



## STRATHBOGIE SHIRE COUNCIL

### PLANNING COMMITTEE

# MINUTES

OF THE MEETING HELD ON TUESDAY 27 JUNE 2017

AT THE EUROA COMMUNITY CONFERENCE CENTRE

COMMENCING AT 4.00 P.M.

<b>Councillors:</b>	Malcolm Little (Chair)	(Hughes Creek Ward)
	Amanda McClaren	(Lake Nagambie Ward)
	John Mason	(Seven Creeks Ward)
	Debra Swan	(Lake Nagambie Ward)
	Alistair Thomson	(Mount Wombat Ward)
	Graeme (Mick) Williams	(Seven Creeks Ward)

<b>Officers:</b>	Steve Crawcour - Chief Executive Officer
	Phil Howard - Director, Sustainable Development
	Cameron Fraser - Principal Planner
	Roy Hetherington - Director, Asset Services
	David Roff - Director, Corporate and Liveability

#### **Business:**

1. Welcome
2. Acknowledgement of Traditional Land Owners

*'I acknowledge the Traditional Owners of the land on which we are meeting.  
I pay my respects to their Elders, past and present'*

3. Apologies

Councillor Kate Stothers (Honeysuckle Creek Ward)  
Emma Kubeil – Manager, Sustainable Development

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 13 June 2017

19/17 **CRS WILLIAMS/McCLAREN** : *That the Minutes of the Planning Committee meeting held on Tuesday 13 June 2017 be confirmed*

**CARRIED**

5. Disclosure of Interests

*Cr Thomson declared a 'Conflict of Interest' in Item 6.1, under Section 77B of the Local Government Act 1989 - 'Direct Interest' - as "our property is in the coverage area of this facility. Installation of this tower will result in me deriving financial and service benefits".*

*Cr Thomson left the meeting during discussion and consideration of this matter.*

6. Planning Reports
7. Other Business

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting, as per Local Law No. 1 - Meeting Procedure (2014) or as updated from time to time through Council Resolution

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**PLANNING COMMITTEE REPORT NO. 1 (PRINCIPAL PLANNER - CAMERON FRASER)**

**6. PLANNING REPORTS**

**4.02 p.m.**

***Cr Thomson left the meeting.***

**6.1 Planning Permit Application No. P2016-168  
- Development of Land for a Telecommunications Facility and Removal of  
Vegetation ~ Kibbles Road, Strathbogie**

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**Application Details:**

Application is for:	Development of land for a telecommunications facility and removal of vegetation
Applicant's/Owner's Name:	Ericsson Pty Ltd (on behalf of nbn Co)
Date Received:	13 December 2016
Statutory Days:	97
Application Number:	P2016-168
Planner: Name, title & department	Cameron Fraser Principal Planner Sustainable Development Department
Land/Address:	Lot 1 on Title Plan 551426B Certificate of Title Volume 09260 Folio 901 Kibbles Road, Strathbogie VIC 3666
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay, Erosion Management Overlay
Under what clause(s) is a permit required?	Clause 44.01-1 Clause 52.19-2
Restrictive covenants on the title?	No
Current use and development:	Agriculture

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**Disclosure of Conflicts of Interest in relation to advice provided in this report**

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the *Local Government Act 1989*.

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**Summary**

- The application proposes the development of land at Kibbles Road, Strathbogie for the Development of land for a telecommunications facility and removal of vegetation.
- The telecommunications facility will contain a 65m lattice tower and associated infrastructure.

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- The removal of vegetation is limited to the lopping of two branches and an area of non native shrubbery for the purposes of constructing access.
- The purpose of the facility is to improve telecommunications in the Strathbogie area with approximately 300 properties to be serviced by the tower.
- The application was advertised and twenty (20) objections were received. The objections raise a number of issues including amenity, views, property values and environmental issues.
- The application has not been assessed within the 60 day statutory timeframe due to extended advertising timelines and the number of outstanding objections.
- The application is being heard before Planning Committee due to the twenty (20) unresolved objections.
- The proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework as well as the relevant particular provision and *A Code of Practice for Telecommunications Facilities in Victoria*.
- It is recommended that Council resolve to issue a Notice of Decision to grant a permit in accordance with the Officer's recommendation.

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## RECOMMENDATION

### That Council

- **having caused notice of Planning Application No. P2016-168 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme**

**and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Permit under the provisions of Clause 44.01-1 and Clause 52.19-2 of the Strathbogie Planning Scheme in respect of the land known as Lot 1 on Title Plan 551426B Certificate of Title Volume 09260 Folio 901, Kibbles Road, Strathbogie VIC 3666, for the Development of land for a telecommunications facility and removal of vegetation, in accordance with endorsed plans, subject to the following conditions:**

### General Conditions

- 1. The telecommunication tower must comply with the "Code of Practice for Telecommunications Facility in Victoria".**
- 2. Any external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.**
- 3. The telecommunications facility hereby permitted must be designed and installed so that the maximum human exposure levels to radio frequency emissions comply with Australian Standard AS/NZS 2772.1:1999.**

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4. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.
5. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.
6. Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb & channel, trees, nature strip etc), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.
7. The development must be sited and constructed in accordance with the endorsed plans. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.
8. Upon completion of the development, the facilities at ground level must be screened with vegetation to limit views of the infrastructure to the satisfaction of the Responsible Authority.
9. All soils disturbed throughout the construction of the approved development must be stabilised upon completion to the satisfaction of the Responsible Authority.
10. The lattice tower and any other external surfaces must be constructed of new materials of muted colours to reduce the impact on the aesthetic amenity of the area. Material having a highly reflective surface must not be used.
11. The amenity of the area must not be detrimentally affected by the development, through the:
  - (a) Appearance of any building, works or materials;
  - (b) Transport of materials, goods or commodities to or from the land;
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
  - (d) Presence of vermin, and;
  - (e) Others as appropriate.

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**Permit Expiry:**

12. This permit will expire if one of the following circumstances applies:
- (a) The development is not started within two (2) years of the date of this Permit,
  - (b) The development is not completed within four (4) years of the date of this Permit.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or
- within six months afterwards if the use or development has not yet started; or
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

**Planning Notes:**

- This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.
- This Permit does not authorise the removal of any native vegetation including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.
- This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.

20/17 **CRS MASON/WILLIAMS** : *That the Recommendation be adopted.*

**CARRIED**

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**Proposal**

It is proposed to develop the subject site for a telecommunications facility which will be primarily utilised to provide mobile telephone coverage. The proposed works include installing:

- A 65m lattice tower
- One 1.2m parabolic dish antenna
- Three panel antennas attached to the top of the tower
- A 2.4 metre high security fence around the perimeter of the compound area, and;
- Two associated equipment shelters at the base for the facility.
- Associated underground feeder cables from equipment cabinets to the antennas

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The facility including the lattice tower and associated equipment and infrastructure will be clustered together into a 'compound' which will be separately leased by the permit holder from the land owner. The proposed telecommunications facility compound area will be located 350 metres from the western boundary and 3 metres from the southern boundary.

The proposal also includes the removal and lopping of non-native vegetation and the construction of an access track. The vegetation to be removed is shrubbery and grasses and the lopping of two branches from a pine tree. This vegetation removal is necessary to enable the extension of an existing access track to provide access from Kibbles Road to the proposed tower.

Construction of the tower is expected to take between 10-12 weeks. throughout construction, the site will be accessed from Merton-Strathbogie Road. Upon completion of the development, access to the site will be obtained from Kibbles Road via an existing track and the proposed extension. The existing access, while accessible by maintenance vehicles (ute or similar), is not accessible by larger vehicles required during the construction phase

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**Subject site & locality**

The subject site is located at Kibbles Road, Strathbogie, is located in the Farming Zone and is affected by both the Erosion Management Overlay and the Bushfire Management Overlay. The site is irregular in shape and is bound by Walkers Road to the North, Kibbles Road to the West, Merton-Strathbogie Road to the East and private property to the south and north east. The land is 66.75 hectares in area and is currently vacant of any buildings.

The site is currently vacant and has been used in the past for pine production with approximately two thirds of the site remaining heavily vegetated.

Land surrounding the site is used for a range of residential and agricultural purposes with lot sizes varying greatly throughout the area from small acreage to larger parcels similar in size to the subject site. The nearest dwelling to the subject site is located approximately 600 metres from the location of the proposed facility and is located to the south east of the site.

The topography and vegetation cover varies greatly throughout the area. The site is approximately 3 kilometres from the Strathbogie Township as the crow flies.

