

YR-2023/636 - 8 MEADOW FAIR WAY CHIRNSIDE PARK – PLANNING REPORT

APPLICATION DETAILS

Site Address	8 Meadow Fair Way, Chirnside Park (Lot 1 on Plan of Subdivision 119336)
Application No.	YR-2023-636
Proposal	Building and works to construct a telecommunications facility (monopole) and associated vegetation removal.
Existing Use	Largely undeveloped rural allotment, planted with a few rows of trees and some scattered vegetation.
Applicant	Indara (formerly known as Axicom Pty Ltd)
Zone	Clause 35.05 - Green Wedge A Zone Schedule 1 (GWAZ1)
Overlays	Clause 42.03-Significant Landscape Overlay - Schedule 6 (SLO6)
Permit triggers	<ul style="list-style-type: none">• Clause 52.19-1 - Buildings and works for telecommunications facility.• Clause 42.03-2 Construction of a fence that is not less than 1.8 metres in height and not a rural type (i.e. post and large space open weave wire fence).• Clause 42.03-2 Buildings and works exceeding 7 metres in height.• Clause 42.03-2- Removal of vegetation exceeding DBH > 35cm.
Submissions	Thirty-seven (37) objections.
Encumbrances on Title (Covenants/Section 173 Agreements/easements)	There are no covenants or s173 Agreements affecting the land.
Reason for Council Decision	More than 10 objections received.
Ward	Chirnside

SUMMARY

The application is for the building and works to construct a telecommunications facility (monopole), ancillary equipment, construction of a fence around the tower within a ten-by-ten metre envelope and ancillary equipment. The overall height of the facility (including antennas and equipment) is set at 38 metres above ground level.

A total of four trees are proposed for removal out of which only one tree requires planning permit permission.

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 applicant advises that the proposed facility at 8 Meadow Fair Way, Chirnside Park will work in conjunction with their recently approved facility at 275 Edward Road, Chirnside Park (YR-2023/32) to effectively service the local area, located approximately 1000 metre north from the subject site.

These two facilities are designed and intended to work together and will not function separately. The tower will support both Vodafone and Optus infrastructure. The property is a small rural allotment with an area of approximately 2.04 hectares and contains few rows of planted vegetation and some scattered vegetation throughout the site.

The eastern and western boundaries of the site contain a dense screen of planted vegetation, and apart from an old shed, does not contain any other buildings or notable infrastructure onsite. The existing access to the site is informal, located on the southwest corner of the lot. The access to the site will be upgraded as part of this application.

The application was advertised, and thirty-seven (37) objections were received. The objections raised concerns about visual amenity, inappropriate in Green Wedge A Zone and rural landscape, health and safety impact, impact on vegetation, elevated emissions, devaluation of property, impact on wildlife due to noise, proximity to residential properties, insufficient and ineffective advertising notification/period, and as to why the development location was chosen.

The proposal has been assessed against the relevant provisions of the Planning Scheme and the Yarra Ranges Council Telecommunications Facilities Policy (2012). It is consistent with the Scheme and policy. It is recommended that the 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 Application YR-2023/636 for Building and works to construct a telecommunications facility (monopole) and associated vegetation removal and associated vegetation removal and trimming at 8 Meadow Fair Way, 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 site is not located within 500 m of extractive industry.

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*.

SITE LOCATION AND DESCRIPTION

The subject site is located on the western side of Meadow Fair Way, in Chirnside Park. Meadow Fair Way is a Council Road, sealed and in a well-maintained condition, comprising of roadside drains and nature strip.

The site is approximately rectangular in shape and has a gradual slope of about 15 metres from west (front) to the east (rear) across a distance of 170 metres of the site.

The site area is approximately 2.04 hectares and contains few rows of planted vegetation and some scattered vegetation throughout the site. The eastern and western boundaries of the site contain a dense screen of planted vegetation. There is no dwelling on the site, the only building is a small old shed in the set amongst a group a trees setback approximately 35 metres from the front boundary.



Figure 1 – Aerial image of the site with tower location marked.

(Source – Intramaps)

The site is surrounded mostly by land zoned Green Wedge A Zone and a small area to the east across Edward Road zoned Green Wedge A. Land in the immediate area is used for rural residential lifestyles. Land to the south of Switchback Road and east of Victoria Road is zoned Neighbour Residential Zone. The nearest land zoned residential is located 400 meters to the south of the site, please refer to Figure 2 below.

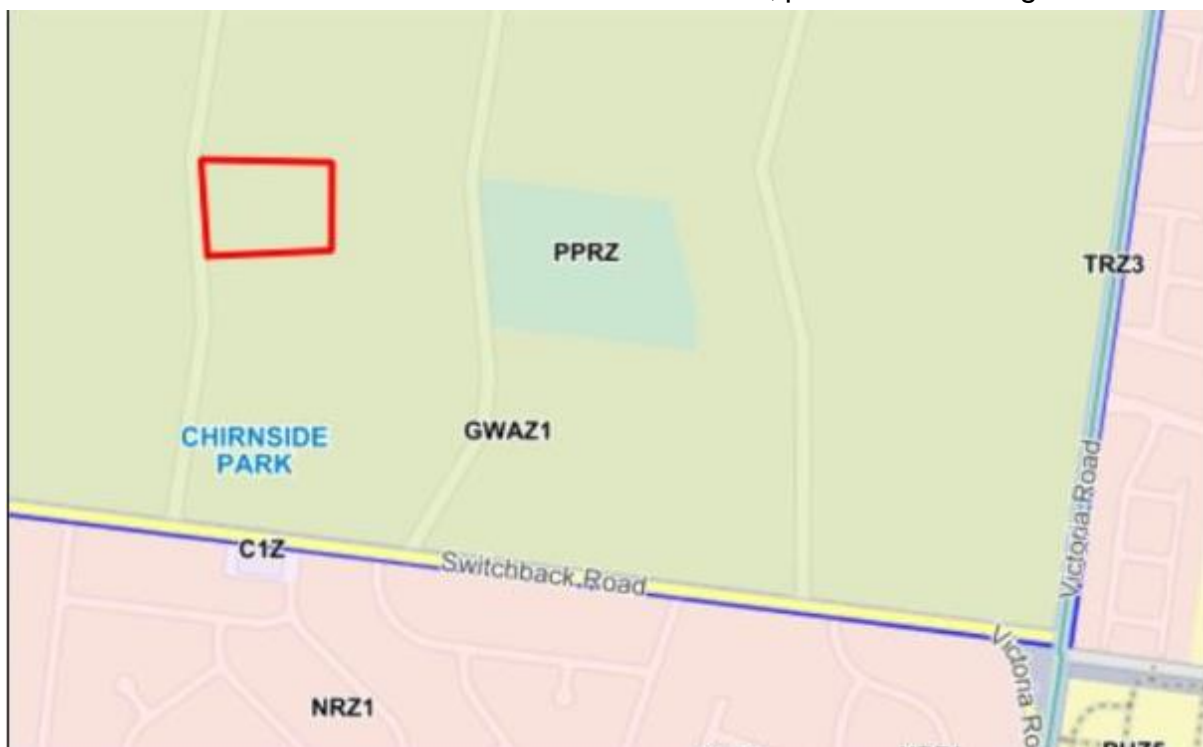


Figure 2 – Zone map of the site with the subject site marked in red.

