

Minutes

Special Meeting of Council

Tallangatta Council Office

Tuesday 21 January 2014

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**MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD AT TOWONG SHIRE COUNCIL,
TALLANGATTA OFFICE ON TUESDAY 21 JANUARY 2014 COMMENCING AT 10.00 AM.**

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1 Opening Prayer

"Almighty God, we ask that you be present at this meeting to assist us in our service to the Community through Local Government.

We pray that our decisions will be wise and taken with goodwill and clear conscience.

Amen."

2 Councillor and Officer presence at the meeting

Present: Cr Fraser OAM, Crs Wortmann, Joyce and Scales

| In Attendance: | Title: |
|-----------------------|-------------------------------------------|
| J Phelps | Chief Executive Officer |
| J Shannon | Director Community and Corporate Services |
| J Heritage | Director Technical Services |
| S Hollis | Manager Planning |
| D Snaith | Executive Assistant |
| B Proctor | Planning Officer |

3 Apologies and granting of leave of absence

Cr Gadd

Cr Wortmann entered the Council Chamber at 10.02 am.

D Snaith entered the Council Chamber at 10.03 am.

4 Declaration of pecuniary interest and/or conflict

For the purpose of this section, Councillors must disclose the nature of the conflict of interest in accordance with s79(2) of the Local Government Act.

Nil.

5 Petitions, joint letters and declarations

Nil.

6 Land-use planning

6.1 Fixed wireless broadband facility (210400, 2013/074-MP)

Disclosure of Interests (S.80C):

This report was prepared by Mr Simon Hollis, Manager Planning.

At the time of preparation of the report the officer preparing the report did not have a direct or indirect interest in any matter to which the report or advice relates.

| | |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| File No: | 210400, 2013/074 |
| Proposal: | Fixed wireless broadband facility comprised of the following: <ul style="list-style-type: none">▪ 20m high monopole with circular headframe;▪ 3 x 1180H NBN panel antennas;▪ 3 x 500H remote radio units mounted below antenna;▪ 1 x parabolic antenna;▪ 60m² compound at ground level |
| Property: | Lot A, Plan of Subdivision 432395N (Hillcrest Avenue, Bellbridge) |
| Applicant: | Aurecon for Ericsson |
| Zoning: | Rural Activity Zone (RAZ) |
| Overlays: | Significant Landscape Overlay – Schedule 1 (SLO1) Development Plan Overlay – Schedule 2 (DPO2) |
| Permit Trigger: | Clause 52.19 of the Towong Planning Scheme |

DESCRIPTION OF PROPOSAL

The application seeks to install a new fixed wireless broadband facility at Bellbridge comprised of the following:

- 20m high monopole with circular headframe;
- 3 x 1180H NBN panel antennas;
- 3 x 500H remote radio units mounted below antenna;
- 1 x parabolic antenna;
- 60m² NBN compound at ground level; and

Ancillary equipment associated with operation of facility, including two (2) equipment cabinets, cable trays, cabling, bird proofing, earthing, and electrical works will also be installed.

The proposed facility is intended to provide NBN Co fixed wireless broadband coverage to the Bellbridge region. Plans of the proposed facility are shown at Appendix 1.

SITE DESCRIPTION

The site proposed for the proposed telecommunications facility is on rural land adjacent to the North East Water utility property at Hillcrest Drive, Bellbridge. The land is formally described as Lot A on Plan of Subdivision 432395N (Volume 09216 Folio 954) and is an irregular shaped 26 hectare land parcel located generally to the east and north of Bellbridge.



Figure 1: Proposed location

The property, including the nearby North East Water tanks, is accessed via an existing gravel track connecting with Hillcrest Avenue.

The site is zoned Rural Activity Zone (RAZ) and is affected by a Significant Landscape Overlay – Schedule 1 (SLO1) and Development Plan Overlay – Schedule 2 (DPO2).

