



Minutes

Hearing of Submissions Committee
Tuesday, 1 August 2017

Held in the
Council Chambers
1 Merrijig Drive, Torquay
Commencing at 5.00pm

Council:

Cr Brian McKiterick (Mayor)
Cr David Bell
Cr Libby Coker
Cr Martin Duke
Cr Clive Goldsworthy
Cr Rose Hodge
Cr Carol McGregor
Cr Margot Smith
Cr Heather Wellington

MINUTES FOR THE HEARING OF SUBMISSIONS MEETING OF SURF COAST SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY
ON TUESDAY 1 AUGUST 2017 COMMENCING AT 5.00PM

PRESENT:

Cr Brian McKitterick (Mayor)
Cr Libby Coker
Cr Martin Duke
Cr Clive Goldsworthy
Cr Rose Hodge
Cr Carol McGregor
Cr Margot Smith
Cr Heather Wellington (via teleconference)

In Attendance:

Chief Executive Officer – Keith Baillie
General Manager Governance & Infrastructure – Anne Howard
General Manager Environment & Development – Ransce Salan
General Manager Culture & Community – Chris Pike
Manager Recreation & Open Space Planning – Shaan Briggs
Coordinator Strategic Planning – Karen Hose
Senior Strategic Planner – Barbara Noelker
Coordinator Statutory Planning – Michelle Watt

22 members of the public

APOLOGIES:

Cr David Bell
Cr Clive Goldsworthy

Committee Resolution

MOVED Cr Rose Hodge, Seconded Cr Carol McGregor

That an apology be received from Cr David Bell and Cr Clive Goldsworthy.

CARRIED 7:0

CONFLICTS OF INTEREST:

Nil.

SUBMITTERS HEARD :

1.1 Amendment C121 – Bells Hinterland Review

1. Julie Katz, APP Corporation (on behalf of P & V McNaughton)
2. Susan Schudmak
3. Andrew Schudmak
4. Cameron Gray, St Quetin (on behalf of P Neate)
5. David O'Brien

1.2 Planning Permit application 17/0106 – Telecommunications facility at 1435 Anglesea Road, Bellbrae

1. Peter Brighton (Supporter)
2. Geoff Winkler (Late Speaker)
3. Geoff Winkler (on behalf of David Picken) (Late speaker)
4. Geoff Winkler (on behalf of Pam Westendorf) (Late speaker)
5. Geoff Winkler (on behalf of Greg Plumridge) (Late speaker)
6. Geoff Winkler (on behalf of Margery and Trevor Smith) (Late speaker)
7. Phillip Pilgrim (Late speaker) (Late Objector)
8. Jean Ross (Late speaker) (Late Objector)
9. Noel Myers (Late speaker)
10. David Hughes, Matt Evans and Ben Carey (for Aurecon Group NBN – Applicants)

2.1 Proposal to License Council Land – 6 Great Ocean Road, Aireys Inlet (Anderson Roadknight Hall and Car Park) – Market

1. Jo Stevens (on behalf of Fay Valcanis)
2. David Jones
3. Sandi Chambers
4. Sue Reilly
5. Robert Skehan (Torquay Commerce and Tourism)
6. Libby Stapleton (Applicant)

BUSINESS:

1. **ENVIRONMENT & DEVELOPMENT**ERROR! BOOKMARK NOT DEFINED.
 - 1.1 *Amendment C121 - Bells Beach Hinterland Review* **Error! Bookmark not defined.**
 - 1.2 *Telecommunications Facility at 1435 Anglesea Road Bellbrae*..... **Error! Bookmark not defined.**
2. **CULTURE & COMMUNITY**ERROR! BOOKMARK NOT DEFINED.
 - 2.1 *Proposal to License Council Land - 6 Great Ocean Road, Aireys Inlet (Anderson Roadknight Hall and Car Park) - Market* **Error! Bookmark not defined.**

1. ENVIRONMENT & DEVELOPMENT

1.1 Amendment C121 - Bells Beach Hinterland Review

Author's Title: Senior Strategic Planner
Department: Planning & Development
Division: Environment & Development

General Manager: Ransce Salan
File No: F16/1611
Trim No: IC17/526

Appendix:

1. Order of Speakers (D17/83407)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

Yes

No

Reason: Nil

Status:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Reason: Nil

Purpose

The purpose of this report is to provide background to the Hearing of Submissions in relation to Amendment C121 - Bells Beach Hinterland Review.

Summary

Planning Scheme Amendment C121 seeks to strengthen policy and planning controls for the broader Bells Beach area. The amendment builds on the recommendations of the *Surf Coast Planning Scheme Review report 2014*, the *Bells Beach Taskforce report* and the *Bells Beach Surfing Recreation Reserve Coastal Management Plan*. The amendment implements the strategic land use directions of these reports by updating policy, zoning and overlays in the Surf Coast Planning Scheme to better recognise the importance of Bells Beach and its hinterland.

The amendment was publicly exhibited from 18 May 2017 to 19 June 2017. A total of 42 submissions were received, summarised as follows:

- Twenty five (25) supported the amendment, or supported stronger protection of Bells Beach and its hinterland. A number of these submissions felt the amendment was not strong enough and suggested further and more prescriptive changes to better protect the hinterland and viewshed. There was strong objection raised to any kind of tourist or commercial development in the area.
- Two (2) submissions were from referral authorities who either supported or did not object to the amendment.
- Eight (8) objected to the amendment on the grounds that the proposed changes are too onerous and unfairly restrictive to landowners.
- Three (3) objected to their property or part of their property being rezoned from Farming Zone to Rural Conservation Zone on the grounds that there is no strategic justification for the rezoning. It was argued that all land north of Bones Road is not within the Bells Beach hinterland.
- One (1) objected to their property being included within the Bells Beach viewshed and being subject to the Significant Landscape Overlay Schedule 1.
- Two (2) objected to the amendment where it impacted the Lorne hinterland and highlighted that this area should be subject to its own review and tourism activities encouraged.
- One (1) objected to local policy being applied to their site (noting that should amendment C96 be gazetted the submission will no longer be relevant).

The issues raised in the submissions will be considered in detail in a report to be presented to the 22 August 2017 Council meeting.

Recommendation

That Council receive and note all submissions to Amendment C121 – Bells Beach Hinterland Review.

Committee Resolution

MOVED Cr Margot Smith, Seconded Cr Libby Coker

That Council receive and note all submissions to Amendment C121 – Bells Beach Hinterland Review.

CARRIED 7:0

1.1 Amendment C121 - Bells Beach Hinterland Review

Report

Background

The *Surf Coast Planning Scheme Review 2014* included an analysis of the current controls covering the hinterland of Bells Beach. The review report confirmed opportunities to improve the recognition of Bells Beach through modifications to the Surf Coast Planning Scheme, including extending the controls beyond the currently mapped viewshed (covered by the Significant Landscape Overlay Schedule 1). The report was supported by Council in August 2014.

Since 2014, the Surf Coast Shire has completed a *Coastal Management Plan (CMP)* for the Bells Beach Surfing Recreation Reserve, developed with extensive community consultation. The plan includes a vision and key principles to govern management and protection of the reserve. The CMP includes support for the improved protection of the Bells Beach hinterland through the Surf Coast Planning Scheme, highlighted as being extremely important to the reserve.

Amendment C121 builds on the directions of the *Surf Coast Planning Scheme Review 2014*, the *Bell Beach Task Force report* and CMP and alters the Surf Coast Planning Scheme to better recognise Bells Beach and its hinterland in a land use planning context.

The amendment defines the Bells Beach hinterland as being all land visible when travelling to the reserve from Bones, Addiscott and Jarosite Road. It includes all land bounded by these roads and visible from the reserve itself, all carparks and viewing areas within the reserve and towards the southern end of Bells Boulevard. The amendment extends the currently identified viewshed and SLO1 to cover five additional properties in Jarosite and Bones Road.

The amendment also rezones 2 properties fronting onto Bones Road from Farming Zone to Rural Conservation Zone to reflect the inclusion of this land within the 'hinterland'. Both of these properties are located to the north of Bones Road and are the only properties within the hinterland not zoned Rural Conservation Zone at present. The rear of 2 properties is also to be rezoned to provide a consistent zoning across these sites.

Discussion

The amendment was publicly exhibited from 18 May 2017 to 19 June 2017. A total of 42 submissions were received, summarised as follows:

- Twenty five (25) supported the amendment, or supported stronger protection of Bells Beach and its hinterland. A number of these submissions felt the amendment was not strong enough and suggested further and more prescriptive changes to better protect the hinterland and viewshed. There was strong object raised to any kind of tourist or commercial development in the area.
- Two (2) submissions were from referral authorities who either supported or did not object to the amendment.
- Eight (8) objected to the amendment on the grounds that the proposed changes are too onerous and restrictive to landowners.
- Three (3) objected to their property being rezoned from Farming Zone to Rural Conservation Zone on the grounds that there is no strategic justification for the rezoning and all land north of Bones Road is not within the Bells Beach hinterland.
- One (1) objected to their property being included within the Bells Beach viewshed and being subject to the Significant Landscape Overlay Schedule 1.
- Two (2) objected to the amendment applying to the Lorne hinterland and highlighted that this area should be subject to its own review and tourism activities encouraged.
- One (1) objected to the local policy being applied to their site (noting that should amendment C96 be gazetted the submission will no longer be required).

Support for the amendment relates to the ongoing protection of the Bells Beach hinterland for its highly significant landscape and environmental values. Those supporting the amendment wish to see a prohibition on development, particularly tourist or commercial developments. A number of submitters highlighted the uncertainty produced by Clause 10 of the State Planning Policy Framework (SPPF) which seeks to find a balance between different objectives within the planning scheme. There is a belief that the natural environment should take precedence over all other factors in the Bells Beach hinterland. It was also highlighted that the 'Tourism Strategy' within the Local Planning Policy Framework (LPPF) needs clearer

1.1 Amendment C121 - Bells Beach Hinterland Review

direction in relation to tourist facilities in the hinterland i.e. that they will not be supported in the Bells Beach hinterland.

Referral authorities either supported or had no objection to the amendment.

Opponents to the amendment are generally concerned with the restrictive nature of the controls. A number of landowners expressed a view that the current controls are sufficient and have been protecting Bells for many years. There are families in the area that have lived or have had a connection to Bells Beach for many years or generations. They have an affinity with the area and wish to see it protected. These submitters outlined a fear that the revised controls would prevent them from making minor changes to their property due to their onerous and prescriptive nature.

Landowners currently zoned Farming and proposed to be rezoned to Rural Conservation Zone through the amendment submitted that land north of Bones Road should not be considered to be within the hinterland. This is based on the fact that the *Planning Scheme Review 2014* on which much of the amendment is based referred to the *Bells Beach area* as land west of the SLO boundary and covered by the RCZ. It is argued by submitters that because their properties are not currently zoned RCZ that they are not within the hinterland. These submissions do not support the amendments intention to include land north of Bones Road within the hinterland area.

