring the Owner to enter into this Agreement providing for the matters set out in condition 4 of the Permit.
- D The Council and the Owner have agreed to enter into this Agreement under section 173 of the Act to achieve or advance the objectives of planning in Victoria and the objectives of the Scheme in relation to the Land and to give effect to the requirements of the Permit.
- E As at the date of this Agreement the Land is encumbered by a caveat in favour of the Caveator. The Caveator consents to the Owner entering into this Agreement.

The parties agree:

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## 1 Definitions and interpretation

### 1.1 Definitions

In this Agreement:

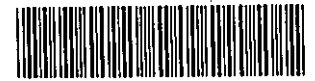
**Act** means the *Planning and Environment Act 1987 (Vic)*.

**Agreement** means this Agreement and includes this Agreement as amended from time to time.



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**Building** means a permanent structure and part of a permanent building or a structure including external walls, outbuildings, service installations, garages and other appurtenances of a permanent building.

**Building Envelope** means that part of any Lot which is identified and delineated on the Endorsed Plan as 'Building Envelope' or the like.

**Business Day** means a day that is not a Saturday, Sunday or public holiday in Melbourne.

**Caveator** means the person registered as caveator of the Subject Land.

**Endorsed Plan** means the plan endorsed with the stamp of Council from time to time as the plan which forms part of the Planning Permit.

**Land** means part of the land situated at 68 Kingswood Drive, Chirnside Park, Victoria 3116 being all of the land referred to in certificates of title volume 11393 folio 580 and volume 11393 folio 581 and any reference to the Land includes any Lot created by the Subdivision of the Land or any part of it.

**Landscape Plan** means the landscape plan endorsed by Council under the Permit.

**Lot** has the same meaning as in the *Subdivision Act 1988* (Vic).

**Lots 1042 – 1049 (inclusive)** means all of that part of the Land which is delineated and identified on the Endorsed Plan as:

- (a) Lot 1042;
- (b) Lot 1043;
- (c) Lot 1044;
- (d) Lot 1045;
- (e) Lot 1046;
- (f) Lot 1047;
- (g) Lot 1048; and
- (h) Lot 1049.

**Lots 1050 – 1057 (inclusive)** means all of that part of the Land which is delineated and identified on the Endorsed Plan as:

- (a) Lot 1050;
- (b) Lot 1051;
- (c) Lot 1052;

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- (d) Lot 1053;
- (e) Lot 1054;
- (f) Lot 1055;
- (g) Lot 1056; and
- (h) Lot 1057.

**Lots 1072 – 1079 (inclusive)** means all of that part of the Land which is delineated and identified on the Endorsed Plan as:

- (a) Lot 1072;
- (b) Lot 1073;
- (c) Lot 1074;
- (d) Lot 1075;
- (e) Lot 1076;
- (f) Lot 1077;
- (g) Lot 1078; and
- (h) Lot 1079.

**Owner** means the person registered or entitled from time to time to be registered as proprietor of an estate in fee simple of the Land or any part of it and includes a mortgagee-in-possession.

**Parent Title** means the land situated at 68 Kingswood Drive, Chirnside Park more particularly being all of the land which was referred to in certificate of title volume 8947 folio 942.

**Party or Parties** means the Parties to this Agreement but does not include a person who has transferred or otherwise disposed of all of their interests in the Land.

**Permit** means Planning Permit number YR-2012/615, as amended from time to time, issued on 3 May 2013, authorising a 117 lot subdivision of, and variation of easements on, the Parent Title in accordance with the Endorsed Plan.

**Planning Scheme** means the Yarra Ranges Planning Scheme and any other planning scheme that applies to the Land.

## 1.2 Interpretation

In this Agreement, headings are inserted for convenience only and do not affect the interpretation of this Agreement and unless the context otherwise requires:

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- (a) words and expressions used in this Agreement which are not expressly defined in this Agreement, but which have a defined meaning in the Act, have the same meaning in this Agreement as in the Act;
- (b) the singular includes the plural and vice versa;
- (c) a gender includes the other gender;
- (d) if a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- (e) the meaning of general words is not limited by specific examples introduced by 'includes', 'including', 'for example', 'such as' or similar expressions;
- (f) a reference to a document or instrument, including this Agreement, includes all of its clauses, paragraphs, recitals, parts, schedules and annexures and includes the document or instrument as amended, varied, novated, supplemented or replaced from time to time;
- (g) a reference to a Party is to a Party to this Agreement and includes the Party's successors and permitted transferees and assigns and if Party is an individual, includes executors and personal legal representatives;
- (h) a reference to a person includes an individual, a partnership, a corporation or other corporate body, a joint venture, a firm, a trustee, a trust, an association (whether incorporated or not), a government and a government authority or agency;
- (i) an agreement, representation, warranty or indemnity by two or more persons binds them jointly and each of them severally;
- (j) an agreement, representation, warranty or indemnity in favour of two or more persons is for the benefit of them jointly and each of them severally;
- (k) no provision of this Agreement will be construed to the disadvantage of a Party merely because that Party was responsible for the preparation of the Agreement or the inclusion of the provision in the Agreement;
- (l) unless otherwise stated, a reference to a statute, code, planning scheme or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them; and
- (m) if the day on or by which something must be done is not a Business Day, that thing must be done on the next Business Day.

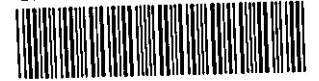
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## **2 Commencement of Agreement**

This Agreement commences on the date of execution.

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### **3 Effect of Agreement and registration**

#### **3.1 Agreement under section 173 of the Act**

The Parties agree that without limiting or restricting their respective powers to enter into this Agreement and, in so far as it can be so treated, this Agreement is made as a deed under section 173 of the Act.

#### **3.2 Covenants to run with the Land**

The Parties agree that the obligations imposed on the Land under this Agreement are intended to take effect as separate and several covenants which are annexed to and run at law and equity with the whole or any part of the Land and bind the Owner, its successors, transferees and permitted assigns, the registered proprietor or proprietors for the time being of the Land.

#### **3.3 Lots**

Despite clause 3.2, this Agreement is to be read and applied so that, in respect of the covenants and obligations under clauses 4.1 and 4.2, each Owner of a Lot is only responsible for those covenants and obligations that relate to that Owner's Lot.

#### **3.4 Registration memorandum**

The Owner agrees that it will consent to the Council making an application to the Registrar of Titles to make a recording of this Agreement in the Register on the certificate of title of the Land in accordance with section 181 of the Act.

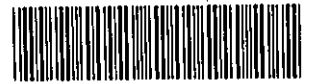
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## **4 Covenants**

The Owner covenants and agrees:

#### **4.1 Building Envelopes**

- (a) If the Endorsed Plan identifies a Building Envelope for a Lot, the Owner must not:
- (i) build, construct, erect or carry out; or
  - (ii) cause or permit to be built, constructed, erected or carried out,
- any Building or Works on that Lot outside, or otherwise in contravention of, a Building Envelope.
- (b) On Lots 1042 – 1049 (inclusive), Lots 1050 – 1057 (inclusive) and Lots 1072 – 1079 (inclusive), the Owner must not:
- (i) build, construct, erect or carry out; or
  - (ii) cause or permit to be built, constructed, erected or carried out,



any Building, other than a single Building comprising 8 dwellings, each of which must be constructed to the satisfaction of Council.

#### 4.2 Retaining walls

Owners which share a retaining wall on a common boundary of two Lots are jointly responsible for the maintenance of that retaining wall and must cooperate with one another to allow such access to such people and at such times as is reasonably necessary to allow the proper inspection, maintenance or repair of the retaining wall, the costs of which must be borne by them in equal proportions.

#### 4.3 Notice of Agreement

The Owner acknowledges and agrees that it must bring this Agreement to the notice of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns of the Land.

---

### 5 Owner's warranties

Without limiting the operation or effect of this Agreement, the Owner warrants that apart from the Caveator and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Land which may be affected by this Agreement.

---

### 6 Successors in title

Without limiting the operation or effect of this Agreement, the Owner must ensure that until a memorandum of this Agreement is recorded on the certificate of title to the Land, the Owner's successors in title will:

- (a) give effect to and do all acts and sign all documents which require those successors to give effect to this Agreement; and
- (b) execute a deed agreeing to be bound by the terms of this Agreement.

---

### 7 Costs

The Owner must pay Council's costs and expenses in relation to the

- (a) preparation, drafting, finalisation, engrossment, execution and registration of this Agreement;
- (b) preparation, drafting, finalisation, engrossment, execution and registration of any amendment to this Agreement; and
- (c) preparation, drafting, finalisation, engrossment, execution and registration of any document to give effect to the ending of this Agreement.

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27/02/2014

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## 8 Interest

The Owner must pay to Council interest in accordance with section 227A of the *Local Government Act 1989 (Vic)* on any amount due under this Agreement that is not paid by the due date.

---

## 9 No fettering of the Council's powers

The parties acknowledge and agree that this Agreement does not fetter or restrict the power or discretion of the Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision relating to the Land or relating to any use or development of the Land.

---

## 10 Notices

### 10.1 General

Unless this Agreement expressly states otherwise, any notice, consent, approval or other communication (**notice**) in connection with this Agreement must be in writing and signed by the sender or a person authorised by the sender. A notice may be given by hand delivery, prepaid post or by facsimile transmission to the recipient's current address for service for notices.

### 10.2 When effective

A notice will be deemed to be received:

- (a) if hand delivered, at the time of delivery;
- (b) if sent by prepaid post, three Business Days after the date of posting if posted to or from a place within Australia or seven Business Days after the date of posting if posted to or from a place outside Australia; or
- (c) if sent by facsimile transmission, when the sender's fax machine produces a report confirming the successful transmission of the entire notice including the relevant number of pages and the correct destination fax machine number or name of recipient.

unless a notice is received after 5.00 pm on a Business Day in the place of receipt or at any time on a non Business Day, in which case, that notice is deemed to have been received at 9.00 am on the next Business Day.

### 10.3 Addresses for notices

Any notice given in connection with this Agreement must be given to the registered address of the Party if it is an incorporated entity or the known address of the Party where she is an individual, or if to the Owner of a Lot, to the address of that Lot.

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27/02/2014

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## **11 Inspection of documents**

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

---

## **12 No Waiver**

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

---

## **13 Severability**

If any provision of this Agreement is void, voidable by a Party, unenforceable, invalid or illegal and would not be so if a word or words were omitted, then that word or those words are to be severed and if this cannot be done, the entire provision is to be severed from this Agreement without affecting the validity or enforceability of the remaining provisions of this Agreement.

---

## **14 Further steps**

Each Party agrees to promptly do all things reasonably necessary to give full effect to this Agreement and the transactions contemplated by it, including obtaining consents and signing documents.

**EXECUTED** as a deed.

AK930905F

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[Barcode]

### Signing page

SIGNED on behalf of YARRA RANGES )  
COUNCIL by an officer authorised to )  
enter into this agreement in the presence of )



Director Planning Building and Health

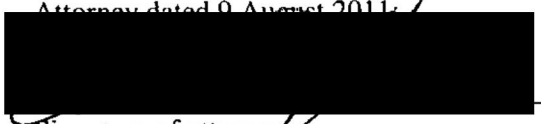


Witness



Name of Witness

**EXECUTED** by **CHIRNSIDE PARK** )  
**COUNTRY CLUB LIMITED ACN 005 070** )  
**468** by its attorneys and under Power of )  
Attorney dated 9 August 2011: )



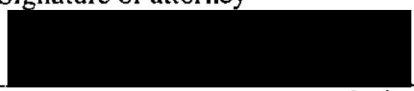
Signature of attorney



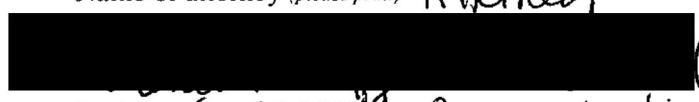
Name of attorney (please print) *Attorney*



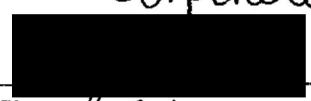
Signature of attorney



Name of attorney (please print) *Attorney*



Position *Corporate Communications*



Signature of witness



Name of witness (please print)



Position



Signature of witness



Name of witness (please print)



**AK930905F**

27/02/2014 \$113 173  


**EXECUTED by CSR BUILDING** )  
**PRODUCTS LIMITED ACN 008 631 356** in )  
accordance with the *Corporations Act 2001* by )  
being signed by the following officers: )



Signature of director



Name of director *(please print)*



Signature of director / ~~company secretary~~



Name of director / ~~company secretary~~ *(please print)*

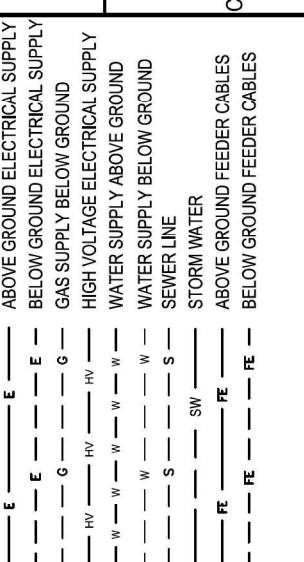


### SITE REFERENCE DETAILS

OCCUPIER	SITE NAME	SITE CODE
TELSTRA	CHIRNSIDE PARK NORTH FORCED RELOCATION	363603
RFNSA SITE NUMBER - 3116001 STRUCTURE OWNER - AMPLITEL		

### SERVICES LEGEND

— T —	T	OPTICAL FIBRE ABOVE GROUND
- - - T - - -	T	OPTICAL FIBRE BELOW GROUND
— E —	E	ABOVE GROUND ELECTRICAL SUPPLY
- - - E - - -	E	BELOW GROUND ELECTRICAL SUPPLY
— G —	G	GAS SUPPLY BELOW GROUND
- - - G - - -	G	HIGH VOLTAGE ELECTRICAL SUPPLY
— HV —	HV	WATER SUPPLY ABOVE GROUND
- - - HV - - -	HV	WATER SUPPLY BELOW GROUND
— S —	S	SEWER LINE
- - - S - - -	S	STORM WATER
— FE —	FE	ABOVE GROUND FEEDER CABLES
- - - FE - - -	FE	BELOW GROUND FEEDER CABLES



## FOR CONSTRUCTION

	<b>AMPLITEL</b> <small>Part of the Telstra Group</small>
<b>TOWER AMS SITE VIC003984</b>	
CHIRNSIDE PARK NORTH FORCED RELOCATION	
SITE SPECIFIC NOTES	
68 KINGSWOOD DR, CHIRNSIDE PARK, VIC 3116	
DWG NO.	<b>VIC003984</b>
SFT NO.	S0
<small>Cad file: V114870_PASSIVE.dwg</small>	

### GENERAL NOTES

- ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
- FEEDER CONNECTION DETAILS, ELECTRICAL AND MECHANICAL TILTS ARE TO BE OBTAINED FROM CANRAD REPORTS.
- CONSTRUCTORS ARE TO BE AWARE OF TELSTRA DOCUMENT 007338-C8-11 AND IN PARTICULAR CLAUSE 7.3 & 10.3 WHICH DESCRIBES REQUIREMENTS PERSONNEL MUST UNDERTAKE IN RESPECT TO ASBESTOS MANAGEMENT AT TELSTRA FACILITIES.

### PROPERTY SIGNAGE

PROPOSED PROPERTY SIGNAGE AS PER DOCUMENT 017866A12.

PROPERTY SIGN INCLUDES RFNSA SITE NUMBER.

SITE NAME: BRANDED SITE IDENTIFICATION REGULAR (BSI).

TELSTRA S/I NUMBER 187/00929.

JABAC PART NUMBER TFMS929-M.

AMPLITEL BRANDED SIGN TO BE INSTALLED AS PER TP018G02. JABAC PART NO TEMC2005-M.

### SITE ACCESS

OFF 68 KINGSWOOD DR, CHIRNSIDE PARK, VIC 3116. REFER TO SHEET S1.

### SITE SIGNAGE

ALL EME SIGNAGE IS REFERENCED ON DRAWINGS S1-1 & S3.

REFER TO DOCUMENT 005486 FOR DETAILS.

### SITE SPECIFIC NOTES

#### STRUCTURE

TYPE: PROPOSED TELSTRA 30.0m HIGH ROCLA CONCRETE MONOPOLE.

MODEL: SR3-H30-615 - 6.0m

COLOUR: GALVANISED FINISH

#### ANTENNA ACCESS

TELSTRA: ELEVATED WORK PLATFORM

OTHERS: N/A

#### EARTHING DETAIL

REFER TO SHEET G4 FOR DETAILS.

#### POWER SUPPLY

EXISTING 63A - 3PHASE AC POWER SUPPLY IS AVAILABLE ON SITE.

REFER SHEET E2 FOR DETAILS.

### PROPERTY SIGNAGE

PROPOSED PROPERTY SIGNAGE AS PER DOCUMENT 017866A12.

PROPERTY SIGN INCLUDES RFNSA SITE NUMBER.

SITE NAME: BRANDED SITE IDENTIFICATION REGULAR (BSI).

TELSTRA S/I NUMBER 187/00929.

JABAC PART NUMBER TFMS929-M.

AMPLITEL BRANDED SIGN TO BE INSTALLED AS PER TP018G02. JABAC PART NO TEMC2005-M.

### SITE ACCESS

OFF 68 KINGSWOOD DR, CHIRNSIDE PARK, VIC 3116. REFER TO SHEET S1.

### SITE SIGNAGE

ALL EME SIGNAGE IS REFERENCED ON DRAWINGS S1-1 & S3.

REFER TO DOCUMENT 005486 FOR DETAILS.

TO BE READ IN CONJUNCTION WITH SHEETS S0-1, S1, S1-1, S1-2, S3 & S3-1

ORDER DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
V72004/01	SI	FOR CONS-3005320/038/VENTA-1-TEL01/007/002/26/10/20/20/06/03/05/05/05	MM	SR	11.05.23	1

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COMPLIANCE BOX

COMPLETED AS PER DESIGN

ALTERATIONS IN RED

NAME (PRINT) \_\_\_\_\_

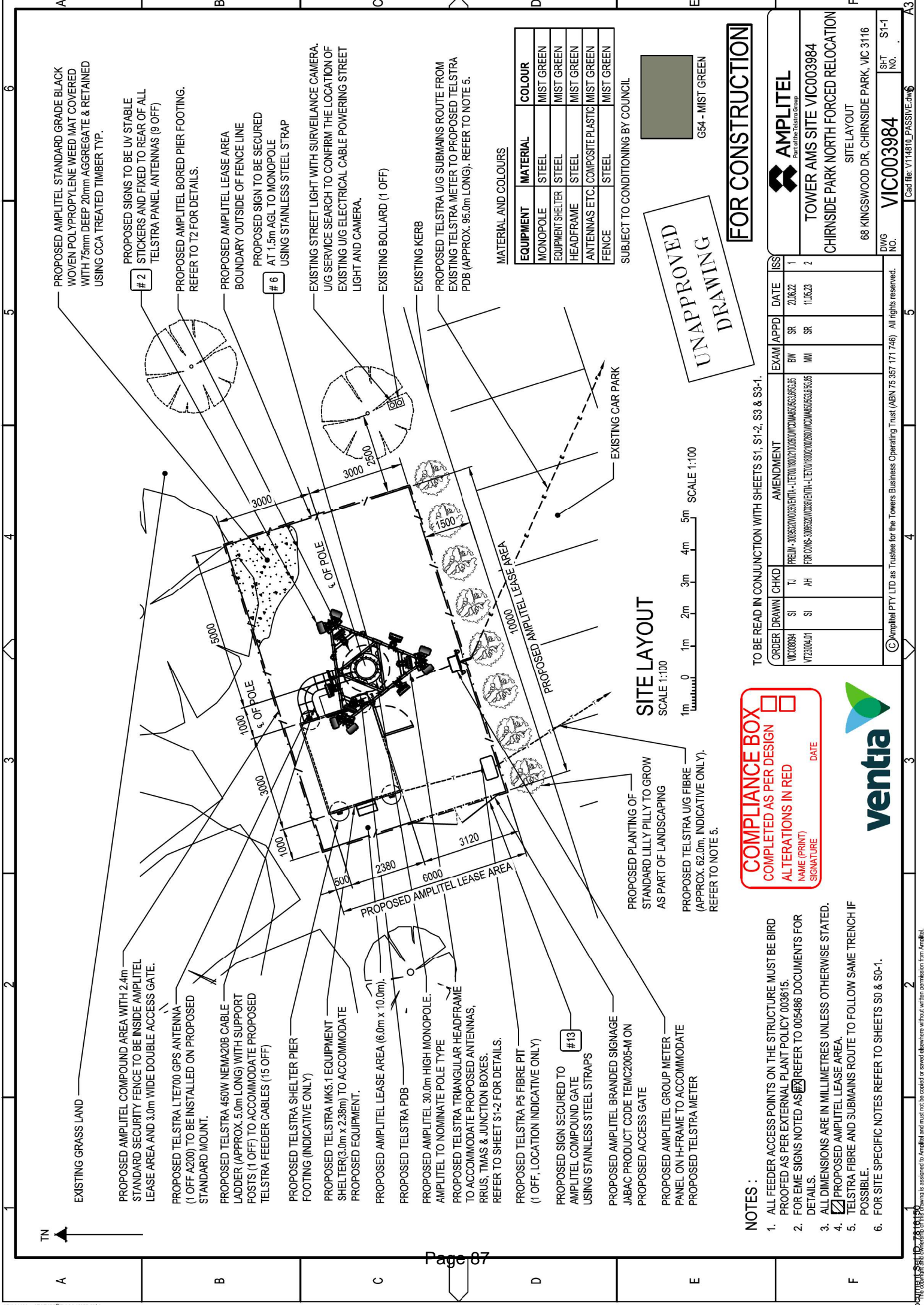
SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_









PROPOSED AMPLITEL STANDARD GRADE BLACK WOVEN POLYPROPYLENE WEED MAT COVERED WITH 75mm DEEP 20mm AGGREGATE & RETAINED USING CCA TREATED TIMBER TYP.

PROPOSED SIGNS TO BE UV STABLE STICKERS AND FIXED TO REAR OF ALL TELSTRA PANEL ANTENNAS (9 OFF) REFER TO T2 FOR DETAILS.

PROPOSED AMPLITEL LEASE AREA BOUNDARY OUTSIDE OF FENCE LINE

PROPOSED SIGN TO BE SECURED AT 1.5m AGL TO MONOPOLE USING STAINLESS STEEL STRAP

EXISTING STREET LIGHT WITH SURVEILLANCE CAMERA, U/G SERVICE SEARCH TO CONFIRM THE LOCATION OF EXISTING U/G ELECTRICAL CABLE POWERING STREET LIGHT AND CAMERA.