The nominated site directly abuts land within the Township Zone (TZ) to the north and rural land to the east and south beyond the water tank utility site. The surrounding land is characterised by steeply sloping terrain, with the land to the east rising by an additional 90 metres (approximately) from the subject site to the crest of the nearby ridgeline.

The land falls to the west of the site down toward Bellbridge and the Lake Hume full supply level. Land further west is located within the Township Zone (TZ) and has been subdivided for residential development. The nearest dwelling within the

Township Zone (TZ) is located within Spy Court, approximately 75 metres to the west of the nominated site.

According to the permit applicant, the reasons for selecting this site are that the:

- proposed site has been particularly targeted to provide the optimal required quality of service as required by NBN Co across the Bellbridge target area;
- proposed facility is located outside of the Bellbridge urban area.
- the proposed facility is to be clustered with nearby existing utilities infrastructure, being the two existing water storage tanks a short distance to the south.
- site provides sufficient spatial separation from sensitive land uses with the nearest dwellings located approximately 75 metres from the proposed site; and
- The surrounding landscape will provide a backdrop to the facility which will substantially reduce the visual impact of the site.

HISTORY AND COMMUNITY CONSULTATION:

NBN Co and Aurecon held a pre-application community drop-in session on Thursday 2 May 2013 at the Berringa Community Centre. A total of 22 people signed the attendance register for the information session. According to the permit applicant, they received largely positive feedback about the proposal at the session. The applicant claims that a total of 22 feedback forms were completed, with 70 per cent of respondents expressing support for the proposal. The main topics of discussion at the session covered the following:

- Extent of coverage in Bellbridge and surrounds.
- Why the preferred site has been chosen.
- When the proposed service will be provided.
- How it would appear – photomontages were provided at the session.
- Likely internet speeds to be offered by the service.
- Electromagnetic emissions and potential health effects.

On 6 June 2013, planning application 2013/042 was lodged for a telecommunications facility within the Municipal Reserve approximately 50m south of the current proposed site. This application was subsequently withdrawn on 17 July 2013 because of issues relating to the ownership status of the Reserve.

The current application was lodged on 27 September 2013 and upon receipt of the planning application, adjoining and nearby land owners were notified about the application pursuant to Section 52 of the Planning and Environment Act. Direct notification was given to every property owner and occupier in Bellbridge and a notice appeared in the Border Mail on 5 October 2013.

Six individual objections to the application have been received by Council (Appendix 2). Main themes within the objections include:

- The proposed infrastructure will not improve internet service and is a waste of money;
- Visual impact;
- Electro-magnetic emissions;
- Decreased property values; and
- Health and safety concerns.

The matter was considered at the 3 December 2013 meeting of Council where it was decided that a decision on the matter would be held in abeyance to enable an on-site meeting between all parties. The on-site meeting took place on 11 December 2013 and provided a forum for each party to discuss the matter with Councillors and Council staff.

REFERRALS

Whilst Goulburn Murray Water (GMW) are a statutory referral authority, the referral was not required in this instance because the area is considered to be a 'low risk' area pursuant to the GMW-Towong Shire Council planning referral Memorandum of Understanding. Standard GMW conditions are to be imposed on the permit.

Section 52 notification was given to North East Water and they have not objected to the granting of the permit.

TOWONG PLANNING SCHEME REQUIREMENTS

State Planning Policy Framework:

Clause 19.03-4 of the Towong Planning Scheme is specific to 'Telecommunications' and states the policy intentions in relation to such developments. The specific objective for telecommunications is to facilitate the orderly development, extension and maintenance of telecommunication infrastructure.

Clause 19.03 lists a number of strategies on how this objective can be implemented. In particular it is stated that a planning scheme should not prohibit the *use* of land for a telecommunications facility in any zone.

Generally the clause seeks to recognise that telecommunications is an essential aspect of all modern life, to ensure no adverse impacts upon the environment relating from telecommunications facilities and to reflect the implications of the Commonwealth and State legislation specific to telecommunications facilities.