SURROUNDING AREA

The subject site adjoins the following properties:

North:

10 Meadow Fair Way – Is a rural residential lot of approximately 2.08 hectares in area. The site contains a dwelling in the northwestern portion of the site. It also includes a number of outbuildings, dams and landscaped areas. The site is largely cleared of vegetation.

North-East:

9 Cherry Hill Way - is a rural residential lot of approximately 2.02 hectares in area. The site contains a dwelling and a few outbuildings located towards the rear of the site. The buildings are accessed via a long driveway off Cherry Hill Road. This dwelling will be located approximately 155 metres from the proposed tower. The boundaries of the site are tree lined and scattered vegetation is located all over the site.

East:

7 Cherry Hill Way - is a rural residential lot of approximately 2.08 hectares in area. The site contains an outbuilding, a dam and a dwelling is under construction. The dwelling is located approximately 65 metres from the proposed tower. The lot is mostly covered with tall dense vegetation as viewed from Cherry Hill Way.

South-East:

5 Cherry Hill Way - contains a dwelling, outbuildings, swimming pool, landscaping works and a large dam. The dwelling is located approximately 110 metres from the proposed tower. The site has an approximate area of 2.61 hectares and scattered vegetation throughout the site.

South:

6 Meadow Fair Way - has an area of 2.01 hectares, contains a dwelling and several outbuildings located mostly along the southern boundary of the site, very few vegetation when compared to adjoining allotments, and accessed via a crossover located along the southern boundary of the site. The dwelling is located approximately 125 metres from the proposed tower.

West:

5 Meadow Fair Way – is located across the road from the site. The lot contains an area of 2.03 hectares, a dwelling, few outbuildings and scattered vegetation, all located towards the front of the site. The dwelling is located approximately 190 metres from the proposed tower. The balance of the site is mostly vacant.

7 Meadow Fair Way is located across the road from the site. The lot contains an area of 2.01 hectares, a large dwelling, few outbuildings and landscaped areas. The site also comprises of few scattered trees and rows of planned vegetation.



Figure 3 – Aerial image of the surrounding area.

PROPOSAL

This application seeks approval for buildings and works to construct a telecommunications facility (monopole) and associated vegetation removal on the land.

The proposed facility will be owned by Indara Infrastructure Pty Ltd (trading as Indara) and will host Vodafone and Optus telecommunications equipment, providing 4G and 5G services to southeast part of Chirnside Park and surrounding areas.

The proposed facility is located to the rear of the property in the southeast corner of the site. The monopole itself is to be setback 8.5 metres from the east boundary and 13.5 metres from the south boundary. The nearest abutting dwelling is setback 65 metres. Refer to Figure 1 to show the location of where the tower will be built on the site. Scaled development plans are in Attachment 2.

A site and surrounding aerial plan are also located in Figure 3.

The details of the proposal include as follows:

- One (1) new 35-metre-high monopole, finished in pale grey colour.
- One (1) new antenna headframe supporting fifteen (15) new panel antennas.
- One (1) six bay outdoor equipment cabinet at ground level
- New concrete culvert crossover off Meadow Fair Way
- Upgrade the existing access track to be suitable for heavy vehicle access.
- Removal and trimming of vegetation along the access track.
- Ancillary equipment associated with operation and safety of the facility, including remote radio units, elevated cable tray, cabling and antenna mounts, group meter panel, security fencing with 3m wide double access gate etc.
- Installation of a triangular headframe at the top of the new monopole.
- Vodafone and Optus telecommunications equipment on the pole and within the compound, including:
 - Three (3) 4G panel antennas, each up to 2.8 metres in length, mounted on a new headframe.
 - Twelve (12) 5G panel antennas, each up to one (1) metre in length, mounted on the new headframe.
- The overall height of the facility (including antennas and equipment) will not exceed 38 metres above ground level.

Some minor cut and fill will be required to level the site and establish the proposed compound. This will be completed with a 500 millimetres high retaining wall along the new eastern fence line and tapering down to natural ground level on north and south sides.

- The site will be accessed via a new crossover off Meadow Fair Way. This is required to formalise the existing crossover and to allow ease of access for heavy vehicles.

Fenced Compound

- The fenced compound is ten metres by ten metres.
- The fence is proposed to be 2.4 metres high and constructed of galvanised chain wire mesh and galvanised metal posts.
- There are three rows of barbed wire above the chain wire.

The plans show the proposed telecommunications tower compound fence is located on the southeastern corner of the site with the following setbacks –

- 8.50 metres from the eastern site boundary
- 13.50 metres from the southern site boundary.

Vegetation Removal

- One tree (being Tree #8 *Hesperocyparis Macrocarpa*) with a height of approximately ten metres is proposed for removal to accommodate vehicle access to the compound. The removal of this tree requires a permit under Significant Landscape Overlay of the Scheme.
- In addition to the above, three (3) additional trees will require removal, however these are exempt from Planning controls.

The vegetation proposed for removal are as follows -

Tree number	Species	Height	Width	DBH	Comment	Permit Required?
TG4	<i>Malus domestica</i> x	2.5 metres	2.5 metres	<35 cm	Exotic species, low significance, Group of four	No
TG7	<i>Malus domestica</i> x	5 metres	5 metres	<35 cm	Exotic species, low significance, Group of four	No
8	<i>Hesperocyparis macrocarpa</i>	10 metres	7 metres	>35cm	Exotic species, medium significance, Recommended appropriate for removal	Yes – permit required under SLO6
15	<i>Crataegus</i>	4 metres	5 metres	Weed	Weed Species	Exempt

Access

The fenced compound will be accessible by an existing gate located to the southwestern corner of site adjoining Meadow Fair Way. A new vehicle crossover is proposed to formalise this access and will be finished in concrete.