EXISTING BOLLARD (1 OFF)

EXISTING KERB

PROPOSED TELSTRA U/G SUBMANS ROUTE FROM EXISTING TELSTRA METER TO PROPOSED TELSTRA PDB (APPROX. 95.0m LONG), REFER TO NOTE 5.

**MATERIAL AND COLOURS**

EQUIPMENT	MATERIAL	COLOUR
MONOPOLE	STEEL	MIST GREEN
EQUIPMENT SHELTER	STEEL	MIST GREEN
HEADFRAME	STEEL	MIST GREEN
ANTENNAS ETC. COMPOSITE PLASTIC	MIST GREEN	MIST GREEN
FENCE	STEEL	MIST GREEN

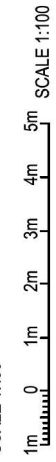
SUBJECT TO CONDITIONING BY COUNCIL



**UNAPPROVED DRAWING**

**FOR CONSTRUCTION**

**SITE LAYOUT**



**NOTES :**

- ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003675.
- FOR FINE SIGNS NOTED AS #13 REFER TO 005486 DOCUMENTS FOR DETAILS.
- ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE STATED.
- PROPOSED AMPLITEL LEASE AREA.
- TELSTRA FIBRE AND SUBMANS ROUTE TO FOLLOW SAME TRENCH IF POSSIBLE.
- FOR SITE SPECIFIC NOTES REFER TO SHEETS S0 & S0-1.

**COMPLIANCE BOX**

COMPLETED AS PER DESIGN

ALTERATIONS IN RED

NAME (PRINT) \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

TO BE READ IN CONJUNCTION WITH SHEETS S1, S1-2, S3 & S3-1.

ORDER	DRAWN	CHKD	EXAM	APPD	DATE	ISS
VIC003984	SI	TI	BW	SR	21.06.22	1
V72004/J1	SI	AH	MM	SR	11.05.23	2

AMENDMENT

PRELIM - 3085320/003675/ENTH - 11E7001002/003675/003675/003675

FOR CONG - 3085320/003675/ENTH - 11E7001002/003675/003675/003675

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**TOWER AMS SITE VIC003984**

SITE LAYOUT

CHIRNSIDE PARK NORTH FORCED RELOCATION

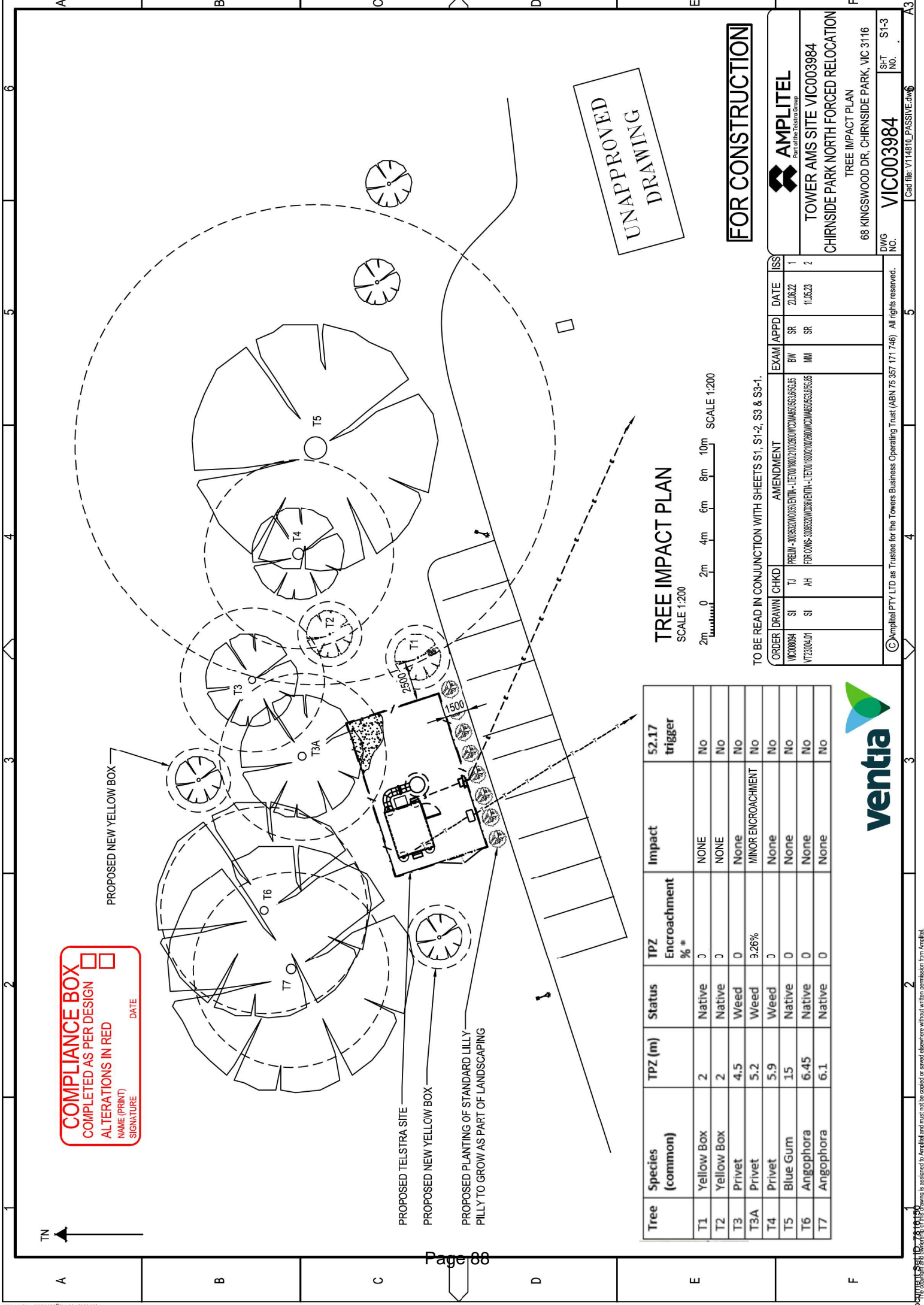
68 KINGSWOOD DR, CHIRNSIDE PARK, VIC 3116

DWG NO. **VIC003984**

SFT NO. **S1-1**

Cad file: V114810\_PASSIVE.dwg





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 ALTERATIONS IN RED  
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 SIGNATURE \_\_\_\_\_

UNAPPROVED  
DRAWING

**FOR CONSTRUCTION**

**TREE IMPACT PLAN**

SCALE 1:200  
 2m 0 2m 4m 6m 8m 10m SCALE 1:200

TO BE READ IN CONJUNCTION WITH SHEETS S1, S1-2, S3 & S3-1.

Tree Species (common)	TPZ (m)	Status	TPZ Encroachment % #	Impact	52.17 trigger
T1 Yellow Box	2	Native	0	NONE	No
T2 Yellow Box	2	Native	0	NONE	No
T3 Privet	4.5	Weed	0	None	No
T3A Privet	5.2	Weed	9.26%	MINOR ENCROACHMENT	No
T4 Privet	5.9	Weed	0	None	No
T5 Blue Gum	1.5	Native	0	None	No
T6 Angophora	6.45	Native	0	None	No
T7 Angophora	6.1	Native	0	None	No

ORDER NO.	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
VIC000904	SI	TI	PRELIM - 30853200306VENTIA - 1.1E7018002100280VIC0003984S3S3S5	BW	SR	21.06.22	1
V7200401	SI	AH	FOR CONG - 30853200306VENTIA - 1.1E7018002100280VIC0003984S3S3S5	MM	SR	11.05.23	2

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**TOWER AMS SITE VIC003984**  
 CHIRNSIDE PARK NORTH FORCED RELOCATION

TREE IMPACT PLAN  
 68 KINGSWOOD DR, CHIRNSIDE PARK, VIC 3116

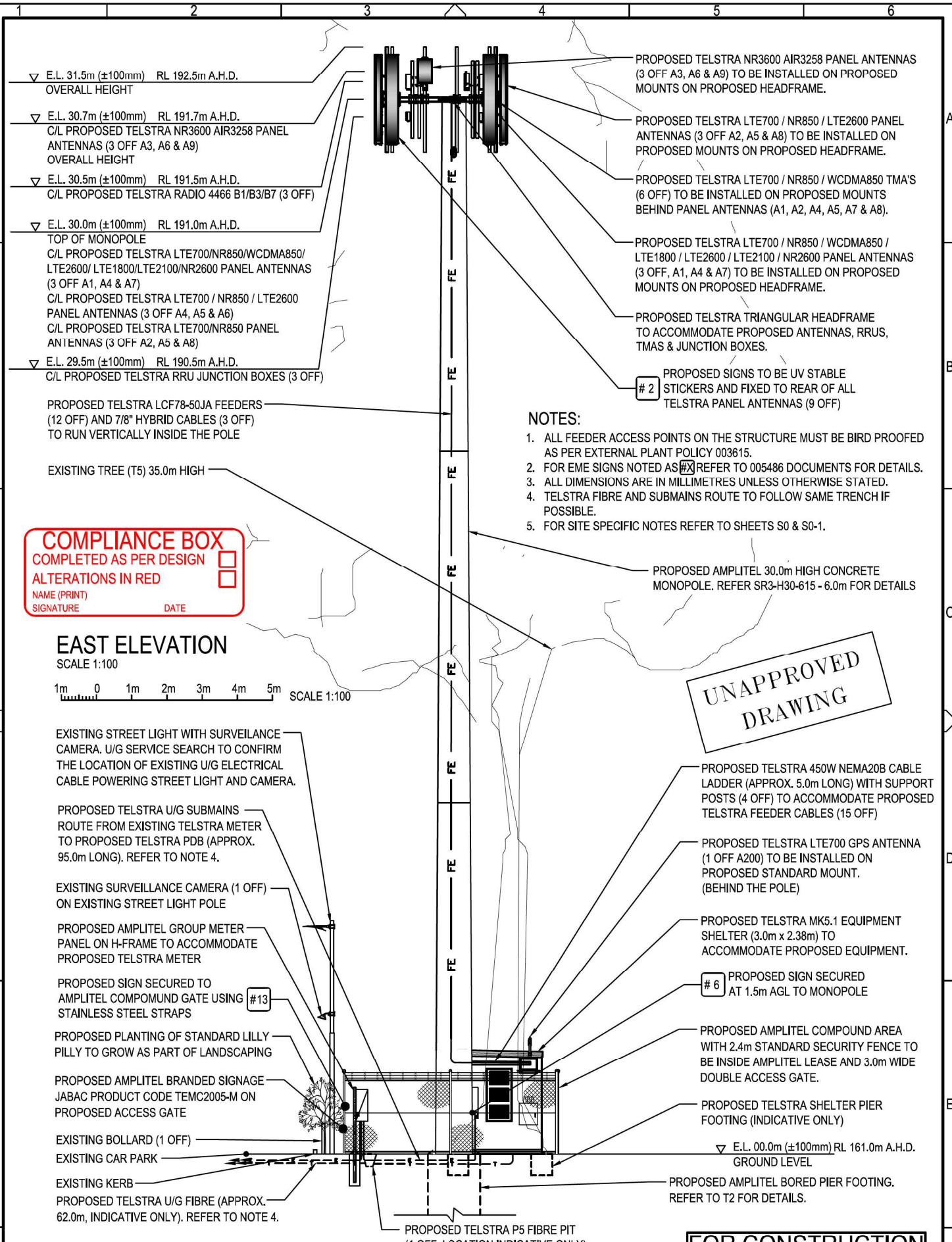
DWG NO. **VIC003984** SHT NO. **S1-3**  
 Cad file: V114810\_PASSIVE.dwg

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 SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**EAST ELEVATION**  
 SCALE 1:100  
 1m 0 1m 2m 3m 4m 5m SCALE 1:100

**UNAPPROVED DRAWING**

- NOTES:**
- ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
  - FOR EME SIGNS NOTED AS #X REFER TO 005486 DOCUMENTS FOR DETAILS.
  - ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE STATED.
  - TELSTRA FIBRE AND SUBMAINS ROUTE TO FOLLOW SAME TRENCH IF POSSIBLE.
  - FOR SITE SPECIFIC NOTES REFER TO SHEETS S0 & S0-1.

**FOR CONSTRUCTION**

TO BE READ IN CONJUNCTION WITH SHEETS S1, S1-1, S1-2 & S3-1.

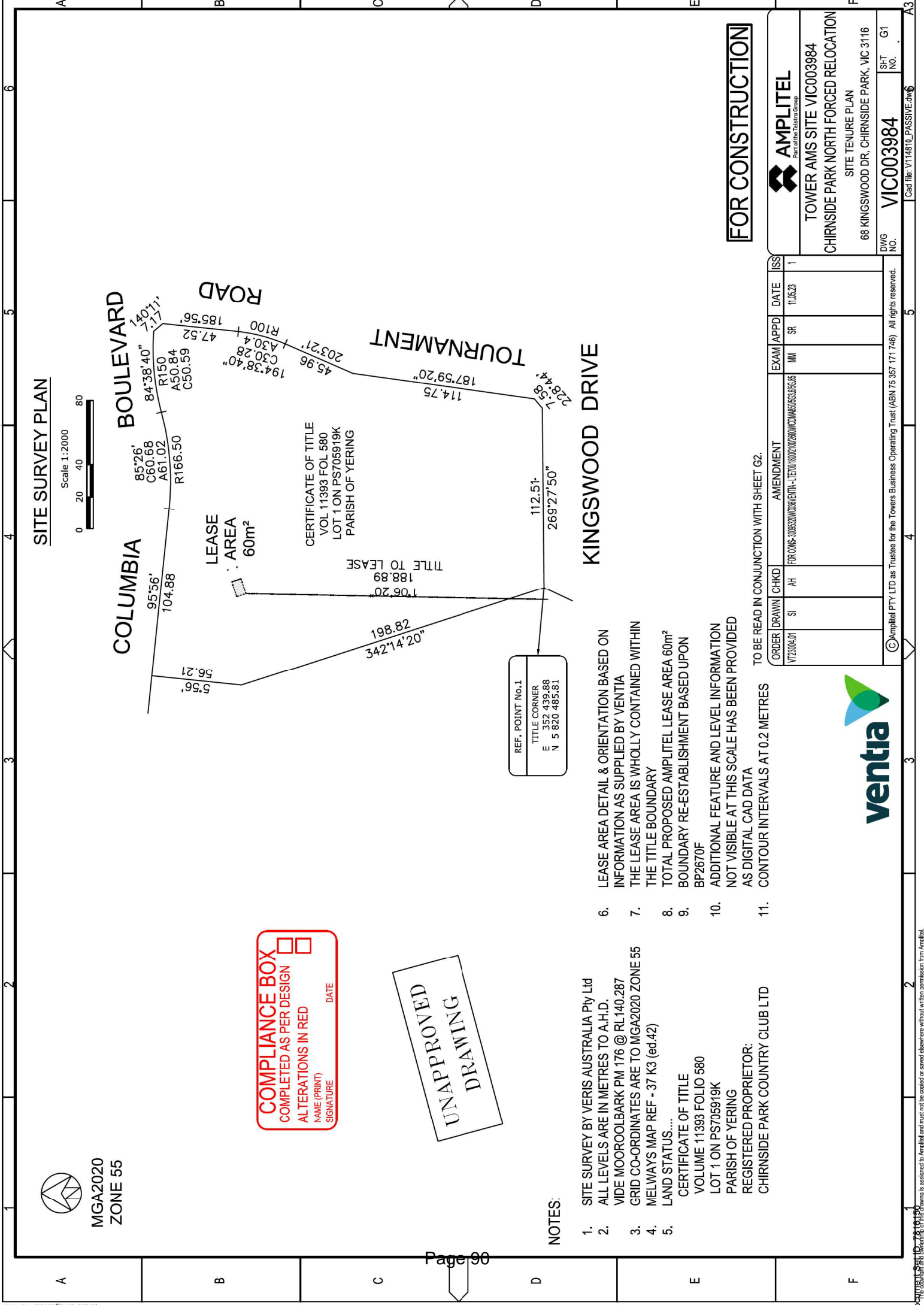
ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
VIC008094	SI	TJ	PRELIM - 30055320W036VENTIA - LTE700/1800/2100/2600/WCDMA850/EG3.6/EG.85	BW	SR	20.08.22	1
VT23004.01	SI	AH	FOR CONS - 30055320W036VENTIA - LTE700/1800/2100/2600/WCDMA850/EG3.6/EG.85	MM	SR	11.05.23	2

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**TOWER AMS SITE VIC003984**  
**CHIRNSIDE PARK NORTH FORCED RELOCATION**  
 EAST ELEVATION  
 68 KINGSWOOD DR, CHIRNSIDE PARK, VIC 3116

DWG NO. **VIC003984** SHT NO. **S3**





**FOR CONSTRUCTION**

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**TOWER AMS SITE VIC003984**  
 CHIRNSIDE PARK NORTH FORCED RELOCATION  
 SITE TENURE PLAN

68 KINGSWOOD DR, CHIRNSIDE PARK, VIC 3116

DWG NO. **VIC003984** SFT NO. **G1**

Cad file: V114870\_PASSIVE.dwg

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
V7200401	SI	AH	FOR CONS-300520/MOOROOK/BARK PM 176 @ RL140.287	MM	SR	11.05.23	1

TO BE READ IN CONJUNCTION WITH SHEET G2.  
 CONTOUR INTERVALS AT 0.2 METRES

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**ventia**

**SITE SURVEY PLAN**

**NOTES:**

1. SITE SURVEY BY VERIS AUSTRALIA Pty Ltd
2. ALL LEVELS ARE IN METRES TO A.H.D.  
VIDE MOOROOK/BARK PM 176 @ RL140.287
3. GRID CO-ORDINATES ARE TO MGA2020 ZONE 55
4. MELWAYS MAP REF - 37 K3 (ed.42)
5. LAND STATUS....  
CERTIFICATE OF TITLE  
VOLUME 11393 FOLIO 580  
LOT 1 ON PS705919K  
PARISH OF YERING  
REGISTERED PROPRIETOR:  
CHIRNSIDE PARK COUNTRY CLUB LTD
6. LEASE AREA DETAIL & ORIENTATION BASED ON  
INFORMATION AS SUPPLIED BY VENTIA
7. THE LEASE AREA IS WHOLLY CONTAINED WITHIN  
THE TITLE BOUNDARY
8. TOTAL PROPOSED AMPLITEL LEASE AREA 60m<sup>2</sup>
9. BOUNDARY RE-ESTABLISHMENT BASED UPON  
BP2670F
10. ADDITIONAL FEATURE AND LEVEL INFORMATION  
NOT VISIBLE AT THIS SCALE HAS BEEN PROVIDED  
AS DIGITAL CAD DATA
11. CONTOUR INTERVALS AT 0.2 METRES

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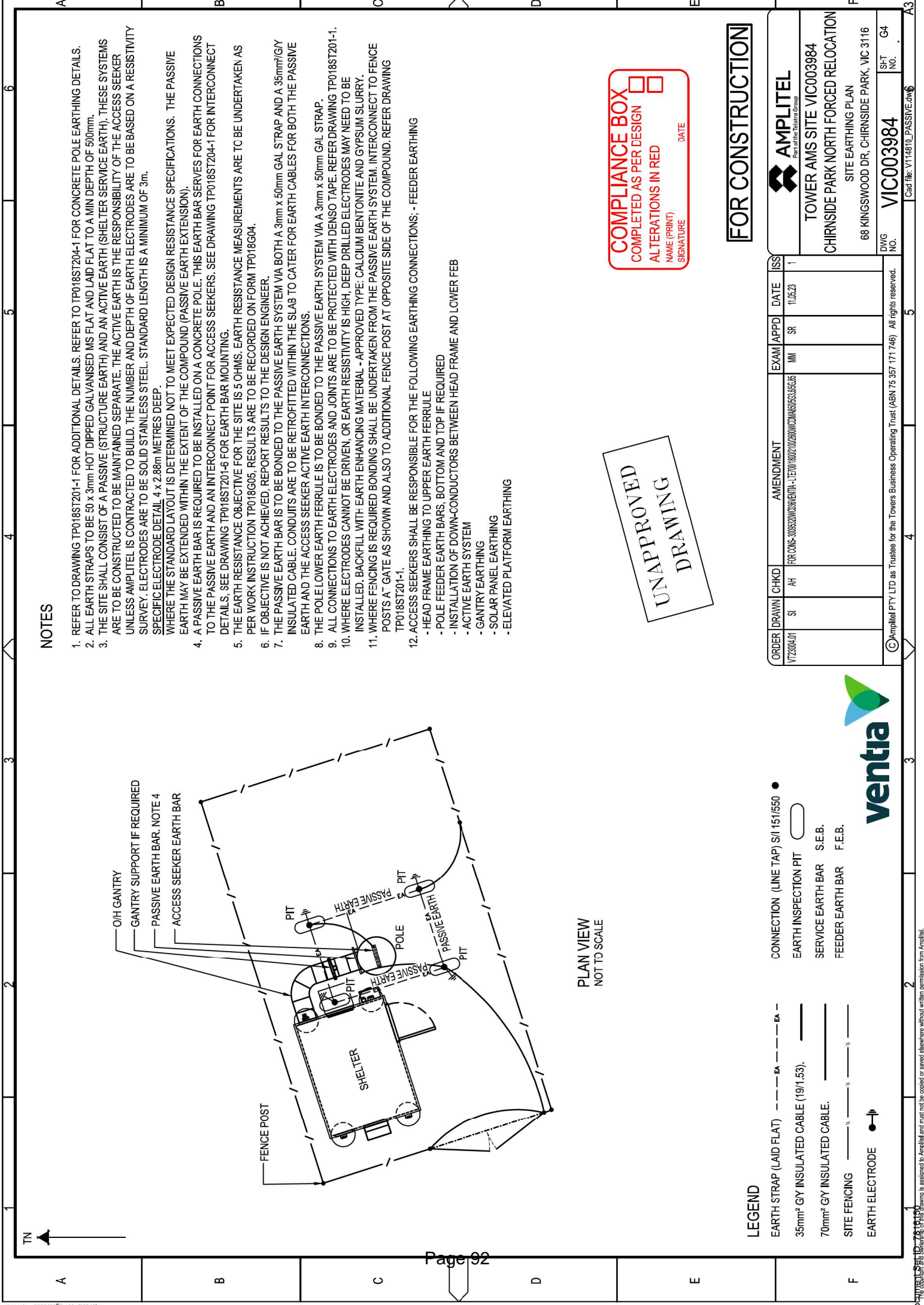
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 DATE \_\_\_\_\_