Local Planning Policy Framework:

The Local Planning Policy Framework includes Council's *Municipal Strategic Statement (MSS)* and is a relevant consideration in determining any permit application.

Council's Vision at Clause 21.03 sees opportunities for economic growth within the Shire and that this needs to be balanced with challenges of environmental enhancement and sustainable development.

Clause 21.07 'Economy' identifies infrastructure and telecommunication deficiencies in the Shire as a key issue (Clause 21.07-2), and aims to improve access to services and infrastructure in townships to maintain a stable population base and skilled labour force.

The public infrastructure provided by the facility will facilitate high speed fixed wireless broadband coverage for the Bellbridge area and surrounds, benefiting the community as a whole and in this regard would be considered to be consistent with the objectives of the Towong Planning Scheme Municipal Strategic Statement, particularly in relation to the provision of services and infrastructure. The proposal directly implements the strategic outcome desired by Clause 21.07 of the Towong Planning Scheme.

There are no specific local policies relevant to the assessment of this application.

Rural Activity Zone – (RAZ)

The site is located within the Rural Activity Zone (RAZ) pursuant to Clause 35.08 of the Towong Planning Scheme. The purpose of this zone, inter alia, is to:

- Provide for other uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area;
- Ensure that use and development does not adversely affect surrounding land uses;
- Provide for the use and development of land for the specific purposes identified in a schedule to this zone;
- Protect and enhance natural resources and the biodiversity of the area; and
- Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Pursuant to Clause 35.08-1 of the Towong Planning Scheme, a telecommunications facility is a 'Section 1' use (permit not required).

Telecommunications facility is covered by reference in the 'Section 1' RAZ use table to any use listed in Clause 62.01. Clause 62.01 relates to any use not requiring a

permit, and includes the use of land for a Telecommunications facility if the associated buildings and works meet the requirements of Clause 52.19.

In this instance, as the proposed NBN Co facility at Bellbridge is not classified as a 'low impact facility' under the Telecommunications (Low Impact) Facilities Determination 1997, it does not satisfy the exemption provided by Clause 62.01 of the Towong Planning Scheme and accordingly a permit is required for buildings and works associated with the proposed facility under the Rural Activity Zone (RAZ).

Pursuant to the Decision Guidelines of the Rural Activity Zone at Clause 35.08-5, the responsible authority must consider a range of issues included in the general, agricultural, dwelling, environmental and design and siting categories listed.

In response to relevant heads of consideration within the RAZ, it is considered that:

- The proposal meets the relevant State Planning Policy Framework and Local Planning Policy Framework;
- It is considered compatible with adjoining and nearby land uses;
- Improved telecommunications infrastructure will be of benefit to the community and the small area of land to be used will not impact any possible agricultural qualities of the land; and
- There will be no impacts on flora and fauna or soil or water quality, and there will be limited landscape impacts.

1. Overlays

The site is subject to the following planning overlays:

Clause 42.03 - Significant Landscape Overlay - Schedule 1 (SLO1)

The Purpose of the Significant Landscape Overlay is:

- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

A planning permit is required for buildings and works pursuant to Clause 42.03.

The statement of nature and key elements of landscape with regard to SLO1 (Lake Hume and Environs) notes the following:

Lake Hume is an important environmental and recreational resource that provides considerable economic, social and cultural benefits to both local and downstream communities. Lake Hume and its tributaries contain many important landscape features. There are several landscapes within the environs of Lake Hume that are classified by the National Trust. These include:

- *Bethanga lookout.*
- *Wodonga-Cudgewa railway line.*

○ *Mitta Mitta Valley.*

The use and development of land around the Lake can have an impact on the way the area is perceived and enjoyed by the visitors who use the Lake and also by residents who seek out this environment for the lifestyle and amenity it provides. It is intended to protect the scenic and environmental values of the Lake Hume and its environs in order to preserve the values that attract people to live and recreate in this attractive part of the Shire.