One of these submitters objected to the rezoning of the rear of their property from Farming to RCZ on the grounds that it could impact on the future plans for their property. The cleared part of the site (away from Bones Road) is being actively grazed and used for stock breeding and they wish to continue and grow these practices. The Farming Zone is seen to be a more suitable zone for the vision they have for the northern part of their property (located next to and accessed from the Great Ocean Road).

Financial Implications

There are no costs to Council to hear and consider submissions. Sufficient funds are available within the project budget should the amendment proceed to an independent Panel

Council Plan

Theme 1 Environment

Objective 1.1 Preserve and enhance the natural environment

Strategy Nil

Theme 3 Communities

Objective 3.3 Preservation of peaceful, safe and healthy environments

Strategy Nil

Theme 5 Development and Growth

Objective 5.4 Transparent and responsive land use and strategic planning

Strategy 5.4.6 Maintain a clear rural-landscape separation between settlements to protect landscapes and environmental qualities.

Policy/Legal Implications

Ministerial Direction No. 15 (The Planning Scheme Amendment Process) requires a planning authority to request the appointment of a panel within 40 business days of the closing date for submissions, unless a panel is not required.

In accordance with Section 23 of the Planning and Environment Act 1987, after considering a submission that requests a change to the amendment Council must:

- (a) Modify the amendment in the manner requested; or
- (b) refer the submission to a panel appointed under Part 8; or
- (c) abandon the amendment or part of the amendment.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

There are no risks to Council associated with considering submissions.

1.1 Amendment C121 - Bells Beach Hinterland Review

Social Considerations

Submitters have raised the importance of protecting the environmental, landscape, surfing and cultural values of Bells Beach and its hinterland. Amendment C121 builds on the current planning scheme controls and seeks to provide more certainty in relation to protecting those values.

Community Engagement

The amendment was placed on public exhibition in accordance with the requirements of the *Planning and Environment Act 1987*. Notice was given by:

- sending notices to affected landowners
- placing notices in the Surf Coast Times and Government Gazette.

The amendment and supporting documents were available for viewing at the Council office, on Council's website and on the website of the Department of Environment, Land, Water and Planning.

Submitters will be given an opportunity to address Council's Hearing of Submissions Committee on 1 August 2017. Five submitters have indicated that they will present to the Committee.

Environmental Implications

Amendment C121 seeks to enhance the protection of significant vegetation and habitat within the coastal hinterland along the Great Ocean Road and Bells Beach.

Communication

All submitters have been invited to attend and present at the Hearing of Submissions conducted on 1 August 2017. Submitters will be advised of Council's decision on the Amendment following the 22 August 2017 Council meeting.

Conclusion

The submissions received in relation to Amendment C121 detail a number of matters that need to be considered and these are presented to Council via the Hearing of Submissions meeting.

1.1 Amendment C121 - Bells Beach Hinterland Review

APPENDIX 1 ORDER OF SPEAKERS



Hearing of Submissions
Tuesday 1 August 2017, 5pm
Council Chambers
1 Merrijig Drive, Torquay

ORDER OF SPEAKERS

ENVIRONMENT AND DEVELOPMENT

Amendment C121 – Bells Beach Hinterland Review

Item	Submitter
1.	Julie Katz, APP Corporation (on behalf of P & V McNaughton)
2.	Susan Schudmak
3.	Andrew Schudmak
4.	Cameron Gray, St Quentin (on behalf of P Neate)
5.	David O'Brien

1.2 Telecommunications Facility at 1435 Anglesea Road Bellbrae

Author's Title: Statutory Planner

General Manager: Ransce Salan

Department: Planning & Development

File No: 17/0106

Division: Environment & Development

Trim No: IC17/778

Appendix:

1. Order of Speakers (D17/83537)
2. Application Documents - 1435 Anglesea Road Bellbrae (D17/85575)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to hear submissions from the applicant and objectors in relation to planning permit application 17/0106 for 1435 Anglesea Road, Bellbrae.

Summary

An application has been received to use and develop a telecommunications facility in the form of a 45 metre high monopole tower mounted with dish and panel antennas (to a maximum height of 46 metres). It includes an equipment cabinet and compound. The tower is an element of the National Broadband Network for the provision of fixed wireless broadband to the Bellbrae area.

Sixty one submissions (as at 25 July 2017) in opposition to the grant of a permit have been received and one supporting submission. A key aspect of the submissions is whether the proposal will deliver appropriate coverage and service standard. Other matters are visual impact, health concerns and property devaluation.

Recommendation

That Council receive and note the submissions to Planning Permit 17/0106 for 1435 Anglesea Road Bellbrae.

Committee Resolution

MOVED Cr Margot Smith, Seconded Cr Rose Hodge

That Council receive and note the submissions to Planning Permit 17/0106 for 1435 Anglesea Road Bellbrae.

CARRIED 7:0

1.2 Telecommunications Facility at 1435 Anglesea Road Bellbrae

Report

Background

An application has been made by Aurecon Australia to use and develop part of 1435 Anglesea Road for the purpose of a telecommunications facility in the form of a 45 metre high tower for the delivery of fixed wireless broadband to the Bellbrae area as part of the National Broadband Network (NBN).

Discussion

1435 Anglesea Road is land zoned Farming to the north of the Bellbrae township. Under the zone a planning permit is required to use and develop a telecommunications tower. The tower will be located slightly below and south east of a low hill. The proposed tower has a height of 45 metres above ground; towards the top three parabolic antennas will be fixed to the side of the tower (lowest at 32 metres above ground) and an array of antennas at the top to a maximum height of 46 metres above ground.

Financial Implications

There are no direct financial impacts to Council for the processing of the application which occurs via operational budgets.

Council Plan

Theme	5 High Performing Council
Objective	5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed
Strategy	Nil

Policy/Legal Implications

The application has been assessed against relevant provisions of the Surf Coast Planning Scheme in accordance with the requirements of the *Planning & Environment Act 1987*.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

The merits of the proposal will be considered against the relevant provisions of the Surf Coast Planning Scheme and *Planning & Environment Act 1987*.

Social Considerations

The submissions received raise a number of matters which may be classed as social impacts including the visual impact of the development, health impacts and equitable access to internet services. These social impacts will be assessed in the context of relevant planning policies and decision guidelines.

Community Engagement

Public notice of the application has been carried out in accordance with the requirements of the *Planning & Environment Act 1987*. Sixty one objections have been received to the application. Most of these objections have submitted that the proposed tower will not deliver adequate coverage or internet service, particularly for the western area of Bellbrae. The other significant concern raised by many of the objections is the visual impact of the tower viewed from the public realm particularly Anglesea Road and Great Ocean Road and from private property. Additional concerns identified by a number of submitters are health impacts and property devaluation.

One submission of support has been received on the basis that internet coverage and service will be improved.

Environmental Implications

Environmental implications will be assessed in the context of relevant planning policies and decision guidelines.

Communication

The application was subject to Public notice. One supporting submitter is presenting to the Hearing of Submissions meeting.

Conclusion

The objections received detail a number of matters that must be considered by Council before deciding on planning permit application 17/0106.

1.2 Telecommunications Facility at 1435 Anglesea Road Bellbrae

APPENDIX 1 ORDER OF SPEAKERS



Hearing of Submissions
Tuesday 1 August 2017, 5pm
Council Chambers
1 Merrijig Drive, Torquay

LIST OF SPEAKERS

DEPARTMENT OF PLANNING AND DEVELOPMENT

17/0106 – 1435 Anglesea Road, Bellbrae

1. Andrew Mitchell (Objector)
2. Peter Brighton (Supporter)
3. David Hughes (for Aurecon Group – Applicant)
4. Matt Evans (for Aurecon Group – Applicant)

1.2 Telecommunications Facility at 1435 Anglesea Road Bellbrae

APPENDIX 2 APPLICATION DOCUMENTS - 1435 ANGLESEA ROAD BELLBRAE

		12.10.16	13.10.16	29.03.17
DATE OF ISSUE				
DRAWING PACKAGE VERSION		1	2	3
GENERAL				
3M00-51-01-BELR-T1	COVER SHEET	01	02	03
3M00-51-01-BELR-C1	SITE SPECIFIC NOTES	01	02	03
3M00-51-01-BELR-C2	OVERALL SITE PLAN	01	02	03
3M00-51-01-BELR-C3	SITE SETOUT PLAN	01	02	03
3M00-51-01-BELR-C4	SITE ELEVATION AND DETAILS	01	02	03
ELECTRICAL				
RF AND TX CONFIGURATIONS				
3M00-51-01-BELR-A1	NBN ANTENNA CONFIGURATION & SETOUT PLAN	01	02	03
STRUCTURAL				
CIVIL				
MONOPOLE				
LEASE				
DISTRIBUTION				
ERICSSON	JORDAN ZANDER	1	1	1
AURECON	LISA SHIELDS	1	1	1

SITE CODE: 3M00-51-01-BELR BELLBRAE

1435 ANGELSEA ROAD
BELLBRAE
VIC 3228

RFNSA No: 3228017

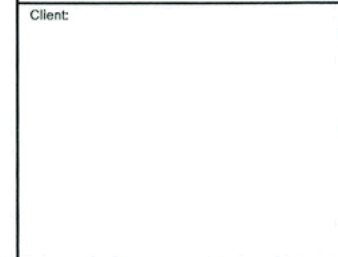


Australia's
broadband
network



PROJECT SUMMARY

PROPOSED NBN GREENFIELD 45m HIGH MONOPOLE WITH CIRCULAR HEADFRAME
PROPOSED NBN OUTDOOR CABINETS ON CONCRETE SLAB ON GROUND



Project:
NATIONAL BROADBAND NETWORK
SITE No: 3M00-51-01-BELR
BELLBRAE
1435 ANGELSEA ROAD
BELLBRAE
VIC 3228

PRELIMINARY

Rev	Date	Revision Details
03	29.03.17	TX TOPOLOGY RE-ROUTE AND ADD FIBRE RUN
02	13.10.16	PRELIMINARY ISSUE
01	12.10.16	PRELIMINARY ISSUE DRAFT



DESIGNER: KW
CHECKED: LS
APPROVED: GM

Drawing Title:
COVER SHEET

Drawing No. 3M00-51-01-BELR-T1
Revision 03

SITE INFORMATION:

1. SITE ADDRESS

1435 ANGELSEA ROAD, BELLBRAE VIC 3228

2. GENERAL

THE CONTRACTOR SHALL COMPLY WITH ALL RELEVANT NBN CONSTRUCTION STANDARDS, CURRENT AUSTRALIAN STANDARDS AND SPECIFICATIONS.

3. SITE ACCESS

2WD ACCESS OFF ANGLESEA ROAD VIA EXISTING ACCESS TRACK LEADING TO SITE LOCATION (APPROX. 535m).

4. EQUIPMENT

PROPOSED NEW NBN OUTDOOR CABINETS TO BE INSTALLED ON CONCRETE SLAB WITHIN NBN LEASE AREA.

5. STRUCTURE

PROPOSED NBN GREENFIELD 45m MONOPOLE WITH CIRCULAR HEADFRAME.

6. ANTENNA ACCESS

PROPOSED ANTENNA ACCESS USING ACCESS LADDER WITH LAD-SAF OR EWP, BY RIGGER 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 THIS SITE:

- OVERHEAD POWER LINE ALONG ACCESS TRACK.
- AGRICULTURAL HOLDING WITH LIVESTOCK.
- ELECTRIC FENCE WITHIN VICINITY.