**UNAPPROVED  
 DRAWING**

MGA2020  
 ZONE 55







**NOTES**

- REFER TO DRAWING TP018ST201-1 FOR ADDITIONAL DETAILS. REFER TO TP018ST204-1 FOR CONCRETE POLE EARTHING DETAILS.
- ALL EARTH STRAPS TO BE 50 x 3mm HOT DIPPED GALVANISED MS FLAT AND LAID FLAT TO A MIN DEPTH OF 500mm.
- THE SITE SHALL CONSIST OF A PASSIVE (STRUCTURE EARTH) AND AN ACTIVE EARTH (SHELTER SERVICE EARTH). THESE SYSTEMS ARE TO BE CONSTRUCTED TO BE MAINTAINED SEPARATE. THE ACTIVE EARTH IS THE RESPONSIBILITY OF THE ACCESS SEEKER UNLESS AMPLITEL IS CONTRACTED TO BUILD. THE NUMBER AND DEPTH OF EARTH ELECTRODES ARE TO BE BASED ON A RESISTIVITY SURVEY. ELECTRODES ARE TO BE SOLID STAINLESS STEEL. STANDARD LENGTH IS A MINIMUM OF 3m.
- SPECIFIC ELECTRODE DETAIL 4 x 2.88m METRES DEEP.
- WHERE THE STANDARD LAYOUT IS DETERMINED NOT TO MEET EXPECTED DESIGN RESISTANCE SPECIFICATIONS. THE PASSIVE EARTH MAY BE EXTENDED WITHIN THE EXTENT OF THE COMPOUND (PASSIVE EARTH EXTENSION).
- A PASSIVE EARTH BAR IS REQUIRED TO BE INSTALLED ON A CONCRETE POLE. THIS EARTH BAR SERVES FOR EARTH CONNECTIONS TO THE PASSIVE EARTH AND AN INTERCONNECT POINT FOR ACCESS SEEKERS. SEE DRAWING TP018ST204-1 FOR INTERCONNECT DETAILS. SEE DRAWING TP018ST201-6 FOR EARTH BAR MOUNTING.
- THE EARTH RESISTANCE OBJECTIVE FOR THE SITE IS 5 OHMS. EARTH RESISTANCE MEASUREMENTS ARE TO BE UNDERTAKEN AS PER WORK INSTRUCTION TP018G05. RESULTS ARE TO BE RECORDED ON FORM TP018G04.
- IF OBJECTIVE IS NOT ACHIEVED, REPORT RESULTS TO THE DESIGN ENGINEER.
- THE PASSIVE EARTH BAR IS TO BE BONDED TO THE PASSIVE EARTH SYSTEM VIA BOTH A 3mm x 50mm GAL STRAP AND A 35mm<sup>2</sup> GY INSULATED CABLE. CONDUITS ARE TO BE RETROFITTED WITHIN THE SLAB TO CATER FOR EARTH CABLES FOR BOTH THE PASSIVE EARTH AND THE ACCESS SEEKER ACTIVE EARTH INTERCONNECTIONS.
- THE POLE LOWER EARTH FERRULE IS TO BE BONDED TO THE PASSIVE EARTH SYSTEM VIA A 3mm x 50mm GAL STRAP.
- ALL CONNECTIONS TO EARTH ELECTRODES AND JOINTS ARE TO BE PROTECTED WITH DENSO TAPE. REFER DRAWING TP018ST201-1.
- WHERE ELECTRODES CANNOT BE DRIVEN, OR EARTH RESISTIVITY IS HIGH, DEEP DRILLED ELECTRODES MAY BE USED TO BE INSTALLED. BACKFILL WITH EARTH ENHANCING MATERIAL - APPROVED TYPE: CALCIUM BENTONITE AND GYPSUM SLURRY.
- WHERE FENCING IS REQUIRED BONDING SHALL BE UNDERTAKEN FROM THE PASSIVE EARTH SYSTEM. INTERCONNECT TO FENCE POSTS AT GATE AS SHOWN AND ALSO TO ADDITIONAL FENCE POST AT OPPOSITE SIDE OF THE COMPOUND. REFER DRAWING TP018ST201-1.
- ACCESS SEEKERS SHALL BE RESPONSIBLE FOR THE FOLLOWING EARTHING CONNECTIONS; - FEEDER EARTHING  
 - HEAD FRAME EARTHING TO UPPER EARTH FERRULE  
 - POLE FEEDER EARTH BARS, BOTTOM AND TOP IF REQUIRED  
 - INSTALLATION OF DOWN-CONDUCTORS BETWEEN HEAD FRAME AND LOWER FEEB  
 - ACTIVE EARTH SYSTEM  
 - GANTRY EARTHING  
 - SOLAR PANEL EARTHING  
 - ELEVATED PLATFORM EARTHING

PLAN VIEW  
NOT TO SCALE

**LEGEND**

- EARTH STRAP (LAID FLAT) - EA -
- 35mm<sup>2</sup> GY INSULATED CABLE (19/1.53). - EA -
- 70mm<sup>2</sup> GY INSULATED CABLE. - EA -
- SITE FENCING - EA -
- EARTH ELECTRODE - EA -
- CONNECTION (LINE TAP) S/I 151/550 •
- EARTH INSPECTION PIT - EA -
- SERVICE EARTH BAR S.E.B. - EA -
- FEEDER EARTH BAR F.E.B. - EA -

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DRAWING

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SIGNATURE \_\_\_\_\_

**FOR CONSTRUCTION**

ORDER DRAWING	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
V7200401	SI	FOR CONSTRUCTION	MM	SR	11.05.23	1

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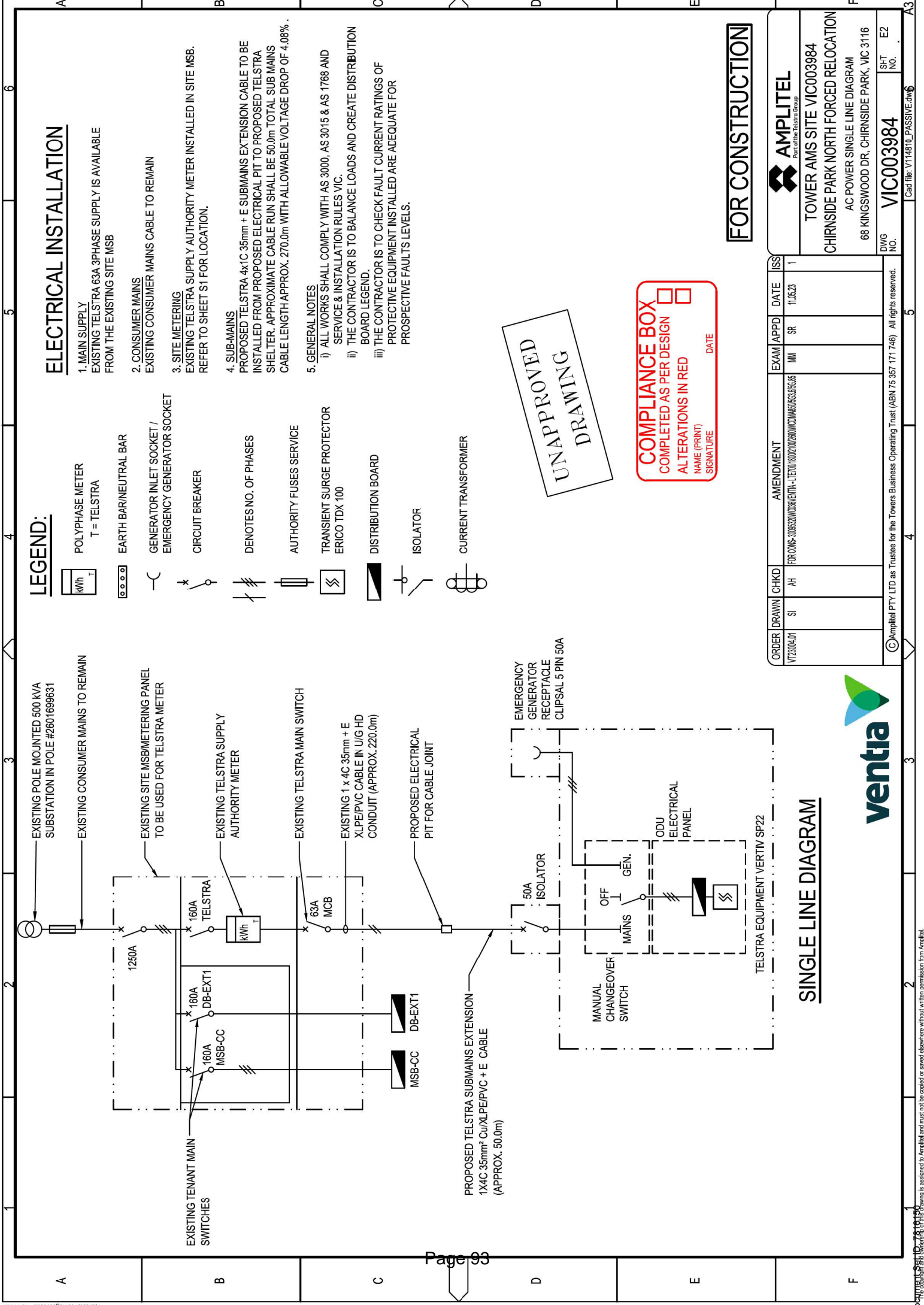
**TOWER AMS SITE VIC003984**  
CHIRNSIDE PARK NORTH FORCED RELOCATION  
SITE EARTHING PLAN  
68 KINGSWOOD DR, CHIRNSIDE PARK, VIC 3116

DWG NO. **VIC003984** SFT G4  
NO. \_\_\_\_\_

Cad file: V114870\_PASSIVE.dwg

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**LEGEND:**

- POLYPHASE METER  
T = TELSTRA
- EARTH BAR/NEUTRAL BAR
- GENERATOR INLET SOCKET / EMERGENCY GENERATOR SOCKET
- CIRCUIT BREAKER
- DENOTES NO. OF PHASES
- AUTHORITY FUSES SERVICE
- TRANSIENT SURGE PROTECTOR ERICO TDX 100
- DISTRIBUTION BOARD
- ISOLATOR
- CURRENT TRANSFORMER

**ELECTRICAL INSTALLATION**

1. MAIN SUPPLY  
EXISTING TELSTRA 63A 3PHASE SUPPLY IS AVAILABLE FROM THE EXISTING SITE MSB
2. CONSUMER MAINS  
EXISTING CONSUMER MAINS CABLE TO REMAIN
3. SITE METERING  
EXISTING TELSTRA SUPPLY AUTHORITY METER INSTALLED IN SITE MSB. REFER TO SHEET S1 FOR LOCATION.
4. SUB-MAINS  
PROPOSED TELSTRA 4x1C 35mm<sup>2</sup> + E SUBMAINS EXTENSION CABLE TO BE INSTALLED FROM PROPOSED ELECTRICAL PIT TO PROPOSED TELSTRA SHELTER. APPROXIMATE CABLE RUN SHALL BE 50.0m TOTAL SUB MAINS CABLE LENGTH APPROX. 270.0m WITH ALLOWABLE VOLTAGE DROP OF 4.08%.
5. GENERAL NOTES  
 i) ALL WORKS SHALL COMPLY WITH AS 3000, AS 3015 & AS 1768 AND SERVICE & INSTALLATION RULES VIC.  
 ii) THE CONTRACTOR IS TO BALANCE LOADS AND CREATE DISTRIBUTION BOARD LEGEND.  
 iii) THE CONTRACTOR IS TO CHECK FAULT CURRENT RATINGS OF PROTECTIVE EQUIPMENT INSTALLED ARE ADEQUATE FOR PROSPECTIVE FAULTS LEVELS.

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DRAWING

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NAME (PRINT) \_\_\_\_\_  
SIGNATURE \_\_\_\_\_  
DATE \_\_\_\_\_

FOR CONSTRUCTION

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
V72304/01	SI	AH	FOR CONS-3006320/M38/VENTIA-1-1700/9007/02/20/12/AM/CM/MS/MS/653/656/65	MM	SR	11.05.23	1

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**TOWER AMS SITE VIC003984**  
CHIRNSIDE PARK NORTH FORCED RELOCATION  
AC POWER SINGLE LINE DIAGRAM  
68 KINGSWOOD DR, CHIRNSIDE PARK, VIC 3116

DWG NO. **VIC003984** SFT NO. E2  
Cad file: V114870\_PASSIVE.dwg

**SINGLE LINE DIAGRAM**



Plot Date: 30 August 2023 - 10:11 AM  
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 Version: 1, Version Date: 31/08/2023



### MONOPOLE FOUNDATION DIMENSIONS

MONOPOLE TYPE	DEPTH (mm)	DIAMETER (mm)
SR3-H30-615 6m	6000	1500

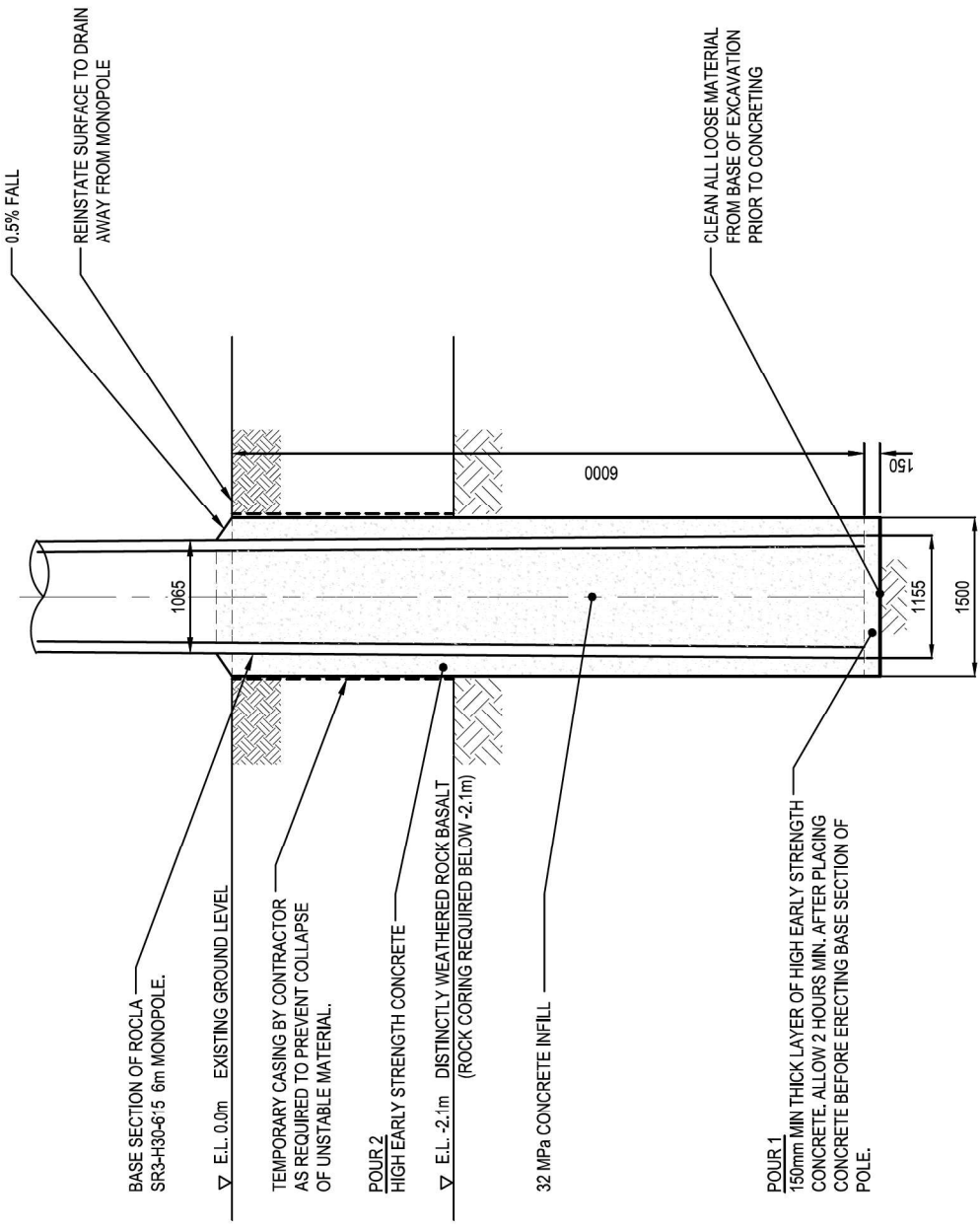
**NOTES:**

- FOR SITE SPECIFIC AND STANDARD CONSTRUCTION NOTES REFER TO TELSTRA STANDARD DRAWING 017866P05
- SAFE WORKING PRACTICES SHALL BE CARRIED OUT IN ACCORDANCE WITH AS2159 AND LOCAL STATUTORY AUTHORITY REGULATIONS.
- PRIOR TO COMMENCEMENT OF ANY EXCAVATION, CONTRACTOR SHALL VERIFY THAT THE LOCATION IS CLEAR OF ALL UNDERGROUND SERVICES.
- THE BASE OF EXCAVATION SHALL BE CLEAR OF LOOSE MATERIAL AND DEBRIS.
- THE HIGH EARLY STRENGTH CONCRETE SHALL BE CLASS N32 TO AS3600 WITH 80mm SLUMP AND 20mm (MAX) AGGREGATE AND TYPE HE CEMENT TO AS 3972.
- CONCRETE SHALL BE MECHANICALLY VIBRATED TO ELIMINATE VOIDS & SEGREGATION.
- CONSTRUCTION OF FOUNDATION SHALL BE SUPERVISED BY A QUALIFIED SITE REPRESENTATIVE IN ACCORDANCE WITH VENTIA'S FOUNDATION INSPECTION GUIDELINES & VENTIA'S CONCRETE INSPECTION TEST PLAN.
- PILING CONTRACTOR SHALL REVIEW THE EXPECTED SUBSURFACE CONDITIONS IN THE GEOTECHNICAL REPORT PRIOR TO MOBILISING TO SITE. TEMPORARY CASING MAY BE USED AT THE DISCRETION OF THE CONTRACTOR TO PREVENT COLLAPSE OF THE EXCAVATION.
- REFER TO GEOTECHNICAL REPORT BY CIVILTEST PTY LTD. REF: 1230073-1, DATED 09/03/2023 FOR SUBSURFACE CONDITIONS & CONSTRUCTION CONSIDERATIONS.

HOLD CONSTRUCTION AND CONSULT DESIGNERS IF GROUND CONDITIONS VARY FROM THOSE DESCRIBED IN GEOTECHNICAL REPORT BY CIVILTEST PTY LTD. REF: 1230073-1 DATED 09/03/2023 FOR SOIL CONDITIONS.

UNAPPROVED  
DRAWING

FOR CONSTRUCTION



### CONCRETE MONOPOLE FOUNDATION SECTION

SCALE 1:50

COMPLIANCE BOX

COMPLETED AS PER DESIGN

ALTERATIONS IN RED

NAME (PRINT) \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

ORDER NO. VIC003984	CHKD U GC	AMENDMENT FOR CONST - 038530W03VENTIA-11E701007010020W0385305635	EXAM APPD MM SR	DATE 04.05.23	ISS 1
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**AMPLITEL**  
Part of the Telstra Group

**TOWER AMS SITE VIC003984**

**CHIRNSIDE PARK NORTH FORCED RELOCATION**

MONOPOLE FOOTING DETAILS

68 KINGSWOOD DR, CHIRNSIDE PARK, VIC 3116

DWG NO. **VIC003984** SFT NO. T2

Cad file: V114870\_PASSIVE.dwg

# Environmental EME Report

<b>Location</b>	Chirnside Park Country Club, Kingswood Drive, CHIRNSIDE PARK VIC 3116		
<b>Date</b>	05/09/2022	<b>RFNSA No.</b>	3116001

## How does this report work?

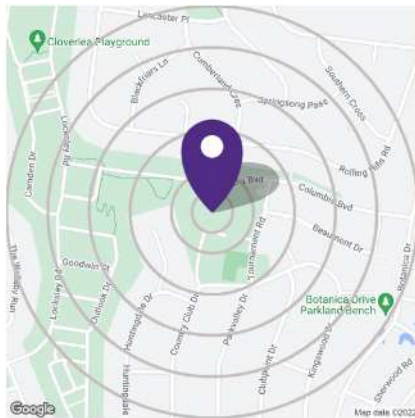
This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at Chirnside Park Country Club, Kingswood Drive, CHIRNSIDE PARK VIC 3116. These levels have been calculated by Visionstream using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

A document describing how to interpret this report is available at ARPANSA’s website:

[A Guide to the Environmental Report.](#)

## A snapshot of calculated EME levels at this site

<p>The maximum EME level calculated for the <b>existing</b> systems at this site is</p> <h1 style="text-align: center; color: white;">1.86%</h1> <p style="text-align: center; color: white;">out of 100% of the public exposure limit, 136 m from the location.</p>	<p>The maximum EME level calculated for the <b>proposed</b> changes at this site is</p> <h1 style="text-align: center; color: white;">4.05%</h1> <p style="text-align: center; color: white;">out of 100% of the public exposure limit, 130 m from the location.</p>
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EME levels with the proposed changes		
Distance from the site	Percentage of the public exposure limit	
0-50 m	3.66%	
50-100 m	3.82%	
100-200 m	4.05%	
200-300 m	2.48%	
300-400 m	1.20%	
400-500 m	0.60%	

For additional information please refer to the EME ARPANSA Report annexure for this site which can be found at <http://www.rfnsa.com.au/3116001>.

## Radio systems at the site

This base station currently has equipment for transmitting the services listed under the existing configuration. The proposal would modify the base station to include all the services listed under the proposed configuration.

Carrier	Existing		Proposed	
	Systems	Configuration	Systems	Configuration
Telstra	3G, 4G	WCDMA850, LTE1800, LTE700	3G, 4G, 5G	WCDMA850, LTE1800, LTE700, LTE700 (proposed), NR850 (proposed), WCDMA850 (proposed), LTE1800 (proposed), LTE2100 (proposed), LTE2600 (proposed), NR3500 (proposed)

## An in-depth look at calculated EME levels at this site

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined. All EME levels are relative to 1.5 m above ground and all distances from the site are in 360° circular bands.

