

PLANNING COMMITTEE MEETING

AGENDA

9 DECEMBER 2015

at 10:30 AM

COPACC Meeting Rooms



Our Vision

A sustainable community with a vibrant future.

Our Mission

Council will work with our community and partners to provide:

- Innovative leadership, good governance and financial accountability
- Value for money, accessible and appropriately targeted services
- A strong advocacy and engagement approach to achieve a truly liveable community

Our Values

Council will achieve its Vision and Mission by acting with:

- Respect
- Integrity
- Goodwill
- Honesty
- Trust

Our Strategic Direction

The four pillars of our Council Plan indicate our key strategic direction for 2013-2017.

An underlying principle in the development of the Council Plan was to more effectively integrate service delivery.

Pillar 1: Good Governance

Pillar 2: A Planned Future

Pillar 3: A Place to Live and Grow

Pillar 4: A Healthy Community and Environment

Our Councillors

Cr Frank Buchanan (Mayor), Cr Brian Crook, Cr Michael Delahunty, Cr Stephen Hart, Cr Lyn Russell, Cr Chris Smith, Cr Terry Woodcroft (Deputy Mayor).



Planning Committee Meeting

Welcome

Welcome to this Meeting of the Colac Otway Shire Council Planning Committee.

Planning Committee meetings are an important way to ensure that your democratically elected representatives are working for you in a fair and transparent way.

The Planning Committee makes decisions on planning permit applications where the proposals are outside of the delegation for decisions by planning officers.

About this meeting

There are a few things to know about today's meeting.

The agenda itemises all the matters to be discussed by the Committee.

Each report is written by a Council officer outlining the purpose of the report, all relevant information and a recommendation. The Committee will consider the report and either accept the recommendation or make amendments to it. All decisions of the Committee are adopted if they receive a majority vote from the Councillors present at the meeting.

A copy of the decision on any planning permit applications determined by the Committee, together with information relating to opportunities for review of these decisions by the Victorian Civil and Administrative Tribunal (VCAT) are circulated to all applicants and objectors after the meeting.

Recording of Meetings

All Council and Committee meetings are audio recorded. This includes the public participation sections of the meetings. Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. In some circumstances a recording will be disclosed to a third party.

Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

Hearing of Submissions

The proponent and/or submitter may, at the approval of the Chairperson, be given an opportunity to have their views heard by the Planning Committee regarding an item listed on the agenda.

A written request should be received by Council two (2) days prior to the Planning Committee Meeting. The deadline for requests to be heard will close at 5.00pm on the Monday prior to each Meeting (except when Monday is a public holiday the close off will be Tuesday at 5.00pm).

One speaker on behalf of each party/group will be given the opportunity to be heard within a time restriction of 5 minutes. The applicant will be heard last, after any objectors.

All speakers are to be present at the beginning of the Planning Committee Meeting being held at 10.30am.

When the relevant item is listed for discussion, the Mayor/Chairperson will call your name and ask you to address the Committee.

COLAC-OTWAY SHIRE PLANNING COMMITTEE MEETING

9 DECEMBER 2015

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NOTICE is hereby given that the next ***PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL*** will be held in COPACC Meeting Rooms on 9 December 2015 at 10.30am.

AGENDA

1. OPENING PRAYER

*Almighty God, we seek your
blessing and guidance in our
deliberations on behalf of the
people of the Colac Otway Shire.
Enable this Council's decisions to be
those that contribute to the true
welfare and betterment of our community.*

AMEN

2. PRESENT

3. APOLOGIES

4. MAYORAL STATEMENT

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendants here today.

Colac Otway Shire encourages community input and participation in Council decisions.

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

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5. DECLARATION OF INTEREST

6. CONFIRMATION OF MINUTES

- Planning Committee held on the 18/11/15.

Recommendation

That Council confirm the above minutes.

7. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

The Mayor is to read out the names of those applicants and objectors who have confirmed in writing that they wish to make a verbal submission. These verbal submissions will be made in relation to each respective agenda item and must be directly relevant to the respective agenda item. A time limit of 5 minutes will apply.

Sue Wilkinson
Chief Executive Officer

PC150912-1 TELECOMMUNICATIONS FACILITY (45 METRE STEEL LATTICE TOWER) AT 145 MINGAWALLA ROAD, BEEAC (PP251/2015)

AUTHOR:	Helen Evans	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F15/10994

Location: 145 Mingawalla Road, Beeac

Zoning: Farming Zone

Overlay controls: Nil

Proposed Amendments: Nil

Purpose:

A planning permit is sought for the use and development of a telecommunications facility, comprising a 45 metre high lattice tower and associated antennas, equipment cabinets and associated works at 145 Mingawalla Road, Beeac.

This application is before the Planning Committee as the proposed structure would be in excess of twenty (20) metres in height.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Summary

- The application seeks a planning permit for the use and development of a telecommunication facility (45 metre high steel lattice tower) and associated antennas, equipment cabinets and works at the Beeac Golf Club.
- The application has been submitted because NBN (National Broadband Network) Co. Ltd. has identified a requirement for a Fixed Wireless facility in Beeac. The facility is designed to provide Fixed Wireless internet services to dwellings in the Beeac area and beyond, in addition to serving as a key communications link for other NBN Fixed Wireless facilities in the region.
- The application site is located within the Farming Zone, on the north side of Mingawalla Road, Beeac. No overlays affect the site.
- The application was advertised by sending notice to property owners and occupiers within a one kilometre radius, with signs also posted on the Mingawalla Road frontage of the site and at the Beeac Post Office for a period of 14 days. An advertisement was also placed in the Colac Herald. No objections have been received to the application.
- The proposal is considered to generally comply with the Planning Scheme provisions and would achieve an acceptable outcome in the Farming Zone.
- Whilst the lattice tower would be visible, it is considered that the overall community benefit of providing improved telecommunication service coverage in this area would outweigh any potential negative impact on visual amenity.
- It is recommended that a permit be issued.