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**Permit/Site History**

A search of Council's electronic records system shows that no planning permits have previously been issued for the subject site.



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**Public Notification**

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by

- Sending letters to land owners adjoining the subject site, land owners adjoining these properties as well as properties bound on all sides by those notified
- Placing (a) sign on site
- Placing public notices in both the Euroa Gazette and the Tablelands Talk

The notification has been carried out correctly.

In addition to the above, a drop in session was held at the Strathbogie Public Hall on 19 April 2017. Council officers as well as representatives of the applicant were present at this session which was attended by 22 people. While most of the information sought by those attending the session was related specifically to this application, others were interested in the coverage of the facility and how they would be serviced by the NBN.

To date, Council has received 19 objections and 2 letters of support. The key issues that were raised in the objections are:

- Devaluation of property
- Health impacts caused by radiation
- Proposed towers will destroy ambience
- Visual impacts of proposal on wider area
- Other sites better suited to the development
- Disruption to native fauna both during construction and upon completion
- Use of satellite NBN instead
- Increased fire risk through lightning strike
- not in keeping with neighbourhood character
- Erosion impacts
- Impact of lighting on the tower
- Detract from rural aesthetic environment
- visual pollution
- removal of native vegetation
- Reduction in tourists to the area
- Impact on aviation
- Construction of tower will stop new people moving to the area
- Will jeopardise recreational opportunities, particularly photography

Officer Response:

It is noted that limits are imposed on electromagnetic energy (EME) radiated from the towers to prevent negative impacts on the health of the wider community. This is enforced by a strict code of practice that all operators must comply with. The impact of a proposal on the value of surrounding property or the presence of another tower on an adjoining lot is unable to be considered as part of an application under the provisions of the *Planning and Environment Act 1987*.

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There is no specific requirement for flora and fauna studies for this type of development under the provisions of either the Strathbogie Planning Scheme or the *Planning and Environment Act 1987*. It has been recognised in previous VCAT decisions that there is no credible evidence to suggest that telecommunications facilities have a negative impact on wildlife. While it is acknowledged that there is a diverse range of fauna in the area, no habitat is to be disturbed and EME generated from the site is monitored and regulated so as to ensure that this is within safe levels to ensure the safety off all surrounding the site. This is regulated under Commonwealth legislation.

Alternative sites for the telecommunications facility were investigated prior to the current application being made. In addition this was raised at the drop in session as part of the consultation. There were seven possible alternative sites for the proposed facility. These were discounted for a range of reasons including coverage objectives, access to existing infrastructure, the ability to secure tenement and the coverage objectives of the National Broadband Network.

Provided that the operation of the facility complies with the requirements of the relevant legislation, it is not expected that it will cause negative health effects. This is not something that can be considered under the planning provisions.

The subject site and surrounding area are located within the Farming Zone which is designed to allow for agricultural use. While a dwelling can be constructed with a planning permit on land within this zone, it is not considered that this is a residential area. As such the amenity expectations of surrounding residents cannot be considered to the extent that they would be able to in a residential zone or built up area.

Co-location of facilities, although preferred is not possible for this facility, hence the application being received. Other forms of NBN delivery are not proposed given the number of people to be serviced. It is not the responsibility of a Responsible Authority or the Tribunal to dictate to the applicant how and where to deliver this service. In *Marshall & Ors v Ararat Rural CC* [2013] VCAT 90 (22 January 2013) which relates to NBN, Deputy President Gibson referenced a leading case on the siting of telecommunications infrastructure (*Hyett R v Corangamite SC & Telstra* [1999] VCAT 794 (30 April 1999)) as follows:

The basic question which falls for decision is whether this particular site is suitable for the proposed facility. The Tribunal is not required to determine whether other sites may offer a preferable alternative. Indeed such an inquiry would call for a much greater level of additional information which is simply not before the Tribunal.

No aviation lighting is proposed on the facility as this is not required. The nearest registered airport is located at Mangalore and is approximately 50 kilometres away.

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Vegetation ~ Kibbles Road, Strathbogie (cont.)

**Consultation**

A drop in session was held at the Strathbogie Public Hall on 19 April 2017. Council officers as well as representatives of the applicant were present at this session which was attended by 22 people.

Following public advertising and the drop in session, a copy of the objections were forward to the applicant who provided a written response.

This response was then forwarded to the objectors who were given the opportunity to withdraw their objections if the applicants correspondence satisfied their concerns.

A response was received from one of the objectors stating that their objection stands, however should a permit be issued, they have requested that some steps be taken to minimise the visual impact of the facility through screening and use of materials.

No objections have been withdrawn following the applicant's response.

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**Referrals**

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Nil
Section 52 Notices	Public Notice

Internal Council Referrals	Advice/Response/Conditions
Asset Services	No Objection, subject to conditions

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**Assessment**

**The zoning of the land and any relevant overlay provisions**

**Farming Zone**

Purpose:

- *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.*

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Vegetation ~ Kibbles Road, Strathbogie (cont.)

A permit is not required for the use of a telecommunications facility on land in the Farming Zone provided the requirements of Clause 62.01 (Uses not requiring a permit) are met.

Furthermore, Clause 62.02-1 *Buildings and works not requiring a permit* specifies that the development of the land does not require a permit if the requirements of Clause 52.19 are met.

**Erosion Management Overlay**

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

A permit is required for removal of vegetation on land affected by the Erosion Management Overlay, unless specifically stated in Clause 44.01-3, *Table of exemptions*, which states that *no permit is required to remove, destroy or lop vegetation to the minimum extent necessary if any of the following apply: Bracken.*

The vegetation to be removed is not native, however, consideration of the erosion implications of vegetation removal, particularly ground stability must be considered. The extent of vegetation to be removed is two branches of a pine tree and some non-native shrubs and grasses for the purposes of the extension to the access track from Kibbles Road to the facility.

The area of land where vegetation is to be removed will be replaced with an access track. The track will be required to be constructed and stabilised to prevent further erosion of the site. It is considered that the removal of this vegetation is unlikely to cause or worsen any erosion issues.

Although the proposed telecommunications facility does not trigger a permit under the Erosion Management Overlay, Clause 52.19 of the Strathbogie Planning Scheme requires that consideration be given to the decision guidelines of this overlay. This is discussed further into this report.

**Bushfire Management Overlay**

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

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Vegetation ~ Kibbles Road, Strathbogie (cont.)

A planning permit is not required for the proposed telecommunications facility or the removal of vegetation under the provisions of the Bushfire Management Overlay.

**The State Planning Policy Framework (SPPF)**

*Clause 13.03-2, Erosion and landslip*

*Objective*

- *To protect areas prone to erosion, landslip or other land degradation processes.*

It is considered that the proposed telecommunications facility is unlikely to have any significant impacts on the natural environment. The proposed works on the site will be required to be stabilised upon their completion to prevent any erosion or salinity issues arising as a result of the development. The removal of vegetation will also be stabilised upon its removal as this area is to be used for access to the site from Kibbles Road for maintenance of the facility once it is completed.

*Clause 14.01-1, Protection of agricultural land*

*Objective*

- *To protect productive farmland which is of strategic significance in the local or regional context.*

The site is part of a larger property which is currently vacant which has previously been used as a pine plantation. The proposed facility is to be contained within a small area of the site along the southern property boundary which will utilise some existing driveway and electricity infrastructure. The facility is will not significantly reduce agricultural production in the area or on the site in which it is proposed. It is considered that improved internet access in the area will be of far greater community benefit than the loss of a small area of the site for agricultural use.

*Clause 19.03-4, Telecommunications*

*Objective*

- *To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.*

It is also considered unlikely that the proposed telecommunications facility will impact significantly on the amenity of surrounding land users. The proposed facility is located in a rural area and is approximately 600 metres from the nearest dwelling. Although the proposed tower is quite large with an overall height of 65 metres, it is considered that the distance from these residentially developed and community areas will offset this height. The construction of the proposed telecommunications facility will ensure modern telecommunications facilities are available to business, industry and residential communities throughout the Strathbogie Township and surrounding areas.

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Vegetation ~ Kibbles Road, Strathbogie (cont.)

**The Local Planning Policy Framework (LPPF) - including the Municipal Strategic Statement (MSS) and local planning policies**

*Clause 21.02-6, Building Material – Muted Tones*

*Objective*

- *To ensure that all structures blend in with the surrounding environment and that the aesthetic amenity of the area is preserved and/or enhanced.*

The proposed materials to be used are mostly of a standard low reflective grey. The equipment shelter located at ground level will be constructed of muted tones with a low reflective finish.