9. ELECTRICAL SUPPLY




REFER TO DRAWINGS 3M00-51-01-BELR-C2, C3 FOR DETAILS.

10. TRANSMISSION LINK & RF CONFIGURATION

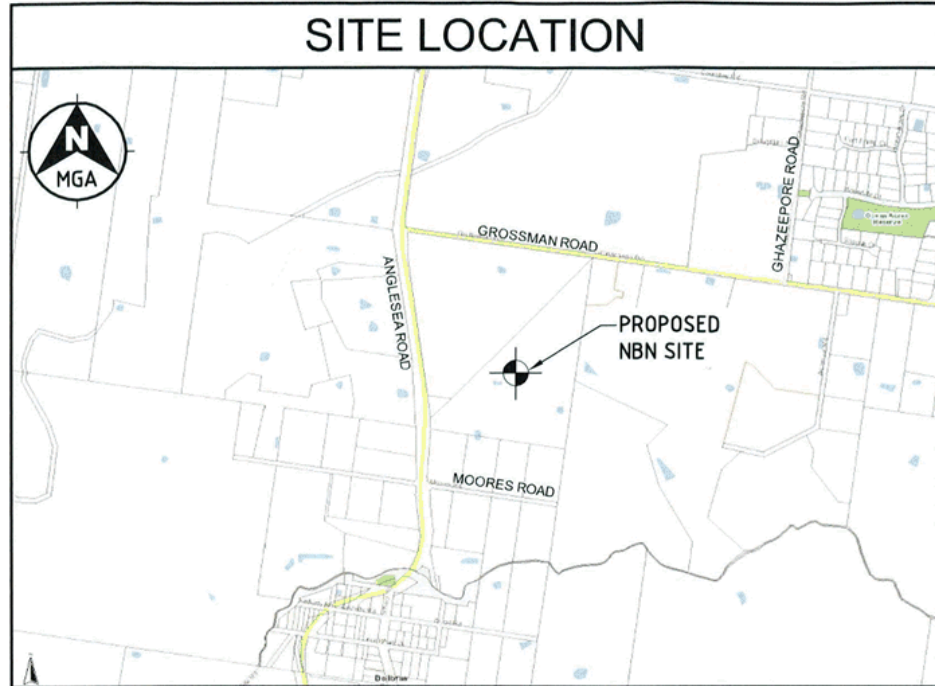
REFER TABLE ON DRAWING 3M00-51-01-BELR-A1 FOR DETAILS.

11. SITE SPECIFIC INFORMATION

- EXCAVATED MATERIAL TO BE STOCKPILED AT LAND OWNERS DIRECTION.
- OVERHEAD POWER LINE ALONG ACCESS TRACK.
- AGRICULTURAL HOLDING WITH LIVESTOCK.
- ELECTRIC FENCE WITHIN VICINITY.
- APPROX 4No TREES TO BE SIDE TRIMMED FOR CONSTRUCTION ACCESS, REFER TO DWG C1

Client: 												
Client: 												
Client: 												
Project: NATIONAL BROADBAND NETWORK SITE No: 3M00-51-01-BELR BELLBRAE 1435 ANGELSEA ROAD BELLBRAE VIC 3228												
PRELIMINARY												
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Rev	Date	Revision Details										
 <small>Aurecon Australia Pty Ltd ABN 54 005 139 873</small>												
DESIGNER: KW												
CHECKED: LS												
APPROVED: GM												
Drawing Title: SITE SPECIFIC NOTES												
Drawing No. 3M00-51-01-BELR-C1												
Revision 03												

SURF COAST SHIRE
4 APR 2017
PLANNING

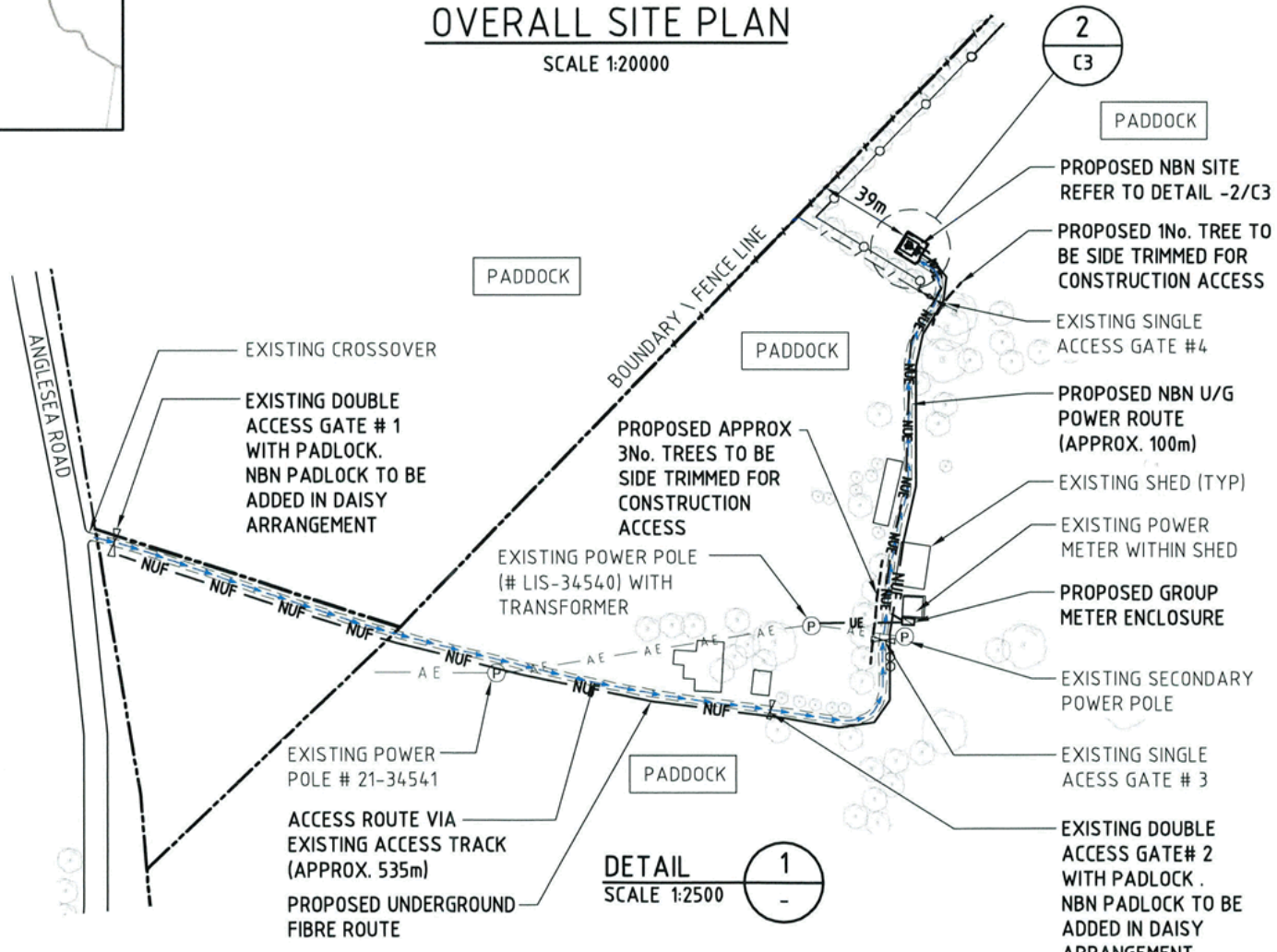
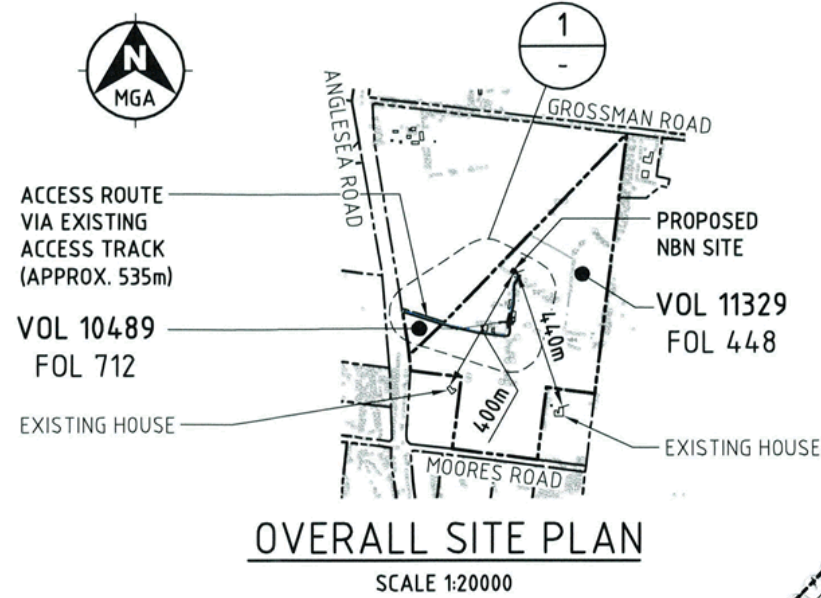


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SITE CO-ORDINATES	
MONOPOLE LOCATION	
DATUM: MGA (GDA94)	ZONE: 55
LATITUDE	-38.32076°
LONGITUDE	144.26881°
EASTING	261 236
NORTHING	5 755 065

LEGEND

- EXISTING ACCESS GATE
- EXISTING POWER POLE
- NBN UNDERGROUND FIBRE
- NBN UNDERGROUND ELECTRICAL ROUTE
- PROPERTY BOUNDARY
- EXISTING FENCE
- EXISTING ELECTRIC FENCE
- EXISTING OVERHEAD ELECTRICAL LINE



NOTES:

1. THE NBN CONSUMERS MAINS ROUTE SHOWN ON THE DRAWINGS IS INDICATIVE ONLY. ELECTRICAL CONTRACTOR TO DETERMINE EXACT ROUTE. ELECTRICAL CONTRACTOR TO LOCATE AND IDENTIFY EXISTING U/G SERVICES PRIOR TO COMMENCEMENT OF WORK.
2. THIS DRAWING IS DIAGRAMMATIC ONLY AND SHOULD NOT BE SCALED. ALL DIMENSIONS, COORDINATES AND LEVELS ARE APPROXIMATE ONLY AND SUBJECT TO CONFIRMATION BY SURVEY.