An internal accessway with an approximate length of 160 metres, is proposed along the southern boundary of the site to the compound and will be finished in compact gravel. The applicant has advised construction and maintenance vehicles will use the existing road network, driveway and carparking area to achieve access to the site.

Extracts from the plans can be seen in Figure 4 and Figure 5 below, a full copy of the plans are provided in Attachment 2.

To support the planning application, see Planning Report (Attachment 3) and Arborist Report (Attachment 4). The applicant has also submitted an Environmental Electromagnetic Energy Report with the application, see Attachment 5.

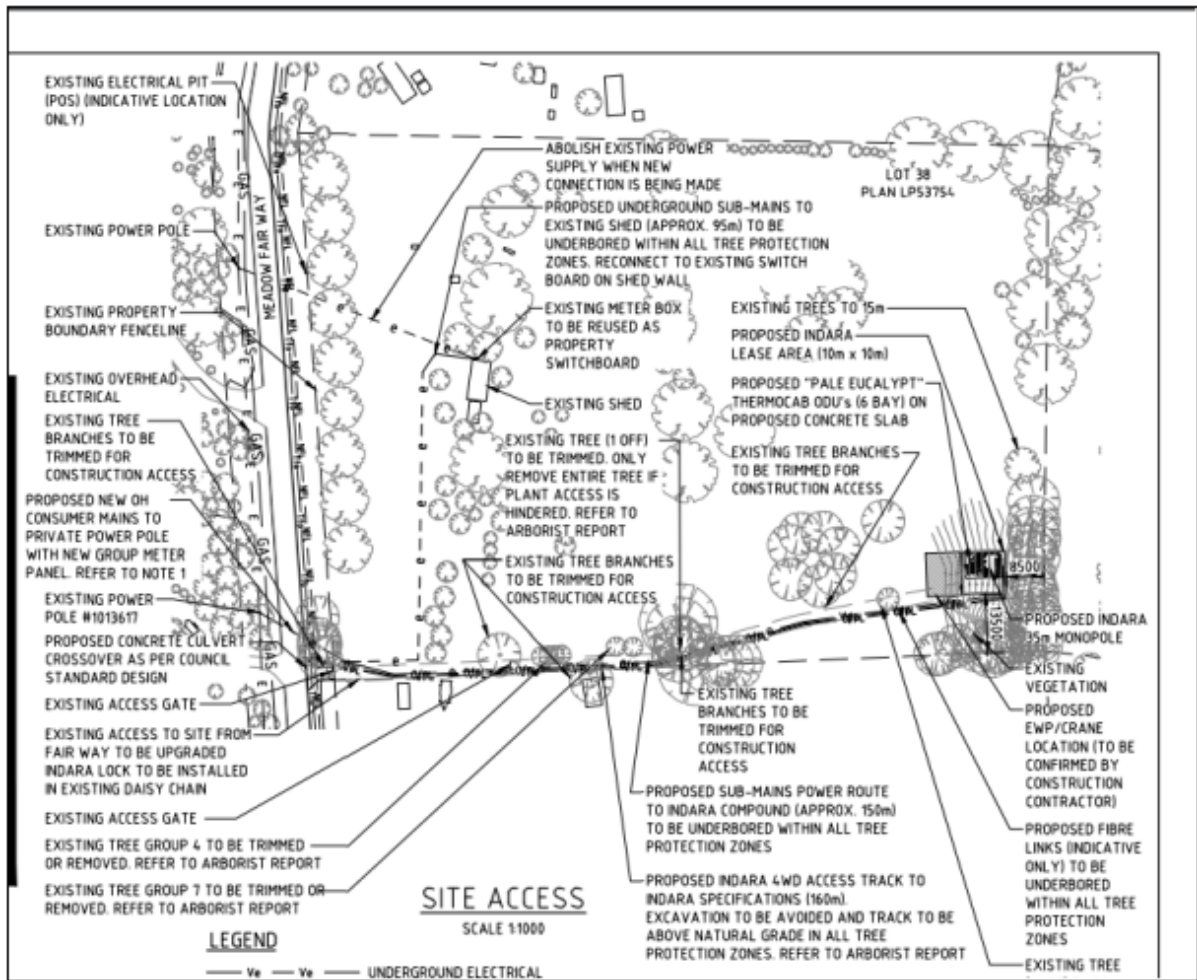


Figure 4 – Site Plan

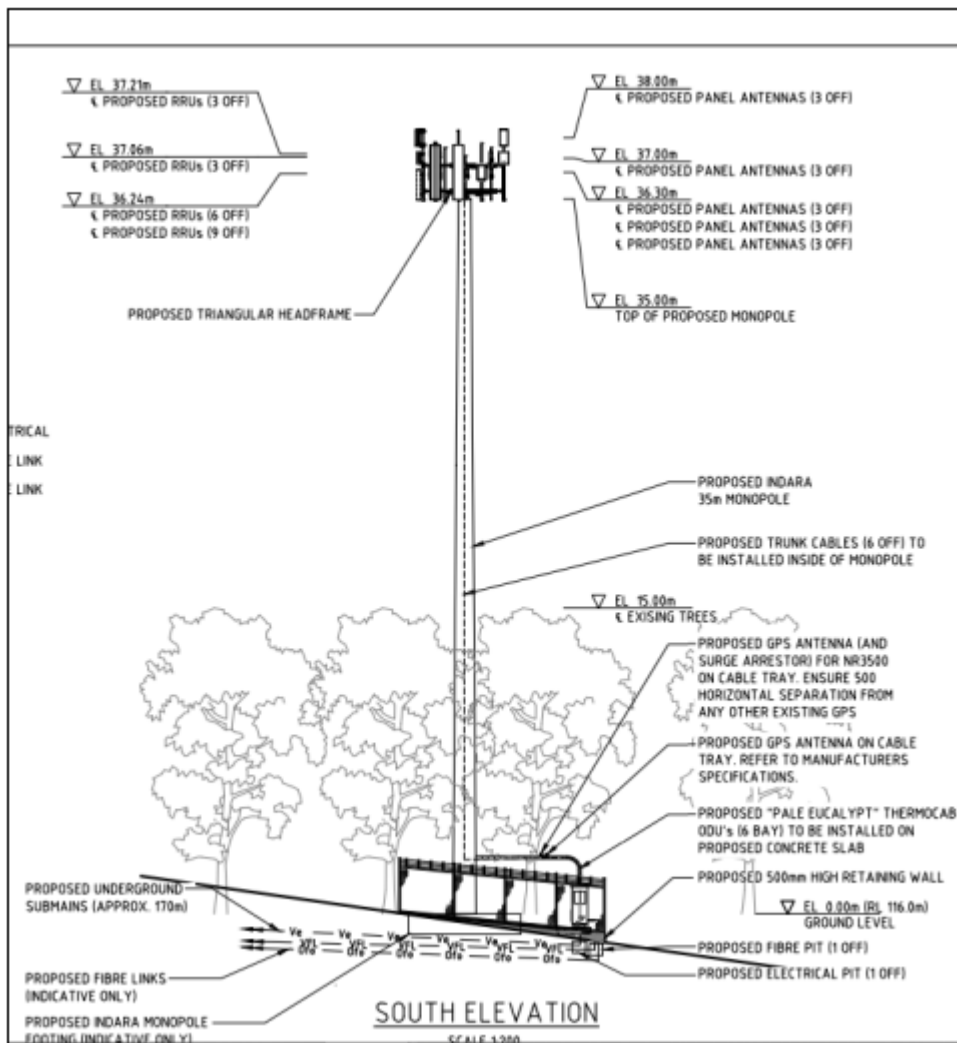


Figure 5 – Elevation Plan of Monopole.

HISTORY

Application Number and Decision Date	None
VCAT History	None
Other History	None

PLANNING CONTROLS

Zoning:	Clause 35.05 – Green Wedge A Zone Schedule 1
Overlay:	Clause 42.03 – Significant Landscape Overlay Schedule 6
Planning Framework: Policy	Clause 12.05-2S - Landscapes Clause 13.07-1S - Land Use Compatibility Clause 19.03-4S - Telecommunications Clause 19.03-4L - Telecommunications
Clause 51.03:	Not Applicable
Schedule to Clause 51.03:	Not Applicable
Particular Provisions	Clause 52.19 – Telecommunications Facility
Other Requirements:	Clause 65 – Decision guidelines The Code of Practice for Telecommunications Facilities in Victoria (1999) The Shire of Yarra Ranges Telecommunication Facilities Policy (2012)

For further information on the planning controls refer to Attachment 6.

PERMIT TRIGGERS

Zoning

Under the Green Wedge A Zone Schedule 1 provisions, a permit is not required for to use land to construct a telecommunications facility (monopole) and associated vegetation removal, as proposed under this application.

Table of Uses under Clause 35.05-1 identifies “Any use listed in Clause 62.01” as a Section 1 land use, subject to the condition of “Must meet the requirements of Clause 62.01”. the use of land for “telecommunication facility” is a listed use under Clause 62.01 – Uses not Requiring a Permit.

Overlays

Under Clause 42.03-2 to the Significant Landscape Overlay Schedule 6, a permit is required to -

- Construct a fence that is 1.8 metres in height or more and the fence is not a rural type – (i.e. post and large space open weave wire fence).
- Buildings and works exceeding 7 metres in height.
- To remove Tree 8 under Clause 42.03-2 of Schedule 6 to the Significant Landscape Overlay.

Particular Provisions

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

CONSULTATION

Internal Referrals

This application was referred to various business units or individuals within Council for advice on particular matters.

The following is a summary of the relevant advice:

Department	Summary of Response	Conditions required
Development Engineer (Traffic)	Conditional consent is given for vehicle crossing.	The conditions to be included in the Notice of Decision will require the permit holder to - <ul style="list-style-type: none">• Construct a concrete vehicle crossing prior to the occupation of the development.