Distance from the site	Existing configuration			Proposed configuration		
	Electric field (V/m)	Power density (mW/m <sup>2</sup> )	Percentage of the public exposure limit	Electric field (V/m)	Power density (mW/m <sup>2</sup> )	Percentage of the public exposure limit
0-50m	5.82	89.96	1.52%	11.64	359.19	3.66%
50-100m	6.51	112.42	1.86%	11.46	348.55	3.82%
100-200m	6.51	112.49	1.86%	11.99	381.40	4.05%
200-300m	4.38	50.83	0.83%	8.79	205.04	2.48%
300-400m	2.70	19.34	0.31%	5.94	93.53	1.20%
400-500m	1.95	10.04	0.16%	4.16	45.80	0.60%

## Calculated EME levels at other areas of interest

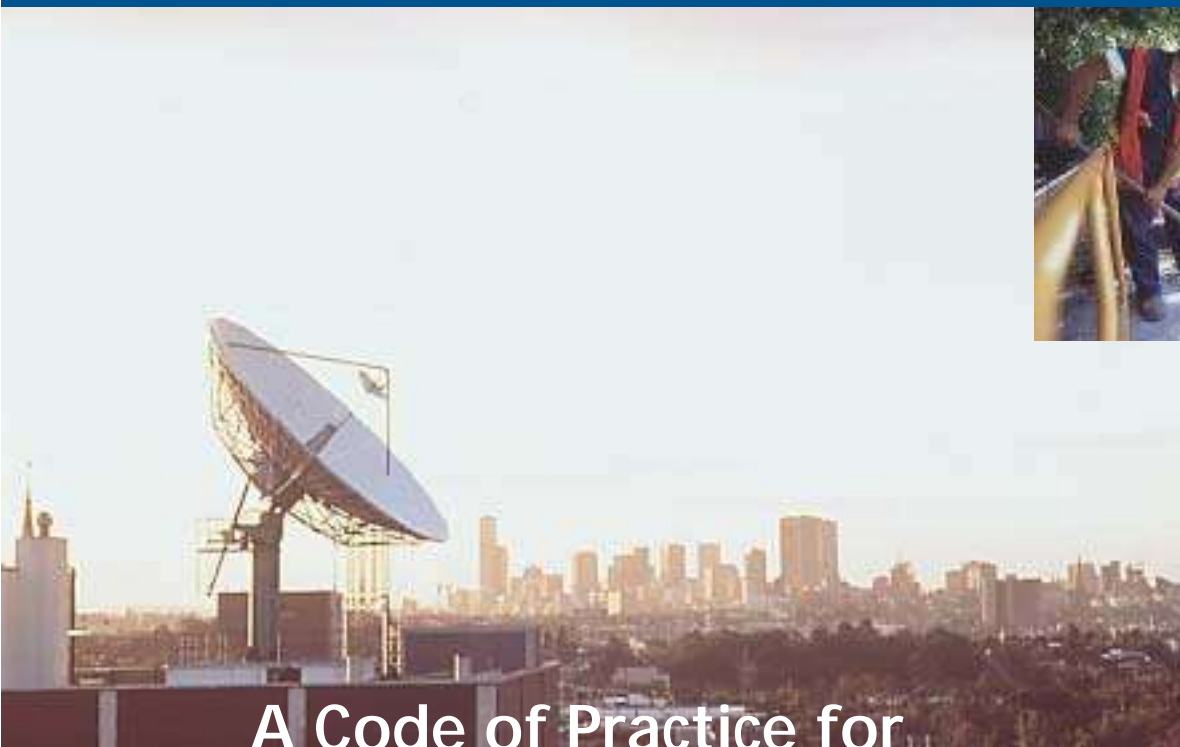
This table contains calculations of the maximum EME levels at selected areas of interest, identified through consultation requirements of the [Communications Alliance Ltd Deployment Code C564:2020](#) or other means. Calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

### Maximum cumulative EME level for the proposed configuration

Location	Height range	Electric field (V/m)	Power density (mW/m <sup>2</sup> )	Percentage of the public exposure limit
2 storey dwelling	0-6 m	10.94	317.47	4.46%
2 storey dwelling	0-5 m	7.86	163.75	2.04%
1 storey dwelling	0-3 m	10.06	268.46	2.92%
1 storey dwelling	0-3 m	5.70	86.14	1.02%



# telecommunications facilities



## A Code of Practice for Telecommunications Facilities in Victoria

July 2004

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A Code of Practice for  
telecommunications  
facilities  
in Victoria



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# Telecommunications facilities

## 1 The purpose of this code

A *Code of Practice for Telecommunications Facilities in Victoria* is an incorporated document in all planning schemes in Victoria.

The purpose of this code is to:

- Set out the circumstances and requirements under which land may be developed for a telecommunications facility without the need for a planning permit.
- Set out principles for the design, siting, construction and operation of a telecommunications facility which a responsible authority must consider when deciding on an application for a planning permit.

It aims to:

- Ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.
- Ensure the application of consistent provisions for telecommunications facilities.
- Encourage an effective statewide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in Victoria as set out in section 4 of the *Planning and Environment Act 1987*.
- Encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.

### What is a telecommunications facility?

A telecommunications facility is defined in planning schemes as:

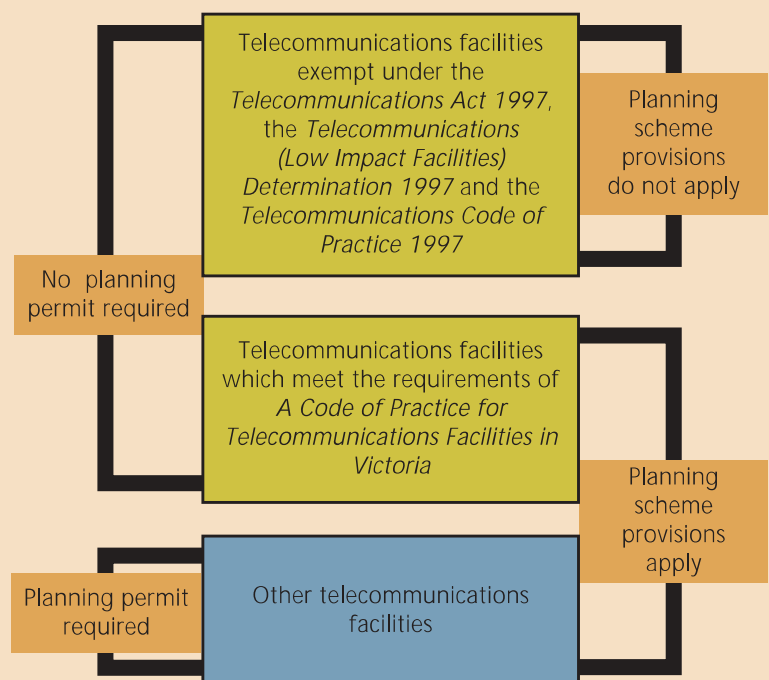
Any part of the infrastructure of a telecommunications network; or any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or for use, in or in connection with a telecommunications network.

## 2 The relationship between this code, Commonwealth legislation and planning schemes

The Commonwealth *Telecommunications Act 1997*, exempts certain telecommunications facilities from most requirements under State legislation. These facilities are described in the *Telecommunications Act 1997*, the *Telecommunications (Low-impact Facilities) Determination 1997*, and the *Telecommunications Code of Practice 1997*.

Planning schemes also specify a range of telecommunications facilities that do not require a planning permit if the requirements of this code are met. These requirements do not apply to any telecommunications facility already exempt under the Act or the Determination. A telecommunications facility that is not exempt under the Act or the Determination and which does not meet the requirements of this code, requires a planning permit.

Where there is any inconsistency, the Commonwealth legislation prevails.



### Notice to landowners

Where a telecommunications facility is exempt from state legislation under the *Telecommunications Act 1997*, that Act requires carriers to give notice to the owner of the land before a facility is constructed.

Where a telecommunications facility is not exempt from state legislation under the *Telecommunications Act 1997* but meets the requirements of this code, carriers will consult and negotiate directly with landowners.

Where a planning permit is required, the relevant provisions of section 52 of the *Planning and Environment Act 1987* apply.

# Telecommunications facilities

## 3 How to use this code

This code must be read in conjunction with the planning scheme which applies to the land on which the telecommunications facility is located.

Clause 52.19 of the planning scheme sets out the requirements which apply to a telecommunications facility. (Appendix). Clause 52.19-2 provides that a permit is required for a telecommunications facility, including any facility described in this code if the requirements of the code are not met.

To determine whether a proposed telecommunications facility may be constructed without the need for a planning permit:

- determine if the type of telecommunications facility proposed corresponds with a description in section 5
- determine whether the listed requirements are met.

If the facility corresponds with a description in section 5 and the relevant requirements are met, no planning permit is required. If the requirements of the code are not met, a permit is required.

Where a permit is not required, carriers should notify the relevant local government authority of any proposed buildings and works associated with telecommunications facilities.

## 4 Principles for the design, siting, construction and operation of telecommunications facilities

The following four principles must be applied where relevant to the design, siting, construction and operation of any telecommunications facility which is not exempt under Commonwealth legislation.

### 4.1 Principle 1

**A Telecommunications facility should be sited to minimise visual impact.**

Application of principle

- On, or in the vicinity of a heritage place, a telecommunications facility should be sited and designed with external colours, finishes and scale sympathetic to those of the heritage place. A heritage place is a heritage place listed in the schedule to the Heritage Overlay in the planning scheme.
- A telecommunications facility mounted on a building should be integrated with the design and appearance of the building.
- Equipment associated with the telecommunications facility should be screened or housed to reduce its visibility.
- The relevant officer of the responsible authority should be consulted before any street tree is pruned, lopped, destroyed or removed.
- A telecommunications facility should be located so as to minimise any interruption to a significant view of a heritage place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.

### 4.2 Principle 2

**Telecommunications facilities should be co-located wherever practical.**

Application of principle

- Wherever practical, telecommunications lines should be located within an existing underground conduit or duct.
- Overhead lines and antennae should be attached to existing utility poles, towers or other radiocommunications equipment to minimise unnecessary clutter.

### 4.3 Principle 3

**Health standards for exposure to radio emissions will be met.**

Application of principle

- A telecommunications facility must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with *Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz*, Arpana, May 2002.

### 4.4 Principle 4

**Disturbance and risk relating to siting and construction should be minimised.**

**Construction activity and site location should comply with State environment protection policies and best practice environmental management guidelines.**

Application of principle

- Soil erosion during construction and soil instability during operation should be minimised in accordance with any relevant policy or guideline issued by the Environment Protection Authority.
- Construction should be carried out in a safe and effective manner in accordance with relevant requirements of the *Occupational Health and Safety Act 1985*.
- Obstruction or danger to pedestrians or vehicles caused by the location of the facility, construction activity or materials used in construction should be minimised.
- Where practical, construction should be carried out during times that cause minimum disruption to adjoining properties and public access.
- Traffic control measures should be taken during construction in accordance with *Australian Standard AS1742.3 – 2002 Manual of uniform traffic control devices – Traffic control devices on roads*.
- Open trenching should be guarded in accordance with *Australian Standard Section 93.080 – Road Engineering AS 1165 – 1982 – Traffic hazard warning lamps*.
- Disturbance to flora and fauna should be minimised during construction and vegetation replaced to the satisfaction of the land owner or responsible authority at the conclusion of work.
- Street furniture, paving or other existing facilities removed or damaged during construction should be reinstated (at the telecommunication carrier's expense) to at least the same condition as that which existed prior to the telecommunications facility being installed.

# Telecommunications facilities

## 5 Telecommunications facilities which may be developed without the need for a planning permit

A telecommunications facility listed in this section may be constructed without the need for a planning permit provided the specified requirements of this section are met.

If the specified requirements are not met, a planning permit is required.

In considering an application for a telecommunications facility where the requirements are not met, the responsible authority will consider the principles and requirements of this code in addition to any other requirements of the planning scheme.

If a telecommunications facility falls into more than one type described in this section, for example a microcell (section 5.1) that is located on a roof (section 5.10), the facility complies with the code if it meets the requirements of at least one type.



### *Requirements for specific telecommunications facilities*

#### 5.1 A microcell

A microcell is an antenna and associated box which supplements the mobile network in heavy usage areas.

A microcell may minimise the need for a larger facility.

#### **Requirements**

- 1 The design, location, installation and operation must be in accordance with the principles set out in section 4 of this code.
- 2 The microcell must not be attached to a building or structure listed in the schedule to the Heritage Overlay in the planning scheme.
- 3 The combined volume of the cabinet or cabinets for the microcell must not exceed the following dimensions when mounted in an elevated position on an existing utility pole or when mounted on the wall of a building:  
(Height) 800mm x (Width) 550mm x (Depth) 300mm.  
Cabinet housings located elsewhere must conform with the provisions for an above ground housing in section 5.2.
- 4 The antenna must be either:
  - An omni whip antenna no longer than 1000mm and outriggered not more than 500mm from the support structure.
  - A panel antenna not more than 1200mm x 350mm x 150mm flush mounted and colour matched to the support structure.
- 5 There must be no aerial cabling. All other cabling or cabling trays must be either located internally in the support structure or colour matched to the support structure.

## 5.2 An above ground housing

An above ground housing is an above ground equipment shelter housing telecommunication infrastructure. An above ground housing includes:

- a pillar
- a cabinet
- a pedestal
- an elevated joint
- minor street furnishings
- marker posts
- a remote integrated multiplexer

### Requirements

- 1 The design, location, installation and operation must be in accordance with the principles set out in section 4 of this code.
- 2 A remote integrated multiplexer must not be located on a heritage place listed in the schedule to the Heritage Overlay in the planning scheme.



## 5.3 A temporary facility

A temporary facility is a telecommunications facility that does not exist on the land for more than a total of 4 months in any 12 month period.

### Requirements

- 1 The design, location, installation and operation must be in accordance with the principles set out in section 4 of this code.
- 2 The temporary facility must be for one or more of the following purposes:
  - Providing service coverage during either routine or emergency maintenance of an existing facility.
  - Providing service coverage during the construction or installation of a new facility.
  - Providing additional service coverage at events such as sporting carnivals or cultural festivals.
- 3 The establishment of a temporary facility must not permanently alter any building or site so that upon removal, the building or site is in a substantially different condition than it was prior to the establishment of the facility.
- 4 The height must not exceed 25m above its base or the height of the existing facility, whichever is the greater.



# Telecommunications facilities

## 5.4 Underground cable or duct

An underground cable or duct is placed into the ground by trenching or direct burial. Once in the ground, the ground is reinstated and the cable cannot be seen.

### Requirements

- 1 The design, location, installation and operation must be in accordance with the principles set out in section 4 of this code.
- 2 The underground cable or duct must not be located in a Road Zone – Category 1.
- 3 If an underground cable or duct is located on public land managed by the Department of Sustainability and Environment or another government agency or manager, a consent, lease or licence must be obtained if required by the relevant legislation.
- 4 The underground cable or duct must not be located on private land within an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay.
- 5 The underground cable or duct must not be located on land if a permit is required for the removal of native vegetation under Clause 52.17 of the planning scheme.
- 6 A trench in which a cable or duct is to be installed must not exceed a nominal width of 450mm, or if it is to be immediately used by more than one carrier, must not exceed a nominal width of 650mm.
- 7 Access to the frontage of a premises in a business zone must not be restricted.
- 8 If the land is located in or adjacent to a residential zone, not more than 100m of excavation may be left open at any time.
- 9 A resident must not lose vehicle access to their property for more than 12 hours at a time.
- 10 The land in which the cable or duct is laid must be reinstated in accordance with a reinstatement plan agreed, prior to construction, with the owner or if on public land, the public land manager. The reinstatement plan must include (as appropriate):
  - Management and protection measures, and remedial works for significant vegetation.
  - Relaying of the existing road or pavement.
  - Replanting of grass, trees and foliage.
  - Replacement or removal of material removed.
  - Reinstatement of existing contours.

## 5.5 Boring cable

Boring cable is a process whereby new cable is run through ducts which already exist or is bored predominantly underground from one end point to the other.

### Requirements

- 1 The design, location, installation and operation must be in accordance with the principles set out in section 4 of this code.
- 2 The boring must take place at a minimum depth of 600mm or 1200mm where the cable is located in a Road Zone – Category 1.
- 3 If an underground cable or duct is located on public land managed by the Department of Sustainability and Environment or another government agency or manager, a consent, lease or licence must be obtained if required by the relevant legislation.
- 4 The underground cable or duct must not be located on private land within an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, or an Erosion Management Overlay.



## 5.6 A radio communications dish

A radio communications dish is a circular dish antenna used to send and receive radio frequency communications.

A radio communications dish includes a dish for satellite TV reception.

### Requirements

- 1 The design, location, installation and operation must be in accordance with the principles set out in section 4 of this code.
- 2 The radio communications dish must not be attached to a building or structure listed in the schedule to the Heritage Overlay in the planning scheme.
- 3 A radio communications dish in a residential zone must not be greater than 1.2m in diameter unless the facility is not visible from an adjoining property and the maximum diameter of the dish does not exceed 2.4m.

### 4 A radio communications dish in a business zone:

- may be greater than 1.2m, but not greater than 1.8m in diameter if:
  - the dish is located on an existing roof or structure.
  - the highest point of the dish does not exceed 4m above the roof to which its base is attached.
  - any dish on the street facade is flush mounted.
  - if the dish is not flush mounted and the highest part of the dish is more than 3m above the roof, then the dish must be set back at least 2m from the outermost wall of the building.
- may be greater than 1.8m, but not greater than 2.4m in diameter if the facility is not visible from outside the property.

**Note: It is desirable (but not a requirement) that:**

- *A radio communications dish should not be installed on a pitched roof.*
- *A dish 1.8m or greater in diameter should not be installed where the scale of the dish is disproportionate to the scale of the building on which it is proposed to be mounted.*
- *A dish 1.8m or greater in diameter should be flush mounted to a rooftop plant room below the overall height, where possible.*





# Telecommunications facilities

## 5.7 Replacement of a tower or a facility associated with a tower to enable co-location

For the purposes of this provision, a tower includes any similar structure supporting antennas.

This provision also applies to any shelter housing a base station transceiver and associated transmission equipment and to cable connections between the base station equipment and the tower.

### **Basis for this provision**

Carriers are encouraged to co-locate facilities wherever practical, including on structures associated with radio communications networks operated by non-carriers, such as two way radio operators and community radio stations.

This provision encourages co-location where a new structure is required to support the combined equipment of more than one carrier or the combined equipment of a carrier(s) and an operator of a radio communications network because the existing structure does not have the structural capacity to cope with the combined equipment.

The replacement process requires a second structure to be built and the equipment transferred to the new structure. After installation activities are complete, the original structure is removed.

### **Requirements**

- 1 The design, location, installation and operation must be in accordance with the principles set out in section 4 of this code.
- 2 The replacement facility must be for the purpose of co-locating a carrier.
- 3 The facility being replaced must not be located in a residential zone.
- 4 The replacement structure must be similar in appearance to the structure being replaced, except that a lattice tower can be replaced by a monopole tower.
- 5 The replacement structure must not be more than 5m higher than the structure being replaced.
- 6 The tower must not have previously been extended under this provision.
- 7 The replacement structure must be located within 20m of the structure being replaced and must not be on land within an Environment Significant Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, or an Erosion Management Overlay.

- 8 The structure being replaced must be decommissioned and removed within eight weeks of the equipment on the new structure being commissioned. The location of the structure which has been removed must be made good and landscaped as appropriate.

## 5.8 Co-location of a facility on an existing tower

For the purposes of this provision, a tower includes any similar structure supporting antennas.

This provision also applies to any shelter housing a base station transceiver and associated transmission equipment and to cable connections between the base station equipment and the tower.

### **Basis for this provision**

Carriers are encouraged to co-locate facilities wherever practical. This provision encourages co-location where an existing structure has the capacity to cope with the additional requirements and combined equipment of more than one carrier or the combined equipment of a carrier(s) and the operator of a radio communications network, such as two way radio operators and community radio stations.



### Requirements

- 1 The design, location, installation and operation must be in accordance with the principles set out in section 4 of this code.
- 2 The facility must be for the purpose of co-locating a carrier.
- 3 The facility must not be located in a residential zone.
- 4 New equipment must not protrude from the face of the tower more than the existing facility.
- 5 The new structure must not be more than 5m higher than the existing tower.
- 6 The tower must not have been previously extended under this provision.

### 5.9 A telecommunications facility located inside a building, structure or tunnel

A telecommunications facility located inside a building, structure or tunnel is a facility located so that it is not visible from outside the building, structure or tunnel or which is included in or integrated with the building, structure or tunnel in such a way as to have the appearance of being part of the building, structure or tunnel.

### Requirements

- 1 The design, location, installation and operation must be in accordance with the principles set out in section 4 of this code.
- 2 The facility must be located wholly within the building, structure or tunnel or must be integrated with the building, structure or tunnel in such a way as to have the appearance of being part of the structure.



*Note: New buildings or works or alterations to existing buildings or works may require a planning permit under other provisions of the planning scheme.*

### 5.10 A telecommunications facility located on a roof

This provision applies to a tower, antenna, ancillary equipment or housing located on a roof of a building or on a similar structure (such as a water tank).

### Basis for this provision

The utilisation of roof tops of appropriate height avoids the need for a tower or similar structure to be built. A facility on the roof of a building is generally less intrusive than a new tower and is therefore encouraged as a design solution to minimise visual impact.

### Requirements

- 1 The design, location, installation and operation must be in accordance with the principles set out in section 4 of this code.
- 2 The telecommunications facility must not be attached to a building or structure listed in the schedule to the Heritage Overlay in the planning scheme.
- 3 An antenna support structure on a roof must not exceed 5m above the building height. Associated equipment must be screened or housed in an appropriate structure to minimise visual impact.
- 4 The telecommunications facility must not be located in a residential zone.
- 5 A radio communications dish must comply with the requirement No. 4 in section 5.6 – A radio communications dish.



# Telecommunications facilities

## 5.11 A repeater installation

A repeater installation is used in situations where signal is required to be improved within a small area inside a building. Repeaters may be used inside retail outlets, shopping centres or commercial buildings to improve coverage to those buildings. A repeater installation consists of an external antenna, a small internal antenna and a small equipment box.

### Requirements

- 1 The design, location, installation and operation must be in accordance with the principles set out in section 4 of this code.
- 2 The repeater installation must consist only of an external yagi antenna no longer than 1.8m, located on the roof of the building with ancillary equipment located inside the building or structure. Any ancillary equipment located on the roof of the building or structure, must not be more than 450mm x 550mm x 250mm.

## 5.12 A telecommunications facility attached to infrastructure within a Road Zone – Category 1

### Basis for this provision

Carriers are encouraged to use existing or proposed infrastructure along major highways, arterial roads and freeways to support telecommunications facilities providing coverage along these roads to avoid the need for additional structures.

The Road Zone – Category 1 applies to all roads declared under the *Transport Act 1983*.