Client:
 SURF COAST SHIRE
 4 APR 2017
 PLANNING DEPARTMENT

Project:
 NATIONAL BROADBAND NETWORK
 SITE No: 3MOO-51-01-BELR
BELLBRAE
 1435 ANGELSEA ROAD
 BELLBRAE
 VIC 3228

PRELIMINARY

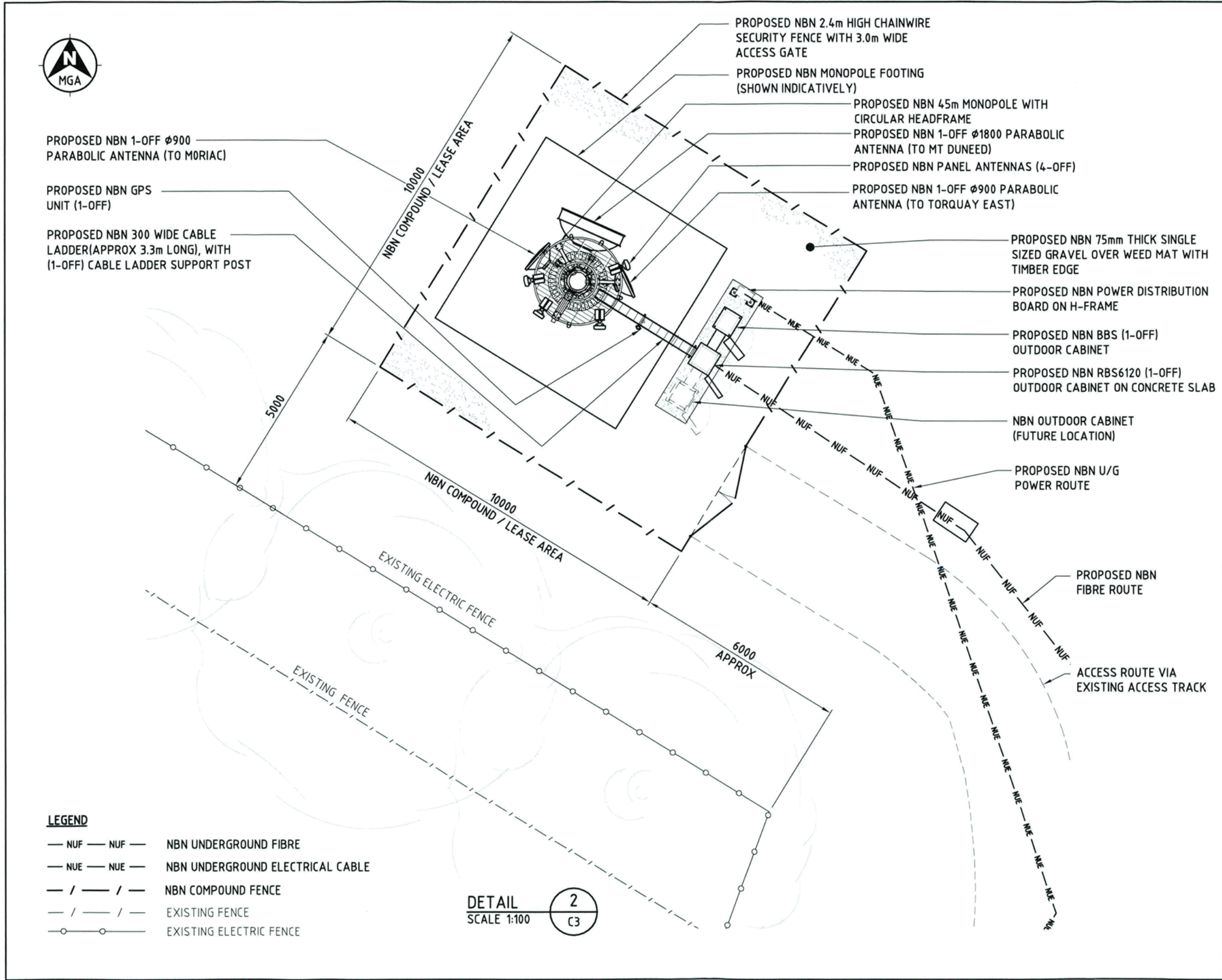
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DESIGNER: KW
 CHECKED: LS
 APPROVED: GM

Drawing Title:
OVERALL SITE PLAN

Drawing No. 3MOO-51-01-BELR-C2
 Revision 03



Client:

SURF COAST SHIRE
4 APR 2017
PLAN 3
DETAIL

Project:

NATIONAL BROADBAND NETWORK
SITE No: 3MOO-51-01-BELR
BELLBRAE
1435 ANGELSEA ROAD
BELLBRAE
VIC 3228

PRELIMINARY

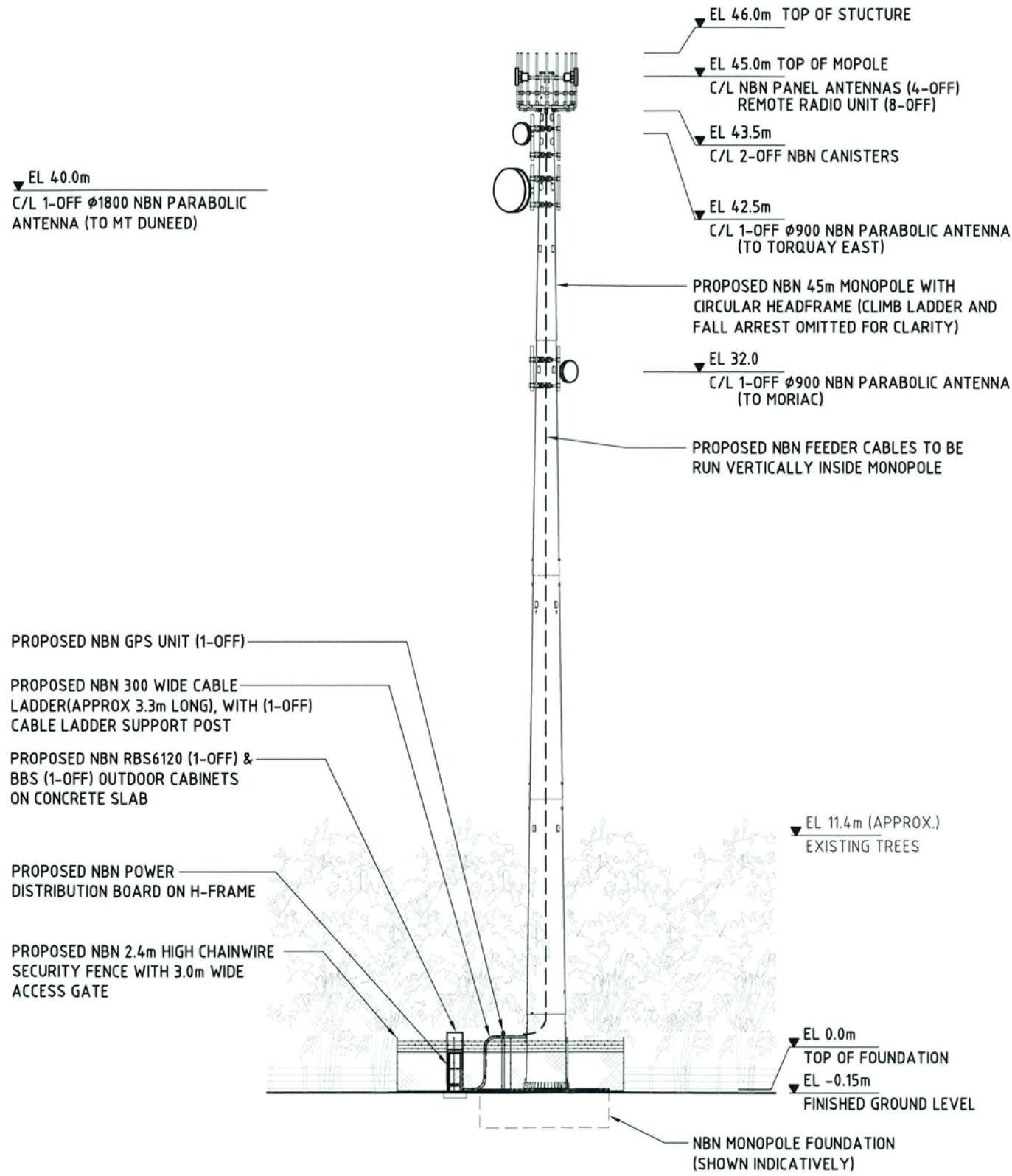
03	29.03.17	TX TOPOLOGY RE-ROUTE AND ADD FIBRE RUN
02	13.10.16	PRELIMINARY ISSUE
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Rev	Date	Revision Details



DESIGNER: KW
CHECKED: LS
APPROVED: GM

Drawing Title:
SITE SETOUT PLAN

Drawing No. 3MOO-51-01-BELR-C3
Revision 03



NORTH EAST ELEVATION

SCALE 1:200

Client:



Client:



Client:

Project:

NATIONAL BROADBAND
NETWORK
SITE No: 3MOO-51-01-BELR
BELBRAE
1435 ANGELSEA ROAD
BELLBRAE
VIC 3228

PRELIMINARY

03	29.03.17	TX TOPOLOGY RE-ROUTE AND ADD FIBRE RUN
02	13.10.16	PRELIMINARY ISSUE
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DESIGNER: ODC
CHECKED: JK
APPROVED: GM

Drawing Title:
**SITE ELEVATION
AND DETAILS**

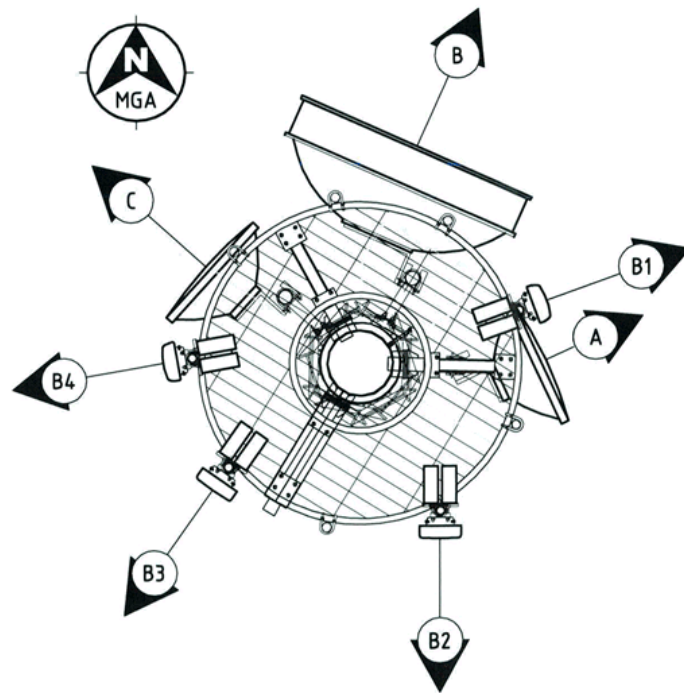
Drawing No. 3MOO-51-01-BELR-C4
Revision 03

