

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:

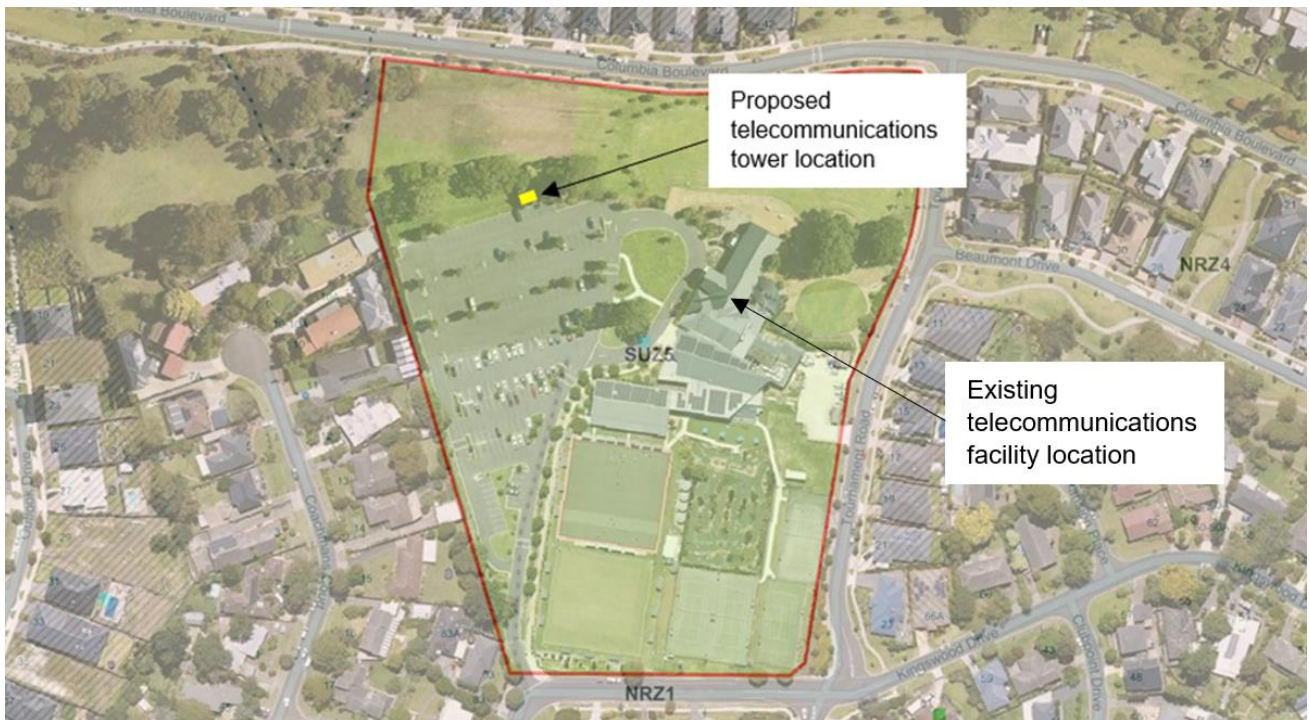


Figure 1 - Aerial image of site with telecommunication tower location marked (Source – Intramaps)

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:

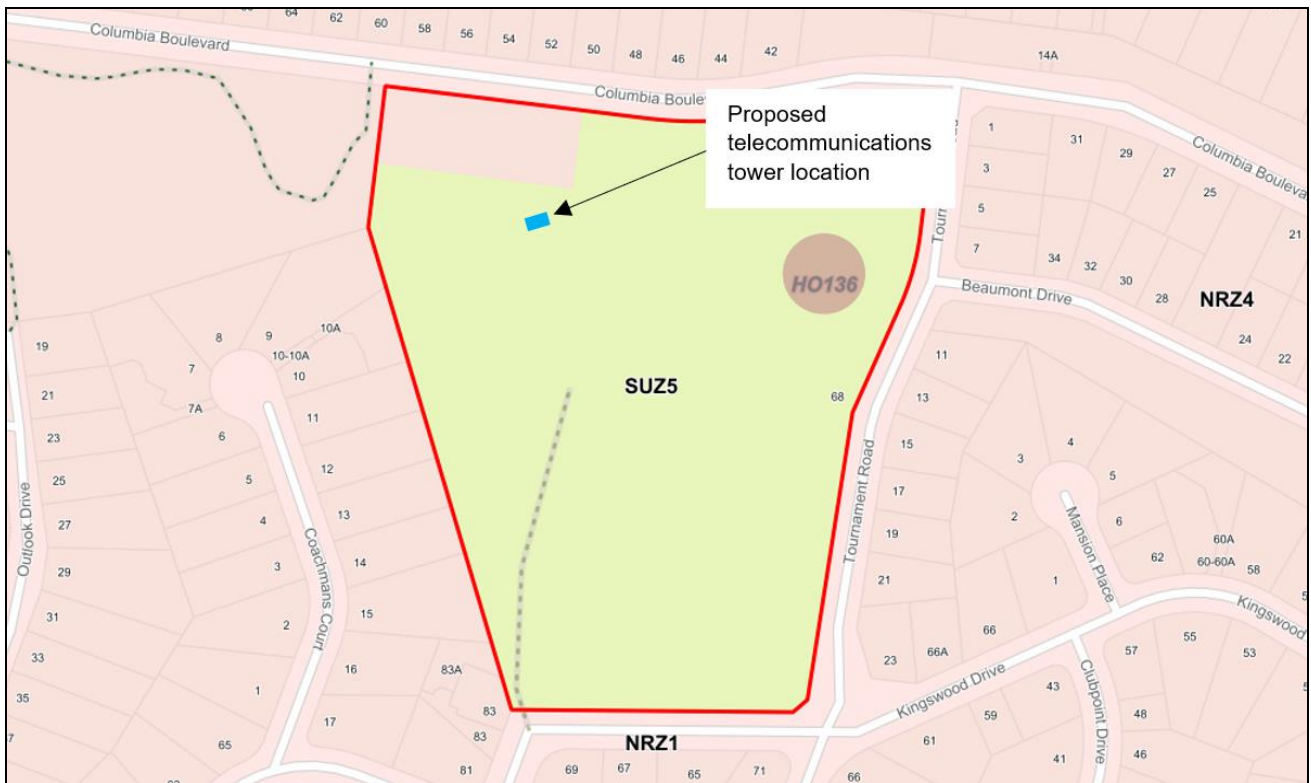


Figure 2 - Zoning map of site with telecommunication tower location marked (Source – Intramaps)

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

Application Number and Decision Date	<ul style="list-style-type: none"> • YR-2023/751 – Use and Development of a Childcare Centre – This application was refused on February 23, 2024. • 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. • YR-2022/831 – Telecommunications Facility - Lapsed. • 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 • YR-2012/615/1 – Subdivision and variation of easements. Decision Date 18 Jan 2019 • YR-2012/615/E – 117 Lot subdivision and variation of easements. Decision Date 24 Feb 2014 • YR-2013/515 – Buildings and works for the construction of a floodlit tennis court. Decision Date 18 Oct 2013 • YR-2012/1142 – Buildings and works to erect a floodlit business identification sign. Decision Date 01 Mar 2013 • YR-2009/975 – Buildings and works for minor utility installation and associated vegetation removal and pruning. Decision Date 19 Jan 2010 • YR-2008/917 – Installation of five water tanks. Decision Date 24 Sep 2008 • YR-1997/1158 – Additional Gaming facilities. Decision Date 29 Sep 1997 • YR-1996/299 – The removal of 10 English Birch trees from the 15th fairway of the golf course. Decision Date 08 Mar 1996 • YR-1994/697 – Extension of clubhouse. Decision Date 27 Mar 1995
VCAT History	None
Other History	None

PLANNING CONTROLS

Zoning:	<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>
Overlay:	<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>
Planning Policy Framework:	<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 & Clause 19.03-4L Telecommunications</p>
Clause 51.03:	Not Applicable
Schedule to Clause 51.03:	Not Applicable
Particular Provisions	Clause 52.19 – Telecommunications Facility
Other Requirements:	<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)	No objections subject to conditions. Traffic Engineers have reviewed the application and have only required amendments to the construction management plan for noise and hours of construction. A plan indicating a space for maintenance vehicles has also been requested.	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. 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.
Arborist	No objections subject to conditions. Council Arborist have reviewed and confirmed that there will be no	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.