Arborist	Conditional consent is given for removal and protection of vegetation. Appropriate temporary fencing and replacement planting works recommended.	The conditions to be included in the Notice of Decision will require the permit holder to – <ul style="list-style-type: none">• Erection of tree protection fencing works for retained trees.• Underground service pipes to be diverted around the TPZ of any retained trees or bored to Councils requirements. All pits, holes, joints, etc to be located outside of TPZ.• The access track within the TPZ of identified trees to be constructed to Councils standard requirements. No excavation within the TPZ

Department	Summary of Response	Conditions required
		<p>permitted apart from 30mm deep to remove organic and/or debris.</p> <ul style="list-style-type: none"> • Any pruning works must comply with Council requirements and undertaken by an arborist. <p>The arborist further advised that –</p> <ul style="list-style-type: none"> • Removal of Tree #8 is supported. • removal of trees #TG4, TG7, and 15 does not require a permit. • All other trees to be retained.

External Referrals

There were no external referrals required by the planning scheme.

PUBLIC NOTIFICATION AND CONSULTATION

Notification of the application was undertaken by:

- Placing of one (1) sign on the land.
- Mailing notices to fifty-seven (57) landowners and occupiers of adjoining and/or nearby properties
- Placing a notice in a local newspaper
- Placing the proposal on Council's website for a minimum of 14 days

Number of Objections:

Thirty-seven (37) objections were received. Most objectors are located within 500 metres of the development site, there were only a few objections received beyond this distance. The application was advertised between 9 January 2024 to the 26 January 2024.

The grounds for objection can be summarised as follows:

- Visual Amenity
- Inappropriate in GWAZ and rural landscape
- Health & Safety impact
- Impact on vegetation
- Elevated emissions
- Devaluation of property
- Impact on wildlife due to noise

- Proximity to residential properties
- Insufficient and ineffective Advertising Notification/Period.
- Why the development location was chosen.

ASSESSMENT/ KEY ISSUES

The proposed telecommunications facility requires assessment against the provisions of the Planning Policy Framework, Green Wedge A Zone, Significant Landscape Overlay Schedule 6, Clause 52.19 and the decision guidelines of Clause 65.

Matters to be taken into consideration include the visual impact of the structure, the suitability of the site and the relevant code of practice for telecommunications facilities.

POLICY STATE, REGIONAL AND LOCAL

Planning Policies recognise the need to facilitate the development of telecommunication infrastructure. In considering proposals for telecommunication 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.'

Clauses 12.05-2S and Clause 12.05-2L requires a development to respond to, and to protect landscapes that have aesthetic value. Views, landmarks and vistas are required to be protected and enhanced. Clause 52.19 requires a proposed facility to have a minimal impact on the amenity of an area.