*Clause 21.05-3, Social services and infrastructure*

*Objective*

- *To provide networked communities*

Telecommunications infrastructure should be considered when planning for growth in this area as well as the ongoing development to the north of the site within the Strathbogie Township. The improved facilities will be of great benefit to both residential and business communities in the area. The installation and upgrade of significant telecommunications infrastructure is supported in the Local Planning Policy Framework.

**Relevant Particular Provisions**

*Clause 52.17, Native Vegetation*

*Purpose:*

- *To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:*
  - *Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.*
  - *Minimise impacts on Victoria's biodiversity from the removal of native vegetation.*
  - *Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.*
- *To manage native vegetation to minimise land and water degradation.*
- *To manage native vegetation near buildings to reduce the threat to life and property from bushfire.*

No *native* vegetation is to be removed as part of this development.

*Clause 52.19, Telecommunications Facility*

*Purpose*

- *To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.*
- *To ensure the application of consistent provisions for telecommunications facilities.*

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Vegetation ~ Kibbles Road, Strathbogie (cont.)

- *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.*

In considering an application for the construction and use of a telecommunications tower, Clause 52.19 requires that consideration is given to the effect of the development or use on adjacent land as well as 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 principles set out in *A Code of Practice for Telecommunications Facilities in Victoria* are set out below:

- Principle 1 - A Telecommunications facility should be sited to minimise visual impact.
- Principle 2 - Telecommunications facilities should be co-located wherever practical.
- Principle 3 - Health standards for exposure to radio emissions will be met.
- Principle 4 - Disturbance and risk relating to siting and construction should be minimised.

Principle 1 – Siting the facility to minimise visual impact

The applicant proposes to erect a 65m high lattice tower within the Farming Zone. The proposed location of the facility is within a rural area in undulating terrain with a range of different land uses including dwellings and agriculture. The site is heavily vegetated in part with surrounding areas also heavily vegetated in part.

The siting of the tower in this location on an elevated area of the site allows for a smaller facility than what may be required in other areas of the site.

The height of the tower is considered to be quite large, given recently approved (last 3 years) towers have been approximately 60% of the size of this facility. The location of the facility is approximately 600 metres away from the nearest existing dwelling. Given the size of the facility, it is unlikely that it will ever be fully screened from nearby dwellings.

To the north in particular, existing vegetation will remain the dominant feature in this landscape, particularly at eye level. Some of the vegetation on the site and surrounding area is up to 30m high. The distance of the facility from nearby residential land uses will also assist in offsetting the height of the proposed tower along with existing native vegetation, which will remain as the dominant landscape feature.

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Vegetation ~ Kibbles Road, Strathbogie (cont.)

While a facility of this size will always be visible, consideration needs to be given to the impact of this visibility. It is considered that a lattice tower with an overall height of 65m and associated equipment will not have an unreasonable visual impact on adjoining and surrounding use and development.

Principle 2 - The facility should be co-located wherever practicable.

Within this area of the municipality, there are no other telecommunications towers capable of appropriate co-location. The applicant has advised that this development has been sited to meet its coverage objectives. The development of the proposed facility on the subject land will provide greater coverage and capacity to the area and alleviate the need for other telecommunications facilities in this area in the future.

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

The Tribunal in a number of decisions, including a decision of Deputy President Gibson in *Heland Pty Ltd v Kingston City Council* P3620/2004 (3 March 2005), has ruled that the health impact of telecommunications towers is not a relevant planning consideration, given the requirement by the Code for compliance with ARPANSA (Australian Radiation Protection and Nuclear Safety Agency) Standards.

The proposal will be designed and installed to satisfy the requirements contained with *Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz, Arpanasa, May 2002*. The maximum cumulative EME level at ground level is estimated to be 0.10% of the ARPANSA public exposure limits.

Principle 4 - Disturbance and risk relating to siting and construction should be minimised.

Construction of the facility is unlikely to cause any disruption to any adjoining land or public access areas. An existing access track on the site, of which part will be extended is to be utilized to obtain exclusive vehicles access to the facility. No native vegetation is proposed to be removed as part of the application.

With regard to the above, it is considered that the proposal is consistent with the principles of *A Code of Practice for Telecommunications Facilities in Victoria*.

Council must also consider the decision guidelines of the Erosion Management Overlay in this instance as the land is affected by this overlay. While the structure is large and will require some earthworks, it is considered that these works will be capable of being appropriately stabilised so as to ensure no erosion is created or existing erosion within the site is worsened through this development. A condition should be placed upon any permit issued which requires the applicant to stabilise any soils disturbed by the development including areas around the facility required for access. It is considered that the proposal is consistent with the purpose and decision guidelines of the Erosion Management Overlay.



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Vegetation ~ Kibbles Road, Strathbogie (cont.)

It is considered that that the proposal is consistent with the purpose and decision guidelines of Clause 52.19 of the Strathbogie Planning Scheme.

**The decision guidelines of Clause 65**

Clause 65.01, *Approval of an application or plan*, states that; *before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:*

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

**Other relevant adopted State policies/strategies – (e.g. Melbourne 2030.)**

There are no relevant adopted State policies.

**Relevant incorporated, reference or adopted documents**

There are no relevant incorporated, reference or adopted documents.

**Relevant Planning Scheme amendments**

There are no relevant planning scheme amendments.

**Risk Management**

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

**Strategic Links – policy implications and relevance to Council Plan**

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

6.1 Planning Permit Application No. P2016-168  
- Development of Land for a Telecommunications Facility and Removal of  
Vegetation ~ Kibbles Road, Strathbogie (cont.)

**Summary of Key Issues**

With regard to the Farming Zone: The location of the proposed telecommunications facility within the Farming Zone is considered to be a suitable use and does not trigger a permit.

With regard to the Erosion Management Overlay: The proposed telecommunications facility does not require a planning permit under the provisions of the Erosion Management Overlay. The proposed vegetation does require approval under the provisions of this overlay. It is considered that the removal of non-native vegetation can be removed without creating or worsening any existing erosion issues on the site as discussed above.

With regard to Clause 52.19: The location of the facility is appropriately separated from sensitive uses and complies with the relevant health and safety standards. The proposal does not require the removal of native vegetation and is not considered to have any adverse effect on the environment and amenity. The proposal complies with the principles in *A Code of Practice for Telecommunications Facilities in Victoria*.

In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework and Clause 52.19.

---

**Conclusion**

After due consideration, it is recommended that Council resolve to issue a Notice of Decision to Grant a Permit.