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:

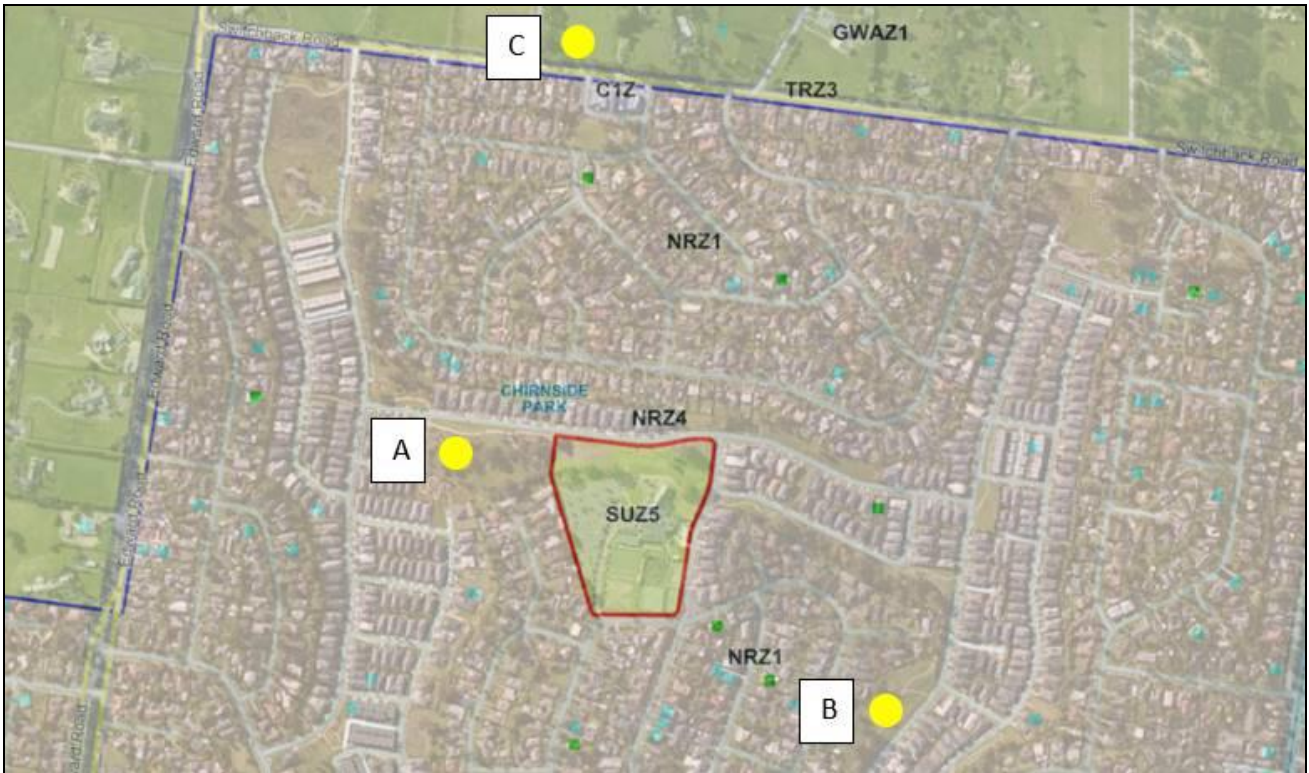


Figure 5 - Alternative sites explored but not progressed

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.