Landscape character objectives to be achieved which are relevant to this application include:

- To ensure that development is sited and designed so as to minimise the visual impact from an aesthetic and landscape impact perspective.
- To protect the Lake and the surrounding landscapes from visual intrusion from obtrusive development that may spoil the landscape attributes.
- To maintain, protect and enhance the character and diversity of Lake Hume landscapes including sites of remnant vegetation and sites of environmental significance.
- To encourage land development that does not degrade environmental values.
- To prevent land use and development from degrading water quality and polluting Lake Hume.

It is considered that the location of the proposed facility has given due consideration to the purpose and objectives as detailed in the Significant Landscape Overlay Schedule 1. The main visual impact of the facility will be on those properties in far eastern part of the town, particularly in the Allan Crescent, Elizabeth Crescent and Spy Court areas. Despite this, the proposal has been sited in such a way that it will not significantly impact on the primary view shed of these and other town residents which is essentially towards Lake Hume and Bethanga Bridge. The location of the facility will be on a slightly sloping and cleared piece of land which will have the adjoining hill as a backdrop to the east which will assist in camouflaging the facility when viewed from land further west within and around the Bellbridge township. The facility will sit below the ridgeline of the adjoining hill and will therefore not be as prominent if placed on a hill top location. By siting the facility to the east of the Bellbridge with a significant hillside as a backdrop, it will not be prominent within the context of the main views from private dwellings within Bellbridge towards Lake Hume or from key parts of the public realm.

Clause 43.04 – Development Plan Overlay - Schedule 2 (DPO2)

This overlay is not relevant to the proposal as it relates to subdivision of land.

2. Particular Provisions

Clause 52.19 of the Planning Scheme provides for development and use of all land for the purpose of telecommunications facilities. The clause is applicable for construction of, or carrying out works associated with a telecommunications facility as permitted under the Telecommunications Act 1997 and other legislation.

The stated purpose of Clause 52.19 is generally to ensure infrastructure and services are provided in an efficient, cost effective and orderly manner throughout the state and with minimal impact upon the environment.

The principles contained within the Telecommunications Facilities 'A Code of Practice for Telecommunications Facilities in Victoria' specifically relate to the issues of design, siting, construction and operation of telecommunications facilities. These principles are the basis for the content of any design response, as specified with Clause 52.19 of the Planning Scheme.

Principle 1: A Telecommunications Facility should be sited to minimise visual impact

To minimise the visual impact of the facility, NBN Co have elected to use a monopole structure and have sited the facility near existing 'service and utility' infrastructure adjacent to the Public Use Zone (PUZ1). The facility will be located away from existing residential and other sensitive land uses, whilst at the same time being close enough to achieve the required quality of service. Siting the facility on elevated land behind the township will serve to protect the significant view shed of town residents which is towards the lake, the elevated terrain to the east provides a backdrop for the facility which will assist the monopole to blend in with the surrounding landscape.

The Victorian Civil and Administrative Tribunal (VCAT) has decided on previous occasions that such facilities will inevitably be seen due to their height and the function they serve. The main issue is to strike an appropriate balance between any visual impacts and the overall community benefits from modern communications infrastructure. As such, the proposed new facility will have minimal visual impact on the existing landscape setting as seen by local residents, people passing through the area and those within the public realm.

Principle 2: A Telecommunications Facility should be colocated wherever practical.

According to the applicant, NBN Co investigates all possible co-location opportunities when selecting a site. They claim that there are no suitable co-location opportunities within the required search area and that a new structure is required to

be constructed to provide coverage at the required quality of service for the NBN fixed wireless broadband technology.