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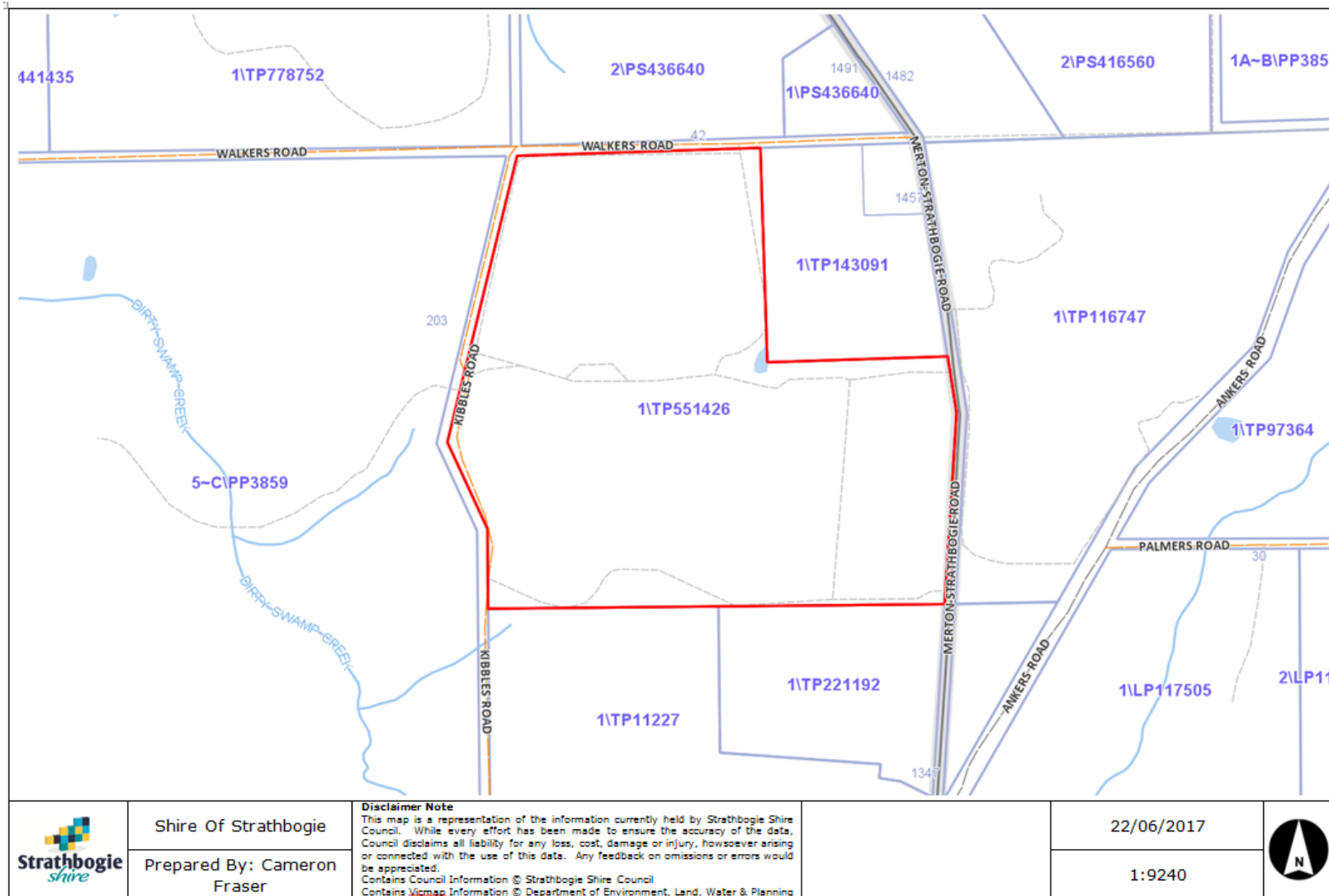
**Attachments**

Site Maps

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**Tabled Report**

*A Code of Practice for Telecommunications Facilities in Victoria* (July 2004)

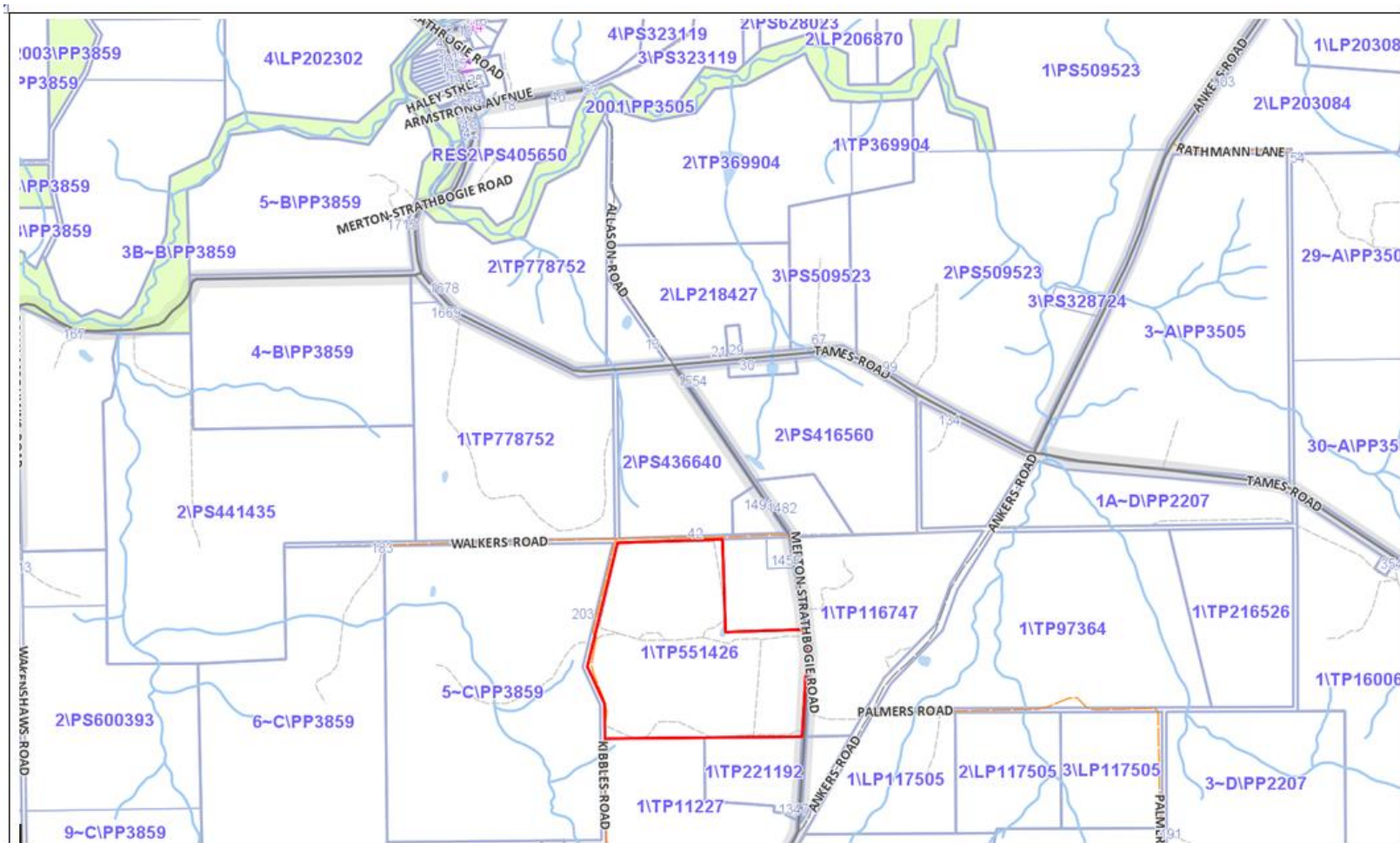


Shire Of Strathbogie  
 Prepared By: Cameron  
 Fraser

**Disclaimer Note**  
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22/06/2017  
 1:9240





	Shire Of Strathbogie	<p><b>Disclaimer Note</b>                  This map is a representation of the information currently held by Strathbogie Shire Council. While every effort has been made to ensure the accuracy of the data, Council disclaims all liability for any loss, cost, damage or injury, howsoever arising or connected with the use of this data. Any feedback on omissions or errors would be appreciated.                  Contains Council Information © Strathbogie Shire Council                  Contains Vicmap Information © Department of Environment, Land, Water &amp; Planning</p>	22/06/2017	
	Prepared By: Cameron Fraser		1:22559	

	16.03.16	29.03.16	11.11.16	07.12.16	25.01.17		
DATE OF ISSUE							
DRAWING PACKAGE VERSION	1	2	3	4	5		
<b>GENERAL</b>							
3MFL-51-11-STRO-T1	COVER SHEET	01	02	03	04	05	
3MFL-51-11-STRO-C1	SITE SPECIFIC NOTES	01	02	03	04	05	
3MFL-51-11-STRO-C2	OVERALL SITE PLAN	01	02	03	04	05	
3MFL-51-11-STRO-C3	SITE SETOUT PLAN	01	02	03	04	05	
3MFL-51-11-STRO-C4	SITE ELEVATION	01	02	03	04	05	
3MFL-51-11-STRO-C5	CRANE ACCESS PLAN	-	-	03	04	05	
05 3MFL-51-11-STRO-C6	SITE SET BACK PLAN	-	-	-	-	05	
<b>ELECTRICAL</b>							
<b>RF AND TX CONFIGURATIONS AND EME EXCLUSION ZONES</b>							
3MFL-51-11-STRO-A1	NBN ANTENNA CONFIGURATION & SETOUT PLAN	01	02	03	04	05	
<b>STRUCTURAL</b>							
<b>CIVIL</b>							
<b>TOWER DESIGN</b>							
<b>LEASE</b>							
<b>DISTRIBUTION</b>							
ERICSSON	ARMANDO GUZMAN	E	E	E	E	E	E
VISIONSTREAM	JOE KLEINITZ	E	E	E	E	E	E

LEGEND> E (EMAIL); F (Fax); M (Mail); H (Hand); C (Courier)