NBN ANTENNA CONFIGURATION - 3400MHz

SECTOR	SYMBOL	PANEL ANTENNA DETAIL							MAIN FEEDER DETAIL				RRU DETAIL				RF TAIL H&S 1/2" BIRD PROOFED LISCA CABLE	RET CABLE 1/TSR 484 21/2000			
		TYPE	DIMENSION HxWxD	C/L HEIGHT	AZIMUTH (TN)	P1 & P2 E-TILT	P3 & P4 E-TILT	MECH TILT	ANTENNA ACTION REQ	TYPE	OVERALL LENGTH	CANISTER HEIGHT	CANISTER TO RRU LENGTH	FEEDER ACTION REQ	TYPE	LOCATION	C/L HEIGHT	ANTENNA PORT	RRU ACTION REQ	LENGTH	LENGTH
B1	B1	ARGUS SSPX310R	750x300x115	45m	70°	8°	8°	0°	INSTALL	H&S HYBRID MKII 6/6 (27.5mm)	55m	43.5m	3m	INSTALL	RRUS2218	BEHIND ANTENNA	45m	1 + 3	INSTALL	1.5m	2m
B2	B2	ALPHA AW3497	957x319x100	45m	180°	4°	4°	0°	INSTALL				3m	INSTALL	RRUS2218	BEHIND ANTENNA	45m	2 + 4	INSTALL	1.5m	
B3	B3	ALPHA AW3497	957x319x100	45m	215°	4°	4°	0°	INSTALL				3m	INSTALL	RRUS2218	BEHIND ANTENNA	45m	1 + 3	INSTALL	1.5m	
B4	B4	ARGUS SSPX310R	750x300x115	45m	260°	4°	4°	0°	INSTALL				3m	INSTALL	RRUS2218	BEHIND ANTENNA	45m	2 + 4	INSTALL	1.5m	
										H&S HYBRID MKII 3/3 (22mm)	55m	43.5m	3m	INSTALL	RRUS2218	BEHIND ANTENNA	45m	1 + 3	INSTALL	1.5m	2m



ANTENNA	SYMBOL	ANTENNA DETAIL					MAIN FEEDER DETAIL			RAU DETAIL	
		TYPE	DIMENSION	C/L HEIGHT	AZIMUTH (TN)	DESTINATION	ANTENNA ACTION REQ	TYPE	OVERALL LENGTH	FEEDER ACTION REQ	ACTION REQ
A	A	PARABOLIC	φ900	42.5m	65°	TORQUAY EAST	INSTALL	1-OFF LDF1-50	52m	INSTALL	1-OFF INSTALL
B	B	PARABOLIC	φ1800	40m	24°	MT DUNEED	INSTALL	1-OFF LDF1-50	50m	INSTALL	1-OFF INSTALL
C	C	PARABOLIC	φ900	32m	312°	MORIAC	INSTALL	1-OFF LDF1-50	42m	INSTALL	1-OFF INSTALL
GPS		KRE 101 2082/1	φ69x96	2.5m	N/A		INSTALL	1x LDF1-50	7m	INSTALL	



ANTENNA SETOUT PLAN
SCALE 1:50

Client:
Project:
NATIONAL BROADBAND NETWORK
SITE No: 3M00-51-01-BELR
BELLBRAE
1435 ANGELSEA ROAD
BELLBRAE
VIC 3228

PRELIMINARY

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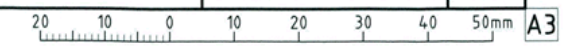


DESIGNER: KW
CHECKED: LS
APPROVED: GM

Drawing Title:
NBN ANTENNA CONFIGURATION & SETOUT PLAN

Drawing No. 3M00-51-01-BELR-A1
Revision 03

SURF COAST SHIRE
1 APR 2017





Planning Report

Proposed Fixed Wireless Facility

1435 Anglesea Road, Bellbrae VIC 3228

NBN SITE REFERENCE: 3MOO-51-01-BELR



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Executive Summary

Proposal	<p>nbn propose to install a new fixed wireless facility at Bellbrae comprised of the following:</p> <ul style="list-style-type: none"> ▪ A 45 metre high monopole; ▪ 1 X parabolic dish antenna; ▪ 4 X panel antennas; ▪ 8 X remote radio units; ▪ 4 X new outdoor cabinets (one future); and ▪ Ancillary equipment associated with operation of the facility, including cable trays, cabling, safe access methods, bird proofing, earthing, electrical works and air-conditioning equipment, inside a 10m x 10m fenced compound. 	
Purposes	The proposed facility is necessary to provide nbn™ fixed wireless coverage to Bellbrae.	
Property Details	<p><i>Lot & Plan No:</i> Lot 2 on Title Plan 865145J</p> <p><i>Street Address:</i> 1435 Anglesea Road, Bellbrae, VIC, 3228</p> <p><i>Property Owner:</i> M C Moore</p> <p><i>Site Area:</i> 29.25 ha (approx.)</p>	
Town Planning Scheme	<p><i>Council:</i> Surf Coast Shire</p> <p><i>Zones:</i> Farming Zone (FZ)</p> <p><i>Overlays:</i> Significant Landscape Overlay - Schedule 7 (SLO7) – part (not applying to facility location)</p> <p><i>Use Definition:</i> Telecommunications facility</p>	
Applicable Planning Policies	Relevant State & Local Planning Policies	Complies
	<i>SPPF</i> – Clause 19.03-4 Telecommunications	Yes
	<i>MSS</i> – Clause 21.01 – Profile and Vision	Yes
	- Clause 21.06 – Rural Landscape	Yes
	- Clause 21.14 – Bellbrae Strategy	Yes
	<i>Local Planning Policies</i> – None relevant	Yes
Application	Use and development for the purposes of construction and operation of a Telecommunications Facility (Fixed Wireless facility)	
Applicant	<p>nbn</p> <p>c/- Aurecon</p> <p>850 Collins Street, Docklands VIC 3008</p> <p>PO Box 23061, Docklands VIC 8012</p> <p>Contact: David Hughes</p> <p>Our Ref: Bellbrae - NBN 3MOO-51-01-BELR</p>	

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1 INTRODUCTION

nbn has engaged Ericsson as the equipment vendor and project manager to establish the infrastructure required to facilitate the fixed wireless component of the National Broadband Network (**nbn**[™]). Ericsson has in turn engaged Aurecon to act on its behalf in relation to the establishment of the required fixed wireless network infrastructure.

The **nbn**[™] is an upgrade to Australia's existing telecommunications network. It is designed to provide Australians with access to fast, affordable and reliable internet and landline phone services.

nbn plans to upgrade the existing telecommunications network in the most cost-efficient way using best-fit technology and taking into consideration existing infrastructure.

To support the Fixed Wireless component of this network, **nbn**[™] requires a fixed wireless transmission site to provide fixed wireless internet coverage to Bellbrae and to serve as a key communications anchor point for other NBN Fixed Wireless facilities in the wider Surf Coast Shire Council region.

An in-depth site selection process was undertaken in the area prior to confirming the site as the preferred location. This process matched potential candidates against four key factors, namely:

- Town planning considerations (such as zoning, surrounding land uses, environmental significance and visual impact);
- The ability of the site to provide acceptable coverage levels to the area;
- Construction feasibility; and
- The ability for **nbn** to secure a lease agreement with the landowner.

This application seeks planning consent for:

- A 45 metre high monopole;
- radio transmission equipment; and
- ancillary equipment cabinets.

Located at 1435 Anglesea Road, Bellbrae, VIC 3228, formally referred to as Lot 2 on Title Plan 865145J.

This submission will provide assessment in respect of the relevant planning guidelines, and demonstrates site selection on the basis of:

- The site is designed so as to be appropriately located and sited to minimise visual impact on the immediate and surrounding area;
- The proposal is designed to comply with the Victorian Code of Practice for Telecommunications Facilities;
- The site is designed to achieve the required coverage objectives for the area;
- The proposal is designed to operate within the regulatory framework of Commonwealth, State and Local Government; and
- The facility is designed to operate within all current and relevant standards and is regulated by the Australian Communications and Media Authority.

2 BACKGROUND

2.1 nbn and the National Broadband Network

nbn 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** is designed to provide Australians with access to fast, affordable and reliable internet and landline phone services.

nbn plans to upgrade the existing telecommunications network in the most cost-efficient 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.

nbn's fixed wireless network is designed to offer service providers with wholesale access speeds of up to 50Mbps for downloads and 20Mbps for uploads.¹

2.2 What is Fixed Wireless and how is it different to Mobile Broadband?

The **nbn**'s fixed wireless network, which uses advanced technology commonly referred to as LTE or 4G, is engineered to deliver services to a fixed number of premises within each coverage area. This means that the bandwidth per household is designed to be more consistent than mobile wireless, even in peak times of use.

Unlike a mobile wireless service where speeds can be affected by the number of people moving into and out of the area, the speed available in a fixed wireless network is designed to remain relatively steady.

2.3 The Fixed Wireless Network – Interdependencies

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. The fixed wireless network will remain unconnected without the transmission network and a break in this chain can have flow on effects to multiple communities.

¹ **nbn** is designing the **nbn** to provide these speeds to our wholesale customers, telephone and internet service providers. End user experience including the speeds actually achieved over the NBN depends on some factors outside **nbn**'s control like equipment quality, software, broadband plans and how the end user's service provider designs its 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 Fixed Wireless facility at Bellbrae has been designed not only to provide fixed wireless services to the surrounding premises, but will also connect to a proposed facility at Torquay East.

The character of the Fixed Wireless network is visually demonstrated through Figure 1 below.