Background

Council has been advocating strongly in recent years for improved telecommunications coverage in the Otways. There are many areas of the Shire, such as Lavers Hill, Beech Forrest, Swan Marsh, Cororooke, Warrion, Beeac, Warncoort and Gellibrand that do not have reliable mobile coverage, which limits the capacity for these communities to communicate effectively in emergency situations, such as on high fire risk days. The lack of mobile coverage in these areas also limits the potential benefits of high speed broadband for the community, by reducing the ability of people living and working within the Otways to use that technology.

NBN Co. Ltd. is the organisation responsible for overseeing the upgrade of Australia's existing telecommunications network and for providing wholesale services to retail service providers. The NBN rollout is an upgrade to the existing telecommunications network. It is designed to provide Australians with access to fast, affordable and reliable internet and landline phone services. NBN Co. Ltd. plans to upgrade the existing telecommunications network in the most cost effective way, using best fit technology and taking into consideration existing infrastructure.

The NBN's fixed wireless network will use cellular technology to transmit signals to and from a small antenna fixed on the outside of a home or business, which is pointed directly towards the fixed wireless facility.

Although fixed wireless facilities are submitted to Council as standalone developments from a planning perspective, they are highly interdependent. Each fixed wireless facility is connected to another to form a chain of facilities that link back to the fibre network. This is called the 'transmission network'. The transmission network requires line of sight from facility to facility until it reaches the fibre network. A typical fixed wireless facility will include three antennas mounted above the surrounding area. Each antenna is designed to cover a set area to maximise signal strength. These network antennas communicate to a small antenna installed on the roof of each customer's home or business.

The proposed 45m high lattice tower has been designed to be a critical connection point between Beeac, Colac and the recently approved Warncoort tower.

Issues / Options

Council has the options of:

- a) Supporting the application subject to conditions;
- b) Supporting the application subject to conditions with changes;
- c) Refusing to grant a permit.

Key issues in the consideration of this application relate to the visual impact of the development and the need for such a facility in this area. As noted above, there is a critical need for improved telecommunications in the Shire, which would be of significant benefit to the local community from a net community benefit point of view. It is recommended that Option a) is supported for the reasons outlined in the balance of this report.

Proposal

A planning permit is sought for the use and development of a telecommunications facility, comprising a 45m high steel lattice tower and ancillary outdoor equipment cabinets enclosed within a 120sqm fenced area.

A Telecommunications Facility is defined as *'Land used to accommodate any part of the infrastructure of a Telecommunications network.'*

It includes any telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit, pole, or other structure or thing used, or for use in or in connection with a Telecommunications network.'

The proposed facility would be located approximately 70m from the Mingawalla Road frontage and 20m from the lot's western boundary.

The proposed 45m high steel lattice tower would accommodate the following:

- a) Four (4) panel antennas approximately 750mm x 300mm x 115mm at 45m high.
- b) Two (2) radio communications dish antennas (2 x 900mm) at 40m high, and
- c) Four (4) 500mm remote radio units mounted behind the antennas.

Associated facilities would include 2m high ground level cabinets, cable ladder and power distribution board, within a 10m by 12m compound enclosed by a 2.4m high chain wire fence.

Access to the site would be via the existing entrance into the golf course from Mingawalla Road. Access within the site to the proposed lease area is grassed; as the proposed tower would not generate regular traffic, it is not considered necessary to provide any all-weather access. Parking is available near the clubhouse providing opportunity for maintenance workers to walk to the facility.

The proposed facility would be powered by an underground power cable run from an existing power source (clubhouse) approximately 70 metres south of the proposed tower. Noise and vibration emissions associated with the proposed facility are expected to be limited to the construction phase (7am to 6pm). Once installed, low level noise is expected from the air conditioning associated with the equipment units (this is considered to be comparable to domestic units and background noise levels). The proposal does not require the removal of any native vegetation from the land.

Upon completion of the works, the facility would require one annual maintenance visit and would remain unattended at all other times.

Site & Surrounds

The application site, which is occupied by the Beeac Golf Club, is square in shape and located on the northern side of Mingawalla Road, approximately midway between Colac Ballarat Road and Normans Road. The golf club is on two lots, with the larger lot containing a 9 hole golf course and the smaller lot containing the clubhouse. Access to the site is via the smaller lot (Lot 1 TP327415) and the proposed tower would be located on the larger lot (Crown Allotment 77C, which is Crown Land). Lot 1 TP327415, which contains the clubhouse, is located in the southwest corner of CA 77C. There are no restrictions, caveats or covenants recorded on the title. Written consent from DELWP has been provided to the proposal and to the submission of the planning application.

Mingawalla Road is located east of Beeac. The site is approximately 1.5 kilometres east of the Beeac township. The site and surrounding area is flat to undulating. The site has established landscaping around the fairways and the perimeter of the lot. The site is 15 hectares in area, with all infrastructure located in the southwest corner of the lot. The proposed tower would be located approximately 50m north of the existing clubhouse. Formal vehicle access is existing to the site from Mingawalla Road through Lot 1.

The site, and surrounding land, is located within the Farming Zone (FZ). The site is identified as being in an area of cultural heritage sensitivity.

The closest dwellings to the application site are located 220m to the northwest and 450m to the south/southeast.

The applicant submits that the site is acceptable for the following reasons:

- a) The proposed site would provide the optimal quality of service, as required by NBN Co., across the Beeac area.
- b) The site is well removed from the township area.
- c) The site provides sufficient spatial separation from sensitive land uses with the nearest dwelling located approximately 220m from the proposed site.
- d) The proposed site is well set back from Mingawalla Road.
- e) The existing vegetation along the site boundaries and within the golf course would assist in minimising the visual impact of the facility from a distance.

Site Selection Criteria

National Broadband Network Fixed Wireless locations are determined by a number of factors, including the availability of both the NBN Co. fibre transit network and the availability of Point of Interconnect (POI) facilities to allow for the installation of NBN Co. fibre equipment. New sites must be located within, or immediately adjacent to, the identified search area in order to be technically feasible. To determine a site's suitability, operational and geographical issues must be resolved; these include visual amenity, potential co-location opportunities, availability and suitability of the land, occupational health and safety, construction issues, topographical constraints, legislative policy constraints, environmental impacts and cost implications. When an area is identified as requiring Fixed Wireless coverage, investigations are undertaken to determine the measures required to provide this coverage. In this case, as is standard practice, a number of candidate sites were examined within the search area to consider each site's ability to meet the coverage and objectives. Where possible, any existing infrastructure and co-location opportunities are considered.