### Requirements

- 1 The design, location, installation and operation must be in accordance with the principles set out in section 4 of this code.
- 2 The telecommunications facility must not be attached to a building or structure listed in the schedule to the Heritage Overlay in the planning scheme.
- 3 The telecommunications facility must be located within a Road Zone – Category 1.
- 4 An antenna mounted on a road overpass must not exceed 2.8m in length.

- 5 A panel antenna incorporated into or mounted on an advertising sign, street lighting pole, directional sign or similar structure must not exceed 2.8m in length and must be coloured to minimise visual impact.
- 6 An omni-directional antenna incorporated into or mounted on an advertising sign, street lighting pole, directional sign or similar structure must not exceed 4.5m in length.
- 7 A transmission dish must not exceed 1.2m in diameter and must be coloured to match the background.
- 8 An internal or external equipment shelter must be appropriately sited out of trafficked areas and coloured to match the background.

## 5.13 An optical fibre ground wire on high voltage transmission towers

An optical fibre ground wire (OPGW) on high voltage transmission towers is an electricity ground wire with an optical fibre core located in the ground wire position of high voltage electricity towers.

### Requirements

- 1 The OPGW cable must replace an existing electricity ground wire.
- 2 The OPGW cable must be located on a tower supporting power lines designed to operate at 220,000 volts or greater.

Ground wire



## 6 Some common questions

### 1. **Where are the requirements for a telecommunications facility found in planning schemes?**

The following provisions in planning schemes apply to telecommunications facilities:

The State planning policy for telecommunications facilities is set out in Clause 18-13. The provisions which apply to a telecommunications facility are set out in Clause 52.19.

As well as other matters, Clause 52.19 provides that no planning permit is required if a telecommunications facility is described in the Code and the specified requirements are met. Clause 52.19 also sets out decision guidelines which apply when a permit is required.

Clause 62.02 provides that no permit is required for buildings and works associated with a telecommunications facility which meets the requirements of the Code.

### 2. **Is a planning permit required for new aerial telecommunications cables in a street?**

Yes. Since 1 July 1997 planning requirements have generally applied to most telecommunications facilities. The *Telecommunications Act 1997* (Part 1 of Schedule 3) outlines exceptions to this rule, but does not exempt new aerial telecommunications cables unless they are a subscriber connection (see below).

### 3. **Is a permit required to connect a dwelling or other buildings to the telecommunication lines in the street (a subscriber connection)?**

No. The connection of a building, structure, caravan or mobile home to a telecommunications line forming part of a telecommunications network does not require a permit.

### 4. **Where can I find the Telecommunications Act 1997, the Telecommunications (Low-impact Facilities) Determination 1997 and the Telecommunications Code of Practice 1997?**

At the Australian Department of Communications, Information Technology and the Arts internet site at: <http://www.dcita.gov.au>.

### 5. **Can a Council include a local policy in a planning scheme which provides more stringent requirements than those set out in this Code?**

No. Clause 52.19 of planning schemes and this Code, provide consistent provisions for telecommunications facilities in Victoria.

### 6. **How is the issue of electromagnetic energy dealt with by planning schemes?**

The *Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz*, Arpansa, May 2002 provides restrictions for public exposure to radiofrequencies consistent with current world standards.

Before deciding an application for a telecommunications facility, Clause 52.19 of planning schemes requires the responsible authority to consider the principles and requirements set out in *A Code of Practice for Telecommunications Facilities in Victoria*. Principle 3 of this Code requires telecommunications facilities to be consistent with this standard.

### 7. **What is a 'site analysis and design response' required by the planning scheme?**

The planning scheme requires an application for permit to be accompanied by a site analysis and design response explaining how the proposed facility addresses the principles for the design, siting, construction and operation of telecommunications facilities and the requirements in *A Code of Practice for Telecommunications Facilities in Victoria*.

The site analysis should include a site context plan, drawn to scale and identify and explain the design constraints and opportunities presented by the site and how the proposed facility will relate to the site and to the surrounding area. The site analysis should influence the siting and design of the facility consistent with the purpose and aims of the code.

The design response to the site analysis should explain how the proposed siting and design derives from the site analysis, how it relates to other buildings and works on the site and on surrounding land and how it achieves the aims and principles of the code.

# Appendix

## Clause 52.19 of all planning schemes in Victoria

### 52.19 Telecommunications facility

#### Purpose

To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.

To ensure the application of consistent provisions for telecommunications facilities.

To encourage an effective statewide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in Victoria as set out in section 4 of the *Planning and Environment Act 1987*.

To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.

#### 52.19-1 Application

These provisions apply to the construction of a building or the construction or carrying out of works associated with the use of land for a Telecommunications facility. They apply to the extent permitted under the *Telecommunications Act 1997* (Cwth) and determinations made under that Act by the Commonwealth Minister for Communications and the Arts, including the *Telecommunications (Low-impact Facilities) Determination 1997*.

#### 52.19-2 Permit requirement

A permit is required to construct a building or construct or carry out works for a Telecommunications facility.

This does not apply to:

- Buildings and works associated with:
  - A low-impact facility as described in the *Telecommunications (Low-impact) Facilities Determination 1997*.
  - The inspection and maintenance of a Telecommunications facility as defined in the *Telecommunications Act 1997* (Cwth).
  - A facility authorised by a Facilities Installation Permit issued under the *Telecommunications Act 1997* (Cwth).
  - A temporary defence facility.
  - The connection of a building, structure, caravan or mobile home to a Telecommunications line forming part of a Telecommunications network.
  - Any Telecommunications facility described in *A Code of Practice for Telecommunications Facilities in Victoria* which complies with the requirements of the Code.
- Buildings and works associated with activities which are:
  - Authorised under Clause 6(2) of Division 3 of Schedule 3 of the *Telecommunications Act 1997* (Cwth).
  - Carried out by bodies listed in sections 46 to 51 (inclusive) of the *Telecommunications Act 1997* (Cwth) pursuant to legislation applying to those bodies.



### **52.19-3 Land in public ownership**

An application for a permit on land in a public land zone by a person other than the relevant public land manager, must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development.

### **52.19-4 Exemption from notice and appeal**

An application for a permit is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act unless:

- The Telecommunications facility is:
  - A radio communications dish greater than 1.2 metres in diameter or
  - A Telecommunications tower (other than a low-impact facility described in the *Telecommunications (Low-impact Facilities) Determination 1997*).
- The land is located in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay.
- The land is public land not in a public land zone and the responsible authority is not the public land manager.

### **52.19-5 Application requirements**

An application for permit must be accompanied by the following information as appropriate to the proposal and the location:

- A site analysis and design response explaining how the proposed facility addresses the principles for the design, siting, construction and operation of telecommunications facilities and the requirements in *A Code of Practice for Telecommunications Facilities in Victoria*.
- Site boundaries and dimensions.
- The purpose and location of all buildings and works required in the construction of the facility.
- The location of all existing buildings and works to be retained and demolished.
- The location of all proposed buildings and works including dimensions, elevations, materials, colours and finishes.

- The location and use of all buildings on adjoining properties.
- The location of all adjoining streets and access ways.
- Australian Height Datum levels.
- Natural drainage lines, watercourses, coastal dunes, beach systems and wetlands.
- Proposals for the rehabilitation of the land on which development is to occur.
- Roads and parking areas.
- Materials, landscaping, external lighting, colour and reflectivity.

### **52.19-6 Decision guidelines**

Before deciding on an application, in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate:

- The principles for the design, siting, construction and operation of a Telecommunications facility set out in *A Code of Practice for Telecommunications Facilities in Victoria*.
- The effect of the proposal on adjacent land.
- If the Telecommunications facility is located in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay, the decision guidelines in those overlays and the schedules to those overlays.

# Telecommunications facilities

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1992/04/04





# Yarra Ranges Council Telecommunication Facilities

Dec  
**2012**



This policy applies to proposals for telecommunication facilities.



## Policy

Telecommunications is an important service for recreation, business and emergency management. The infrastructure required to support this service can have an adverse impact on the landscape due to its height and incompatibility with the surrounding natural and built environment. Careful consideration must therefore be given to the siting and design of telecommunication facilities.

The policy provides guidance and specific requirements to ensure telecommunication facilities are appropriately sited and designed to protect the unique landscape of Yarra Ranges.

The Telecommunication Facilities Policy has been adopted by Council for purposes of Section 60(1A) (g) of the Planning and Environment Act 1987 and facilitates consistency between the Yarra Ranges Planning Scheme and Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan in relation to telecommunication towers.

## Policy objectives

- To reduce the visual impact of telecommunication facilities and ensure the type, scale, design and siting of the telecommunication facility is not detrimental to the landscape
- To minimise disturbance to vegetation and natural features of the land
- To ensure fire risk to the facility is considered as part of the proposal for the use and development of a proposed telecommunication facility
- To minimise the number of telecommunication facilities by encouraging the co-location of facilities or upgrade to existing facilities.
- To recognise the public benefits of telecommunication infrastructure.

## Policy

**It is policy that when considering proposals for telecommunication facilities Council give preference to proposals which:**

- Demonstrate a need for the facility
- Comprise the upgrading of existing facilities
- Comprise the co-location of new facilities with existing facilities
- Propose a facility that will be used by more than one telecommunication provider
- Demonstrate consistency with the design objectives of any Significant Landscape Overlay and Design and Development Overlay that applies to the site
- Minimise the visual impact on the landscape by
  - o Siting facilities away from visually exposed sites, hilltops, ridgelines, identified significant landscapes and or areas of environmental value
  - o Disguising and designing facilities into the surrounding built form landscape.
- Avoid the need for native vegetation and habitat removal to construct the facility
- Avoid sites where vegetation removal will be required to protect the facility from bushfire risk

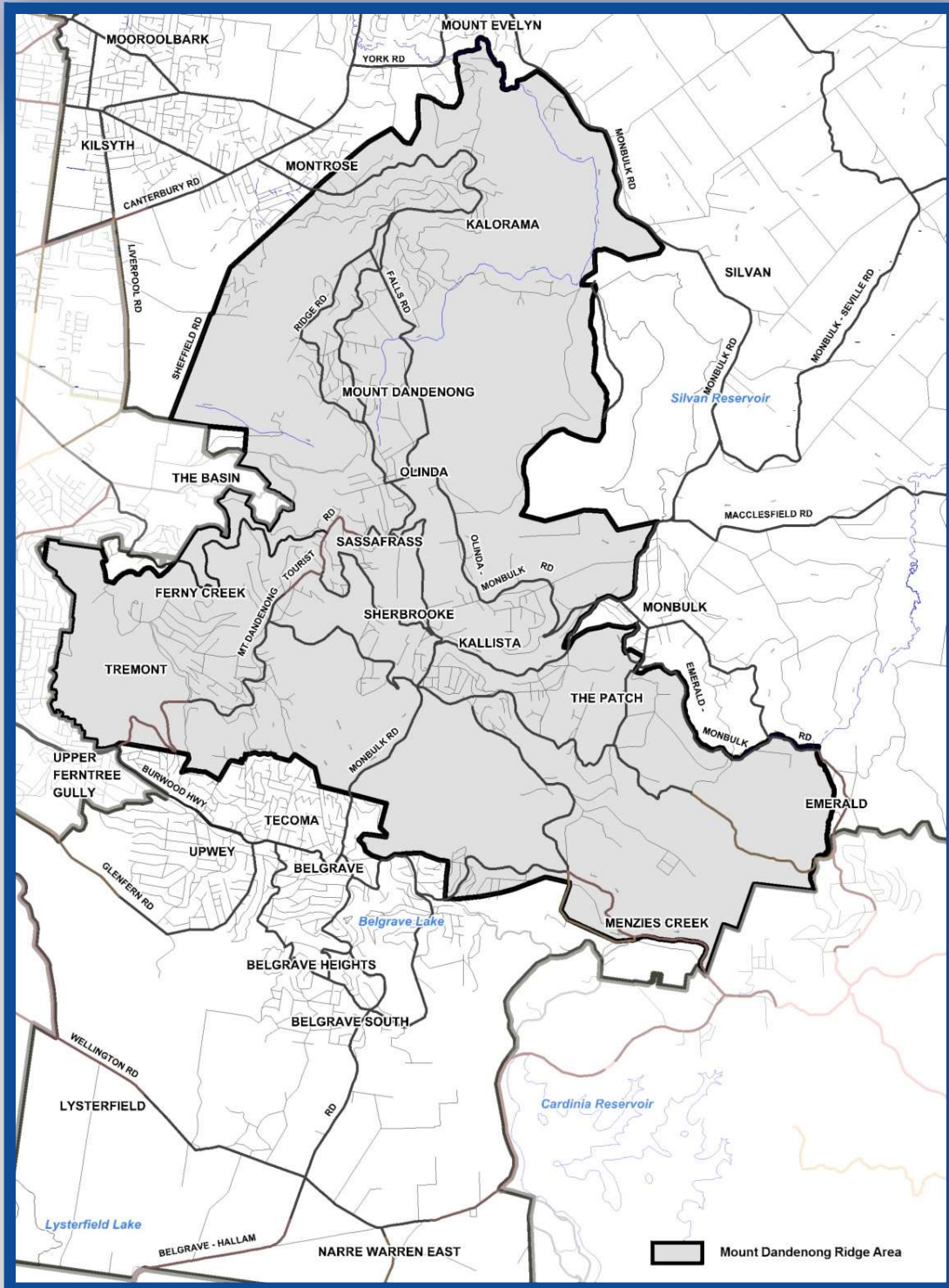
In accordance with the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan and consideration of Section 60 (1A)(g) of the Planning and Environment Act no additional towers or masts should be constructed within the Mount Dandenong Ridge Area (as shown on the attached map) unless the proposal replaces an existing tower or mast.

## Proposal requirements

**Proposals for a telecommunication facility are to be accompanied by the following information:**

- Written explanation of why the facility is required, including an identification of the area that the facility will serve and a demand analysis
- How the facility will reduce areas that have no emergency service coverage from any provider
- Steps already taken to improve existing facilities and consideration of options for co-location
- A written assessment of at least three other feasible alternative sites on different properties for the establishment of the facility and the rationale for the preferred site
- Indicative photomontage illustrations, 3D modeling of long range and short range views of the proposed facility from key vantage points
- An analysis of the site and surrounding area including:
  - o Location of the proposed development and associated buildings or structures, and any existing buildings and features on the site
  - o Topography of the land, including contours and identification of any features including ridgelines, hilltops and vegetation
  - o Location of vehicular access
  - o Identification of gateways and main roads
  - o Identification of any other telecommunication facilities in the area.
- Details of any vegetation that requires removal, including that required to mitigate fire risk and an explanation of how vegetation removal will be minimised
- A written explanation of how the facility has been designed in order to minimise the visual impact
- A written description of how new and existing landscaping will assist in screening the facility from short and long range views.

# Mount Dandenong Ridge Area







**12.05-2S**

31/07/2018  
VC148

**Landscapes**

**Objective**

To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

**Strategies**

Ensure significant landscape areas such as forests, the bays and coastlines are protected.

Ensure development does not detract from the natural qualities of significant landscape areas.

Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.

Recognise the natural landscape for its aesthetic value and as a fully functioning system.

Ensure important natural features are protected and enhanced.



**13.07-1S**03/03/2023  
VC215**Land use compatibility****Objective**

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

**Strategies**

- Ensure that use or development of land is compatible with adjoining and nearby land uses
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

**Policy documents**

Consider as relevant:

- *Recommended separation distances for industrial residual air emissions* (Publication 1518, Environment Protection Authority, March 2013).

**15.01-1S**31/07/2018  
VC148**Urban design****Objective**

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

**Strategies**

Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.

Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.

Ensure the interface between the private and public realm protects and enhances personal safety.

Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.

Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.

Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.

Promote good urban design along and abutting transport corridors.

**Policy documents**

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)

**16.01-1S**20/12/2021  
VC174**Housing supply****Objective**

To facilitate well-located, integrated and diverse housing that meets community needs.

**Strategies**

Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.

Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.

Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.

Identify opportunities for increased residential densities to help consolidate urban areas.

Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.

Encourage the development of well-designed housing that:

- Provides a high level of internal and external amenity.
- Incorporates universal design and adaptable internal dwelling design.

Support opportunities for a range of income groups to choose housing in well-serviced locations.

Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

**Policy documents**

Consider as relevant:

- *Homes for Victorians - Affordability, Access and Choice* (Victorian Government, 2017)
- *Apartment Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2021)

**17.01-1S**

31/07/2018  
VC148

**Diversified economy**

**Objective**

To strengthen and diversify the economy.

**Strategies**

Protect and strengthen existing and planned employment areas and plan for new employment areas.

Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.

Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.

Improve access to jobs closer to where people live.

Support rural economies to grow and diversify.

**19.03-4S**04/11/2022  
VC226**Telecommunications****Objective**

To facilitate the orderly development, extension and maintenance of telecommunications infrastructure.

**Strategies**

Facilitate the upgrading and maintenance of telecommunications facilities.

Ensure that modern telecommunications facilities are widely accessible and that the telecommunications needs of business, domestic, entertainment and community services are met.

Encourage the continued deployment of telecommunications facilities that are easily accessible by:

- Increasing and improving access for all sectors of the community to the telecommunications network.
- Supporting access to transport and other public corridors for the deployment of telecommunications networks in order to encourage infrastructure investment and reduce investor risk.

Ensure a balance between the provision of telecommunications facilities and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.

Co-locate telecommunications facilities wherever practical.

Planning should have regard to national implications of a telecommunications network and the need for consistency in infrastructure design and placement.

**19.03-4L**

02/12/2022  
C195yran

**Telecommunications**

**Strategies**

Site and design telecommunications facilities to minimise:

- The impact on the landscape due to height and appearance.
- Disturbance to vegetation and natural features.
- Fire risk to telecommunications facilities.
- The number of telecommunication facilities by co-locating facilities or upgrading existing facilities.

Locate telecommunications facilities to support improved coverage in areas that are subject to bushfire risk.

**37.01**

31/07/2018  
VC148

**SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ** with a number.

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.

**37.01-1**

19/01/2006  
VC37

**Table of uses**

**Section 1 - Permit not required**

Use	Condition
Any use in Section 1 of the schedule to this zone	Must comply with any condition in Section 1 of the schedule to this zone

**Section 2 - Permit required**

Use	Condition
Any use in Section 2 of the schedule to this zone	Must comply with any condition in Section 2 of the schedule to this zone.
Any other use not in Section 1 or 3 of the schedule to this zone	

**Section 3 - Prohibited**

Use
Any use in Section 3 of the schedule to this zone

**37.01-2**

31/07/2018  
VC148

**Use of land**

Any requirement in the schedule to this zone must be met.

**Application requirements**

An application to use land must be accompanied by any information specified in the schedule to this zone.

**Exemption from notice and review**

The schedule to this zone may specify that an application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any guidelines in the schedule to this zone.



37.01-3

14/12/2023  
VC253**Subdivision****Permit requirement**

A permit is required to subdivide land.

Any requirement in the schedule to this zone must be met.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	Clause 59.02
Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land:               <ul style="list-style-type: none"> <li>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>- Has started lawfully.</li> </ul> </li> <li>▪ The subdivision does not create a vacant lot.</li> </ul>	Clause 59.02

**Application requirements**

An application to subdivide land must be accompanied by any information specified in the schedule to this zone.

**Exemption from notice and review**

The schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any guidelines in the schedule to this zone.

**37.01-4**

20/12/2021  
VC174

**Buildings and works**

**Permit requirement**

A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.

Any requirement in the schedule to this zone must be met.

An apartment development must meet the requirements of Clause 58.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works with an estimated cost of up to \$500,000 and the land is not: <ul style="list-style-type: none"> <li>▪ Within 30 metres of land (not a road) which is in a residential zone.</li> <li>▪ Used for a purpose listed in the table to Clause 53.10.</li> </ul>	Clause 59.04

**Transitional provisions**

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Clause 58 of this scheme, as in force immediately before the approval date of Amendment VC174, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**Application requirements**

An application to construct a building or construct or carry out works must be accompanied by any information specified in the schedule to this zone.

An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.

**Exemption from notice and review**

The schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.
- Any guidelines in the schedule to this zone.

**37.01-5**

31/07/2018  
VC148

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.

08/07/2021  
C189yran**SCHEDULE 5 TO CLAUSE 37.01 SPECIAL USE ZONE**Shown on the planning scheme map as **SUZ5**.**CHIRNSIDE PARK COUNTRY CLUB****Purpose**

To provide for the ongoing use of the land as a restricted recreation facility.

To ensure that the use and development of the land minimises adverse impact on the use and development of nearby land.

**1.0**14/11/2022  
VC227**Table of uses****Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
<b>Informal outdoor recreation</b>	
<b>Mineral Exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08.
<b>Restricted recreation facility</b>	Must be generally in accordance with the requirements outlined in Section 2 of this Schedule.
<b>Search for stone</b>	Must not be costeaning or bulk sampling.
<b>Any use not listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.

**Section 2 - Permit required**

<b>Use</b>	<b>Condition</b>
<b>Accommodation</b>	Must be for visitors associated with leisure, recreation or tourist related activities carried out on the land.
<b>Child care centre</b>	
<b>Function centre</b>	
<b>Industry (other than Automated collection point)</b>	
<b>Mineral, stone or soil extraction (other than Mineral exploration, Mining, and Search for stone)</b>	
<b>Restaurant</b>	Must be for visitors associated with leisure, recreation or tourist related activities carried out on the land.
<b>Restricted place of assembly</b>	
<b>Restricted recreation facility</b>	
<b>Shop</b>	Must not be more than 200 square metres in area.

Use	Condition
-----	-----------

Utility installation (other than Minor utility installation and Telecommunications facility)

**Section 3 - Prohibited**

Use
-----

Agriculture (other than Apiculture)

Leisure and recreation (other than Informal outdoor recreation and Restricted recreation facility)

Retail premise (other than Shop and Restaurant)

Any other use not in Section 1 or 2

**2.0**

01/04/2010  
C96

**Use of land**

**2.1**

01/04/2010  
C96

**Patron Numbers**

Private functions	Up to 200 people
Bistro and alfresco dining area	Up to 250 people
Conferences	Up to 100 people
Tennis courts	Up to 80 people (players and spectators)
Bowling green and club house	Up to 170 people (players and spectators)
Other areas within the general clubhouse (eg sports bar, lounge area)	Maximum 100 people

**2.2**

01/04/2010  
C96

**Hours of Operation**

**a) Chirnside Park Country Club Activities**

Monday to Saturday	At any time
Sunday	Between 12 midnight and 1am, also 10am and 12 midnight *

*Note: Cleaning and general maintenance may be carried out beyond the hours specified above.*

**b) Private Functions**

Monday to Saturday	Between 7am and 1am the following day
Sunday	Between 10am and 12 midnight

**2.3**

01/04/2010  
C96

**Gaming Machines**

No more than 37 gaming machines are to be provided on-site.