SITE No: 3MFL-51-11-STRO

# STRATHBOGIE SOUTH

KIBBLES ROAD  
STRATHBOGIE  
VIC 3666

RFNSA SITE No: 3666010

Australia's  
broadband  
network

Client

Client

Client

Project

**NATIONAL BROADBAND NETWORK**

SITE No: 3MFL-51-11-STRO

**STRATHBOGIE SOUTH**

KIBBLES ROAD  
STRATHBOGIE  
VIC 3666

PRELIMINARY

05	05.01.17	ORANGLER	PH
04	01.10.16	DESIGN REVIEW	GA
03	10.10.16	ACCESS TRACK AMEND	GA
02	29.03.16	EROSION REVIEW	GA
01	16.03.16	PRELIMINARY	CH

Draw:    Date:    Revision Details:    CAD:

**VISIONSTREAM**

**VISIONSTREAM PTY LTD**  
 20 Corporate Drive  
 Essendon, VIC 3202  
 Tel: (03) 9236 5100 Fax: (03) 9553 7483  
 www.visionstream.com.au

DRAFTED BY:	CM
CHECKED BY:	SS/WW
APPROVED BY:	JK

Drawing Title

COVER SHEET

Drawing No:	Revision
3MFL-51-11-STRO-T1	05

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Scale: 1:1000

0 10 20 30 40 50m

**SITE INFORMATION:**

1. **SITE ADDRESS**  
 KIBBLES ROAD, STRATHBOGIE, VIC 3666.
2. **GENERAL**  
 THE CONTRACTOR SHALL COMPLY WITH ALL RELEVANT NBN CONSTRUCTION STANDARDS, AUSTRALIAN STANDARDS AND SPECIFICATIONS.
3. **SITE ACCESS**  
 SITE OWNER TO BE CONTACTED PRIOR TO ACCESSING SITE.  
 FROM STRATHBOGIE CITY CENTRE, TRAVEL SOUTH ON MAIN ST FOR APPROX. 550m. AND CONTINUE STRAIGHT ONTO MERTON-STATHBOGIE RD FOR APPROX. 4.4km. THEN TURN LEFT ONTO KIBBLES RD FOR 2km. SITE IS ON THE RIGHT, APPROX. 500m FROM PROPERTY ENTRY ON KIBBLES RD.  
 NBN LOCK TO BE INSTALLED INLINE WITH NEW ACCESS GATE LOCKING SYSTEM (1-OFF).
4. **EQUIPMENT**  
 NBN OUTDOOR CABINETS TO BE INSTALLED WITHIN NBN LEASE AREA.
5. **STRUCTURE**  
 NBN 65m LATTICE TOWER WITH TRIANGULAR HEADFRAME.
6. **ANTENNA ACCESS**  
 PANEL ANTENNA ACCESS VIA LATTICE TOWER MOUNTED ACCESS LADDER WITH FALL ARREST OR EWP (BY QUALIFIED PERSONNEL ONLY).  
 PARABOLIC ANTENNA ACCESS VIA LATTICE TOWER MOUNTED ACCESS LADDER WITH FALL ARREST OR EWP (BY QUALIFIED PERSONNEL ONLY).
7. **EXISTING SERVICES**  
 THE CONTRACTOR SHALL IDENTIFY AND CONFIRM THE LOCATION OF ALL RELEVANT EXISTING SERVICES AS REQUIRED PRIOR TO THE COMMENCEMENT OF WORKS.
8. **EXISTING SITE HAZARDS**  
 THE FOLLOWING HAZARDS ARE PRESENT ON SITE:  
 - ELECTRICAL CABLING AND/OR TRIP HAZARDS  
 - MANUAL HANDLING  
 - WORKING AT HEIGHT
9. **ELECTRICAL SUPPLY**  
 NEW POWER SUPPLY SHALL BE PROVIDED IN LIAISON WITH THE POWER AUTHORITY (AUSNET SERVICES) THE SUPPLY AUTHORITY UPGRADE WORKS TO BE CONFIRMED BY AUSNET AT THE TIME OF POWER APPLICATION/OFFER.
10. **TRANSMISSION LINK**  
 REFER TO NBN ANTENNA CONFIGURATION ON DRAWING A1 FOR DETAILS.

**11. SITE SPECIFIC INFORMATION**

- NBN CONTRACTOR TO REVIEW ACCESS REQUIREMENTS FOR CONSTRUCTION IN WET CONDITIONS (STRICTLY DRY WEATHER BUILD ONLY)
- NBN CONTRACTOR TO LIAISE WITH LAND OWNER REGARDING ACCESS PROTOCOL
- CRANE AND CONSTRUCTION ACCESS FROM EXISTING GATE AT MELTON-STATHBOGIE RD
- NBN CONTRACTOR TO LEVEL SITE (WEST). SPOIL TO BE USED TO FILL AND LEVEL THE EAST OF THE COMPOUND
- NBN CONTRACTOR TO USE EXISTING ACCESS TRACK (1m) FOR CRANE CONSTRUCTION ACCESS
- NBN CONTRACTOR TO LEVEL 10m x 10m AREA FOR CRANE TURN
- NBN CONTRACTOR TO LEVEL 14m x 12m AREA FOR CRANE SETUP
- NBN CONTRACTOR TO REMOVE SHRUBS ALONG NEW TEMPORARY CRANE AND CONSTRUCTION ACCESS TRACK (APPROX. 100m)
- NBN CONTRACTOR TO USE EXISTING PROPERTY ENTRY AT KIBBLES RD FOR MAINTENANCE ACCESS - 4WD ACCESS ONLY
- NBN CONTRACTOR TO TRIM EXISTING BRANCHES FOR ACCESS (2-OFF)

**12. WIND LOAD PARAMETERS**

SITE TOPOGRAPHICAL DATA		
REGION	TERRAIN CATEGORY	TOPOGRAPHIC MULTIPLIER
A1	2.0	1.1

**13. SITE SIGNAGE REQUIREMENTS**

- THE CONTRACTOR TO SUPPLY AND INSTALL:
- MERCS-1, 1500mm AGL, REFER TO NBN-STD-0025
  - MERCS-2, AFFIX TO SITE ACCESS GATE, REFER TO NBN-STD-0025
  - HAZARDOUS VOLTAGE SIGN, REFER TO ERICSSON NBN RAN INSTALLATION DESIGN/CONSTRUCTION SPECIFICATION
  - CLIMBING FALL ARREST DEVICE SIGN, REFER TO ERICSSON NBN RAN INSTALLATION DESIGN/CONSTRUCTION SPECIFICATION
  - SITE ENQUIRY



Client:  
 Client:  
 Client:  
 Project:  
**NATIONAL BROADBAND NETWORK**  
 SITE No: 3MFL-51-11-STRO  
**STRATHBOGIE SOUTH**  
 KIBBLES ROAD  
 STRATHBOGIE  
 VIC 3666

**PRELIMINARY**

05	25/01/17	ORIGINATOR	PH
04	07/03/16	DESIGN REVIEW	GA
03	11/01/16	ACCESS TRACK AMENDED	GA
02	29/03/16	DESIGN REVIEW	GA
01	14/03/16	PRELIMINARY	CM
Rev.	Date	Revision Details	CAD