Alternative options

- 90 Main Street Beeac
This option would involve a new 40m monopole located at 90 Main Street, Beeac, on farmland approximately 150m east of Beeac. This alternative was not pursued as there were concerns about the visibility of the facility from the main town area and associated amenity impacts.
- Recreation Reserve, 55 Lang Street, Beeac
This option would involve a new 40m monopole on the recreation reserve, which is approximately 500m northeast of Beeac. The land is zoned Public Conservation and Resource Zone (PCRZ). This site was not considered appropriate, given its proximity to a school and sensitivities with the site.

Given the attributes and suitability of the subject site, further alternatives were not investigated.

Public Notice

Public notice of the application was given in accordance with Section 52 of the *Planning and Environment Act* by sending a copy of the notice to property owners and occupiers within a one kilometre radius, and by posting signs on the Mingawalla Road frontage of the site and at the Beeac Post Office for a period of 14 days. A public notice was also placed in the Colac Herald. No objections were received.

Referrals

No referrals were required in the processing of this application. Access to the site is existing and no overlay controls apply.

Planning Controls

The land is included in the Farming Zone (FZ) and no overlays affect the site. A planning permit is required under the following provisions:

- Clause 35.07-1 – use of land for a telecommunications facility (Farming Zone)
- Clause 35.07-4 – buildings and works associated with Section 2 Use (Farming Zone)
- Clause 52.19-2 - building and works for a telecommunications facility

a. State and Local Planning Policy

The State and Local Planning Policy Frameworks seek to ensure the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development. The following policies are relevant to the consideration of this application:

- Clause 12 – Environmental and Landscape Values
- Clause 15 – Built Environment and Heritage
- Clause 19.03-4 – Telecommunications
- Clause 21.02 – Vision
- Clause 21.03-8 – Smaller Townships

Clause 19.03-4 (Telecommunications) has the following objective:

“To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.”

Clause 19.03-4 lists a number of strategies on how this objective can be achieved, including to *“ensure that modern telecommunications are widely accessible to business, industry and the community”* and to 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 states that a Planning Scheme should not prohibit the use of land for a telecommunications facility in any zone.

To improve the viability of the small townships within the Shire, it is acknowledged that future planning needs to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, community facilities and related infrastructure. The objectives include facilitating the ongoing economic future of small communities. The need for improved infrastructure is recognised and the provision of appropriate communications facilities will contribute to the economic development of small towns and communities within the Shire.

The proposal is considered to accord with the principles of the State and Local Planning Policy Frameworks. The applicant has investigated alternative sites and found that no other option could provide the extent of service required to the area.

The applicant has provided an appropriate and reasonable justification for the selection of the subject site. It is considered there would be no unreasonable adverse visual impact to the environment by way of this proposal.

- b. Clause 62 Uses, buildings, works, subdivisions and demolition not requiring a permit
Clause 62 provides exemptions to permit requirements for Telecommunications Facilities when the requirements of Clause 52.19 are met. In this instance, Clause 52.19 requirements have not been satisfied and therefore a planning permit is required for both the use and development of a Telecommunications Facility.

c. Zoning

The land is zoned Farming Zone (FZ). The purpose to the zone is:

- *To implement the State 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 encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

A planning permit is required under the provisions of Clause 35.07-1 for the use of the land for a Telecommunications Facility, as such a use does not currently exist on the land, and under Clause 35.07-4 for buildings and works associated with a Section 2 Use in the Farming Zone.

d. Overlays

No overlays affect this site.

e. Particular Provisions

Clause 52.19, which relates to 'Telecommunications Facility', is relevant in the consideration of this application. The purpose of this provision 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 state-wide 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.*

Under the provisions of Clause 52.19-2, a permit is required to construct a building or construct or carry out works for a Telecommunications Facility. It is considered that a permit is required for the tower and associated cabinets under the provisions of Clause 52.19, as it is not identified as a Low Impact Facility or other exempt facility listed under Clause 52.19-2.

The decision guidelines of Clause 52.19 state that before deciding on an application, consideration should be given to:

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

'A Code of Practice for Telecommunications Facilities in Victoria' (July 2004) is an incorporated document in the Colac Otway Planning Scheme pursuant to Clause 81. The purpose of the code is to:

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

The principles in the Code of Practice for Telecommunications Facilities in Victoria are:

- *A telecommunications facility should be sited to minimise visual impact.*
- *Telecommunications facilities should be co-located wherever practical.*
- *Health Standards for exposure to radio emissions will be met.*
- *Disturbance and risk relating to siting and construction should be minimized.*
- *Construction activity and site location should comply with State environmental protection policies and best practice environmental management guidelines.*

Cultural Heritage

The site is identified as being in an area of cultural heritage sensitivity.

Under the provisions of Regulation 43 of the *Aboriginal Heritage Regulations 2007*, the construction of a building or the construction or carrying out of works on land is a high impact activity if the construction of the building or the construction or carrying out of the works:

- (a) would result in significant ground disturbance; and, inter alia,
- (b) is for or associated with the use of the land for a utility installation, other than a telecommunications facility.

A telecommunications facility is contained within the broader umbrella term of utility installation, and is therefore specifically excluded under Regulation 43 of the *Aboriginal Heritage Regulations 2007*, however it is also necessary to consider Regulation 44 (Constructing Specified Items of Infrastructure). Under these provisions, the construction of a telecommunications line is a high impact activity if the construction would result in significant ground disturbance and would consist of an underground cable or duct with a length exceeding 500m. 'Telecommunications line' is defined in the Colac Otway Planning Scheme as '*a wire, cable, optic fibre, tube, conduit, waveguide or other physical medium used, or to be used, as a continuous artificial guide for or in connection with carrying communications by means of guided electromagnetic energy*'. In this instance, as the proposed underground power connection would be approximately 70m, it would be less than the 500m that would make it a high impact activity.