**2.4**

01/04/2010  
C96

**Car Parking**

No less than 250 car parking spaces are to be provided on-site.

**3.0**

08/07/2021  
C189yan

**Subdivision**

None specified.

**4.0**

08/07/2021  
C189yan

**Buildings and works**

None specified.

**5.0**

08/07/2021  
C189yan

**Signs**

Sign requirements are at Clause 52.05. All land located within this zone is in Category 4.

**52.19**04/11/2022  
VC226**TELECOMMUNICATIONS FACILITY****Purpose**

To ensure that telecommunications infrastructure is provided in an efficient and cost-effective manner to meet community needs.

To facilitate an effective state-wide telecommunications network consistent with proper and orderly planning.

To support the provision of telecommunications facilities with minimal impact on the amenity of the area.

**52.19-1**04/11/2022  
VC226**Permit requirement**

A permit is required to construct a building or construct or carry out works for a telecommunications facility. This does not apply to the construction of a building or the construction or carrying out of works for any of the following:

- A low-impact facility specified in the *Telecommunications (Low-impact Facilities) Determination 2018* (Cth).
- The inspection and maintenance of a facility as defined in the *Telecommunications Act 1997* (Cth).
- A facility authorised by a facility installation permit issued under the *Telecommunications Act 1997* (Cth).
- An activity authorised under clause 6(2) of Division 3 of Schedule 3 of the *Telecommunications Act 1997* (Cth).
- An activity carried out by a body listed in sections 46 to 51 (inclusive) of the *Telecommunications Act 1997* (Cth) pursuant to legislation applying to that body.
- A temporary defence facility.
- A telecommunications facility equipment shelter.
- A telecommunications line forming part of a telecommunications network connected to a building, caravan or mobile home.
- An optical fibre ground wire that replaces an electricity ground wire on a high-voltage transmission tower that supports powerlines designed to operate at 222,000 volts or greater.
- A telecommunications facility located underground if any ground disturbed in constructing or installing the facility is reinstated.
- A telecommunications dish with a diameter of 1.2 metres or less.
- A telecommunications dish with a diameter of more than 1.2 metres and less than or equal to 2.4 metres if the following requirements are met:
  - If the dish is in a Heritage Overlay, it must not be visible from a street (other than a lane) or public park.
  - If the dish is in a residential zone, it must:
    - Be set back from the side or rear boundary 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.
    - Be set back at least 3 metres from a boundary opposite an existing habitable room window.
    - Not be visible from the street (other than a lane) or a public park.

- A telecommunications tower that replaces an existing light pole on public land if the following requirements are met:
  - The public land manager must be a municipal council.
  - The tower must not be more than 8 metres higher than the light pole.
- A telecommunications tower that replaces an existing telecommunications tower on the same land if the following requirements are met:
  - The tower must not be in a residential zone, or a Significant Landscape Overlay, Heritage Overlay or Neighbourhood Character Overlay.
  - The tower must not be more than 8 metres higher than the existing tower.
  - The tower must not be a lattice tower.
  - The tower must be located within 20 metres of the existing tower.
  - The existing tower must be removed within 60 days of the new tower commencing operation.
- The extension of an existing telecommunications tower if the following requirements are met:
  - The tower must not be in a residential zone.
  - The height of the extension must not exceed 8 metres.
  - The tower must not have been previously extended without a permit.
  - The tower must have been constructed for 12 months before the extension.
- A telecommunications facility on a building if the following requirements are met:
  - If the building is in a residential zone, the height of the facility must not be more than 1 metre higher than the building height of the building.
  - If the building is in a zone other than a residential zone, the height of the facility must not be more than 8 metres higher than the building height of the building.
- A telecommunications facility that provides service coverage during routine or emergency maintenance of an existing facility, construction or installation of a new facility, or additional service coverage for an event, if the following requirements are met:
  - The height of the facility must not exceed 25 metres above its base or the height of the existing facility, whichever is the greater.
  - The facility must not be located on the land for more than a total of 4 months in any 12 month period.

### 52.19-2

04/11/2022  
VC226

#### Land in public ownership

An application affecting land in a public land zone must be accompanied by written confirmation from the public land manager that the public land manager consents generally or conditionally:

- To the application being made; or
- To the application being made and to the proposed development.

This requirement does not apply if the applicant is the public land manager.

### 52.19-3

04/11/2022  
VC226

#### Exemptions from notice and review

An application under any provision of this planning scheme to construct a building or construct or carry out works for a telecommunications facility is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to:



- An application under a Significant Landscape Overlay, a Heritage Overlay, or Neighbourhood Character Overlay.
- An application under a public land zone if the responsible authority is not the public land manager.
- An application for any of the following:
  - A telecommunications dish.
  - A telecommunications facility on a building within 100 metres of a residential zone.
  - A telecommunications facility on a building within 100 metres of a dwelling not on the same land or land in contiguous ownership.
  - A telecommunications tower in a residential zone.
  - A telecommunications tower within 100 metres of a residential zone.
  - A telecommunications tower within 100 metres of a dwelling not on the same land or land in contiguous ownership.

An application under any provision of this planning scheme to use or develop land for a telecommunications facility is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the telecommunications facility is funded, or partly funded, by the Commonwealth through the Mobile Black Spot Program or the State of Victoria.

**52.19-4**

04/11/2022  
VC226

**Application requirements**

An application must be accompanied by the following information as appropriate:

- A site analysis and design response explaining the design, siting, construction and operation of the telecommunications facility.
- Site boundaries and dimensions.
- The purpose and location of all buildings and works required in the construction of the facility.
- The location of all existing buildings and works to be retained and demolished.
- The location of all proposed buildings and works including dimensions, elevations, materials, colours and finishes.
- The location and use of all buildings on adjoining properties.
- The location of all adjoining streets and access ways.
- Australian Height Datum levels.
- Natural drainage lines, watercourses, coastal dunes, beach systems and wetlands.
- Proposals for the rehabilitation of the land on which development is to occur.
- Roads and parking areas.
- Materials, landscaping, external lighting, colour and reflectivity.

**52.19-5**

04/11/2022  
VC226

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines of clause 65, the responsible authority must consider, as appropriate:

- The design, siting, construction and operation of the telecommunications facility.
- The effect of the telecommunications facility on adjacent land.

## YR-2023/303 – Alternative Site Selection

Alternative candidate C (identified below) is affected by the Significant Landscape Overlay, creating more environmental challenges for the development. Two of the alternative candidates are located within the Neighbourhood Residential Zone. The third candidate is located in the Green Wedge Zone and has an existing dwelling. The applicant states that amenity impacts are considered to be greater at the three alternative sites, mainly due to the need for a taller structure to make up the height required to cover the ridged residential area of Chirnside Park.

Site B (identified below) would require a taller structure where dwellings to the west would look down onto tower and residences to the east would look up to the tower. Site B has an elevation of 135m AHD and the subject site has an elevation of 161m AHD to give an idea of how much taller the tower would need to be in this location.

Again, the applicant concludes that none of the three additional site candidates are as optimal as the subject site.

Additional Candidate A	
	<b>Address:</b> 4 Locksley Road, Chirnside Park
	<b>Latitude and longitude:</b> -37.749246, 145.323440
	<b>Topography and height (AHD):</b> Site has a 9° downward slope to the west, 150m AHD
	<b>Zoning:</b> Neighbourhood Residential Zone (4)
	<b>Proximity to sensitive uses:</b> 46m south, 80m north, 82m west, 107m east
	<b>Comments</b> Additional Candidate A is located in an open space area with a path along its northern boundary that enters into the site 35m to the east but with no other improvements such as a playground or similar.  The site has mature trees to the north and south, appearing to be at 15m-20m in height. The facility would be in close proximity to existing residences, with minimal obstruction to the new residential area to the west.  The site would not require any clearing of existing vegetation.  Given the topography of the site, the site would require a facility of 40m in height to provide sufficient coverage/capacity. Due to this height a monopole facility would be feasible.

**Figure 7** Additional Candidate A


Additional Candidate B	
	<b>Address:</b> 80 Botanica Drive, Chirside Park
	<b>Latitude and longitude:</b> -37.752149, 145.329509
	<b>Topography and height (AHD):</b> Site has a 3° downward slope to the east, 135m AHD
	<b>Zoning:</b> Neighbourhood Residential Zone (4)
	<b>Proximity to sensitive uses:</b> 45m north, 66m to east, 30m west, 75m east
	<b>Comments</b> Additional Candidate B is located in an open space area with a path running north/south through but with no other improvements such as a playground or similar.  The site has mature trees to the north and south, appearing to be at 12m-16m in height. The facility would be in close proximity to existing residences, with minimal obstruction to the west and east. As site is located in a gully amenity impacts are greater given residences located on upward slopes and ridges to east and west.  The site would not require any clearing of existing vegetation.  Given the topography of the site, the site would require a facility of 55m in height to provide sufficient coverage/capacity. Due to this height a lattice tower would be required.

Figure 8 Additional Candidate B


Additional Candidate C	
	<b>Address:</b> 80 Botanica Drive, Chirside Park
	<b>Latitude and longitude:</b> -37.744052°, 145.324442°
	<b>Topography and height (AHD):</b> Site has a 3° downward slope to the west, 130m AHD
	<b>Zoning:</b> Green Wedge A Zone (1)
	<b>Proximity to sensitive uses:</b> 46m south, 140m north, 260m west, 170m east
	<b>Comments</b> Additional Candidate C is located on a property that contains a dwelling 90m to the east and has a residential use. The site is affected by a Significant Landscape Overlay (Schedule 6).  The site has mature trees to the immediate south and west, with others 115m to the north and 160m to the east, noting there is a gap to the east that allows for direct siting from the adjacent structure. These trees are a mix of pine and native and variable in height from 7m to 20m. The facility would be in close proximity to existing residences.  The site would not require any clearing of existing vegetation but may require a new access from Meadow Fair Way.  Given the topography of the site, the site would require a facility of 60m in height to match the overall height of the existing facility. Due to the distance from the main coverage location it's not clear if a facility at this height would provide the same level of coverage. Due to this height a lattice tower would be required.

Figure 9 Additional Candidate C

Telstra Wireless – Amplitel Project

# CONSTRUCTION MANAGEMENT PLAN

VIC003984 BTS131 CHIRNSIDE PARK NORTH

PASSIVE

Date: 25/08/2023





Revision: 1.0

Other details:





## Document approval

Revision	Date	Prepared By	Reviewed By	Approved By	Remarks
1.0	16/08/23				

## Document distribution

Controlled Copy No.	Name	Role	Company
Original			
1			
2			



SITE ACCESS

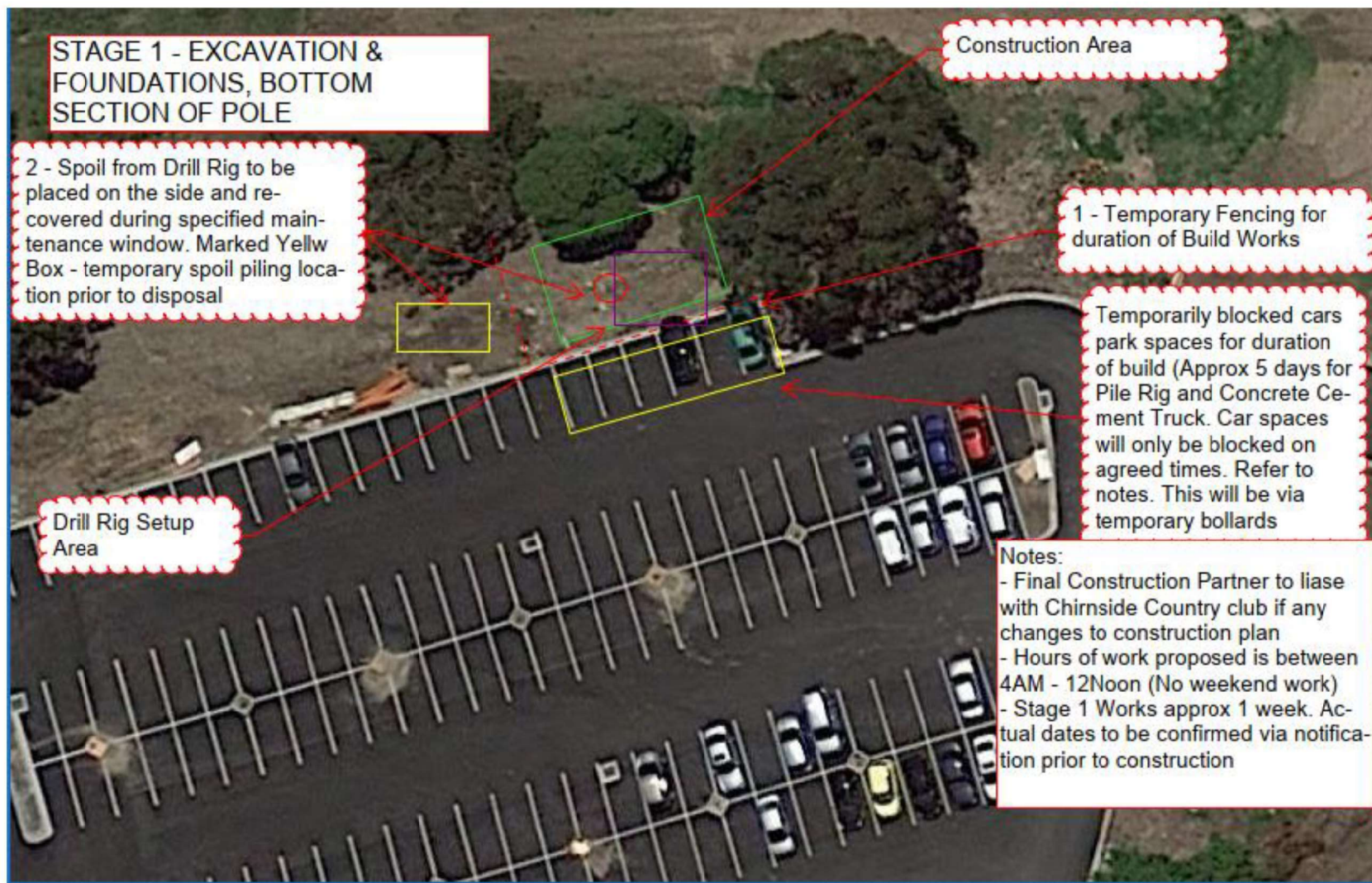
Proposed Amplitel Compound/Construction Area. See Construction Management Plan

Access for Plant and Crane. Traffic Management Required and notification to Chirside Country Club. Refer to Additional Notes.