Principle 3: Health standards for exposure to radio emissions will be met

In relation to public safety, specifically Electromagnetic Emissions (EME) and public health, NBN Co operates within the operational standards set by the Australian Communication and Media Authority (ACMA) and Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA is a Federal Government agency incorporated under the Health and Ageing portfolio and is charged with the responsibility for protecting the health and safety of both people and the environment from the harmful effects of radiation (ionising and non-ionising).

The permit applicant has indicated that 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, ARPANSA, May 2002*.

An EME report has been produced for the facility and demonstrates compliance with this Standard. The report shows that the maximum predicted EME will equate to 0.16% of the maximum exposure limit. This is substantially less than 1% of the maximum allowable exposure limit (where 100% of the limit is still considered to be safe).

Principle 4: Disturbance and risk relating to siting and construction should be minimised. Construction activity and site location should comply with State environmental protection policies and best practice environmental management guidelines.

The area nearby the site already comprises a modified environment being the location of existing water tanks and associated access track with open pasture. Any further disturbance to the existing property will be discrete and limited to the compound area, access track and the underground power route to the nearest electrical power source.

The construction area and overall compound area of the facility will have minimal disturbance to the environmental values of the site. The installation of the proposed facility can be undertaken at any time without affecting the use of the site or the surrounding area due to the accessibility of the site. Construction of the facility is unlikely to cause any disruption to adjoining properties or public access areas.

Clause 65.01 – Decision Guidelines

Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the Decision Guidelines of this clause.

Any listed matters previously dealt with in this report are not repeated in detail and should be taken as read. 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:

(a) The Towong Planning Scheme

This report addresses the relevant requirements under the Towong Planning Scheme.

(b) The objectives of planning in Victoria

This proposal is in accordance with the relevant planning scheme provisions and planning law is considered consistent with the objective of provision of fair orderly, economic and sustainable use of land and other relevant objectives as set out in the Planning and Environment Act 1987.

(c) All objections and other submissions which have been received and which have not been withdrawn

The application has received six individual objections which have been considered in this report.

(d) Any decision and comments of a referral authority which it has received

Section 55 referral – standard Goulburn Murray Water conditions are to be included on the permit pursuant to the GMW-Towong Shire Council referral Memorandum of Understanding.

Section 52 notification – North East Water have not objected to the granting of the permit.

(e) The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies:

This report addresses the relevant requirements under the Towong Planning Scheme *State Planning Policy Framework (SPPF)* and the *Local Planning Policy Framework (LPPF)*. The proposal is considered to be consistent with both the *SPPF* and *LPPF*.

(f) The purpose of and any matter required to be considered by the zone, overlay or other provision:

This report addresses the relevant requirements under the Rural Activity Zone (RAZ) and Significant Landscape Overlay (SLO1). The proposal is considered to be consistent with both the RAZ and SLO1.

(g) The orderly planning of the area:

The proposed facility provides an appropriate balance between development impacts and the overall community benefits and represents orderly planning of the area.

(h) The effect on the amenity of the area:

The effect on the amenity of the area, both in terms of visual impact and emissions has been addressed by this report.

(i) The proximity of the land to any public land:

The subject land is adjacent to land occupied by North East Water, and they have not objected to the application.

(j) Factors likely to cause or contribute to land degradation, salinity or reduce water quality:

The development is unlikely to degrade the land, contribute to salinity or reduce water quality.

(k) Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site:

The proposal will not significantly change stormwater discharges.

(l) The extent and character of native vegetation and the likelihood of its destruction:

The land has previously been cleared and developed. No native vegetation is proposed to be removed or destroyed.

(m) Whether native vegetation is to be or can be protected, planted or allowed to regenerate:

No native vegetation is to be removed

(n) 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 minimise any such hazard.

There are no overlays over the land indicating a fire or flood hazard and erosion control measures can be implemented during the construction phase.

CONSIDERATION OF OBJECTIONS

Six written objections have been received (Appendix 2). The following officer comments are provided in response to the main themes outlined in the objection.