In view of the above, it is considered that a Cultural Heritage Management Plan (CHMP) is not required.

Consideration of the Proposal

The grey colouring and materials to be used in the construction of the lattice tower would assist in blending the tower in with the surrounding natural sky/landscape setting. It is considered that the proposed lattice tower would be consistent with the purpose of the zone provisions, as it would provide for improved telecommunications which would be beneficial to the Beeac area and surrounds. The proposed tower would provide the level of service coverage required, whilst having a minimal impact on the surrounding area.

As previously noted, other candidate sites were examined within the search area for co-location opportunities. It is noted that the applicant has considered all the potential options. As co-location is not a feasible option, the proposal would ensure the proposed telecommunications equipment would be located at a point that allows for suitable signal dispersal to the surrounding area.

It is considered that the telecommunications equipment would conserve the landscape setting of the immediate and surrounding area. Existing vegetation along the road frontage and the lot boundary would assist in screening the bulk of the tower close by; however it is noted that the tower would be visible from a distance due to its height.

It is considered that the proposed lattice tower development would be consistent with the provisions of the Farming Zone, occupying a small area (10m by 12m) and not utilising any existing agricultural land (noting that the existing land use is a golf course). The proposed location on the golf course would ensure that the telecommunications facility would not adversely impact on the golf course use. Overall it is considered that the proposal is consistent with the decision guidelines of the Farming Zone.

Principles in the Code of Practice for Telecommunications Facilities in Victoria

a. A telecommunications facility should be sited to minimise visual impact

The combination of the distance from neighbouring dwellings and the vegetation cover along the roadside and lot boundary should ensure that the proposed 45m high lattice tower would be suitably located to reduce any potential visual impact. It is accepted that the proposed lattice tower, due to its height, proximity and location would inevitably be seen from adjacent and surrounding roads. This is unavoidable. Whilst the top section of the tower would be evident from a distance, it is considered that the proposed location would strike an acceptable balance between visual impact and community benefit.

The proposed location is also considered to be suitably separated from any nearby dwellings, with the closest dwellings being located 220m to the northwest and 450m to the south-southeast.

On balance, it is considered that the proposed telecommunications facility would be appropriately sited to minimise visual impact on the landscape setting and that it would not unreasonably compromise existing landscape views.

b. Telecommunications facilities should be co-located wherever practical

As noted earlier in this report, other candidate sites were examined within the search area to meet the coverage requirements and network objectives.

Where possible, any existing infrastructure and co-location opportunities are considered. NBN Co. has advised that, in this particular case, no co-location opportunities were deemed to be available and, as such, a new structure is required to provide coverage for the NBN wireless service.

In view of this, it is considered that the applicant has considered the option of co-location on this site and Principle B has been addressed.

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

The applicant has advised that NBN installations are designed and certified by qualified professionals in accordance with all relevant Australian Standards. This is considered to ensure that the NBN Co. facility would not result in any increase in the level of risk to the public.

The applicant has advised that the proposal has been designed and would be installed to satisfy the requirements contained within Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz, ARPANSA, May 2002 (Standard).

As part of the application submission, the applicant has included an Electromagnetic Energy (EME) Report. The report demonstrates that the proposed facility complies with the Standard, with the maximum predicted EME equating to 0.072% of the maximum public exposure limit. This is considered to be substantially less than the 1% of the minimum allowable exposure limit (where 100% of the limit is still considered to be safe).

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

It is considered that the immediate area already comprises a modified environment. It is considered that any disturbance to the site in this location would be minimal and limited to the proposed compound area and the power line, given its proximity to the road frontage. The applicant has advised that the installation of the proposed facility can be undertaken at any time and it is not anticipated it would affect the use of the site or the surrounding area.

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

The applicant has advised that the construction of the facility is designed to be carried out in accordance with relevant Occupational Health and Safety Guidelines.

The proposal has been assessed against the relevant criteria and policies as detailed above. It is considered overall that the purpose of the Code of Practice has been satisfied. It is also considered that the proposed lattice tower has satisfactorily addressed the principles for design, siting, construction and operation of the Code of Practice for a Telecommunications facility.

Council Plan / Other Strategies / Policy

A Planned Future

The Council Plan contains a strategy to: *“Facilitate the development of infrastructure for business investment, growth and liveability.”* Within this strategy there is an action to: *“Lobby for improved telecommunications in the Colac Otway Shire for broadband and mobile coverage”*. There is also a strategy to: *“Meet our statutory obligations for community safety, security and responses to emergency situations”*. As noted in this report, the proposal would assist in achieving these outcomes for the community.

Financial & Other Resource Implications

The proposal raises no financial or resourcing implications for Council.

Risk Management & Compliance Issues

If the proposal was to proceed, it would contribute significantly to enhancing the capacity of the local community and fire agencies to communicate in emergency situations, which is particularly important for the Shire given its high wildfire risk.

Environmental Consideration / Climate Change

Any relevant environmental considerations have been addressed within this report.

Communication Strategy / Consultation Period

Public notice of the application was required in accordance with Section 52 of the *Planning and Environment Act*, as discussed earlier in the report.

Conclusion

Allowing the proposal would improve telecommunications service coverage in this part of the Shire. The proposal is considered generally consistent with the State and Local Planning Policy Frameworks, zoning requirements and current local policies.

Having given due regard to the matters discussed above, it is considered that the application could reasonably be allowed, subject to conditions.