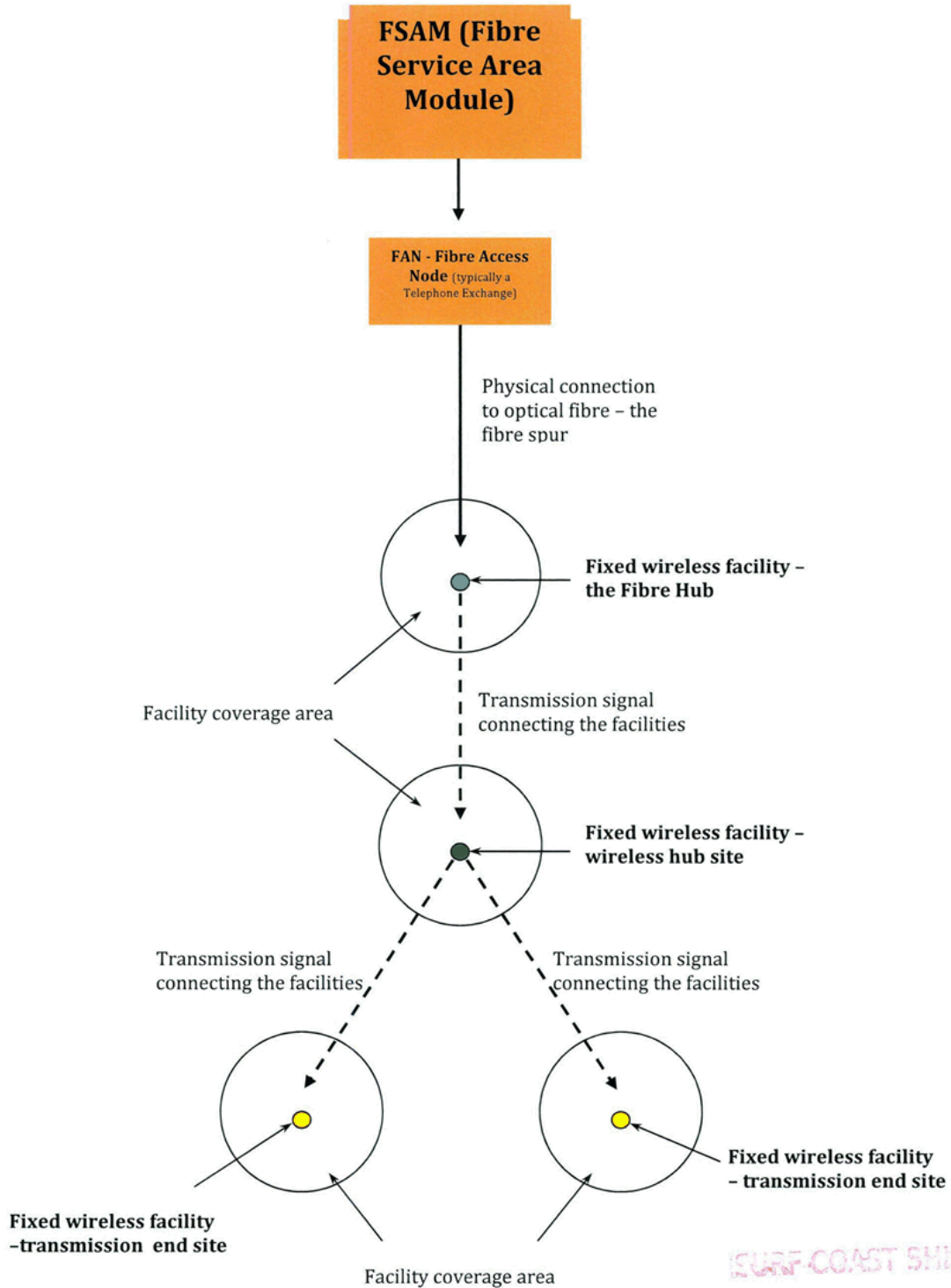


Figure 1: The fixed wireless network

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3 SITE SELECTION

Planning for a new fixed wireless broadband facility is a complex process. **nbn** conducts a rigorous multi-stage scoping process, as outlined below.

3.1 Identification of areas requiring Fixed Wireless coverage

nbn's Fixed Wireless locations are determined by a number of factors including the availability of both the **nbn** Fibre transit network and the availability of Point of Interconnect (POI) facilities to allow for the installation of **nbn** fibre equipment. **nbn** uses a number of methods to identify those parts of Australia that require Fixed Wireless coverage. When an area is identified as requiring Fixed Wireless coverage, investigations are undertaken to determine the measures required to provide this coverage.

nbn has identified a requirement to provide a Fixed Wireless facility at Bellbrae. The facility is designed to provide Fixed Wireless internet services to dwellings in Bellbrae, in addition to serving as a communications link for other NBN Fixed Wireless facilities in the Surf Coast Shire Council region.

3.2 Site Selection Parameters

nbn generally identifies an area where the requirement for a Fixed Wireless facility would be highest, a 'search area.' A preliminary investigation of the area is then generally undertaken, in conjunction with planning and property consultants, radiofrequency engineers and designers in order to identify possible locations to establish a facility.

Generally speaking, new sites must be located within, or immediately adjacent to, the identified search area in order to be technically feasible. However, while the operational and geographical aspects of deploying new facilities are primary factors, there are also many other issues that influence network design, which have to be resolved in parallel.

Some of the issues that may be considered include visual amenity, potential co-location opportunities, the availability and suitability of land as well as a willing site provider, occupational health and safety, construction issues (including structural and loading feasibility and access for maintenance purposes), topographical constraints affecting network line of sight, legislative policy constraints, environmental impacts, and cost implications.

The number, type and height of facilities required to complete the Fixed Wireless network are largely determined by the above operational, geographical and other factors discussed that influence final network design. These compounding factors often severely restrict the available search area within which a facility can be established to provide Fixed Wireless internet services to a local community.

3.3 Candidate Sites

A number of candidate sites were examined within the search area, with regard to each site's ability to meet the coverage objectives and site considerations listed in Section 3.2 of this report. It should be noted that **nbn** has attempted to utilise where possible as a first preference, any existing infrastructure or co-location opportunities.

There are no existing suitable co-location opportunities here.

With this site, there have been a number of alternatives considered. Initially some sites near the Great Ocean Road (GOR) were identified, but discounted due to concerns about visual impacts to the environmentally significant GOR corridor, or because tenure could not be secured. The following alternative sites were considered (refer aerial image next page):

Option A – 435 Great Ocean Road, Bellbrae

The proposal was for a 45m high facility on private farm land (within the Farming Zone) fronting the Great Ocean Road. Despite the presence of established vegetation in the immediate surrounds, a facility in this location would have resulted in significant visual intrusion on the Great Ocean Road corridor.

Option B – Recreation Reserve, School Road, Bellbrae

The proposal was for a 45m high facility at the Recreation Reserve (within the Public Park and Recreation Zone), near the car park in the reserve. This option was not selected as there was the potential for considerable visual impact given the location at the entrance to the Township and adjacent to the Great Ocean Road.

Option C – 'Bellbrae Estate' 520 Great Ocean Road, Bellbrae

The proposal was for a 45m high facility on farmland at rear of the Bellbrae Estate Vineyard (within the Farming Zone). Although initially considered to be a good option, with a reasonable setback from the Great Ocean Road and sufficient separation from the Township, the site was not selected as tenure could not be secured with the land owner.

Option D – 261 Vickerys Road, Bellbrae

The proposal was for a 45m high facility at a rural property to the west of Bellbrae (within the Farming Zone) and was investigated at the recommendation of the Committee for Equitable Telecommunications Access in Bellbrae. A facility in this location was not pursued as adequate coverage could not be provided to a large number of premises in the target area.

Option E – 1435 Anglesea Road, Bellbrae (Selected Site)

The selected option involves a 45m high monopole on private farm land (within the Farming Zone), well setback from Grossmans Road and Anglesea Road. This site provides suitable coverage to the township and target area. The site also benefits from a good level of separation to the nearest dwellings and the presence of established vegetation nearby on the property.

Option F – 40 Seifferts Road, Bellbrae (Moores Road Frontage)

The proposal was for a 45m high monopole on private farm land (within the Farming Zone), approximately 1km to the south-west of the selected candidate. This option was not selected as it had a greater potential for visual impact than the selected candidate, with a greater number of dwellings in the surrounding area.

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Option G – 485 Grossman Road, Bellbrae

The proposal was for a 45m monopole on private farm land (within the Farming Zone), approximately 110m to the north of the selected candidate. The site was not chosen as it was slightly more exposed and likely to be more visible than the selected candidate.

Given the attributes and suitability of a site located at **1435 Anglesea Road, Bellbrae (Alternative E)**, further alternative sites were not examined. These attributes include:

- A location sufficiently setback from surrounding rural dwellings so as to not result in unreasonable visual amenity impacts.
- A location also well set back from the Great Ocean Road corridor to mitigate visual impacts.
- The location of the site will not require the removal of any native vegetation.
- Ability for convenient access to be created to the site from existing access routes and for a power connection be provided from a reasonable distance away.
- A site that will provide the required fixed wireless coverage levels to the area.

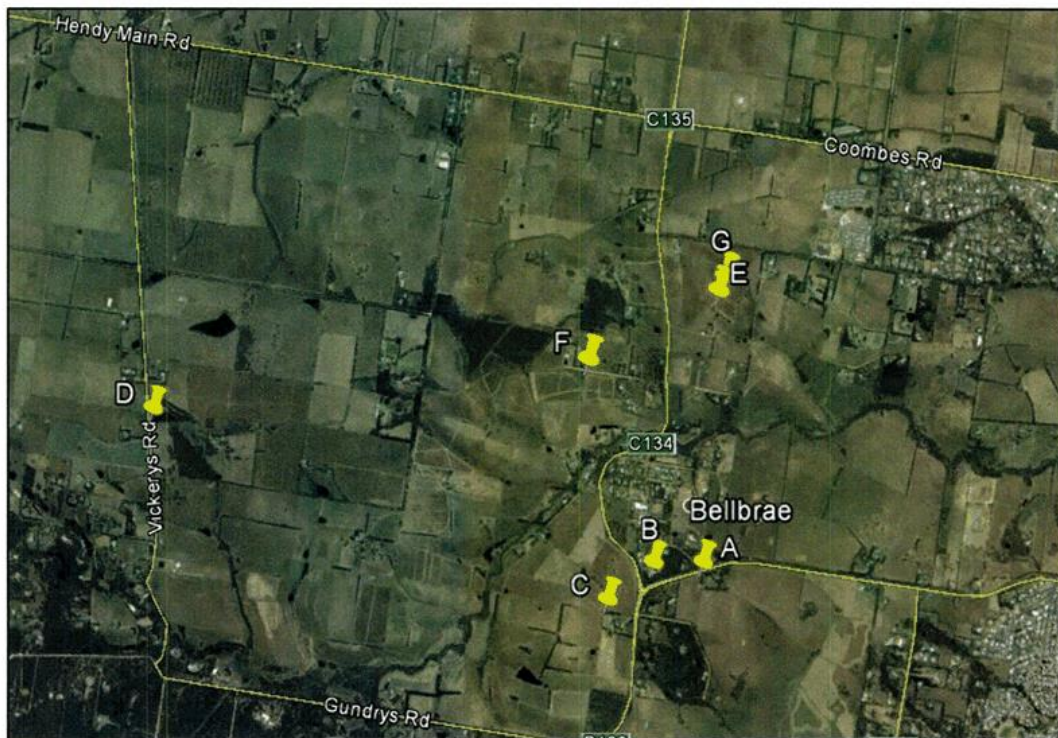


Figure 2: Aerial Photo of alternative candidates and surrounding area

4 SUBJECT SITE & SURROUNDS

The telecommunications facility is proposed to be located at 1435 Anglesea Road, Bellbrae. The land is formally described as Lot 2 on Title Plan 865145J.

The subject land is an irregular shaped rural property with boundaries to Moores Road to the south and Grossmans Road to the north. The property is accessed from a driveway approximately 270 metres long from the property dwelling to Anglesea Road to the west. The property is entirely within the Farming Zone. The property is partly covered by a Significant Landscape Overlay – Schedule 7 (SLO7) at its southern end. The SLO7 does not apply to the proposed site.

The site of the proposed facility is setback approximately 39 metres to the nearest boundary to the north-west. It is also setback approximately 370 metres east of Anglesea Road, 470 metres south of Grossmans Road and 560 metres north of Moores Road. This site location is also approximately 1.1 kilometres to the north of the Bellbrae town area, and approximately 1.9 kilometres to the north of the Great Ocean Road.

The property and surrounding rural properties are typically cleared, with established vegetation along fence lines, property dwellings and along road sides. The proposed facility location is near a high point on the property which is desirable for coverage purposes. There is a row of established trees on the boundary nearby to approximately 6 metres in height, which will provide some screening to the base of the proposed facility.

The site of the proposed facility is well located in relation to being separated from surrounding rural dwellings. The nearest rural residential dwelling is approximately 400 metres to the south-west. The nearest other rural dwelling is approximately 440 metres to the south-east. These distances will help ameliorate visual impacts to surrounding rural dwellings.

The site context is as follows:

- All surrounding land is within the Farming Zone (FZ) and consists of rural allotments of various sizes largely cleared and developed with rural dwellings and sheds.
- Surrounding land is undulating and the variable surrounding topography will assist in screening views of the facility.
- As noted previously existing vegetation is present mainly along fence lines, along road frontages and around the rural dwellings.