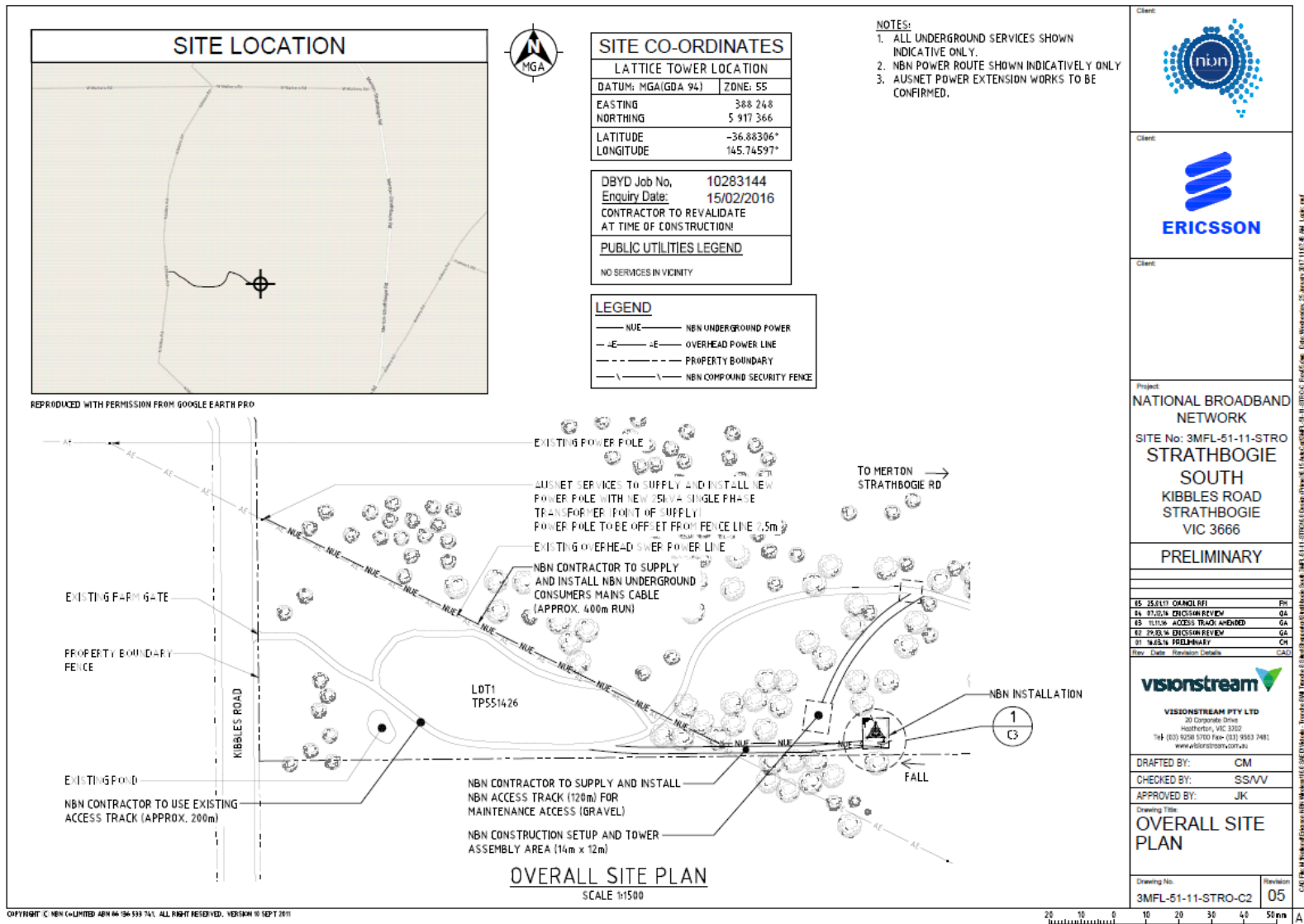
DRAFTED BY: CM  
 CHECKED BY: SS/VV  
 APPROVED BY: JK

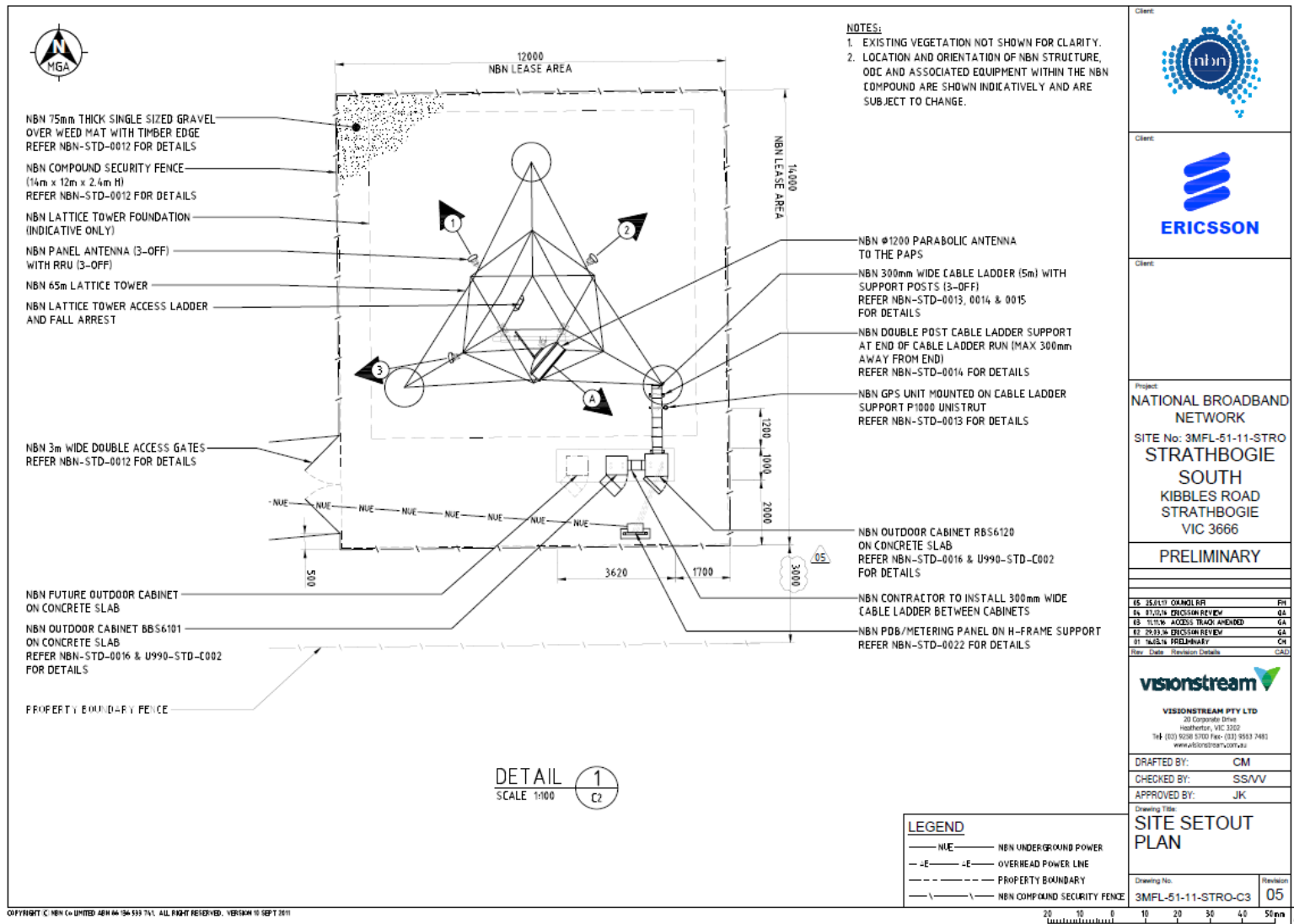
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**SITE SPECIFIC NOTES**