Attachments

1. Application for Planning Permit PP251 2015-1
2. Maps & Diagrams PP251 2015-1

Recommendation(s)

That Council's Planning Committee resolves to issue a Planning Permit for the Use and Development of a Telecommunication Facility (45 Metre High Lattice Tower) and Associated Antennas, Equipment Cabinets and Works at 145 Mingawalla Road Beeac (CA 77C and Lot 1 TP327415) subject to the following conditions:

Endorsed plans

1. ***The use and development as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.***

Amenity

2. ***The nature and colour of building materials employed in the construction of the structures hereby permitted must be non-reflective to the satisfaction of the Responsible Authority.***
3. ***The permitted telecommunications facility and associated equipment must be maintained in good condition to the satisfaction of the Responsible Authority.***

Removal of facility

4. ***In the event that the telecommunications facility hereby permitted ceases to be operational, the facility must be decommissioned and removed from the site in its entirety within 12 months of the use ceasing, and the land must be re-instated, all to the satisfaction of the Responsible Authority.***

Expiry

5. This permit will expire if one of the following circumstances applies:

- a) The development is not commenced within two years of the date of this permit.***
- b) The development is not completed and/or the use has not commenced within four years of the date of this permit.***

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards, or if the request for the extension of time is made within 12 months after the permit expires and the development started lawfully before the permit expired.

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Planning Enquiries  
Phone: (03) 5232 9412 ☐☐  
Web: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) ☐☐

|                               |              |             |
|-------------------------------|--------------|-------------|
| <b>Office Use Only</b>        |              | Fee: \$ 604 |
| Application No.: PP251/2015-1 | Receipt No.: |             |
| Date Lodged: 9 / 10 / 15      | Ward:        |             |
| Date Allocated: / /           | Zone(s):     |             |
| Allocated to:                 | Overlay(s):  |             |

## Application for Planning Permit

Use this form to make an application for a planning permit and to provide the information required by section 47 of the *Planning and Environment Act 1987* and regulations 15 and 38 of the *Planning and Environment Regulations 2005*.

Supplementary information requested in this form should be provided as an attachment to your application. ☒ Please print clearly or complete the form electronically (refer to How to complete the Application for Planning Permit form).

### Privacy notice

**▲** Information collected with this application will only be used to consider and determine the application. It will be made available for public inspection in accordance with section 51 of the *Planning and Environment Act 1987*.

### Need help with the application?

If you need help to complete this form, read *How to complete the Application for Planning Permit form*. For more information about the planning process, refer to *Planning: a Short Guide*. These documents are available from your local council, the Planning Information Centre (Ph: 03 9637 8610, 8 Nicholson Street, Melbourne), or [www.dse.vic.gov.au/planning](http://www.dse.vic.gov.au/planning).

Contact council to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

- ① Has there been a pre-application meeting with a council officer?

☒ Yes ☐ No

If yes, with whom?: Blathin Butler

Date: 2 / 0 / 1 / 0 / 2 / 0 / 1 / 4

### The land

- ② Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

#### Street Address

|                        |                              |
|------------------------|------------------------------|
| Street No.: 145        | Street Name: Mingawalla Road |
| Suburb/Locality: Beeac |                              |
| Postcode: 3 2 5 1      |                              |

#### Formal Land Description

**▲** This information can be found on the certificate of title.

|                          |                                                            |
|--------------------------|------------------------------------------------------------|
| Lot No.: 1               | on Lodged Plan, Title Plan or Subdivision Plan No.: 327415 |
| Crown Allotment No.: 77C | Section No.:                                               |
| Parish Name: Ondit       |                                                            |

- ③ Title information.

☒ ☒ Attach a full, current copy of title information for each individual parcel of land, forming the subject site.

- ④ Describe how the land is used and developed now.

eg. single dwelling, three dwellings, shop, factory, medical centre with two practitioners, licensed restaurant with 80 seats.

|                                                    |
|----------------------------------------------------|
| Golf course with associated club house and parking |
|----------------------------------------------------|

- ⑤ Plan of the land.

☒ ☒ Attach a plan of the existing conditions. Photos are also helpful.

## The proposal:

**▲** You must give full details of your proposal and attach the information required to assess the application.

If you do not give enough detail or an adequate description of the proposal you will be asked for more information. This will delay your application.

- ⑥ For what use, development or other matter do you require a permit?

Read *How to complete the Application for Planning Permit form* if you need help in describing your proposal.

Use and development for a telecommunications facility comprising a 45 metre steel lattice tower, associated antennas and equipment units.

- ⑦ Additional information about the proposal.

Contact council or refer to council planning permit checklists for more information about council's requirements.

☒ Attach additional information providing details of the proposal, including:

- ☒ Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
- ☒ Plans showing the layout and details of the proposal.
- ☒ If required, a description of the likely effect of the proposal (eg. traffic, noise, environmental impacts).

- ⑧ Encumbrances on title.

Encumbrances are identified on the certificate of title.

Is the land affected by an encumbrance such as a restrictive covenant, section 173 agreement or other obligation on title such as an easement or building envelope?

- ☒ No, go to 9.
- ☐ Yes, ☒ Attach a copy of the document (instrument) specifying the details of the encumbrance.
- ☐ Does the proposal breach, in any way, the encumbrance on title?
- ☐ No, go to 9.
- ☐ Yes, contact council for advice on how to proceed before continuing with this application.

### Note

Council must not grant a permit that authorises anything that would result in a breach of a registered restrictive covenant (sections 61(4) and 62 of the *Planning and Environment Act 1987*). Contact council and/or an appropriately qualified person for advice.

## Costs of buildings and works/permit fee

Most applications require a fee to be paid. Where development is proposed, the value of the development affects the fee. Contact council to determine the appropriate fee.

- ⑨ Estimated cost of development for which the permit is required.

Cost \$ 230,000.00

**▲** You may be required to verify this estimate.

Write 'NIL' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

- ⑩ Do you require a receipt for the permit fee?

☒ Yes ☐ No

## Contact, applicant and owner details

⑪ Provide details of the contact, applicant and owner of the land.

### Contact

The person you want Council to communicate with about the application.

|                                       |                                     |
|---------------------------------------|-------------------------------------|
| Name: David Hughes                    |                                     |
| Organisation (if applicable): Aurecon |                                     |
| Postal address: PO Box 23061          |                                     |
| Docklands VIC                         | Postcode: 8 0 1 2                   |
| Contact phone: 9975 3165              | <input checked="" type="checkbox"/> |
| Mobile phone: 0408 055217             | <input type="checkbox"/>            |
| Email: david.hughes@aurecongroup.com  | <input checked="" type="checkbox"/> |
| Fax: 9975 3444                        | <input type="checkbox"/>            |

Indicate preferred contact method.