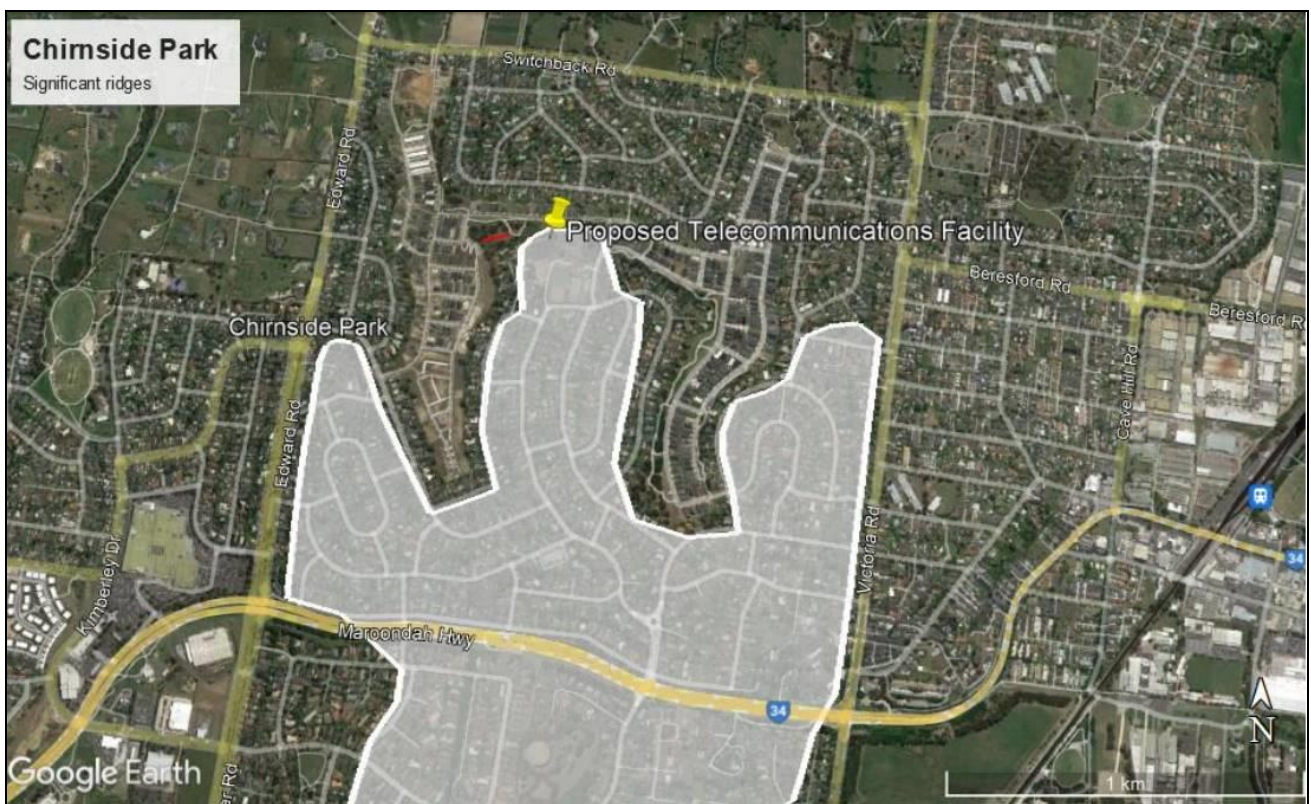


Figure 6 - Mapped ridgelines within the local area

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"> • Ensure that increased demands for mobile network traffic on existing facilities. • Do not compromise a customer's ability to connect to a network. • Ensure that optimal data speeds are maintained at all times of the day. • Improve mobile phone coverage to nearby businesses.
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
Electromagnetic Energy Report not provided with the application.	<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>
EME Health & Safety	<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>Environmental concerns relating to flora and fauna</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>Noise generation during construction and during operation</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>Proximity to residential properties</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>North</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>South</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>East</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>West</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>
Visual amenity impacts	<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>
Devaluation of property	<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>Notification consultation period and</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>Why was this site selected</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>Why can't the structure and/or facilities go elsewhere?</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>Proximity to Childcare Centre</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