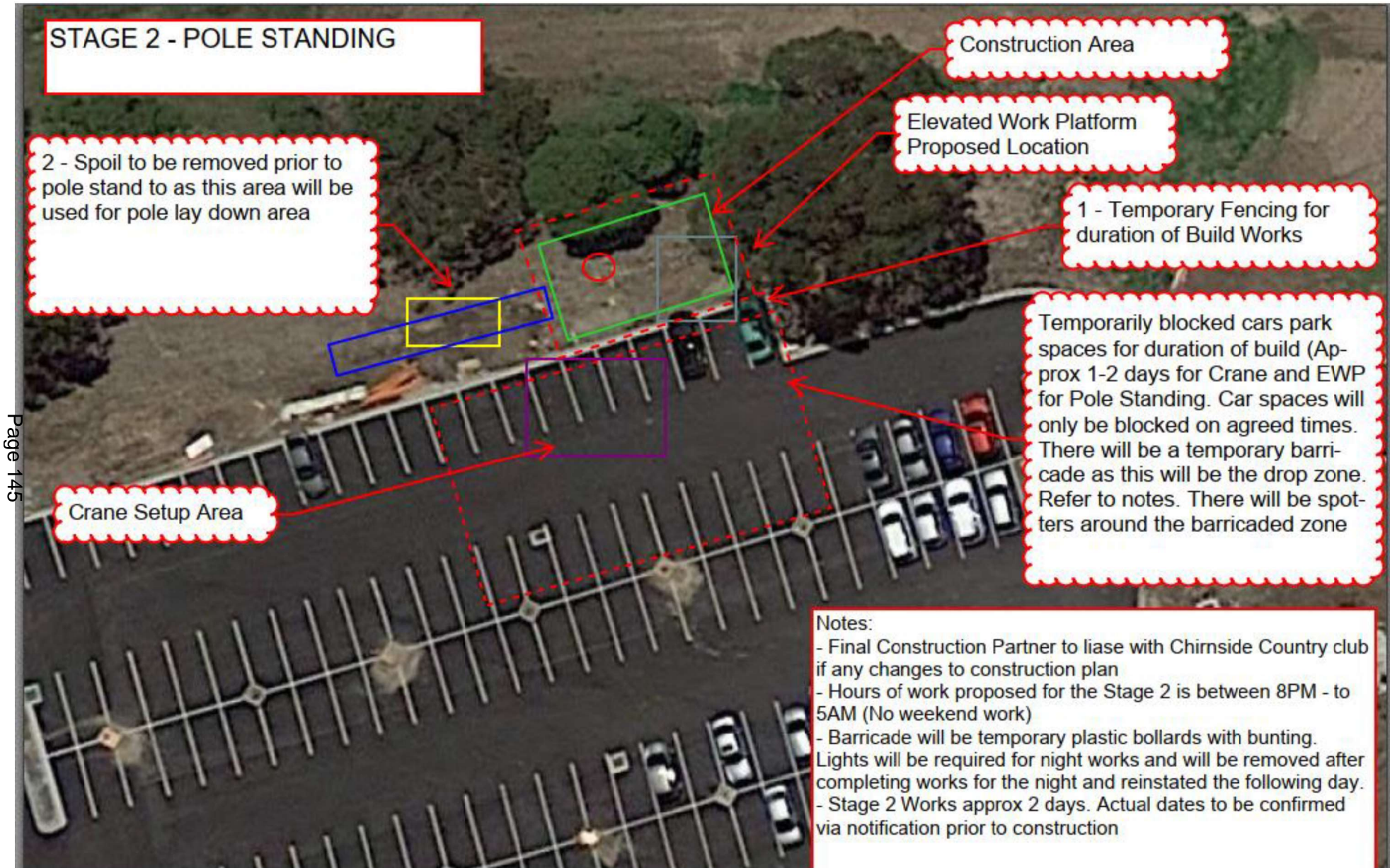
Chirside Park Bowls Club

Page 143

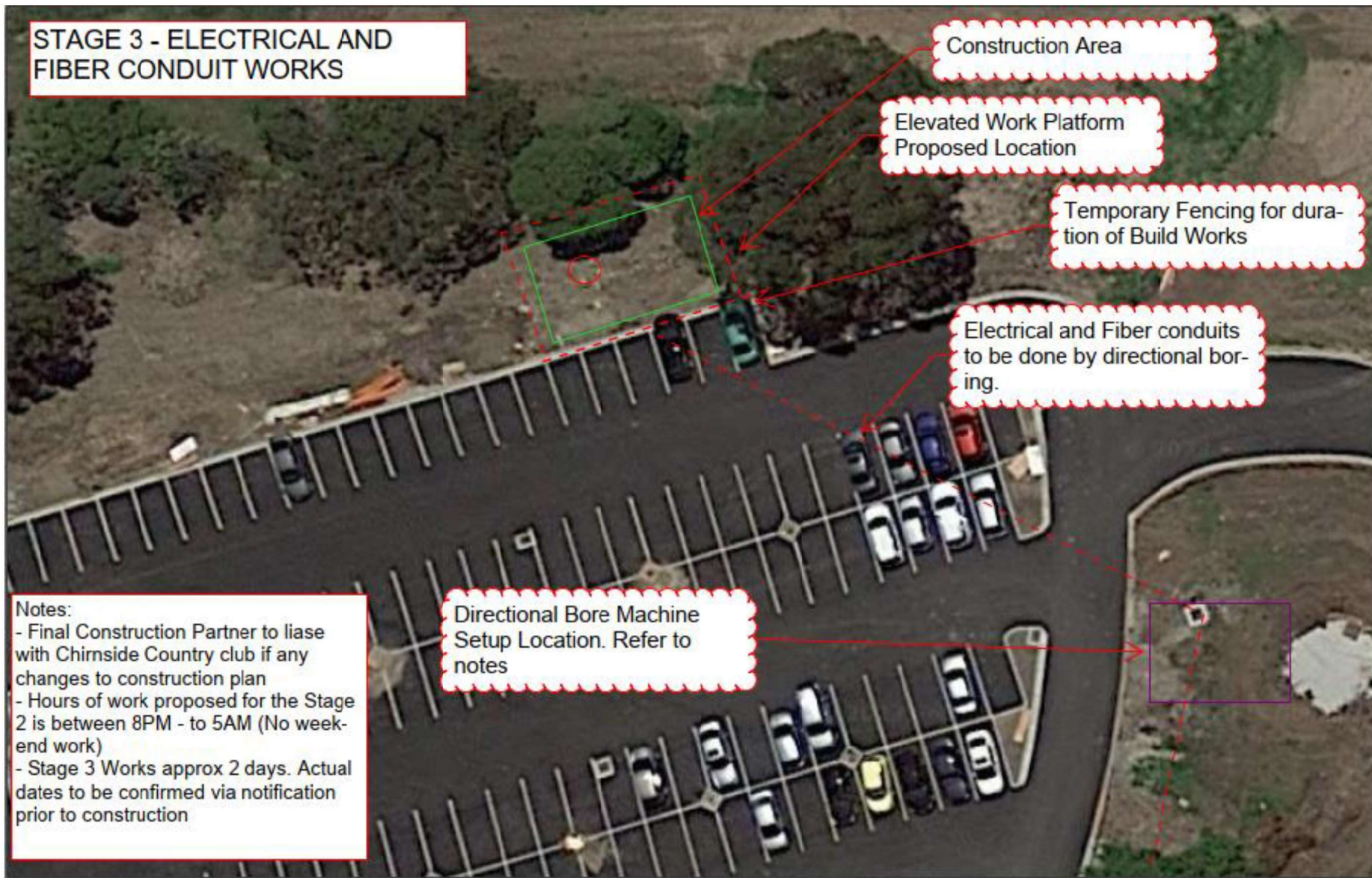




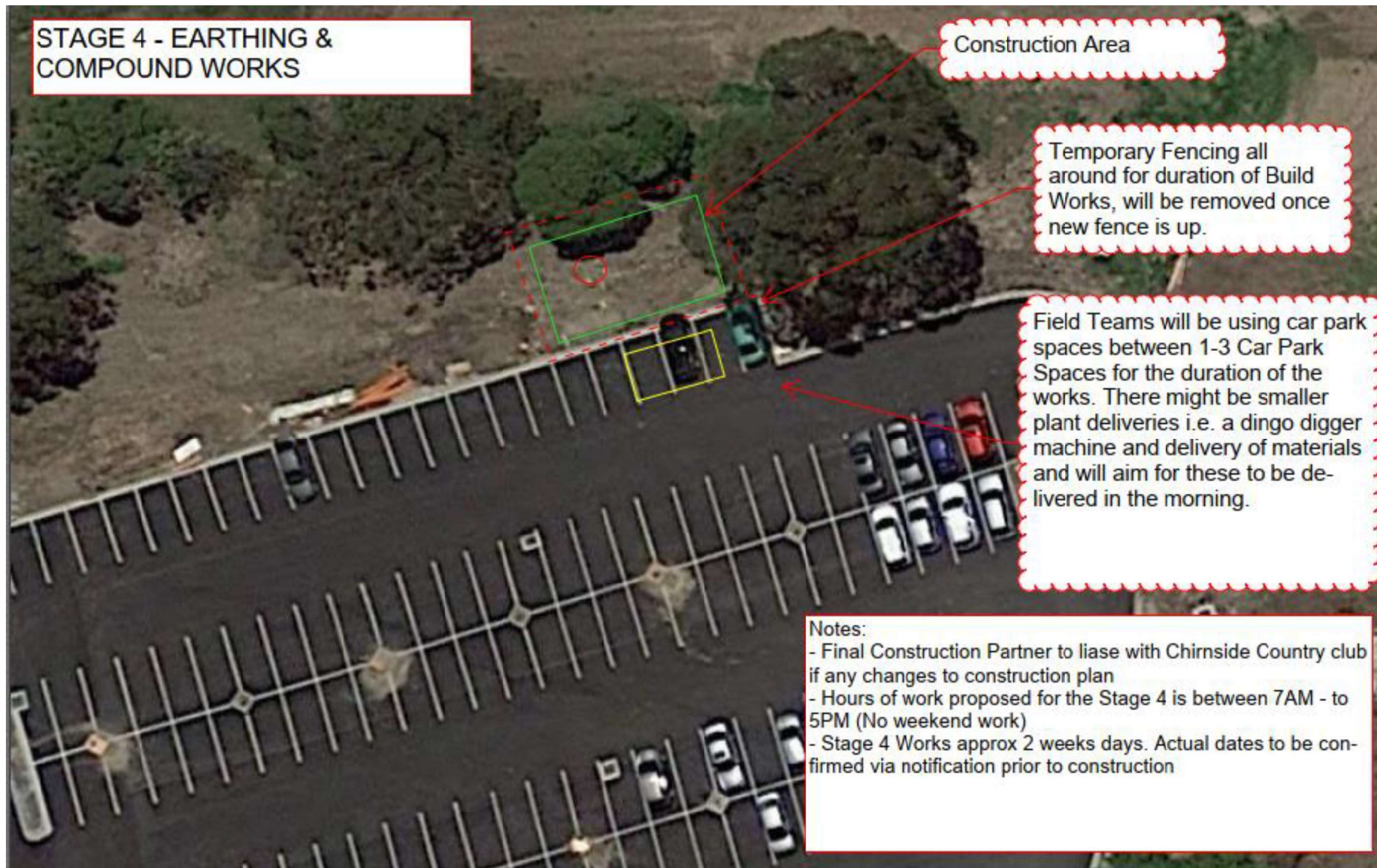




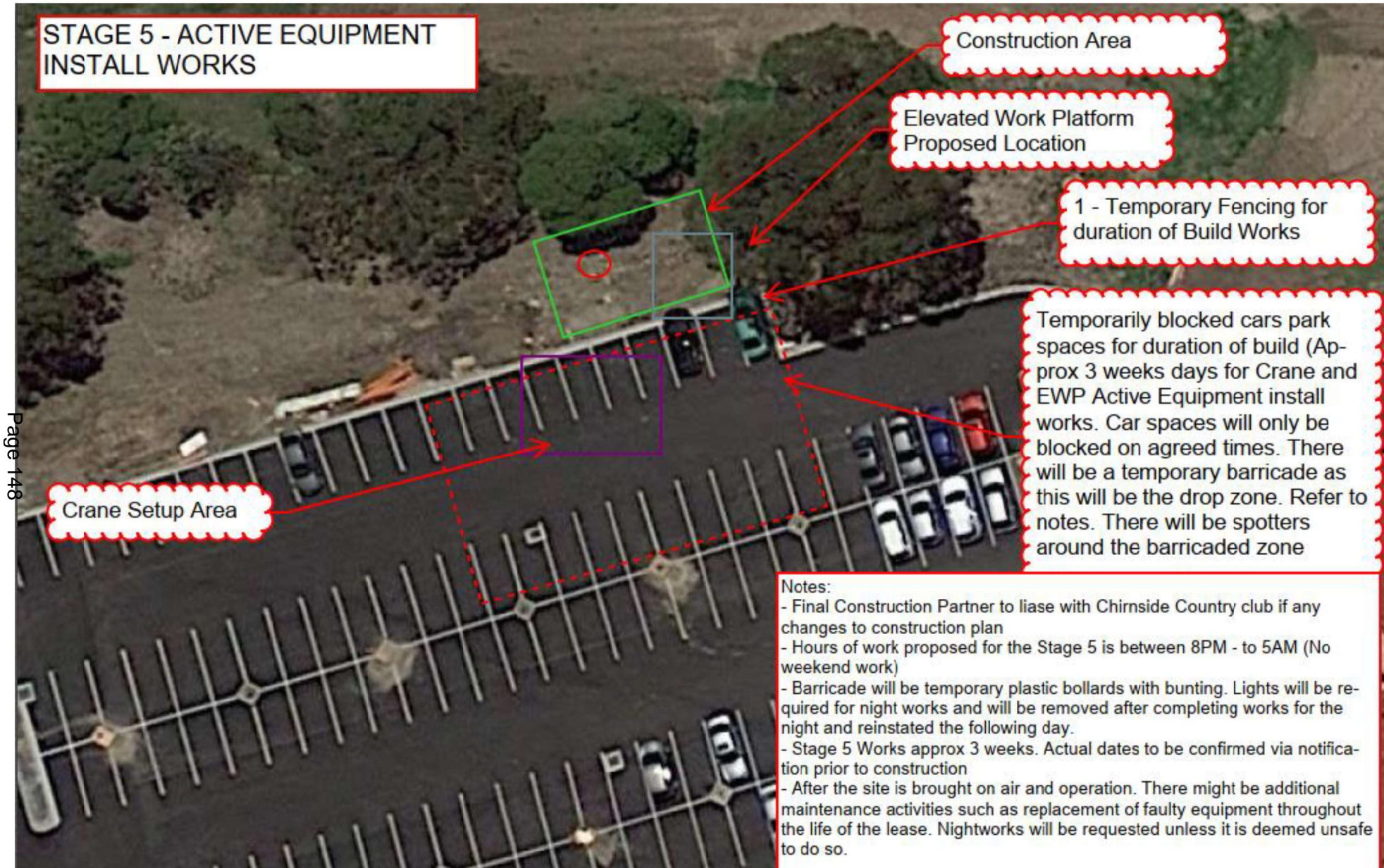












## RED DOT DECISION SUMMARY

The practice of VCAT is to designate cases of interest as 'Red Dot Decisions'. A summary is published and the reasons why the decision is of interest or significance are identified. The full text of the decision follows. This Red Dot Summary does not form part of the decision or reasons for decision.

### VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL ADMINISTRATIVE DIVISION

#### PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P2159/2013

**IN THE MATTER OF** Mason & Ors v Greater Geelong City Council  
(includes Summary) (Red Dot) [2013] VCAT 2057

**BEFORE** Mark Dwyer, Deputy President

**DATE OF DECISION** 16 December 2013

<b>NATURE OF CASE</b>	Telecommunications facility –electromagnetic radiation issues
<b>POTENTIAL GUIDELINE DECISION</b>	Yes
<b>REASONS WHY DECISION IS OF INTEREST OR SIGNIFICANCE</b>	
<b>PRACTICE OR PROCEDURE – consideration of individual instance or systemic issues</b>	VCAT is unable to consider emissions of electromagnetic radiation as a relevant or determinative issue where the relevant Commonwealth ARPANSA standard will be met

### SUMMARY

Public health concerns about electromagnetic radiation are often raised in planning cases about a telecommunications facility. However, it is not the role of VCAT to second-guess the expert authorities that regulate the area.

The Australian Communications and Media Authority has set a clear regulatory standard – the ARPANSA standard - under Commonwealth law, to protect the health or safety of those who may be affected by the operation of a telecommunications network or facility from the potential impacts of electromagnetic radiation. Compliance with that standard has been effectively incorporated into the Victorian planning framework through clause 52.19 of all Victorian planning schemes and the requirements of '*A Code of Practice for Telecommunications Facilities in Victoria*'. VCAT cannot look behind the ARPANSA standard where it will be met, nor does it have the expertise to do so.

The amount of electromagnetic radiation emitted by a telecommunications facility may well be a legitimate issue of public concern. However, VCAT is not a forum for addressing all issues of social or community concern, nor is it an investigative body. It cannot give great weight to unsupported assertions about



public health concerns in the context of an individual planning application, particularly in relation to matters outside its own expertise or beyond the limited ambit of its statutory role or discretion in relation to that application.

Accordingly, VCAT is not the appropriate forum where generalised opposition to telecommunications facilities based on public health concerns can or should be raised. It is a waste of the parties' and the Tribunal's resources as, ultimately, VCAT is essentially bound to apply the ARPANSA standard.

Allowing objectors to continue to air their concerns about electromagnetic radiation at a VCAT hearing creates false expectations about the role of VCAT and the ambit of its discretion, and the extent to which it can realistically deal with such issues.

It follows that objectors should not raise the issue of electromagnetic radiation in VCAT proceedings about telecommunications facilities where the ARPANSA standard will be met. If they attempt to do so in their statements of grounds in the future, they can anticipate that the issue will be summarily dismissed without debate.

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**

**ADMINISTRATIVE DIVISION**

**PLANNING AND ENVIRONMENT LIST**

VCAT REFERENCE NO. P2159/2013  
PERMIT APPLICATION NO. 514/2013

<b>APPLICANTS FOR REVIEW</b>	Yvonne Mason & others
<b>RESPONSIBLE AUTHORITY</b>	Greater Geelong City Council
<b>PERMIT APPLICANT</b>	Aurecon Australia Pty Ltd
<b>RESPONDENT</b>	Telstra Corporation
<b>SUBJECT LAND</b>	34-66 Calvert Street HAMLYN HEIGHTS 3215
<b>WHERE HELD</b>	Melbourne
<b>BEFORE</b>	Mark Dwyer, Deputy President
<b>HEARING TYPE</b>	Practice Day Hearing
<b>DATE OF HEARING</b>	15 November 2013
<b>DATE OF ORDER</b>	16 December 2013
<b>CITATION</b>	Mason & Ors v Greater Geelong City Council and Telstra Corporation (includes Summary) (Red Dot) [2013] VCAT 2057

**ORDER**

- 1 The proceeding is listed for hearing at **10.00 am on 17 March 2014** for one day before a town planner member.
- 2 In relation to the statement of grounds lodged by the objectors (the joint applicants for review), the following grounds are struck out and may not be relied upon at the hearing:
  - (a) the ground relating to concerns over the impacts of electromagnetic radiation from the proposed telecommunications facility;
  - (b) the grounds relating to concerns about the impacts on public health and/or to the users of nearby land, insofar as they relate to radiofrequency fields or electromagnetic radiation from the proposed telecommunications facility.

Mark Dwyer  
**Deputy President**



## APPEARANCES:

For Yvonne Mason & Ors (Applicants for Review)	Mr Dennis Foster and Mr Steve Mason, in person
For Responsible Authority	Mr Hugh Griffiths, town planner
For Telstra Corporation	Ms Katherine Lake, solicitor

## REASONS

### What was the practice day hearing about?

- 1 A group of objectors has lodged a joint application to review a decision by the responsible authority to grant a permit for a telecommunications facility and associated equipment (essentially a mobile phone tower) on land at Hamlyn Heights, Geelong. The land is in a public park and recreation zone.
- 2 A practice day hearing was convened, amongst other things, to consider 'which of the statements of grounds in the application are relevant planning grounds that may be considered at a hearing and which should be struck out'.
- 3 A number of the objectors' grounds raise legitimate planning issues, such as the visual impact of the proposed telecommunications facility, and the location of the development of the facility in and adjacent to a public park. Without expressing any view on the ultimate merits of these grounds, those grounds are deserving of a hearing in due course.
- 4 However, a number of the objectors' grounds in this proceeding also raise issues about electromagnetic radiation and/or related public health concerns stemming from the operation of the proposed facility.
- 5 This is not uncommon in matters concerning telecommunications facilities. However, whilst these grounds may reflect genuinely held beliefs or fears, they are not substantiated with any direct evidence. The grounds are simply expressed as 'community concerns' or 'significant anxiety from local residents' or a 'groundswell of objections nationally to such installations'. Allowing these grounds to proceed to a hearing and/or allowing objectors at a hearing to air these concerns, creates false expectations about the role of VCAT and the ambit of its discretion, and the extent to which it can deal with such issues.
- 6 This decision, stemming from the practice day hearing, is intended:
  - to explain why VCAT cannot deal with the issue of electromagnetic radiation in an individual case about a telecommunications facility

where the relevant regulatory standard set by the Commonwealth (the ARPANSA standard) will be met; and

- to provide guidance for this and future matters to the extent that objectors should not raise the issue of electromagnetic radiation in VCAT proceedings about telecommunications facilities where the ARPANSA standard will be met and, if they attempt to do so in their statements of grounds, they can anticipate that the issue will be summarily dismissed without debate.

### **The Commonwealth 'ARPANSA standard' and its application within the planning framework**

- 7 Clause 52.19 of all Victorian planning schemes contains a particular provision dealing with telecommunications facilities. As clause 52.19-1 indicates, the provision applies within the limits of what is otherwise an area regulated by the Commonwealth under the *Telecommunications Act 1997* (Commonwealth) and the determinations and codes of practice made under that Act.
- 8 Under s 376 of the *Telecommunications Act 1997* (Commonwealth), the Australian Communications and Media Authority (ACMA) is given power to make technical standards regarding certain matters. These technical standards include standards necessary or convenient to protect the health or safety of those who operate, work on, use the services of, or are otherwise reasonably likely to be affected by the operation of a telecommunications network or facility. A similar power arises under s 162 of the *Radiocommunications Act 1992* (Commonwealth) in relation to radio-communications transmitters and receivers.
- 9 For these purposes, the ACMA has adopted a mandatory standard through the *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003* (as amended in 2007). The standard makes mandatory the exposure limits in the *Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3 kHz to 300 GHz* determined by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The standard is thus often referred to as the ARPANSA standard.
- 10 The relevant ACMA fact sheet indicates that this ARPANSA standard represents world's best practice, is consistent with World Health Organisation guidelines, adopts a precautionary approach, and sets exposure limits many times below levels known to have potential adverse health effects.
- 11 Clause 52.19 of the planning scheme also requires an applicant for a planning permit for a telecommunications facility to explain how the siting and operation of the facility will meet the principles and requirements of '*A Code of Practice for Telecommunications Facilities in Victoria*'. The

current version of that Code of Practice is also an incorporated document under clause 81 of all Victorian planning schemes.

- 12 Principle 3 of the Code of Practice requires that health standards for exposure to radio emissions will be met. In particular, a telecommunications facility must be designed and installed so that the maximum human exposure levels to radio frequency emissions complies with the ARPANSA standard. Compliance with the ARPANSA standard is thus effectively incorporated within the Victorian planning framework.
- 13 As part of its application in the present case, Telstra has complied with clause 52.19 and provided a report to the responsible authority (the Greater Geelong Council) summarising the estimated radiofrequency electromagnetic radiation emissions for the proposed Hamlyn Heights site. The emissions are calculated in accordance with the ARPANSA standard, and apply the ARPANSA methodology and procedures. The methodology requires a maximum cumulative level to be stated for all carriers at a site, as a percentage of the ARPANSA public exposure limits.
- 14 The report indicates that the maximum electromagnetic radiation emissions at the Hamlyn Heights site will be 1.14% of the ARPANSA exposure limit at 109.25 metres from the antennas. The emissions will be less when closer (e.g. a maximum 0.045% in the area 0-50 metres), and less when further away (e.g. a maximum 0.43% in the area 200-300 metres). That is, the estimated emissions will comprise a very small percentage of what is already a conservative standard.
- 15 Neither the responsible authority nor VCAT has the expertise to second-guess the ARPANSA standard, nor to impose a different standard. The most the responsible authority can do is to ensure the permit applicant has provided the relevant information as part of its planning application and, if a permit is granted (and although perhaps a little superfluous), impose a permit condition mandating compliance with the ARPANSA standard. That has occurred here.

### **Role of Tribunal**

- 16 The Tribunal has previously indicated<sup>1</sup> that town planning is not a panacea for all perceived social ills, nor is the hearing of a planning matter at VCAT a forum for addressing all issues of social or community concern. It has also acknowledged<sup>2</sup> that objectors often mistakenly view VCAT as a forum to express their *general* opposition to a proposal, and express frustration when the tribunal does not seem to have regard to issues that they consider important. However, VCAT is limited by its statutory jurisdiction. It can only decide a matter based on the actual application before it, and for the limited purpose for which a planning permit is required, and having regard to the relevant provisions and decision guidelines in the *Planning and*

<sup>1</sup> *Hunt Club Commercial Ply Ltd v Casey CC* (Red Dot) [2013] VCAT 725 at [15]-[16] per Dwyer DP

<sup>2</sup> *Woolworths Ltd v Yarra Ranges SC* [2008] VCAT 789 at [8]-[9] per Dwyer DP & Harty M



*Environment Act 1987* and in the planning scheme that relate to that permit requirement. Those are the planning controls approved by the Minister for Planning and local government, and which are intended to balance competing interests in favour of net community benefit and sustainable development.

- 17 The views of the community or the local council are important, but within the confines of what are the relevant and determinative planning issues in a particular case. It is not simply a matter of what certain individuals like or don't like, or what they want or don't want. Indeed, VCAT itself doesn't decide the matter according to the individual likes or dislikes of the presiding members. VCAT must objectively apply the law and the provisions of the planning scheme, as it exists, to the application before it. In doing so, VCAT relies upon relevant probative material, legal authority and logical reasoning in considering the grounds of a party in a proceeding. VCAT is not an investigative body, and cannot give great weight to unsupported assertions – particularly in relation to matters outside its own expertise or beyond the ambit of its statutory role or discretion.

#### **Application of principle to objectors' grounds raising electromagnetic radiation**

- 18 In adopting sentiments similar to those above, the Tribunal has also recently confirmed<sup>3</sup> that it is not the role of VCAT to set standards in relation to public health, nor to second-guess the considered statements of expert authorities or bodies that regulate the area.
- 19 As indicated, VCAT is not an investigative body nor, despite its general expertise in planning and related matters, does it have any specific scientific expertise in matters of electromagnetic radiation.
- 20 This has been a long held position. In 1999, VCAT considered an argument that the Australian standard regulating radio frequency emissions from telecommunication facilities gave insufficient regard to the effect of such frequencies on human health. The Tribunal, constituted with its then President stated:

... The Tribunal is obliged to apply the relevant regulatory standards as it finds them, not to pioneer standards of its own. The creation of new standards is a matter for other authorities. ...<sup>4</sup>

- 21 There are many similar decisions. More recently, in the context of an NBN tower, VCAT has indicated:

With respect to health hazards of electro-magnetic radiation from mobile phone tower installations, the Tribunal has held that whilst the objectors beliefs were sincerely held, the Tribunal is obliged to apply the relevant regulatory standards as it finds them, not to pioneer

<sup>3</sup> *Cherry Tree Wind Farm Pty Ltd v Mitchell SC* [2013] VCAT 1939 at [16]-[17] per Wright QC SM & Liston SM

<sup>4</sup> *Hyett v Corangamite SC and Telstra* [1999] VCAT 794 at p7 per Justice Kellam P & Marsden M

standards of its own. The creation of new standards is a matter for other authorities. This principle has been followed in numerous other decisions wherein the Tribunal has found that a telecommunications facility is obliged to meet the relevant standards that apply but it is not a basis to reject an application for reasons relating to potential health impacts if the relevant standards are met.<sup>5</sup>

- 22 None of the above statements should be taken to mean that the electromagnetic radiation emitted by a telecommunications facility is, of itself, a totally irrelevant consideration from a town planning perspective. The spatial context of planning is to generally avoid siting incompatible uses or development together. If electromagnetic radiation was wholly unregulated, there may be an argument that a facility emitting such radiation should not be sited close to where people commonly live, work or congregate. However, emissions of electromagnetic radiation from telecommunications facilities *are* regulated. There is a clear regulatory standard – the ARPANSA standard - fixed by the appropriate Commonwealth authority, and recognised within the Victorian planning framework, that limits the amount of electromagnetic radiation from a telecommunications facility in order to protect and safeguard public health. If the ARPANSA standard is clearly met (as here, by an order of magnitude), VCAT cannot and should not second-guess it.
- 23 VCAT has rightly stated<sup>6</sup> that, if there was compelling evidence that a regulatory standard was not appropriate in a particular case, or no longer appropriate generally, then that may be matter for argument in that particular proceeding. That is certainly not the case here, nor generally at this point of time in relation to the ARPANSA standard for electromagnetic radiation, particularly given its existence under Commonwealth law and its reference and incorporation into the Victorian planning framework. Indeed, it is difficult to conceive of any circumstance under the current regulatory framework where *compelling* evidence contrary to the ARPANSA standard could realistically exist or be considered in a determinative way by VCAT. At things stand, compliance with the ARPANSA standard is a sufficient response to the issue.
- 24 At most, the objectors in this case indicated that they may have called evidence from a local doctor about community health concerns. Realistically, it must be self-evident that VCAT could not give great weight to the opinion (albeit genuinely held) of a single medical practitioner in comparison to a Commonwealth standard developed over time by an expert multi-disciplinary agency, and referenced in the planning scheme.
- 25 Again, none of these statements should be taken to mean that electromagnetic radiation emitted by a telecommunications facility is not a legitimate issue of public concern. It is simply the situation that VCAT is

<sup>5</sup> *McClelland v Golden Plains SC* [2013]VCAT 59 at [6]-[7] per Gibson DP

<sup>6</sup> *Cherry Tree Wind Farm Pty Ltd v Mitchell SC* [2013] VCAT 1939 at [35] per Wright QC SM & Liston SM

essentially bound to apply the ARPANSA standard and, accordingly, VCAT is not the appropriate forum where general opposition to telecommunications facilities based on public health concerns can or should be raised.