Infrastructure will not improve internet service:

This is not a consideration when assessing the planning application.

Adverse visual impact:

The proposed new facility will have limited visual impact on the existing landscape setting as seen by most residents of Bellbridge and people passing through the area. The greatest impact will be on properties in Spy Court, however the development will have limited visibility from within the key view shed of these and other town residents and will not impact the significant landscapes associated with the Lake Hume environs. The most important view shed for Bellbridge residents is towards Lake Hume, Bethanga Bridge and the dam wall and the proposed development will not compromise this view. The permit can also be conditioned to mitigate visual impacts.

Electro Magnetic emissions and health concerns

The applicant has advised that in relation to public safety, specifically Electromagnetic Emissions (EME) and public health, the facility will operate within the operational standards set by the Australian Communication and Media Authority (ACMA) and Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The applicant has also indicated that 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, ARPANSA, May 2002* and have provided an EME report which demonstrates compliance with this Standard.

The facility is required to meet the relevant *Australian Standard* in relation to electro-magnetic radiation and therefore health reasons cannot be used as a reason to refuse the application. This approach has been adopted by the Victorian Civil and Administrative Tribunal (VCAT).

Decreased property values

This is not a consideration when assessing the planning application.

In addition to these main themes, there has been some discussion about identifying possible alternative sites for the proposed facility. Whilst there may be alternative sites for the facility, the key question is whether this particular site is suitable for the proposed facility and any arguments around whether there is a more appropriate site cannot be considered in the decision making process.

CONCLUSION:

The application has been assessed and the recommendations in this report have been based on:

- Appropriate planning law;
- Provisions of the Towong Planning Scheme;
- The submissions made by the applicant in support of the proposal;
- The submissions made in objection to the proposal; and
- A site inspection;

The officer is satisfied that the substantive requirements of the SPPF AND LPPF, MSS, Rural Activity Zone, Particular and General Provisions and the Decision Guidelines of Clause 65 of the Towong Planning Scheme are met and that this determination presents a considered review of the relevant issues.

In addition to satisfying the planning scheme requirements, the proposed facility will yield benefits for local residents and businesses within the area and the broader public interest would be served by approval of the proposal.

CR JOYCE
CR WORTMANN

THAT COUNCIL HAVING CAUSED NOTICE OF PLANNING APPLICATION NO. 2013/074 TO BE GIVEN UNDER SECTION 52 OF THE PLANNING AND ENVIRONMENT ACT 1987 AND HAVING CONSIDERED ALL THE MATTERS REQUIRED UNDER SECTION 60 OF THE PLANNING AND ENVIRONMENT ACT 1987 DECIDES TO ISSUE A NOTICE OF DECISION TO GRANT A PERMIT UNDER THE RELEVANT PROVISIONS OF THE TOWONG PLANNING SCHEME IN RESPECT TO THE LAND KNOWN AND DESCRIBED AS LOT A PS432395N, FOR BUILDINGS AND WORKS ASSOCIATED WITH

A TELECOMMUNICATIONS FACILITY COMPRISING A 20M MONOPOLE WITH ASSOCIATED ANTENNAS AND EQUIPMENT CABINET, SUBJECT TO THE FOLLOWING CONDITIONS:

ENDORSED PLANS

1. THE PROPOSAL IS TO BE CARRIED OUT IN ACCORDANCE WITH THE APPROVED PLANS AND INFORMATION ACCOMPANYING THE APPLICATION. THESE PLANS AND DETAILS ARE NOT TO BE ALTERED EXCEPT WITH THE PRIOR WRITTEN CONSENT OF COUNCIL.