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 that the proposed telecommunications facility satisfactorily meets the above objective. It is considered to be an appropriate location which takes into consideration the visual impacts of telecommunications facilities as far as 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 telecommunication 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 and surrounding areas and will provide increased opportunities for better communication networks whilst appropriately addressing the environmental and landscape character of the area.

Service provision and need

The Planning Scheme and relevant regulations, as part of any assessment of a telecommunications facility, require that the need for a facility be demonstrated. The challenge is to then balance any such need against 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 utilised by carriers - such as mobile carriers – as part of their respective networks.

The facility has been designed as a neutral host facility, capable of supporting co-location by other carriers, government entities and wireless service providers.

The new facility is proposed specifically to improve mobile services in Chirnside Park and surrounding areas.

Yarra Ranges Council is seeing and will continue to see unprecedented residential growth and development. A lot of this growth is expected to occur in and around the Chirnside Park area given it is earmarked as a Major Activity Centre within Council's Strategic Framework Plan at Clause 02.04 of the Yarra Ranges Planning Scheme. Given the expected population growth in this area, it is vital that Council recognises and facilitates the need for new infrastructure, including telecommunications facilities such as the proposed, in order to adequately service the needs of existing and future residents.

A particular focus for this new facility is to service the rural residential interface, where the existing services are either very limited or not being serviced at all, by providing improved mobile services to residents and businesses within this area catering for both current demand, and future demand as the area develops further.

It has also been submitted with the application that to effectively service the local area, the proposed tower facility will be operating in conjunction with the tower facility approved recently under Planning Permit (YR-2023/32) at 275 Edward Road, Chirnside Park.

Opportunities to Upgrade or Co-Locate using an existing telecommunication facility.

While there are existing base stations in the area surrounding Chirnside Park, these are generally too far away, poorly positioned or otherwise limited from a technical perspective; as advised by the Applicant, they are unable to provide the required network quality and capacity needed to accommodate existing and future residents and businesses in the area. With the population and development density of the Chirnside Park area expanding quickly, there is a significant social, economic and safety motivation to improve mobile coverage and network capacity in this location.

Existing telecommunications facilities in the area were assessed to consider if they were feasible for co-location. Attachment 7 shows the location of existing facilities in the area around the proposed site, based on information from the Radio Frequency National Site Archive database (www.rfnsa.com.au).

Additionally, the applicant undertook an investigation of potential alternative site locations. The alternative sites explored are shown below in Figure 6. 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 private landowners. Details of each of

these alternative sites and why they were unable to be progressed can be found in Attachment 8.



Figure 6 – Alternative sites explored but not progressed.

The ability to co-locate new infrastructure on an existing telecommunications monopole has been considered as a first preference for Council. However, the Applicant's investigations demonstrate that the existing telecommunication facilities within the area are not appropriately located to adequately service the target coverage area (north of the Chirnside Park township), therefore, the co-location of services is not an option for addressing existing gaps in service and service requirements into the future.

The applicant has stated that whilst there are existing base stations in areas surrounding Chirnside Park, these are generally too far away, poorly positioned or otherwise limited from a technical perspective; the existing sites are unable to provide the required network quality and capacity needed to accommodate existing and future residents and businesses in the area. Therefore, there is a need to expand the infrastructure.

The structure will be used for co-location by both Vodafone and Optus as required. This preference and preparation for co-location helps to minimise the number of such structures in the local area.

The proposed location of the monopole is well placed in a position where there will be interrupted views of the structure due to the undulating topography of the land in the area, and due to vegetation on site and private properties and along the road reserves. It is also noted that the siting of the proposed structure does not impact on or require the removal of any vegetation; it is proposed on a cleared location on the land to allow for new and improved coverage and services to the area, which includes residential

areas, as well as large lot rural properties and the numerous roadways surrounding the site.

The proposed monopole is considered appropriate considering the relevant legislative, environmental, technical, radio coverage and public safety requirements and is considered acceptable in social, economic, and environmental terms.

Height of the proposed monopole The telecommunications tower is proposed to have an overall height of 38 metres (monopole and antennas). 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.

It is considered that the proposed monopole with a maximum height of 38 metres and finished in pale grey, would not be visually detrimental to the landscape significance of the site and the surrounding area. This is due to the monopole being located within a densely vegetated area and further screened by roadside vegetation along Meadow Fair Way providing screening to vehicles travelling north and south, as well as providing a visual buffer to the rural residential lots to the east, west and south. This largely reduces sightlines to the structure and supporting infrastructure. There will be no substantial detrimental impact on the amenity of the area.

The monopole will be finished in a pale grey colour. This will ensure the tower blends into the surrounding landscape and will not be highly reflective in the landscape when viewed from surrounding land and reserves.

Green Wedge A Zone

The monopole has been sited and setback from nearby dwellings and street frontages as much as practicable given the rural nature of the area. It is noted that the closest dwellings to the proposed monopole are as follows:

- 5 Meadow Fair Way – 190 metres from the dwelling to west
- 6 Meadow Fair Way – 125 metres from the dwelling to south-west
- 5 Cherry Hill Way – 110 metres from the dwelling to south
- 7 Cherry Hill Way - 65 metres from the dwelling to the south
- 9 Cherry Hill Way – 155 metres from the dwelling to the north-east

Views of the monopole will be mostly screened from vehicles travelling along Meadow Fair Way to the west and Cherry Hill Way to the east due to roadside vegetation and sloping topography of the land. It is further assessed that apart from the monopole, all proposed buildings within the compound will be fully screened due to the existing vegetation along the adjoining site boundaries and vegetation located onsite.

It is also noted that vehicles travelling north along Meadow Fair Way will not fully appreciate views of the monopole, ground level ancillary equipment and compound fencing given the land rises a few metres above the level of the road before gently sloping to the east. In addition to this, there are large trees which further blocks the

view of the monopole. The compound facility will not be visible from Meadow Fair Way. Refer to Figure 7 and Figure 8 below which shows streetscape and existing screening.



Figure 7 – Existing vegetation along Fair Meadow Way looking south



Figure 8 – Existing vegetation along Cherry Hill Way looking north.

The fence around the compound is proposed for security purposes. The construction from heavy duty galvanised chain wire will achieve security objectives while being visually transparent and not a dominant visual form given the amount of vegetation in this area. Therefore, this is considered to be an acceptable outcome in this context.