- 26 It is thus a waste of the parties' and Tribunal resources to deal with the issue at a VCAT hearing in almost every case about a telecommunications facility. As I have said, it creates false expectations in the minds of objectors that it is a relevant determinative issue that VCAT can deal with.
- 27 In this case, based on the material before me and the matters discussed above, it is therefore appropriate to strike out the objectors' grounds in this proceeding that raise issues about electromagnetic radiation and/or related public health concerns stemming from the operation of the proposed facility. These grounds are not relevant to the planning assessment of a telecommunications facility where the ARPANSA standard will be met. Even if these grounds are at least arguably planning-related, they are misconceived and lacking in substance on the facts of this case given compliance with the ARPANSA standard.
- 28 The objectors may nonetheless raise at the future hearing their other legitimate planning issues, such as the visual impact of the proposed telecommunications facility, and the location of the development of the facility in and adjacent to a public park.
- 29 For the record, I note that the responsible authority here also sought to have struck out the objectors' ground relating to the 'probability of the proposed facility being expanded in the future'. I agree with the responsible authority's submission that VCAT is only dealing with the actual application before it. I did not however hear sufficient material to strike out this ground, and I do not know what evidence may exist here about the likely co-location of telecommunications facilities. If the objectors seek to proceed with this ground at the hearing, they will however need to provide material to demonstrate how this ground is relevant in this case. The objectors cannot simply make bare assertions, or deal hypothetically with what may (or may not) be the subject of some future application. VCAT will consider the planning merits of what is comprised in the application before it.

Mark Dwyer  
**Deputy President**



## AUDIT AND RISK MANAGEMENT COMMITTEE BIENNIAL REPORT

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Report Author: Executive Officer Governance, Risk & Compliance for  
Stephen Schinck, Chair

Responsible Officer: Director Corporate Services

Ward(s) affected: (All Wards);

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### SUMMARY

The Audit and Risk Management Committee (the Committee) has been established by Council under Section 53 of the Local Government Act 2020 (the Act). It is the responsibility of the Committee to provide Council with independent, objective advice and assurance on the adequacy of management arrangements as set out in the Audit and Risk Management Committee Charter (the Charter).

The Act requires that the Committee prepare a biannual report for Council that describes their activities and includes any findings and recommendations. This report provides a biannual report of the Committee for the period ending 31 December 2023.

This report also recommends the reappointment of Mr Simon Mahony as an Independent Member of the Committee for a three-month term commencing 1 May 2024 and ending 1 August 2024.

### RECOMMENDATION

#### *That Council*

- 1. Receives the Audit and Risk Management Committee Bi-Annual Report for the period ending 31 December 2023.*
- 2. Reappoint Mr Simon Mahony as an Independent Member of the Committee for a three month term commencing 1 May 2024, expiring 1 August 2024 with remuneration of \$1,422 per meeting.*

### REPORT TO COUNCIL

Pursuant to section 54(2) of the Act, the Committee assists the Council and management by providing advice and guidance on the adequacy of initiatives for:

- Compliance management.
- Governance structure.
- Risk management and fraud prevention.

- Internal control framework.
- Oversight of the internal audit activity, external auditors, and other providers of assurance.
- Financial statements, performance, and public accountability reporting.

The Charter requires that the Committee has up to five members, including both Councillor (two members) and external independent representatives (three members), with the majority being independent members.

## **COMMITTEE STRUCTURE AND MEETINGS**

In line with the Charter, membership of the Committee during the reporting period has been as follows:

- Mr Stephen Schinck - Independent Member and Chair. Appointed Chair at the Council meeting on 26 September 2023 for a one-year period.
- Mr Simon Mahony – Independent Member. Reappointed for a second term as an Independent Member of the Committee, at the Council meeting of 13 April 2021.
- Katie Baldwin – Independent Member. Appointed as an Independent Member of the Committee at the Council meeting of 27 June 2023.
- Cr Fiona McAllister – Councillor Member. Councillor McAllister was reappointed as a Councillor representative at the Council meeting of 12 December 2023.
- Cr Jim Child – Councillor Member. Councillor Child was reappointed as a Councillor representative at the Council meeting of 12 December 2023.

The Committee has met twice in this reporting period on 2 October and 27 November 2023.

### ***Reappointment of Independent Member – Simon Mahony***

Independent Member terms of appointment are limited to a maximum of three terms, with each term being a maximum of three years. In February 2024 Independent Member Mr Simon Mahony informed the Committee and Council's CEO that he does not wish to seek a further three-year term as a Committee member following the expiry of his current term on 1 May 2024.

This report recommends that Mr Mahony's term is reappointed for a three month term to allow for recruitment of a new Independent Member. Furthermore, this short-term appointment would allow Mr Mahony to provide advice and guidance to Council throughout the development and finalisation of Council's 2024/25 budget.

Section 8 of the Charter states that the whole Committee may recommend to Council the appointment or reappointment of the Chair or Committee Member. The remaining four Committee members unanimously recommend the reappointment of

Mr Mahony for a three month term as an Independent Committee Member expiring on 1 August 2024.

## **BUSINESS OF THE COMMITTEE**

Key activities and reviews undertaken by the Committee during the reporting period include.

- Quarterly Financial Reports.
- Audit & Risk Management Charter.
- Council's Fraud Risk Register, updates to Fraud Policy and Plan, Council's Strategic Risk Register, and the internal RiskEduTech (RET) Project aimed at increasing Risk maturity management across Council business areas.
- Annual Financial Report and Victorian Auditor General Audit for year ending 30 June 2023.
- Performance Statement for the year ending 30 June 2023.
- Strategic Internal Audit Plan for 2023/24 and activities associated with internal audits conducted by Council's internal auditors, HLB Mann Judd.

Further reviews and oversight included 2023-24 Insurance Update, Council's Procurement Transformation Plan, Councillor Expenses, Annual ARMC Self-Assessment Results, Health & Safety Reports, Committee's Annual Work Plan and 2024 meeting dates.

Of specific note during the reporting period is the program of work undertaken to address Council's Cyber Security functions. Key achievements across this program area included:

- Recruitment for a dedicated Cyber Security Officer.
- Completion of a baseline security assessment and development of a security improvement roadmap.
- Four cyber security awareness e-learning courses were delivered to staff.
- An updated Information Asset Register was developed.
- Server remediation activities continue to be addressed as required.
- Procurement of a new Microsoft licensing contract, enabling Microsoft's full software suite of cyber defence capabilities.

## **RECOMMENDATIONS FOR IMPROVEMENT**

Over the reporting period the Committee have noted key achievements in numerous areas under the Charter. There is still further work to be undertaken in increasing risk management maturity and timely completion of internal audit actions across several Council business areas.

The Committee Work Plan and Actions Register needs to be kept up to date and submitted to each Committee meeting. Improvements have also been identified to further standardise reports being submitted to the Committee.

## **COMMITTEE ANNUAL SELF ASSESSMENT OF RESULTS**

Section 54(4) of the Local Government Act 2020 requires the Committee to conduct an annual self-assessment of its performance and to provide a copy to the CEO for tabling at a Council meeting.

The purpose of the self-assessment is to enable Committee members to critically assess the Committee's operations and performance and identify areas for improvement.

The self-assessment was conducted throughout the reporting period and reviewed the Committee's performance in the 12 months to 30 June 2023.

The Committee noted the need for adequately manage large agendas to ensure timely discussions and constructive value addition in future meetings, called for a detailed examination of Fraud Risk and control areas and observed the absence of any psychological safety metrics in the self-assessment tool. Expressing an interest in utilising a more contemporary assessment tool to aid the committee in its future evaluations.

## **STRATEGIC LINKS**

It is a legal requirement that Council establish an Audit and Risk Management Committee, appoint Independent Committee Members, adopt, and maintain an Audit and Risk Management Committee Charter and provide a bi-annual report to Council.

## **CONSULTATION**

While there has been no community consultation undertaken in respect of this item, the Audit and Risk Management Committee members have reviewed and support the content provided in this report.

## **FINANCIAL IMPLICATIONS**

Any expenditure associated with the Audit and Risk Management Committee is expected to remain within approved budgets.

## KEY ISSUES

### ***Environmental Impacts***

There are no foreseeable environmental impacts arising from this report.

### ***Social Impacts***

The oversight mechanism provided by the Audit and Risk Management Committee serves to provide confidence in Council's practices and supports Council's commitment to good governance, public transparency, and accountability to the community.

### ***Economic Impacts***

The Audit and Risk Management Committee assists Council by providing advice and guidance on the adequacy of initiatives including financial statements, performance, and public accountability reporting.

## RISK ASSESSMENT

There are no foreseeable risks associated with this report. Council has in place a fully functioning Audit and Risk Management Committee and supporting framework. The establishment of the Audit and Risk Management Committee, the appointment of Independent Committee Members and the adoption of the Charter enables Council to meet its obligations under the Act and provides appropriate controls for Council to manage its Governance risk.

## CONFLICTS OF INTEREST

No officers involved in the preparation of this report have declared a conflict of interest in this matter.

## CONCLUSION

The Committee's overall assessment is that Council is continuing to manage its responsibilities regarding risk, financial control, and compliance well and that the governance culture of the Council remains robust.

The Committee has seen management's recent demonstration of its commitment to an increased focus in the risk area with considerable progress made in advancing Council's risk maturity program (RET).

As Chair, I would like to thank the management team for their support in running the Committee and thank my colleagues, both the Independent Members and the Councillors, for their contribution to a strong Audit and Risk Management Committee.

***Stephen Schnick***  
***Chair, Audit and Risk Management Committee***

**ATTACHMENTS TO THE REPORT**

Nil



**EOI7330 7401 MORRISONS RESERVE PLAYSPACE RENEWAL**

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Report Author: Executive Officer Major Projects  
Responsible Officer: Director Built Environment & Infrastructure  
Ward(s) affected: Billanook;

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*The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.*

**CONFIDENTIALITY**

This item is to be considered at a Council meeting that is open to the public.

Confidential information is contained in Attachment 1. This information relates to contractual matters and contains commercially sensitive information including, but not limited to, the name of tendering parties, the evaluation panel members, the tendered prices, and the evaluation of the tenders received against the published evaluation criteria.

Any disclosure of the information included within the confidential attachment to this report could be prejudicial to the interests of the Council or other parties. If discussion of this information is required, the Council is recommended to resolve that the item be deferred to the confidential section of the agenda when the meeting is closed to members of the public in accordance with Section 3(1)(g)(i)(g)(ii) of the *Local Government Act 2020*.

**SUMMARY**

This report summarises the evaluation process and seeks Council approval for the award of the contract for the Morrisons Reserve Playspace Renewal works. Located off Mikado Road, Mount Evelyn VIC 3796.

This contract will deliver part of the future open space youth precinct activation project for Morrison Reserve. These works include a revitalised of the playspace servicing inter-generational play, new paths, landscaping, a new public toilet and all-abilities access. The project provides vital connections and amenities to compliment the future youth precinct activation and an urban bike park project.

The recommendation in this report has been formally endorsed by the tender evaluation panel.

Subject to resolution of Council, works are anticipated to commence April 2024 with works expected to reach practical completion late September 2024.

## RECOMMENDATION

### *That*

1. ***Council awards the tender from The Trustee for Burma Family Trust t/as Warrandale Industries Pty Ltd for EOI7330 7401 Morrisons Reserve Playspace Renewal for a total lump sum of \$1,150,492 exclusive of GST, inclusive of tender options and provisional sums.***
2. ***The Director Built Environment & Infrastructure be delegated the authority to sign the contract documents.***
3. ***The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under section 3(1)(g)(i)(g)(ii) of the Local Government Act 2020***

## RELATED COUNCIL DECISIONS

There are no related Council decisions relevant to this item.

## DISCUSSION

### ***Purpose and Background***

The purpose of this report is to seek Council Approval to award EOI7330 7401 Morrisons Reserve Playspace Renewal and associated works.

The Morrisons Reserve Playspace is part of a greater vision for Mount Evelyn that seeks to revitalise the social landscape of this vicinity. This project will deliver part of an open space youth precinct that will maximise usage of a unique site, providing new and engaging social areas for people to gather, and connect in a safe and communal environment.

This project is to commence construction in the 2023/2024 financial year and will be delivered over multiple financial years.

To support efficient procurement and probity processes, Council has established a panel of sixteen (16) pre-qualified Landscape Construction and Associated Works contractors. From this list Council seeks quotations via an EOI process for Landscape Construction and associated works, as and when funding allows.

Under the terms and conditions of Council's procurement panel and procurement policy any contracts valued over \$1,000,000 require a formal decision of Council.

19 December 2023, Council invited five pre-qualified suppliers from the *Landscape Construction and Associated Works Panel* to submit their pricing for the Morrisons Reserve Playspace Renewal.

The tender process remained open for 31 days, which included a five-day extension to the period closing on 31 December 2024, and five submissions were received.

This EOI tender process has been carried out in accordance with the requirements of Council's Procurement Policy.

Tenderer's submissions were assessed for conformity with the tender documents and no tenders were eliminated from further evaluation as a result of any non-conformances.

The Evaluation Panel scored tenders against pre-established evaluation criteria. A summary of the evaluation criteria follows.

<b>Evaluation Criteria</b>	<b>Weighting</b>
Price	50%
Resourcing	25%
Timeframes	25%
<b>Total</b>	<b>100%</b>

A summary of the evaluation and results are contained within Confidential Attachment 1.

### ***Options considered***

Tenders considered as part of the detailed evaluation process are outlined in Confidential Attachment 1.

### ***Recommended option and justification***

The evaluation panel are unanimous in their decision to recommend Warrandale Industries for the construction of EO17330 7401. Warrandale Industries offer the best value outcome for Council. The evaluation panel request that Council adopts the recommendations within this report.

## **FINANCIAL ANALYSIS**

The recommended tender award amount is within the allocated project budget which includes funding from both external grants from the Victorian State Government Growing Suburbs Fund and Council.

Confidential Attachment 1 provides further details of the budget breakdown and anticipated expenditure for the project.

## **APPLICABLE PLANS AND POLICIES**

This report supports Council's strategic framework in being a high performing organisation that listens and delivers quality, value for money services to our community.

The project is closely aligned with Council's strategic objectives as it will deliver on connected and healthy communities and will also deliver on quality infrastructure and liveable places.

## **RELEVANT LAW**

This report seeks Council approval to award a contract that complies with section 108 of the local government act 2020.

## **SUSTAINABILITY IMPLICATIONS**

### ***Environmental Impacts***

Environmental impacts have been considered as part of the project specification and evaluation process. There are no environmental impacts directly associated with this report. As part of the contract the successful tenderer will be required to adhere to a construction environmental management plan for the duration of the project.

The recommended tenderer has an Environmental Management System and Quality Management System in place and seeks to recycle the majority of removed material and equipment including components of the existing play space.

### ***Social Impacts***

This project will provide a high quality landscaped Urban Park for the community to enjoy. The recommended tenderer is seeking to purchase major materials items where required within the Yarra Ranges municipality for the construction of the project as well as employing locally.

### ***Economic Impacts***

This has been considered as part of the project specification and evaluation process. The recommended tenderer has committed to source goods, services and materials proposed for this contract from within Yarra Ranges Shire.

## **COMMUNITY ENGAGEMENT**

Community engagement occurred as a part of the broader project scoping and concept development. No specific community engagement occurred on the tender process itself.

## **COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT**

The design of the facility has been through an extensive consultation process with multiple approval gateways prior to tender. Stakeholder consultation has included both external and internal stakeholders throughout the process.

## **RISK ASSESSMENT**

There is no known risk associated with the procurement and tender process.

Risk assessments have been considered as part of project design, contract terms and conditions and within the evaluation process. A project risk register will be developed, maintained, and monitored for this project.

The recommended contractor is considered an expert in their field and highly qualified to deliver a successful community outcome.

## **CONFLICTS OF INTEREST**

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

## **ATTACHMENTS TO THE REPORT**

1. EO17330 7401 Tender Evaluation

Confidential Item



**11. COUNCILLOR MOTIONS**

*In accordance with Chapter 3 Division 4 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

There were no Councillor motions received prior to the Agenda being printed.

**12. ITEMS THROUGH THE CHAIR**

**13. REPORTS FROM DELEGATES**

## 14. DOCUMENTS FOR SIGNING AND SEALING

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Report Author: Governance Officer  
 Responsible Officer: Director Corporate Services  
 Ward(s) affected: (All Wards);

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*The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020 and in accordance with Clause 87 of the Meeting Procedures and Use of Common Seal Local Law 2015, as prescribed by Section 14(2)(c) of the Local Government Act 2020.*

### CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

### SUMMARY

It is requested that the following documents be signed and sealed:

***Creation of Easement – Deed of Release - Yarra Ranges Shire Council and Rodney Wilson Smith and Patricia Ann Smith.***

Creation of Easement (E1 and E2) for drainage purposes in favour of Yarra Ranges Shire Council, being part of land contained in Certificate of Title Volume 11926 Folio 761 and known as 39 Fernhill Road, Mount Evelyn 3796.

### RECOMMENDATION

***That the following listed documents be signed and sealed:***

***Creation of Easement – Deed of Release - Yarra Ranges Shire Council and Rodney Wilson Smith and Patricia Ann Smith.***

## 15. INFORMAL MEETINGS OF COUNCILLORS

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Report Author: Governance Officer  
Responsible Officer: Director Corporate Services  
Ward(s) affected: All Wards

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*The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.*

### CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public

### SUMMARY

Chapter 8, Rule 1, of the Governance Rules requires that records of informal meetings of Councillors must be kept and that the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting tabled at the next convenient Council meeting and recorded in the Minutes of that Council meeting.

An 'informal meeting of Councillors' is defined in the Governance Rules as a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

The records for informal meetings of Councillors are attached to the report.

### RECOMMENDATION

***That the records of the Informal Meetings of Councillors, copies of which are attached to the report, be received and noted.***

### ATTACHMENTS TO THE REPORT

1. 20 February 2024 - Council Briefing
2. 20 February 2024 - Council Forum

# Informal Meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Council Briefing	
<b>Date:</b>	20 February 2024	Start Time: 6:16pm    Finish Time: 6.41pm
<b>Venue:</b>	Council Chamber, Civic Centre, Anderson Street, Lilydale and via video conference	
<b>Attendees:</b>	<p><b>Councillors:</b> Sophie Todorov (Chair), David Eastham (Deputy Mayor), Jim Child, Johanna Skelton, Andrew Fullagar, Len Cox, Fiona McAllister, Tim Heenan and Richard Higgins (from 6.35pm)</p> <p><b>CEO/Directors:</b> Tammi Rose, Andrew Hilson, Nathan Islip (Acting Director Planning and Sustainable Futures), Hjalmar Philipp and Leanne Hurst</p> <p><b>Officers:</b> Gina Walter, Sarah Candeland, Joanne Hammond and Ben Waterhouse</p> <p><b>Externals:</b> Nil</p>	
<b>Apologies</b>	Nil	
<b>Disclosure of Conflicts of Interest:</b>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	
<b>Matter/s Discussed:</b>	This briefing covered the following items of business to be considered at the 27 January 2024 Council Meeting.	
	10.1	Community Engagement Plan for Council Plan
	10.2	Road Reserve - Stuart Road, East Warburton
<b>Completed By:</b>	Gina Walter	



# Informal Meeting of Councillors

## Public Record



<b>Meeting Name:</b>	Council Forum		
<b>Date:</b>	20 February 2024	Start Time:7.10pm    Finish Time: 9.41pm	
<b>Venue:</b>	Council Chamber, Civic Centre, Anderson Street, Lilydale and via videofonerece		
<b>Attendees:</b>	<b>Councillors:</b>	Sophie Todorov (Chair), David Eastham (Deputy Mayor), Jim Child, Johanna Skelton, Andrew Fullagar, Len Cox, Fiona McAllister, Tim Heenan and Richard Higgins	
	<b>CEO/Directors:</b>	Tammi Rose, Andrew Hilson, Nathan Islip (Acting Director Planning and Sustainable Futures), Hjalmar Philipp and Leanne Hurst	
	<b>Officers:</b>	Gina Walter, Sarah Candeland, Ben Waterhouse, Joanne Hammond, Apeksha Malhoutra, Alison Fowler, Tamara Meadows	
	<b>Via Zoom:</b>	Jane Sinnamon, Abby McCarthy and Alanna Ford	
	<b>Externals:</b>	Nil	
<b>Apologies</b>	Nil		
<b>Disclosure of Conflicts of Interest:</b>	<ul style="list-style-type: none"> <li>Nil</li> </ul>		
	2.1	Action and Agreement Record – 06 February 2024	
	2.2	Councillor Discussion Time	
	2.3	Annual Structure Plan Action Update	
	2.4	Municipal Association of Victoria - State Council - Motion Discussion	
	2.5	Community Heart in Lilydale (CHIL) Precinct - Introductory Workshop - Background and Existing Sites	
	3.0	For Noting	
	3.1	Indicative Forum & Council Meeting Schedule	
	4	Mayor & CEO Update	
	5	General Business	
	6	Late Items and Urgent Business	
	<b>Completed By:</b>	Gina Walter	

**16. URGENT BUSINESS**

*In accordance with Chapter 3 Rule 24 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

**17. CONFIDENTIAL ITEMS**

*In accordance with Chapter 3 Rule 24 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.*

There were no Confidential Items listed for this meeting.

**18. DATE OF NEXT MEETING**

The next meeting of Council is scheduled to be held on Tuesday 26 March 2024 commencing at 7.00pm, at Council Chamber, Civic Centre, Anderson Street, Lilydale and via videoconference.



**In providing for the good governance of its community, Councillors are reminded of their obligation to abide by the provisions as set within the Local Government Act 2020 and the Code of Conduct for Councillors.**

**When attending a Council Meeting, Councillors should adhere to the procedures set out in the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.**

The following is a guide for all Councillors to ensure they act honestly, in good faith and in the best interests of Yarra Ranges as a whole.

1. Councillors will respect the personal views of other Councillors and the decisions of Council.
2. Councillors may publicly express their own opinions on Council matters but not so as to undermine the standing of Council in the community.
3. The Mayor is the official spokesperson for Council.
4. Councillors will incur expenditure in a responsible manner and in accordance with the Councillor Expenditure and Policy.
5. Councillors will avoid conflicts of interest and will always openly disclose any direct and indirect interests where they exist.
6. Councillors will act with integrity and respect when interacting with Council staff and members of the public.
7. Councillors will demonstrate fairness in all dealings and conduct and be open with and accountable to the community at all times.
8. Councillors will conduct themselves in a manner that does not cause detriment to Council or the Yarra Ranges community.