The location is considered well suited to the facility on the basis that it will have ample separation from surrounding rural dwellings, the Bellbrae township and the Great Ocean Road. Vegetation noted both adjacent to the site and in the surrounds in combination with the variable surrounding topography will minimise visibility of the facility.

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Figure 3: Aerial Photo of subject site and proposed facility location



Figure 4: Looking south (approx.) towards the proposed facility location.

5 THE PROPOSAL

5.1 Facility and Equipment Details

5.1.1 Equipment to be installed

Approval is sought for the development of a telecommunications facility, comprising a 45 metre high monopole with antennas, and ancillary components including two outdoor equipment cabinets, enclosed within an 100m² fenced leased area.

The proposed **nbn**[™] Fixed Wireless facility at Bellbrae is also designed to be a critical connection point for proposed facilities at Torquay East, for which planning approval has been obtained.

The proposed 45 metre monopole will accommodate:

- Four (4) x panel antennas, measuring approximately 750/957mm (2 each) x 300mm x 115mm at 45 metres;
- one (1) x 900mm transmission dish antenna at 42,5m; and
- eight (8) x remote radio units mounted behind the antennas.

Associated facilities include the cabinets, cable ladder and a power distribution board within a 10m x 10m compound enclosed by a 2.4m high chainwire security fence with 3.0m wide access gate. The compound will have a setback of 39m from the closest title boundary to the north-west. As noted earlier the facility will be approximately 370 metres east of the Anglesea Road. Please refer to **Appendix 3 – Proposed Plans** for further details.

5.1.2 Access and Parking Details

The proposed **nbn**[™] network compound will be accessed from an existing access track from Anglesea Road, and existing access tracks within the property.

The facility and ancillary components are proposed to be constructed over the one title. A copy of the Title is provided as **Appendix 1**. Plans indicating the details of the proposal form part of the documentation of this application. Additional photos of the site and proposed development plans are provided as **Appendices 2 and 3** respectively.

nbn considers the site access to be appropriate given the **nbn**[™] network facility will not be a significant generator of traffic. Once operational, the facility should require once annual maintenance visits, but would remain unattended at all other times. As the facility is expected to generate minimal trips per year, it is anticipated that traffic interference will be negligible.

During the construction phase, it is planned that a truck will be used to deliver the equipment and a crane will be utilised to lift most of the equipment into place. Any traffic impacts associated with construction are expected to be of a short-term duration and are not anticipated to adversely impact on the surrounding road network. In the unlikely event that road closure will be required, **nbn** will apply to the relevant authorities for permission.

A total construction period of approximately ten weeks (including civil works and network integration and equipment commissioning) is anticipated. Construction activities will

involve four basic stages:

- Stage 1 (Week 1) – Site preparation works, including field testing, excavation and construction of foundations;
- Stage 2 (Weeks 2, 3 and 4) – Construction of the mast;
- Stage 3 (Weeks 5 and 6) – Construction of the equipment cabinets;
- Stage 4 (Weeks 7 – 10) – Installation of antennas and radio equipment, as well as equipment testing.

Once operational, the facility is designed to function on a continuously unstaffed basis and will typically only require maintenance works once a year, for approximately one day per year.

5.1.3 Utility Service Details

The facility will be powered by a proposed underground power cable route approximately 100m to the south to an existing power supply on the property. (see Overall Site Plan drawing).

5.1.4 Construction and Noise

Noise and vibration emissions associated with the proposed facility are expected to be limited to the construction phase outlined above. Noise generated during the construction phase is anticipated to be of short duration and accord with the standards outlined in the relevant EPA guidelines. Construction works are planned only to occur between the hours of 7.00am and 6.00pm.

There is expected to be some low level noise from the ongoing operation of air conditioning equipment associated with the equipment units, once installed. Noise emanating from the air conditioning equipment is expected to be at a comparable level to a domestic air conditioning installation, and should generally accord with the background noise levels prescribed by relevant guidelines.

5.2 Site Selection

The reasons for selecting this site are summarised as follows:

- The proposed site has been particularly targeted to provide the optimal required quality of service as required by NBN Co to the Bellbrae target area.
- The site provides sufficient spatial separation from the Bellbrae township and surrounding rural dwellings whilst being close enough to the target area.
- The facility and associated development will not require the removal of any native vegetation.
- Vegetation cover in close proximity to the site and surrounds will assist in minimising visual impacts of the lower portion of the facility.
- Other views to the facility will be quite distant given its generous setback from the surrounding road network as has been described.
- The property and site is in a Farming Zone, with no planning overlays applying to the actual site of the proposed facility.

6 CURRENT PLANNING CONTROLS

6.1 Commonwealth Legislation – The Telecommunications Act

As a licensed telecommunications carrier, NBN Co must operate under the provisions of the *Telecommunications Act 1997* and the following supporting legislation:

- The *Telecommunications Code of Practice 1997*;
- The *Telecommunications (Low-impact Facilities) Determination 1997* (as amended); and
- The *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*.

6.1.1 The Telecommunications Act

This legislation establishes the criteria for ‘low impact’ telecommunication facilities. If a proposed facility satisfies the requirements of a ‘low impact’ facility, the development is exempt from the planning approval process.

Further clarification of the term ‘low impact’ is provided in the *Telecommunications Act 1997* and the *Telecommunications (Low Impact Facilities) Determination 1997*, which was gazetted subsequent to the Act. The *Telecommunications (Low Impact Facilities) Determination 1997* establishes certain facilities, which cannot be considered ‘low impact’ facilities.

The proposed facility is not low impact under the definitions contained in the Commonwealth legislation. Planning consent is therefore required for the proposed facility.

6.1.2 Telecommunications Code of Practice 1997

Under the *Telecommunications Act 1997*, the Government established the *Telecommunications Code of Practice 1997*, which sets out the conditions under which a carrier must operate.

Section 2.11 of the *Telecommunications Code of Practice 1997* sets out the design, planning and installation requirements for the carriers to ensure the installation of facilities is in accordance with industry ‘best practice’. This is required to:

“... minimise the potential degradation of the environment and the visual amenity associated with the facilities.” [Section 2.11(3)]

The siting and design of the proposal has taken place in accordance with Section 3 (Planning and Siting) of the Australian Standard – Siting of Radio Communications Facilities (AS/NZS 5070.2:2008).

Furthermore, following an assessment of the available options, it became evident that there were no suitable existing telecommunications facilities or other structures (including buildings or power poles) located within the search area that could provide the required site objective/co-location opportunities.

6.1.3 The Telecommunications (Low-impact Facilities) Determination 1997

The *Telecommunications (Low-impact Facilities) Determination 1997* identifies both the type of facilities that can be “Low-impact”, and the areas in which these facilities can be installed. Importantly, this proposed facility is not defined as a “low impact facility” and is therefore subject to State and Territory Planning Laws and Regulation. In this specific instance, the provisions of the *Planning and Environment Act 1987* and the *Surf Coast Planning Scheme* will be applicable to the proposal.

6.1.4 The Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation (EPBC) Act 1999* obliges telecommunications carriers to consider ‘matters of national environmental significance’. Under this legislation, an action will require approval from the Minister for the Environment if the action has or is likely to have an impact on a matter of ‘national environmental significance’. According to the EPBC Act 1999, there are nine matters of national significance which must be considered.

All relevant EPBC matters have been considered. It is not anticipated that the proposal will have a significant impact on any matters of national environmental significance. Accordingly, approval from the Minister for the Environment is not expected to be required in this instance.

6.2 State Legislation – Code of Practice for Telecommunications Facilities in Victoria, July 2004

A *Code of Practice for Telecommunications Facilities in Victoria (July 2004) (Code)* is an incorporated document in all Planning Schemes in Victoria pursuant to Clause 81 of the Victorian Planning Provisions. The purpose of the Code is to:

- *Set out the 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 an application for a planning permit.*

It aims to:

- *Ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.*
- *Ensure the application of consistent provisions for telecommunications facilities.*
- *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 (Vic).*
- *Encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.*

Section 4 of the Code of Practice establishes principles to be applied where relevant to the design, siting, construction and operation of any telecommunications facility, which is not exempt under Commonwealth legislation. Such principles will be addressed in section 7.1 of this report.

State Planning Policy Framework

The State Planning Policy Framework (SPPF) must be considered when determining a permit application.

Clause 19.03-4 of the SPPF is specific to 'Telecommunications' and states the objective, strategies and policy guidelines in relation to such developments. The specific objective for telecommunications is *to facilitate the orderly development, extension and maintenance of telecommunication infrastructure.*

Clause 19.03-4 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. There have been a number of VCAT cases about telecommunications facilities, and VCAT decisions consistently point out the strong support the SPPF gives to consideration of such applications.

6.3 The Municipal Strategic Statement

The Surf Coast Planning Scheme includes Council's *Municipal Strategic Statement (MSS)*, which forms part of the Local Planning Policy Framework (LPPF) and is intended to guide future development within the municipality. Like the SPPF, the LPPF is a relevant consideration in determining any permit application.

The MSS aims to provide a vision and clear strategic directions for land use and development in the Surf Coast Shire Council, in a way which helps achieve economic, social and environmental goals.

The following areas of Council's MSS are considered relevant to the proposal:

Clause 21.01 Profile and Vision includes Clause 21.01-3 Vision.

At **Clause 21.01-3 Vision**, the Surf Coast Shire Vision is described as:

"Working towards an engaged, innovative and sustainable community"

This vision is supported by five main themes including the following two themes of relevance:

- *Infrastructure: We are committed to understanding and meeting our community's needs for accessible, well maintained and safe infrastructure.*
- *Development & Growth: We foster healthy and sustainable communities by supporting tourism and rural businesses, and encouraging clean industries and development that respects the Surf Coast's environment and lifestyle.*

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In summary it is submitted that the proposal is broadly consistent with Council's MSS, in that the need for improved infrastructure is recognised, and that provision of sophisticated communications facilities proposed by the NBN will contribute to the sustainable economic development of the Bellbrae area.

Clause 21.06 Rural Landscape identifies the site as being within the 'Cape Otway Road to Northern Foot Hills and Coast' landscape unit.

At **Clause 21.06-3 Landscape Outcomes** the following objectives are provided:

- *To protect and enhance the landscape values of the rural precincts as described in Clause 21.06-2.*
- *To protect and maintain open and uncluttered rural landscapes, including vistas from main road corridors.*

Clause 21.06-4 Implementation notes under 'Using policy and the exercise of discretion', that 'In considering any application for non-agricultural land use and/or development apply the following development principles':

- *Buildings should be of modest scale and nestle into the landscape;*
- *Buildings should be subservient to the landscape so as to not detract from its visual qualities;*
- *Proposals should include net gain environmental outcomes; and*
- *Development should be self-sufficient in the provision of infrastructure and associated costs.*

The following is the descriptor for the Cape Otway Road to Northern Foot Hills and Coast landscape unit.