### Applicant

The person or organisation who wants the permit.

|                                                                           |                   |
|---------------------------------------------------------------------------|-------------------|
| <input type="checkbox"/> Same as contact. If not, complete details below. |                   |
| Name:                                                                     |                   |
| Organisation (if applicable): Aurecon, for Ericsson                       |                   |
| Postal address: PO Box 23061                                              |                   |
| Docklands VIC                                                             | Postcode: 8 0 1 2 |

### Owner

The person or organisation who owns the land.

|                                                                                                                               |                                            |
|-------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Same as contact                                                                                      | <input type="checkbox"/> Same as applicant |
| Where the owner is different from the applicant or contact, provide the name of the person or organisation who owns the land. |                                            |
| Name (if applicable): 1. Crown Land 2. Beeac Golf Club and Associates Inc.                                                    |                                            |
| Organisation (if applicable): Committee of Management and DELWP.                                                              |                                            |
| Postal address: 1. PO Box 500 2. 145 Mingawalla Road                                                                          |                                            |
| 2. Melbourne                                                                                                                  | 2. Beeac                                   |
| Postcode: 8 0 0 2                                                                                                             |                                            |

## Checklist

⑫ Have you?

- ☒ Filled in the form completely?
- ☐ Paid or included the application fee?
- ☒ Attached all necessary supporting information and documents?
- ☒ Completed the relevant council planning permit checklist?
- ☒ Signed the declaration on the next page?

## Declaration

- 13 This form must be signed.  
Complete one of A, B or C

⚠ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

### A Owner/Applicant

I declare that I am the applicant and owner of the land and all the information in this application is true and correct.

Signature

Date: / /

### B Owner

I declare that I am the owner of the land and I have seen this application.

Signature

Date: / /

### Applicant

I declare that I am the applicant and all of the information in this application is true and correct.

Signature

Date: / /

### C Applicant

I declare that I am the applicant and:

- I have notified the owner about this application;
- and all the information in this application is true and correct.