Equipment within the compound will be housed in one equipment cabinet. The cabinet will be mounted at ground level at the base of the pole and will be finished in pale eucalypt which is not visually intrusive and is acceptable. This will include ancillary equipment associated with operation and safety of the facility, including remote radio units, cabling and safety equipment etc.

The compound will be accessed via an internal accessway constructed with compacted fine gravel for a length of approximately 160 metres. A new crossover is also proposed on the south western corner of the lot. It is noted that there is an existing unmade crossover and a gate providing access to the site. The plans have note provided details of the crossover width, a permit condition will require this detail to be shown on the plans.

The submitted plans note the proposed below-ground electricity cable route will traverse from an existing power pole along Meadow Fair Way to a new proposed power pit, continuing in an east direction for approximately 150 metres to the development location. There is also a new fibre pit proposed to the west of the proposed compound, with the proposed fibre route running in an east-west direction which links to the existing fibre link running along the front of the site along Meadow Fair Way. Cables can be sited to avoid tree impacts, which may include laying them outside the tree protection zones or boring underneath trees where practical. The plans submitted indicate that the proposed fibre links cable will be under bored within all tree protection zones.

On balance, it is considered that the proposal complies with the purpose and decision guidelines of the Green Wedge A Zone for the following reasons:

- Only 100 square metres of the property will be used for the proposal.
- The application does not propose the removal of protected vegetation apart from one tree.
- Minimal site construction works are proposed.
- The facility retains a large portion of the land for rural residential use.
- The topography of the land and vegetation providing reduced views of the structure and thereby reducing amenity impacts to the area.

The Applicant has considered various ways in reducing visual impact as much as possible, including:

- Use of a monopole is proposed. Monopoles are considered to be a sympathetic inclusion to the environment when compared to other structure types, such as lattice towers, because of their slimmer profile.
- To minimise visual bulk, antennas will be mounted on a single headframe, reducing visual impact compared with separate headframes at different heights.
- Due to its location, the facility will be largely screened from view when viewed from adjoining roads and reserves. Apart from the monopole structure, no other

components of the development will be visible from adjoining properties due to existing mature vegetation surrounding the development. At this distance, the proposed facility is not considered to be a focal point and will be of a similar scale to other utility infrastructure within the landscape in the area.

- The facility will be finished in a pale grey, which is considered to be the most sympathetic finish with regards to blending into the natural landscape. It will also match other existing vertical elements in the area, such as the existing light and utility poles which are present across the rural landscape and high voltage towers which is also in close proximity of the site.

It is important to note that while the top of the monopole and headframe will protrude above the landscape and will be visible from vantage points within the locality. The applicant was also required to provide photo montage of the tower from various viewpoints adjoining the site, this can be seen in Attachment 9. There is a technical requirement for telecommunications facilities to be tall enough in order to function. Nevertheless, the amenity impact of the proposal is considered to be appropriate in its context.

All mobile base stations in Australia must comply with a strict safety standard called the Standard for Limiting Exposure to Radiofrequency Fields – 100 KHz to 300 GHz (RPS S-1). An Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Electromagnetic Energy (EME) Report has been submitted with the application to demonstrate compliance with this Australian standard (Attachment 5). This report demonstrates that the tower will be operating will within the guidelines of the relevant federal policies.

Significant Landscape Overlay Schedule 6

The permit triggers under Schedule 6 to Clause 42.03 deals with the visual impact relating to vegetation impact, the height of the monopole and the height of the fence.

The landscape character objectives of Schedule 6 to the Significant Landscape Overlay are as follows:

- To maintain a comparatively open rural landscape of farmland and bushland patches in which houses, farm buildings and tourist facilities are generally inconspicuous.
- To ensure that the siting and design of new buildings complements their setting and reinforces the rural landscape character of the area.
- To retain established trees and patches of indigenous vegetation as an important element of the rural landscape and habitat for wildlife.
- To allow middle and long distance views from the valley to the surrounding ranges.
- To maintain the appearance of an uninterrupted forested backdrop to views.

The location of the proposed telecommunications facility is appropriate when assessed against the provisions of the Significant Landscape Overlay Schedule 6. The compound and the monopole have been strategically located on the site to ensure that it will receive visual relief from existing surrounding vegetation.

It is noted that the decision guidelines of Schedule 6 to the Significant Landscape Overlay encourage siting that avoids “visually prominent sites such as exposed hilltops or ridgelines” and designs which “break the skyline or ridgeline behind the building”.

Any other location on this site would be more prominent, being on a more exposed with less vegetation to screen or backdrop the facility with the front of the site being the areas highest point, while the location at the rear of the site will ensure the tower sits lower in the landscape.

The 2.4-metre-high galvanised chain wire fence is an open style that allows views through but is still high enough and strong enough to provide the necessary security to the compound. The fence will only enclose the minimum area necessary to contain the monopole and associated equipment. It is considered that the fence is appropriate and given the existing vegetation, the facility will be largely hidden from view.

The 38-metre-high monopole is also considered appropriate within this location given:

- the visual buffer achieved by surrounding vegetation, including roadside vegetation along Meadow Fair Way and Cherry Hill Way Road.
- the interrupted views of the monopole by the topography of the land in the immediate and surrounding area.
- The tower facility is approximately 15 metres from Meadow Fair Way. Given the mature vegetation located along this road, the tower will be highly screened and not noticeable at all from this road, thus maintaining the rural landscape of this area (as shown in images above).
- In terms of the view to the facility from Cherry Hill Way, the existing vegetation continues to screen the facility and most of this facility will not be noticeable as the views from this road is to the further east, and not west where the tower will be located. Nearby dwellings are mostly over 100 metres from the site of the tower, there is one dwelling setback approximately 65 metres from the base of the tower. There is existing mature screening along the common boundary, which will filter view of the compound, equipment and lower area of the tower.

If there is any view of the monopole, then this is assessed to be transient and of short duration. Overall, the facility has been designed and sited to minimise impacts on surrounding land uses and will have no detrimental impact on adjacent land.

- Siting the monopole and compound to the east onsite is optimal in terms of providing the necessary coverage and not being on a ridgeline.
- Results in the least amount of excavation and minimum vegetation impacts.
- The site is in close proximity to supply of electricity, meaning that a power connection can be achieved without requiring unsightly above-ground power poles.
- The height of the monopole means that whilst it will be visible above the surrounding tree line, the slim-line design monopole is considered to be less visually bulky than an open-framed tower. The muted pale grey finish of the monopole will also be suitable within the rural residential landscape.
- In response to the removal of vegetation to create internal accessways and to facilitate the telecommunications tower, the following vegetation removal and some minor trimming works will be required.
- One tree (being Tree #8 *Hesperocyparis Macrocarpa*) with a height of approximately 10 metres is proposed for removal to accommodate vehicle access to the compound. The removal of this tree requires a permit.