Drawing No:  
 3MFL-51-11-STRO-C1  
 Revision:  
 05

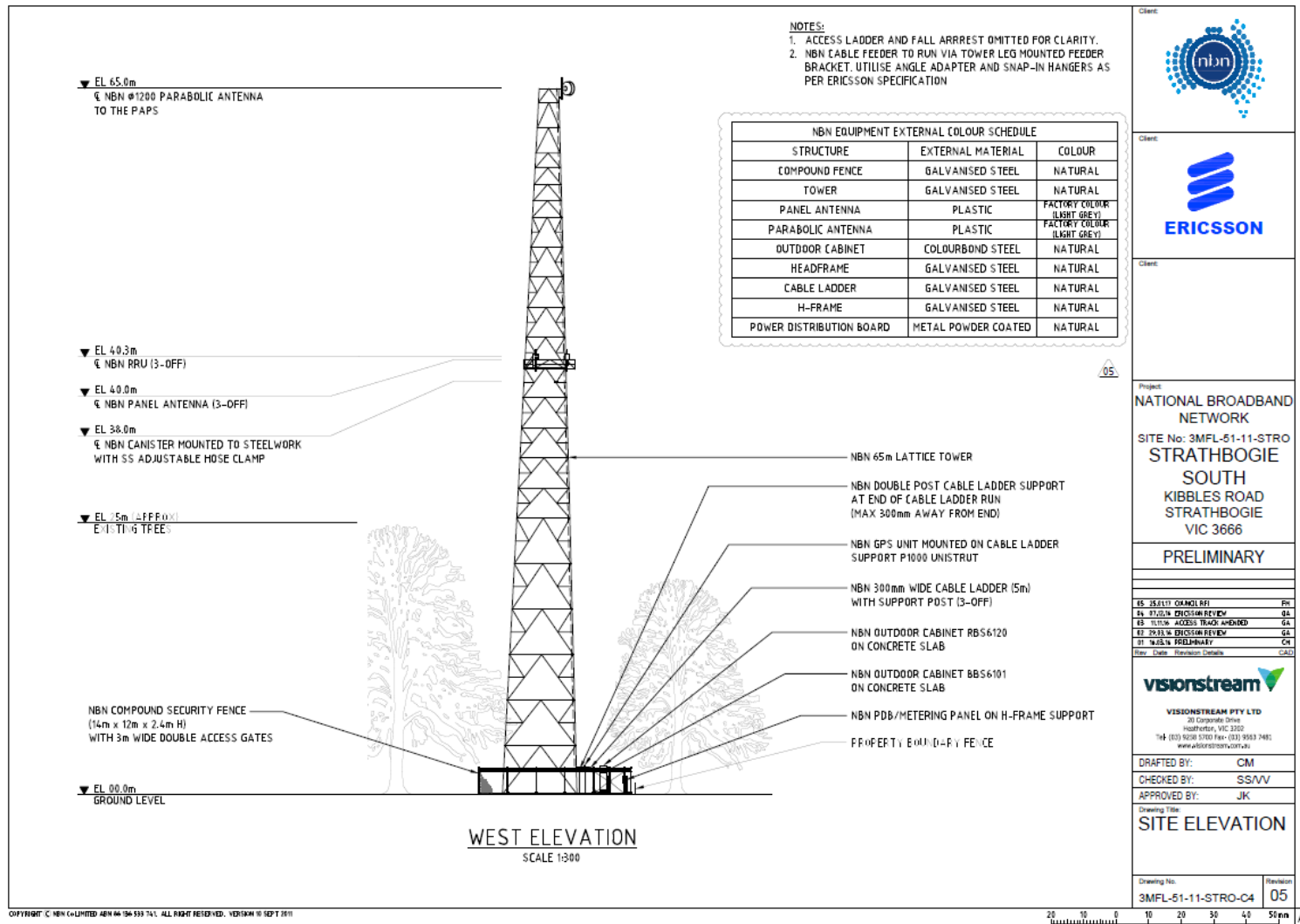
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 Project: National Broadband Network  
 Drawing: 3MFL-51-11-STRO-C1  
 Title: Site Specific Notes  
 Version: 05  
 Date: 27/06/17  
 Author: [Name]  
 Checker: [Name]  
 Approver: [Name]