ROOFING AND CLADDING

2. THE EXTERNAL FINISHES OF THE MONOPOLE AND ASSOCIATED BUILDINGS AND STRUCTURES, INCLUDING FENCES, MUST BE IN NON-REFLECTIVE NEUTRAL "EARTHY" TONES AND COLOURS TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

LANDSCAPING

3. A PLANTED LANDSCAPE SCREEN MUST BE ESTABLISHED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY AROUND THE PERIMETER OF THE APPROVED COMPOUND AREA. THE LANDSCAPING MUST BE MAINTAINED FOR THE LIFE OF THE APPROVED DEVELOPMENT.

MONITORING OF ELECTRO-MAGNETIC EMISSIONS

4. PRE AND POST DEVELOPMENT MONITORING OF ELECTRO-MAGNETIC EMISSIONS MUST OCCUR TO ENSURE THAT THE FACILITY IS OPERATING WITHIN THE OPERATIONAL STANDARDS CONTAINED WITHIN THE RELEVANT *RADIATION PROTECTION STANDARD*. ANY NON-COMPLIANCE WITH THIS STANDARD MUST BE REPORTED TO THE AUSTRALIAN RADIATION PROTECTION AND NUCLEAR SAFETY AGENCY (ARPANSA).

SEDIMENT CONTROL

5. CONSTRUCTION WORKS MUST FOLLOW SEDIMENT CONTROL PRINCIPLES OUTLINED IN THE DOCUMENT *CONSTRUCTION TECHNIQUES FOR SEDIMENT POLLUTION CONTROL* (EPA 1991).

PERMIT EXPIRY

6. 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, OR
 - (B) THE DEVELOPMENT IS NOT COMPLETED WITHIN TWO (2) YEAR OF THE DATE OF COMMENCEMENT.

COUNCIL MAY EXTEND THE PERIODS REFERRED TO IF A REQUEST IS MADE IN WRITING BEFORE THE PERIOD EXPIRES OR WITHIN THREE (3) MONTHS OF THE DATE OF EXPIRY.

**THE VOTE WAS TIED AND THE MAYOR USED HER CASTING VOTE.
THE MOTION WAS LOST**

**CR FRASER
CR SCALES**

THAT COUNCIL HAVING CAUSED NOTICE OF PLANNING APPLICATION NO. 2013/074 TO BE GIVEN UNDER SECTION 52 OF THE PLANNING AND ENVIRONMENT ACT 1987 AND HAVING CONSIDERED ALL THE MATTERS REQUIRED UNDER SECTION 60 OF THE PLANNING AND ENVIRONMENT ACT 1987 DECIDES TO REFUSE TO GRANT A PERMIT UNDER THE RELEVANT PROVISIONS OF THE TOWONG PLANNING SCHEME IN RESPECT TO THE LAND KNOWN AND DESCRIBED AS LOT A PS432395N, FOR BUILDINGS AND WORKS ASSOCIATED WITH A TELECOMMUNICATIONS FACILITY COMPRISING A 20M MONOPOLE WITH ASSOCIATED ANTENNAS AND EQUIPMENT CABINET FOR THE FOLLOWING REASON:

- 1. THE PROPOSAL IS INCONSISTENT WITH THE REQUIREMENTS OF THE CLAUSE 42.03 OF THE TOWONG PLANNING SCHEME (SIGNIFICANT LANDSCAPE OVERLAY SCHEDULE 1) BECAUSE VISUAL INTRUSION FROM THE PROPOSED DEVELOPMENT WILL COMPROMISE THE IDENTIFIED LANDSCAPE ATTRIBUTES DUE TO THE SITING, HEIGHT, AND APPEARANCE OF THE PROPOSED BUILDINGS AND WORKS BECAUSE WE INTEND FOR BELLBRIDGE TO GROW AS A SIGNIFICANT TOWN IN THE SHIRE AND THE LONG TERM IMPACT OF THIS FACILITY COULD BE SIGNIFICANT.**

**THE VOTE WAS TIED AND THE MAYOR USED HER CASTING VOTE.
THE MOTION WAS CARRIED.**

There being no further business the meeting closed at 10.30 am.

Cr M Fraser OAM

4 February 2014