- Three (3) additional trees will require removal; however, these are exempt from planning controls, due to the size of the vegetation (DBH < 35 cm) and one of the trees being classified as a weed.
- To avoid removal of further vegetation, some pruning of onsite existing trees is proposed to allow vehicle access under the supervision of a suitably qualified arborist onsite.

An Arboricultural Impact Assessment Report has been submitted with the application in response to vegetation impacts. A copy of this report is attached as Attachment 4.

Tree 8, while it does need a planning permit the tree is not considered by Council's arborist as being highly significant, it is also noted that other trees remaining on site are more significant and hold higher value than Tree 8. Tree 8 is also not considered to hold substantial outside landscape impacts. Given this the removal of Tree 8 to accommodate a development is an acceptable outcome.

The conditions of approval will further ensure that appropriate tree protection measures are in place during construction phase to ensure no further impacts to existing vegetation.

No additional landscaping works are required apart from replanting trees back on the site. A landscape plan will be required as part of conditions to help facilitate the replanting back onto the site.

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 as described in the *Telecommunications (Low-impact) Facilities Determination 1997*. The facility cannot be classified as a low impact facility and therefore requires a permit pursuant to the particular provision.

In considering the proposal against the provisions of this clause, the responsible authority must consider the decision guidelines pursuant to Clause 52.19-5. Planning Scheme amendment VC226 (dated 04/11/2022) removed the provision for Council to consider the Code of Practice for Telecommunications Facilities in Victoria and the effect of the proposal on adjacent land. However, for the purpose and intentions of a comprehensive assessment, this application will be assessed against the Code to ensure an appropriate assessment is made beyond the requirements of the current planning scheme.

An assessment of the compliance of the proposed telecommunications facility in accordance with the principles of Section 4.0 of the Code of Practice for Telecommunications Facilities in Victoria, July 2004 is provided below.

Code of Practice for Telecommunication 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, a copy of the Code of Practice can be found on Attachment 10. 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 solid steel pole that will have non-intrusive pale grey colouring. The monopole is of a height required to provide radio access to the site. It is on a flat area which is heavily screened by existing trees onsite, on adjoining land and on vegetation on road reserves/nature strips. For these reasons, it is considered that it would be relatively inconspicuous in the landscape.

The sloping topography of the land will further assist in limiting the visual impact of the proposal from the surrounding sites. There is adequate screening within the local area and the facility does not expect to dominate the natural landscape and environment.

It must be appreciated that facilities of this nature are necessarily visible as they need to be tall enough (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 from the surrounding sites is expected to be minimal due to established vegetation and contours of the land.

In comparison to the height of the two other towers recently approved by Council in Chirnside Park:

- The tower proposed at 275 Edward Road, Chirnside Park (YR-2023/32) also has a height of 35m, consists of a triangular headframe at the top of the monopole and will not exceed 38.8 metres above ground level.
- The tower proposed at 68 Kingswood Drive, Chirnside Park (YR-2023/303) has a height of 30m, consists of a triangular headframe at the top of the monopole and will not exceed 31.5 metres above ground level.

Therefore, given the sloping topography of the land, the height is considered appropriate, as the tower will need to be of a certain height to achieve required reception to be able to work efficiently.

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

There are no existing buildings or structures in the area that would permit co-location to occur and the technical and network requirements to be met.

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

This proposal offers the appropriate height and a structural suitability for co-location by multiple carriers.

The proposed tower facility will be working concurrently with the tower facility recently approved at 275 Edward Road, Chirnside Park (YR-2023/32).

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 required to operate 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 practice environmental management guidelines.

The site has a gentle slope on the land which will require a retaining wall to be constructed to a maximum height of 500mm. The compound will have an area of 100sqm and is located on the southeastern corner of the site. There is no vegetation located in this compound which will require removal.

The existing access track will require upgrading from the crossover to the compound with compacted fine gravel for a distance of 160m to allow ease of access for 4WD vehicles.

One tree is being proposed for removal as part of this application which requires approval under the overlay (SLO6) provisions and permit conditions will require appropriate replanting works. Three other trees are proposed for removal however these are exempt from Planning controls due to its size and species.

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.

It is further considered that construction of the facility will have minimal disturbance to the activities on the site. Construction of the facility will also be required to be carried out in accordance with relevant Occupational Health and Safety Guidelines.

Yarra Ranges Telecommunication Facilities Policy

The Yarra Ranges Telecommunication Facilities Policy was adopted by Council in December 2012 (Attachment 11). It provides additional guidance and requirements for telecommunication facilities to reflect the special characteristics of Yarra Ranges. Policy objectives including:

- 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; and
- To recognise the public benefits of telecommunication infrastructure.

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

CONSULTATION

Internal Referrals

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

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 to the north of the existing township of Chirnside Park to support ongoing demand on the network in what is an increasingly more populated area and to provide critical network relief to:</p> <ul style="list-style-type: none">• Ensure that the increased demands for mobile network traffic on existing facilities do not critically compromise customers' ability to connect to a network.• Ensure that optimal data speeds are maintained at all times during the day. .• Improve mobile phone coverage to local businesses.
Telecommunication facilities are encouraged to co-locate.	<p>No suitable co-location options were identified. See above discussion in this report.</p>
Telecommunications facilities should not be located on sites of natural, historical or cultural significance.	<p>The site is not located within the Heritage Overlay, or an area of Aboriginal Cultural Heritage Significance. Landscape impacts have been minimised, with only one significant tree (permit required) to be removed and existing mature trees screening and softening the visual impact of the monopole.</p>
Telecommunications facilities must be sited and designed to avoid tree or vegetation removal.	<p>The applicant has demonstrated that apart from removal of one tree, all other vegetation on the land will be retained. Appropriate revegetation works will compensate for the removed vegetation.</p>
Telecommunications facilities should be sited and designed to use any existing trees for visual screening.	<p>See above.</p>