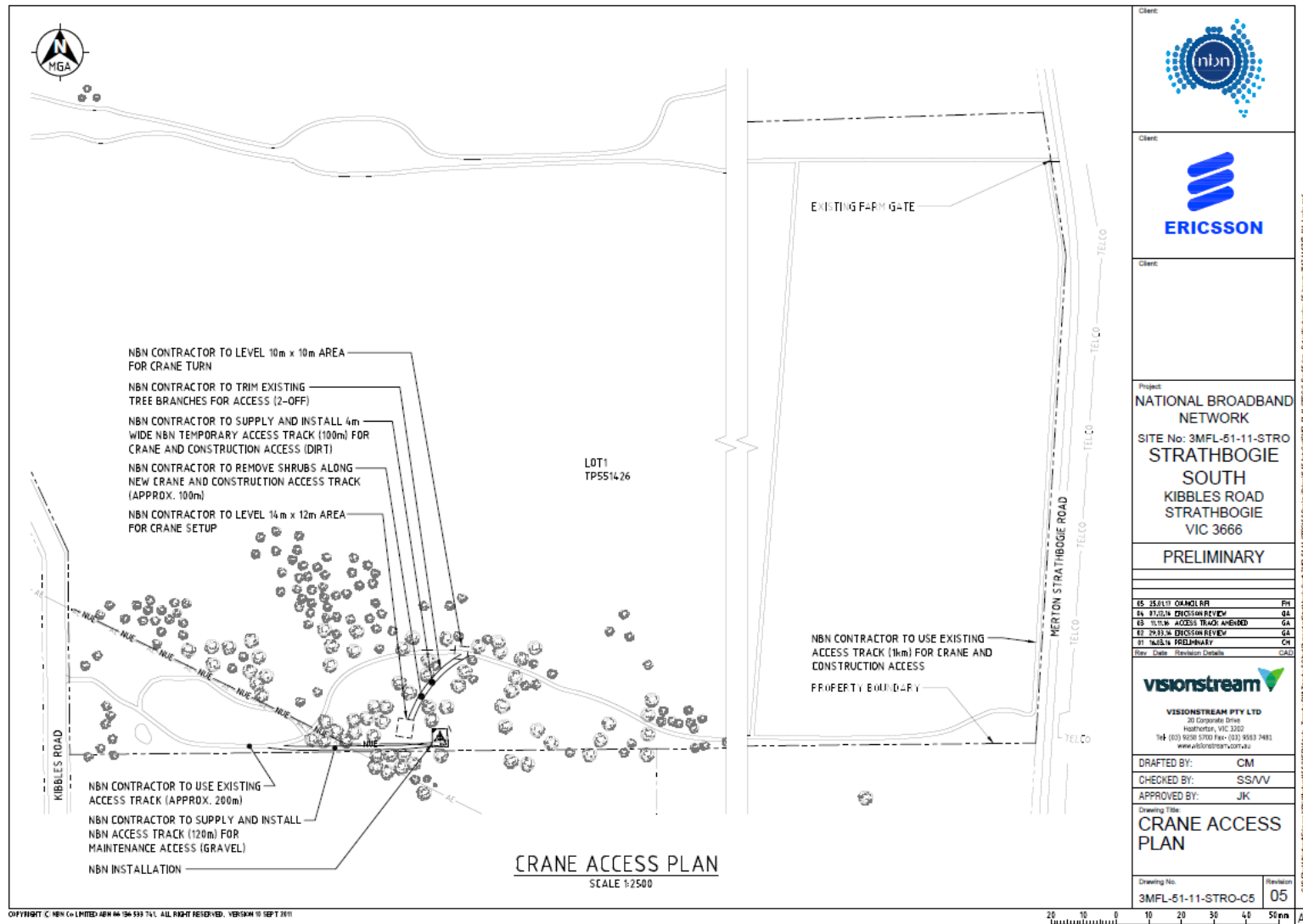


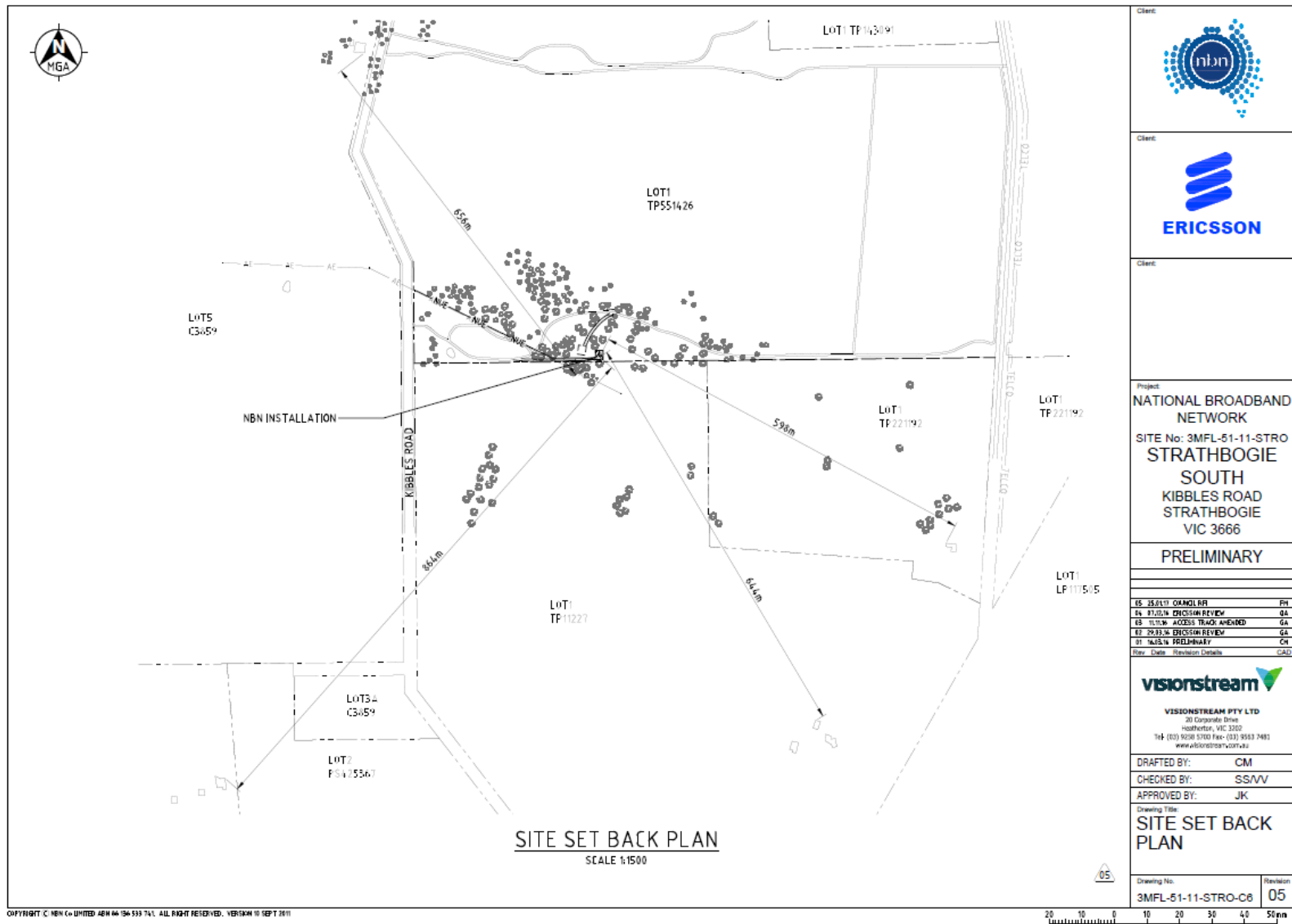






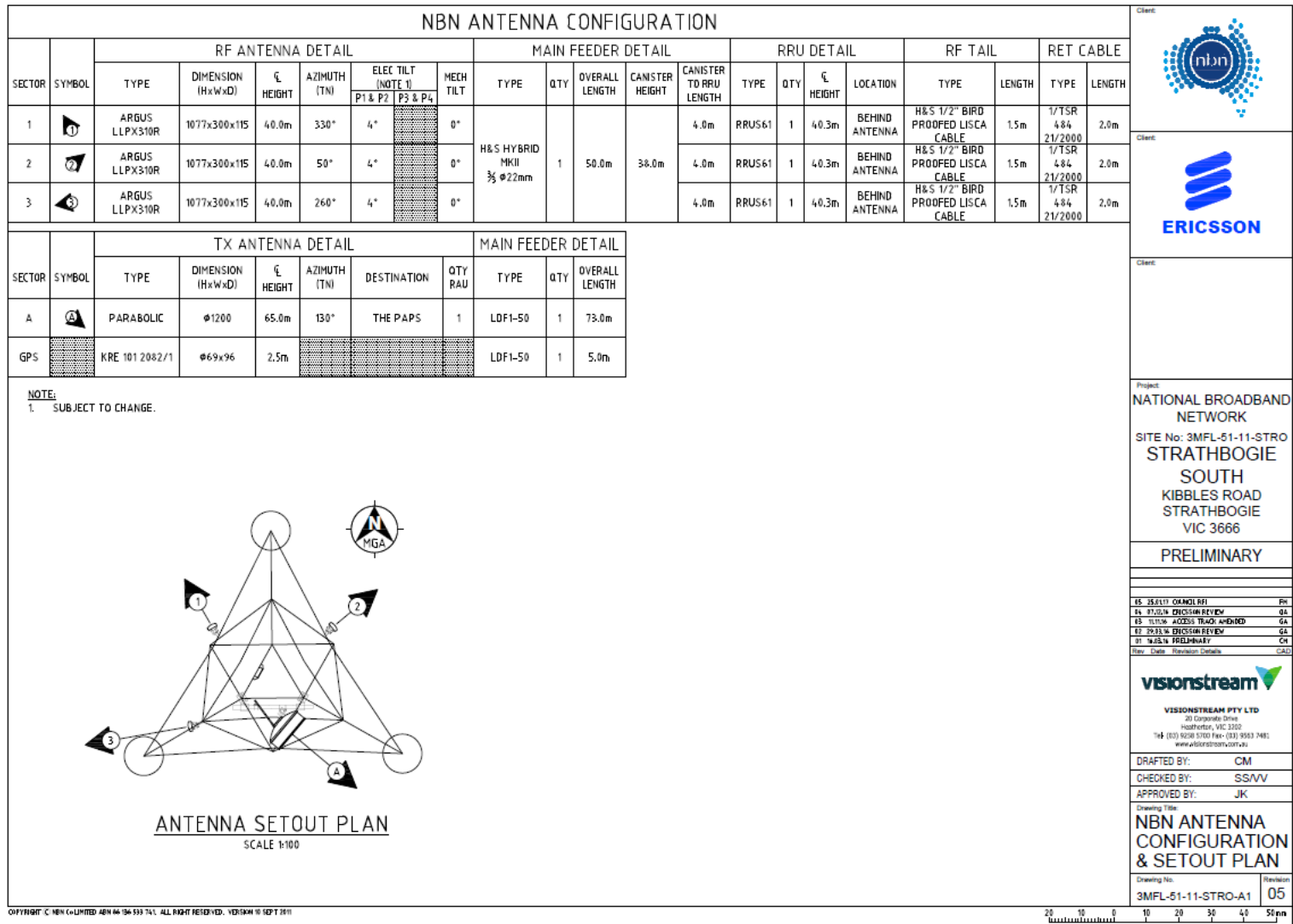






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Client: nbn, Ericsson, Visionstream Pty Ltd  
 Project: NATIONAL BROADBAND NETWORK  
 SITE No: 3MFL-51-11-STRO  
 STRATHBOGIE SOUTH  
 KIBBLES ROAD  
 STRATHBOGIE  
 VIC 3666  
 PRELIMINARY  
 05 25.01.17 ORANGE RFI PH  
 04 17.02.16 ERICSSON REVIEW GA  
 03 16.10.16 ACCESS TRAIL AMENDED GA  
 02 29.03.16 ERICSSON REVIEW GA  
 01 16.05.16 PRELIMINARY CH  
 Rev Date Revision Details CHKD  
 VISIONSTREAM  
 VISIONSTREAM PTY LTD  
 20 Corporate Drive  
 Moorabbin, VIC 3169  
 Tel: (03) 9538 5700 Fax: (03) 9533 7481  
 www.visionstream.com.au  
 DRAFTED BY: CM  
 CHECKED BY: SSW  
 APPROVED BY: JK  
 Drawing Title:  
 SITE SET BACK PLAN  
 Drawing No: 3MFL-51-11-STRO-C6  
 Revision: 05



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**PLANNING COMMITTEE REPORT NO. 2 (DIRECTOR, SUSTAINABLE DEVELOPMENT - PHIL HOWARD)**

**7. OTHER BUSINESS**

**4.45 p.m.**

***Cr Thomson returned to the meeting.***

**7.1 Planning Applications Received  
- 7 to 21 June 2017**

Following are listings of Planning Applications Received for the period 7 to 21 June 2017.

**RECOMMENDATION**

**That the report be noted.**

**21/17 CRS McCLAREN/SWAN : *That the Recommendation be adopted.***

**CARRIED**

***THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.46 P.M.***

Confirmed as being a true and accurate record of the Meeting

.....  
Chair

.....  
Date

## Planning Applications Received

Wednesday, 7 June 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
63 Gilliland Road, Euroa VIC 3666	P2017-053	Development of land for an extension to a dwelling	DOWNIE, Michael John	\$225,000.00

Tuesday, 13 June 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
39 Osickas Lane, Graytown VIC 3608	P2017-054	Development of land to extend a farm shed	Simon Osicka	\$14,000.00

Wednesday, 14 June 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
187 Goulburn Weir Road, Goulburn Weir VIC 3608	P2017-056	Two (2) lot subdivision	Graeme Schneider - Monger & Tomkinson	\$0.00 *

Thursday, 15 June 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
846 Tarcombe Road, Avenel VIC 3664	P2017-055	Proposed partial demolition and extension to a dwelling	Brendan Mellington	\$50,000.00

Friday, 16 June 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
38 McLeod Street, Kirwans Bridge VIC 3608	P2017-057	Upgrade a pathway and replace an existing jetty with a pontoon	Ann Dennis	\$12,500.00

Wednesday, 21 June 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
240 Goulburn Weir Road, Goulburn Weir VIC 3608	P2017-058	Development of land for a shed	Clare Hogan	\$28,935.00

\*NB – '\$0.00 in Cost of Works means either no development, endorsement of plans or amendment to the original permit

<b>Example Legend</b>	<b>Description</b>
P2014-001	Planning permit application
P2014-001-1	Proposed amendment to a planning permit