Signature

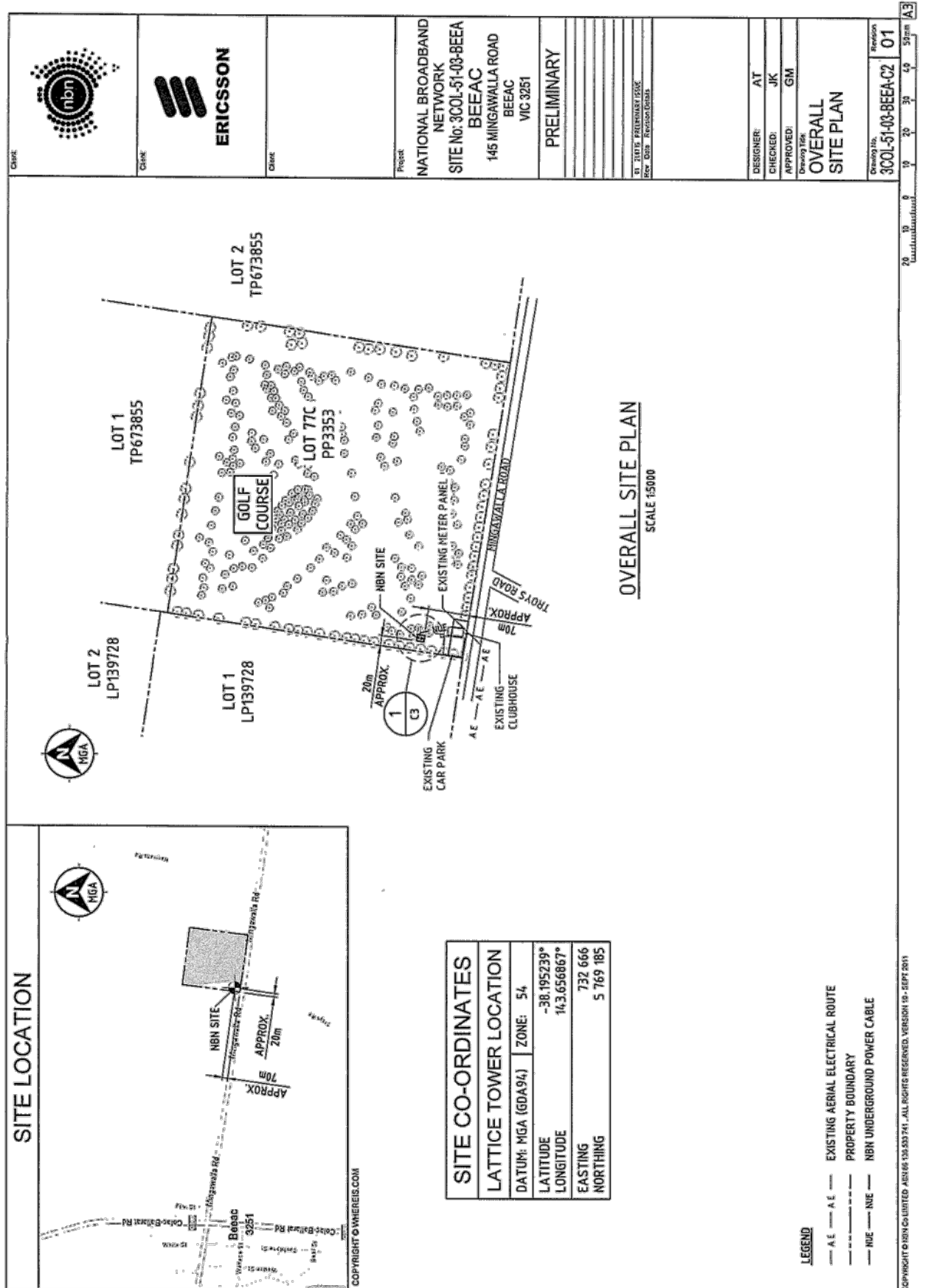
Date: 06/10/2015

## Lodgement

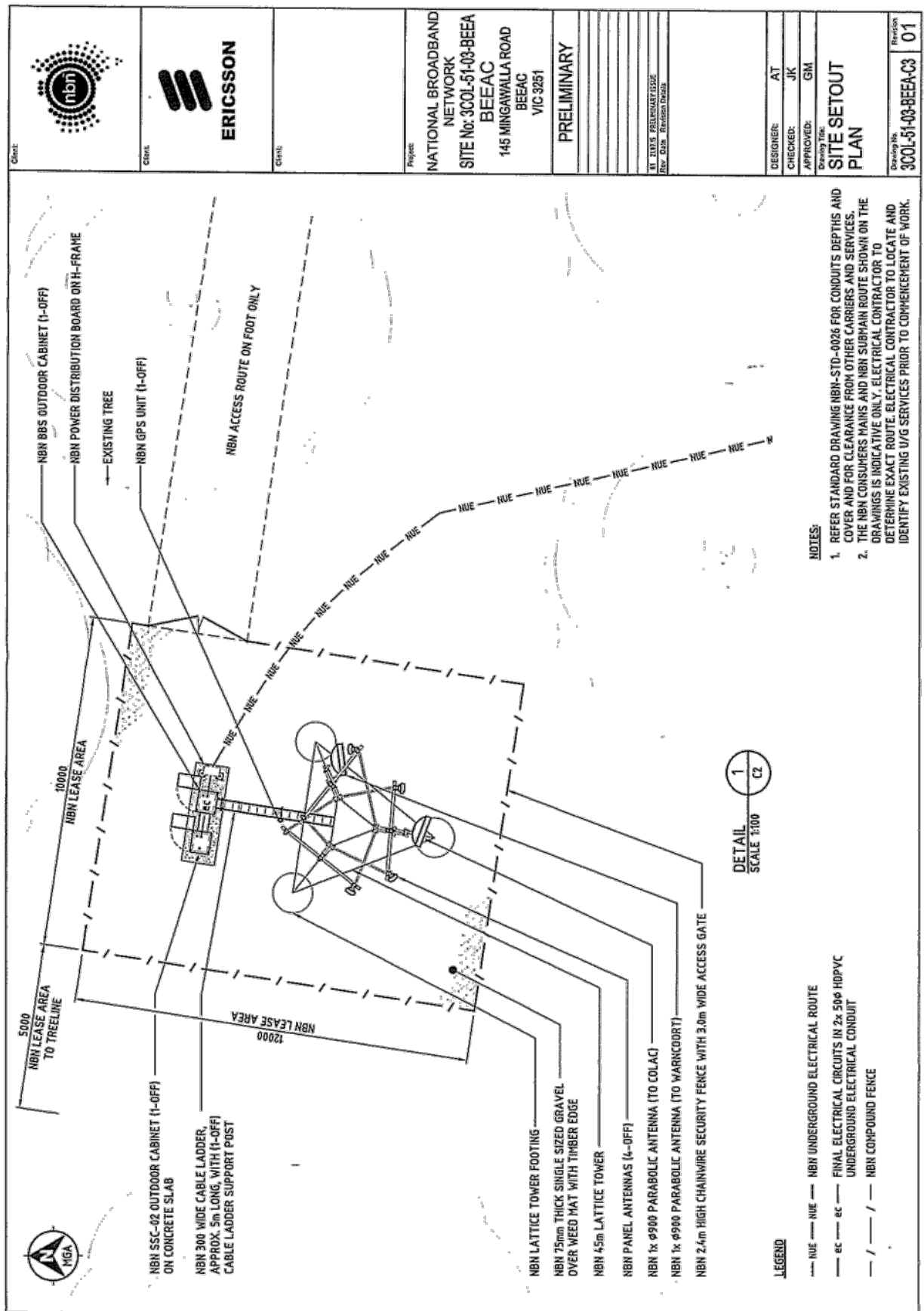
Lodge the completed and signed form and all documents with:

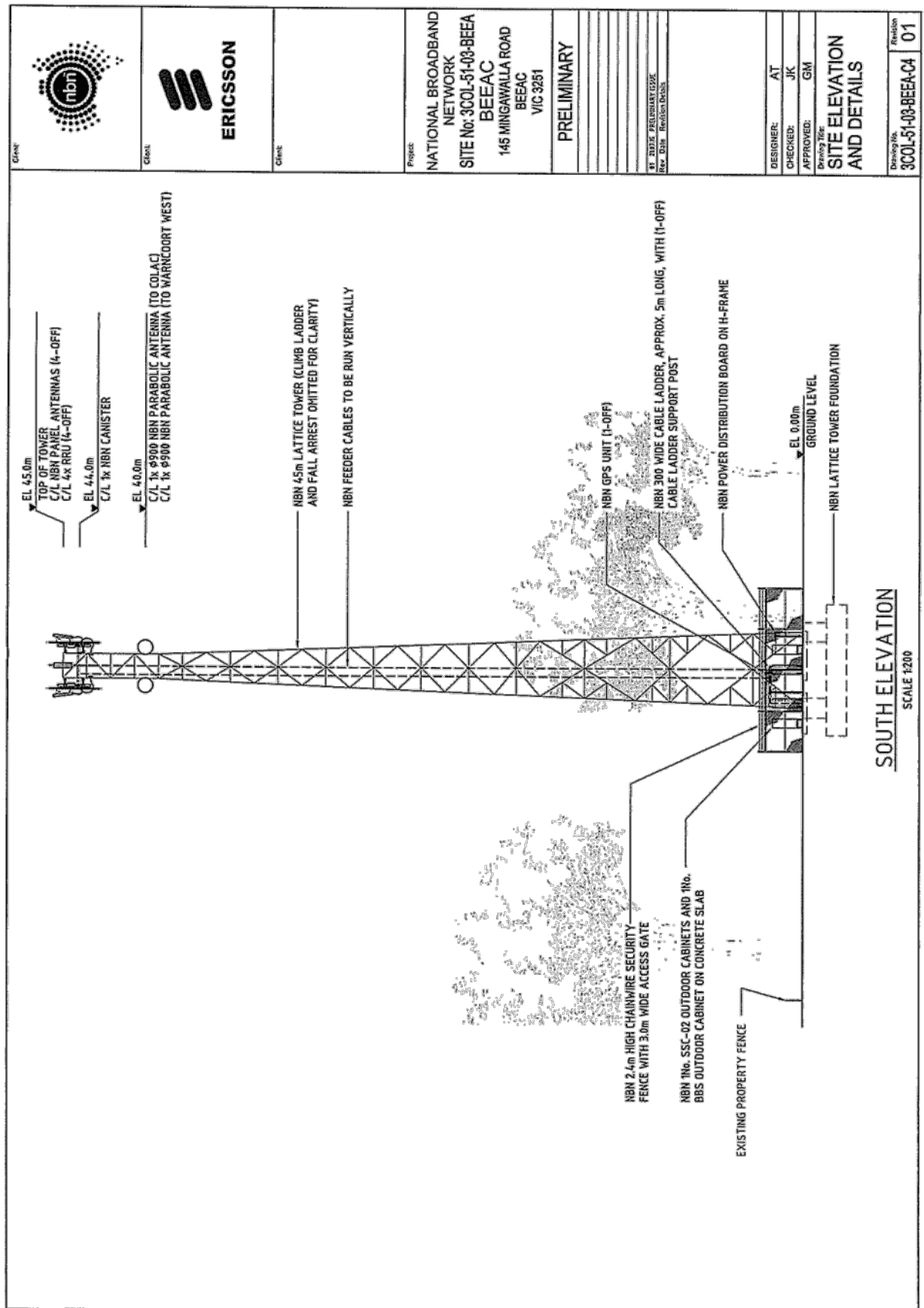
Colac-Otway Shire ☐☐  
PO Box 283, ☐COLAC VIC 3250☐  
2-6 Rae Street, COLAC VIC 3250☐☐  
Telephone: (03) 5232 9412 ☐☐  
Fax: (03) 5232 1046 ☐☐  
Email: [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au) ☐☐  
TTY: (03) 5231 6787☐☐

For help or more information











| NBN ANTENNA CONFIGURATION |        |                |                    |            |                  |        |                    |                 |                 |                      |                   |                    |                           |                  |                |                                         |        |
|---------------------------|--------|----------------|--------------------|------------|------------------|--------|--------------------|-----------------|-----------------|----------------------|-------------------|--------------------|---------------------------|------------------|----------------|-----------------------------------------|--------|
| SECTOR                    | SYMBOL | ANTENNA DETAIL |                    |            |                  |        | MAIN FEEDER DETAIL |                 |                 |                      | RRU DETAIL        |                    |                           | RF TAIL          |                |                                         |        |
|                           |        | TYPE           | DIMENSION<br>HxWxD | C/L HEIGHT | AZIMUTH<br>(°TN) | E-TILT | MECH TILT          | DESTINATION     | QUANTITY<br>RAU | TYPE                 | OVERALL<br>LENGTH | CANISTER<br>HEIGHT | CANISTER TO<br>RRU LENGTH | TYPE             | LOCATION       | TYPE                                    | LENGTH |
| 1                         | 1      | ARGUS-SSPX310R | 750x300x115        | 45m        | 300°             | 5°     | 0°                 |                 |                 | H&S HYBRID<br>19.6mm | 60m               | 4.4.0m             | 2m                        | RRU2218<br>(B&Z) | BEHIND ANTENNA | H&S 1/2" BIRD<br>PROOFED LUSCA<br>CABLE | 5m     |
| 2                         | 2      | ARGUS-SSPX310R | 750x300x115        | 45m        | 0°               | 5°     | 0°                 |                 |                 |                      |                   |                    | 5m                        | RRU2218<br>(B&Z) | BEHIND ANTENNA |                                         | 5m     |
| 3                         | 3      | ARGUS-SSPX310R | 750x300x115        | 45m        | 195°             | 5°     | 0°                 |                 |                 |                      |                   |                    | 5m                        | RRU2218<br>(B&Z) | BEHIND ANTENNA |                                         | 5m     |
| 4                         | 4      | ARGUS-SSPX310R | 750x300x115        | 45m        | 235°             | 5°     | 0°                 |                 |                 |                      |                   |                    | 5m                        | RRU2218<br>(B&Z) | BEHIND ANTENNA |                                         | 5m     |
| 5                         |        |                |                    |            |                  |        |                    |                 |                 |                      |                   |                    |                           |                  |                |                                         |        |
| 6                         |        |                |                    |            |                  |        |                    |                 |                 |                      |                   |                    |                           |                  |                |                                         |        |
| A                         | 5      | PARABOLIC      | ø900               | 40m        | 201°             |        |                    | COLAC           | 1               | LDF1-50              | 55m               |                    |                           |                  |                |                                         |        |
| B                         | 6      | PARABOLIC      | ø900               | 40m        | 173°             |        |                    | WARRICOORT WEST | 1               | LDF1-50              | 55m               |                    |                           |                  |                |                                         |        |
| C                         |        |                |                    |            |                  |        |                    |                 |                 |                      |                   |                    |                           |                  |                |                                         |        |
| D                         |        |                |                    |            |                  |        |                    |                 |                 |                      |                   |                    |                           |                  |                |                                         |        |
| GPS                       |        | KRE 101282/1   | ø69x96             | 2.5m       | N/A              |        |                    |                 |                 | LDF1-50              | 7m                |                    |                           |                  |                |                                         |        |

ANTENNA SETOUT PLAN

SCALE 1:75

Client

ERICSSON

Client

Project

NATIONAL BROADBAND NETWORK  
SITE No: 3COL-51-03-BEEA  
BEEAC  
145 MINGAWALLA ROAD  
BEEAC  
VIC 3251

PRELIMINARY