Policy Requirement	Response
Telecommunications facilities must not be located on land subject to landslip unless an appropriate geotechnical report is provided.	The land is not subject to landslip.
Telecommunication facilities must not be located on visually prominent sites such as ridgelines and skylines.	The proposed monopole is not located on a ridgeline. The facility would not be obvious in distant view lines due to the sloping topography of the surrounding area.
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.	The compound facility will be largely screened by the existing mature vegetation. The monopole will have a maximum height of 38.0 metres and therefore it is obvious that the upper part of this structure will be visible to some extent. While this structure will be taller than the surrounding trees, it is considered reasonable, for the reasons discussed earlier in this report. The pale grey colour will also assist with reducing the visual appearance of the structure. The site is not located within a residential area or within a township area where the pole would be highly visible. The development is proposed in a rural area and is well setback from neighbouring buildings and adjoining roads.
Telecommunication facilities should be located within industrial, business or non-residential areas wherever possible.	The site is located within a Green Wedge A Zone, on a site used for rural living purposes.
The installation of cables should be underground and co-located with other facilities where possible.	The cables would be located underground and thereby reduce the visual impact of the facility. A condition will require that cables be located outside the Tree Protection Zone of trees being retained, or bored to avoid impacts to existing vegetation.
Telecommunications facilities should only be located on Council land or reserves where the facilities will not conflict with the use of the land	The subject site is not located on Council land or reserve land.

Policy Requirement	Response
by the community, or for the purpose for which the land is reserved.	
Applications for telecommunications 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

<i>Reason for Objection</i>	<i>Officer's Response</i>
Public safety and health issues.	<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. The Australian government has stated the following:</p> <p>The EME standard set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) defines the maximum exposure limit for all wireless equipment and is strictly enforced by the Australian Communications and Media Authority (ACMA). Measurements undertaken by carriers and ACMA show that mobile telecommunication sites emit a tiny fraction of maximum EME exposure limits. The exposure limits are themselves very conservative.</p> <p>Reason for Objection Officer Response As such, sites which operate at 100% of the limit are still considered safe. This standard is informed by decades of quality studies undertaken by expert Australian and international scientists which show the low levels of EME produced by telecommunications equipment have no adverse effects. This includes previous generations of mobile technology,</p>

Reason for Objection	Officer's Response
	<p>like 3G and 4G, and the higher, more efficient, radio waves used for 5G.</p> <p>An ARPANSA Electromagnetic Energy (EME) Report was included with the planning application which demonstrates that the proposed facility will comply with the Australian Standard. The report finds that levels from the proposed facility will represent 2.16% of the Australian Standard, where a facility operating at up to 100% of the standard is considered safe.</p>
<p>Environmental concerns relating to flora and fauna.</p>	<p>Four trees are to be removed to accommodate the facility, however only one tree requires a planning permit for removal. The remaining trees on site are to be retained and conditions will ensure vegetation protection is carried out during construction. With regards to the tower causing negative environmental impacts once constructed, 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</p>	<p>The only part of the facility that generates noise is the cooling fans on the equipment cabinet. 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 represent a noise nuisance given that any noise emission matters are governed under relevant environmental protection regulations.</p> <p>The closest dwelling (under construction at the time of this report) is approximately 65 metres to the northeast of the equipment tower.</p>
<p>Proximity to residential properties.</p>	<p>As discussed earlier in the report, the monopole has been sited and setback from nearby dwellings and street frontages as much as practicable given the rural nature of the area. The closest dwellings to the proposed monopole are as follows:</p> <ul style="list-style-type: none"> • 5 Meadow Fair Way – 190 metres from the dwelling to west. • 6 Meadow Fair Way – 125 metres from the dwelling to south-west.

Reason for Objection	Officer's Response
	<ul style="list-style-type: none"> • 5 Cherry Hill Way – 110 metres from the dwelling to south • 7 Cherry Hill Way – 65 metres • 9 Cherry Hill Way – 155 metres from the dwelling to the north-east <p>These setbacks and dense vegetation screening are ample to ensure that amenity impacts are reduced.</p>
Visual Amenity	<p>By their nature, mobile towers are difficult to camouflage, as they must protrude above the surrounding environment to gain a clear line of sight to the areas they are covering.</p> <p>Whilst this is case, the proposal is appropriately sited and will not adversely impact the character of the area. The site is in a rural residential and achieves ample separation to the nearest residences. The compound will be largely shielded by surrounding vegetation and does not block any significant views or vistas. Whilst the tower itself will be partially visible from adjoining roads and surrounding properties, any visual impacts will be transient and of short duration, given the sloping topography of the land and large trees adjoining the compound. The pale grey colour will further assist with reducing the visual impact of the tower.</p> <p>The proposed facility has been designed and sited to minimise impact on surrounding land uses and will have negligible impact on adjacent land, as detailed throughout this report.</p>
Devaluation of property	<p>The above matters are not considerations under the Yarra Ranges Planning Scheme as the matters are highly subjective. Furthermore, the matters are subject to market influence.</p>
Insufficient and ineffective Advertising Notification/Period.	<p>Some of the objectors have claimed that the notification period wasn't sufficient or was conducted at a time when residents were away. The application was advertised between 9 January 2024 to the 26 January 2024.</p> <p>The application was not exempt from public notification as per the applicable planning controls. Pursuant to Section 52 of the <i>Planning and Environment Act 1987</i>, the application was thus advertised to the owners and occupiers of allotments adjoining the subject site as a minimum, a noticed placed adjoining the driveway to the site and a notice placed in the local newspaper. Letters were sent to 57 adjoining landowners and occupiers</p>

<i>Reason for Objection</i>	<i>Officer's Response</i>
	properties surrounding the subject site on which the tower is proposed. The application was advertised for a minimum period of fourteen (14) days a per section 52 of the <i>Planning & Environment Act 1987</i> .

CONCLUSION

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

The use and development application has been assessed in accordance with Section 60(1) of 'The Act' and all relevant instruments and policies. The proposal is considered to be consistent with the objectives of State planning policies, 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, approval (Notice of Decision to Grant a Planning Permit) is recommended.

ATTACHMENTS

1. Conditions.
2. Development Plans.
3. Applicant's Town Planning Report.
4. Arborist Report.
5. Environmental Electromagnetic Energy (EME) Report.
6. Planning Scheme Policies.
7. Existing Telecommunication sites in the area.
8. Table of Alternative Sites considered.
9. Landscape and Visual Impact Assessment Report and Photomontage
10. Code of Practice for Telecommunication Facilities in Victoria
11. Yarra Ranges Telecommunication Policy.