

## Planning Scheme Requirements

Application	YR-2022/125
Address of the land	215 Liverpool Road, Kilsyth
Proposal	Use and development of a telecommunications tower, ancillary equipment, and construction of fence

### YARRA RANGES PLANNING SCHEME

#### 1.1 Zone

##### Clause 35.05 Green Wedge A Zone (GWAZ)

###### Purpose

- To implement the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;
- To provide for the use of land for agriculture;
- To protect, conserve and enhance the biodiversity, natural resources, scenic landscapes and heritage values of the area;
- To ensure that use and development promotes sustainable land management practices and infrastructure provision;
- To protect, conserve and enhance the cultural heritage significance and the character of rural and scenic non-urban landscapes; and
- To recognise and protect the amenity of existing rural living areas.

Pursuant to the provisions of the zone a planning permit is required for use and development of a telecommunications facility.

#### 1.2 Planning Policy

##### Clause 11 Settlement

This clause is relevant to this application as it contains objectives relating to activity centre networks, activity centre planning, housing choice and affordability, environment and water and green wedges.

##### Clause 12 Environmental and Landscape Values

This clause is relevant to this application as it contains objectives which seek to assist with protection and conservation of Victoria's biodiversity, to protect and conserve environmentally sensitive areas and to maintain and enhance the natural landscape character of the Yarra River corridor in which the topography, waterway, banks and tree canopy are dominant features providing a highly valued, secluded, natural environment for the enjoyment of the public.

## **Clause 14 Natural Resource Management**

This clause is of relevance to this application as it seeks to protect productive farmland which is of strategic significance in the local or regional context and to encourage sustainable agricultural land use.

## **Clause 15 Built Environment and Heritage**

This clause is of relevance as it seeks to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods, to recognise and protect cultural identity, neighbourhood character and a sense of place, to ensure the conservation of places of heritage significance and to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

## **Clause 19 Infrastructure**

This clause is of relevance as it contains objectives relating to the provision of infrastructure services including renewable energy, community facilities, distribution of social and cultural infrastructure, development infrastructure, water supply, sewerage and drainage, stormwater, telecommunications, water and resource recovery, pipeline infrastructure and survey infrastructure.

The most relevant to the proposal is Clause 19.03-4S – Telecommunications.

The objective of Clause 19.03-4S – Telecommunications is to facilitate the orderly development, extension and maintenance of telecommunication infrastructure. The strategies are as follows:

- *Facilitate the upgrading and maintenance of telecommunications facilities.*
- *Ensure that modern telecommunications facilities are widely accessible to business, industry and the community.*
- *Ensure the communications technology needs of business, domestic, entertainment and community services are met.*
- *Do not prohibit the use of land for a telecommunications facility in any zone.*
- *Encourage the continued deployment of broadband telecommunications services that are easily accessible by:*
  - *Increasing and improving access for all sectors of the community to the broadband telecommunications trunk network.*
  - *Supporting access to transport and other public corridors for the deployment of broadband networks in order to encourage infrastructure investment and reduce investor risk.*
  - *In consideration proposals for telecommunication services, seek a balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.*

Planning should have regard to national implications of a telecommunications network and the need for consistency in infrastructure design and placement. The policy guidelines under the provision include the *Code of Practice for Telecommunications Facilities in Victoria* (Department of Sustainability and Environment, 2004).

The Clause notes that consideration of proposals for telecommunication services, should seek a balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure. The clause also notes that planning should have regard to national implications of a telecommunications network and the need for consistency in infrastructure design and placement.

## **MSS 21.07 Landscape**

This clause seeks to recognise that the rural areas of Council contain some of the most visually attractive landscapes in Council comprising an intricate mix of open valleys, rolling foothills, steep forested land and majestic mountain ranges.

The objectives of this clause are to retain and protect the scenic landscapes, rural and green wedge character and special environmental features of Council.

It is policy that:

- Any development proposal demonstrates that the proposed buildings and works will not compromise the landscape and environmental qualities of the surrounding area, or substantially change the natural land form.
- All development be designed and sited to:
  - Have regard to the built form and to maintain design consistency with surrounding development and avoid detriment to the local environment.
  - Recognise the land capability of the site in terms of slope, land subsidence potential, viewlines, enhancement of landscape values, protection of water resources, retention of indigenous flora and fauna and associated wildlife habitats and other local amenity considerations, and so as to be unobtrusive in the surrounding landscape.
  - Avoid the removal of remnant vegetation, particularly healthy trees above five metres in height, and to minimise the disturbance to the root zone of such vegetation.
  - Avoid prominent ridgelines, hill tops and other visually exposed sites.
- In the rural landscape areas, protect and enhance the environmental and landscape values particularly those derived from remnant indigenous vegetation.
- The external surfaces, including roofs, of all buildings, except within Metropolitan Residential Areas as identified in plans showing Residential Areas, be treated with non-reflective materials and subdued colours to reduce the visual impact of the development on the surrounding area. This is particularly necessary where any development is proposed to be located on a visually prominent site.
- On the completion of any development, the site be landscaped to protect and enhance the residential amenity, landscape character and any environmental features of the area.
- The landscaping be planted within 12 months of the practical completion of the development or works and then be maintained to the satisfaction of the responsible authority.
- In all areas outside the Urban Growth Boundary and in localities in residential zones which contain a tree canopy cover of mostly remnant vegetation, preference be given to landscaping using predominantly indigenous vegetation appropriate to the site, including upper, middle and lower storey plant species.
- All roads, including internal access tracks, be located, designed and constructed in a manner compatible with surrounding landscape values and character and which minimises soil erosion.

## **MSS 21.06 Built Form**

This clause recognises that Yarra Ranges includes areas of widely recognised natural beauty with landscapes that offer some of the most attractive scenery in the State. Its towns, villages and rural areas each have their own visual identity which is valued by residents and visitors. It is important that new development respects and maintains these valued characteristics. Good design in the built environment is not simply limited to aesthetically pleasing design. It encourages a sense of local identity and seeks to improve people's experience of a space or locality. It contributes to creating places that people want to be in. The creation of a more sustainable urban form that consolidates development in existing town centres has many environmental and social benefits. It reduces car dependency, makes more efficient use of community infrastructure and adds life and vitality to town centres.

Objective 1 – Siting and Design seeks to promote proper siting and good design in the construction of all buildings and in the carrying out of works.

### **Clause 21.10 – Infrastructure**

Although it does not specifically discuss telecommunications facilities it has an objective to establish a good standard of physical infrastructure for all new development and, where appropriate, upgrade the existing infrastructure in established urban areas.

## **1.3 Particular Provisions**

### **Clause 52.19 Telecommunications Facility**

The purpose of this clause is:

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

Pursuant to Clause 52.19-2 a planning permit is required for buildings and works for a telecommunications facility.

### **Clause 51.03**

The purpose of the clause is to facilitate consistency between the Yarra Ranges Planning Scheme and the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan in accordance with Section 46F of the *Planning and Environment Act* 1987. The use of land must meet the requirements of the schedule to this clause.

Pursuant to the provisions of the schedule to Clause 51.03, a planning permit is required to construct a fence more than 1.8 metres high in Green Wedge A Zone, and to construct a building more than 7 metres high in Green Wedge A Zone.