Cape Otway Road to the Northern Foothills and Coast – *visually attractive undulating landscape of open farm land, framed by dense bushland. It extends from the steepening valleys and foothills of the northern slopes of the Otway Ranges in the west, through the lifestyle bush blocks of Wensleydale and Gherang to the semi-pastoral hills of Bells Beach in the east. The gently rolling hills, with some incised creeks and gullies, and pockets of remnant vegetation contribute to a sheltered, enclosed landscape. Buildings tend to be located away from roads, often in valleys or among trees. Bells Beach is listed on the Victorian Heritage Register for its cultural and aesthetic heritage values. While the main land use in the precinct is farming, it occurs predominantly for lifestyle purposes. Dairying, particularly concentrated around Deans Marsh, has declined and timber, grass seed production, vines and olive groves are emerging. There are a number of rural tourism businesses primarily around Deans Marsh and Bellbrae. The landscape and environmental values of this precinct are the primary reasons for its attractiveness for tourist and lifestyle use and development.*

There are a number of objectives and strategies for landscape outcomes, the most relevant being:

Objective 1

To protect and enhance the landscape values of the rural precincts as described in Clause 21.06-2 above.

Objective 2

To protect and maintain open and uncluttered rural landscapes, including vistas from main road corridors.

In regard to the rural landscape policy at Clause 21.06, it is submitted that the proposal represents a relatively minor intrusion into the Cape Otway Road to Northern Foot Hills and Coast landscape unit. The proposed site is extremely well setback from the nearest main roads which are Grossmans, Anglesea, Moores and the Great Ocean Road. The proposed facility is approximately 370 metres east of Anglesea Road which is the closest of the main roads to the site.

Whilst it will be noticeable, we submit that at the distances noted to the surrounding roads it would appear of modest scale and subservient to the landscape so as not to detract from its visual qualities. It would also have little if any impact on the significant Great Ocean Road corridor at approximately 1.9 kilometres distance. The surrounding rural landscape would therefore maintain its open and uncluttered landscape. Whilst there is a Significant Landscape Overlay (SLO7) applying to the southern part of the property and part of the Bellbrae township, it has not been applied to the northern portion of the property where the facility is proposed. The proposal would otherwise provide necessary infrastructure which meets the State and Local Planning Policy Frameworks.

The proposed siting of the facility has avoided a completely exposed location, and vegetation adjacent to the facility location will assist with reducing visual impacts with the lower part of the facility. The structure is a monopole and visibility of such structures tends to diminish over distance. Visual amenity considerations are discussed further at Section 7.1 of this submission.

6.4 Local Policies

Clause 21.14 is the **Bellbrae Strategy**. The Bellbrae Strategic Framework Plan (Figure 1) sets out the general pattern of land use and development envisaged for the town. The purpose of the Framework Plan is to provide an overview of land use in and around Bellbrae and to identify locations where specific land use outcomes will be supported and promoted to achieve the strategic vision.

Like many small town strategies it notes a lack of key infrastructure as a key issue, without being specific to telecommunications facilities. The proposed site is well to the north of the area covered by this strategy, and so the strategy does not apply to the subject land.

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6.4.1 Zoning

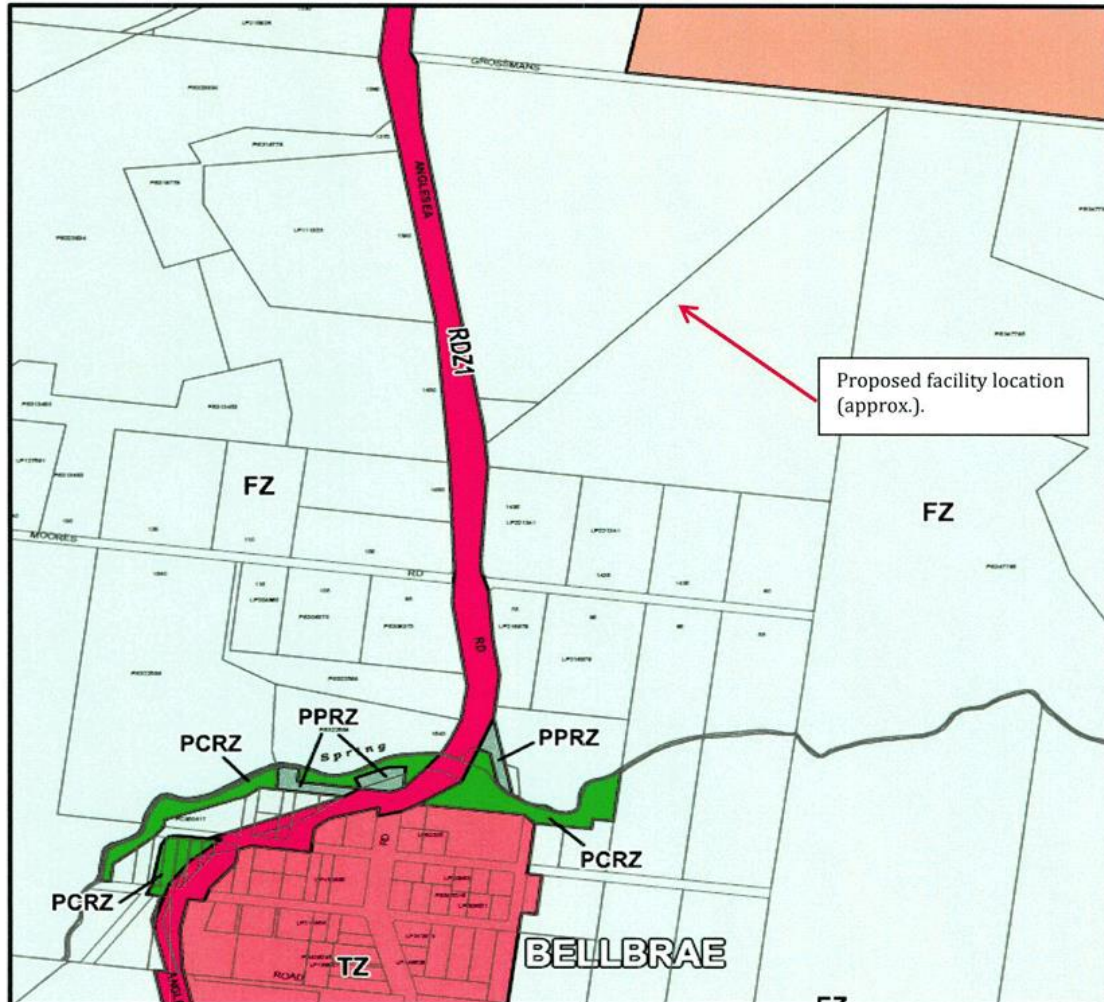


Figure 5: Zoning Map

The site is located within the **Farming Zone (FZ)** pursuant to **Clause 35.07** of the Surf Coast Planning Scheme. The purpose of this zone is:

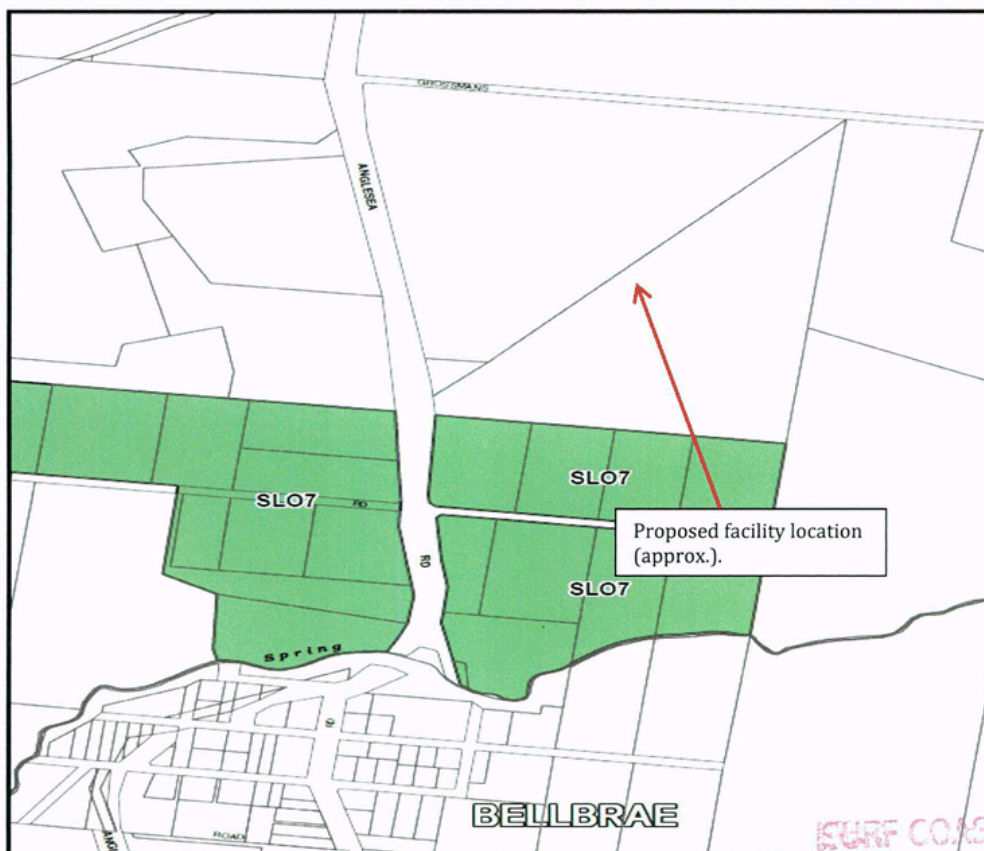
- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that 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.

Pursuant to the Table of uses a Telecommunications facility is a 'Section 1' use (permit not required) under "Any use listed in Clause 62.01." Telecommunications facility is also subject to a condition that Buildings and works must meet the requirements of Clause 52.19. The proposed facility requires a permit for use and buildings and works under Clause 52.19 as it is not a low impact facility or other exempt facility listed under Clause 52.19-2.

6.5 Overlays

There are no overlays affecting the subject site. We have noted the SLO7 applies to the southern part of the property (see below).



6.6 Particular Provisions

Clause 52.19 of the Planning Scheme provides for development and use of all land for the purpose of 'telecommunications facilities'. This land use 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.

Clause 52.19-5 of the Planning Scheme lists the information to be submitted with any application as appropriate to the proposal and location. The required information includes a site analysis and design response explaining how the proposed facility addresses the principles of design, siting, construction and operation of telecommunications facilities, as contained in the Code of Practice.

The purpose of Clause 52.19 is generally to ensure infrastructure and services are provided in an efficient and cost effective manner, encourage an effective statewide telecommunications network, and encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.

Before deciding on a permit application under clause 52.19, Council must consider:

- *The decision guidelines under clause 65 of the Planning Scheme.*
- *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 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.*

Information to be submitted with the application under Clause 52.19-5 of the Planning Scheme has been addressed in this submission or attached to this application.

6.7 General provisions (Use and development not requiring a permit)

Clause 62 of the Planning Scheme identifies a number of land uses, buildings and works which do not require a planning permit.

Relevantly:

- Clause 62.01 states that “[a]ny requirement in this scheme relating to the use of land does not apply to... [t]he use of land for a telecommunications facility if the associated buildings and works meet the requirements of Clause 52.19”; and
- Clause 62.02-1 states that “[a]ny requirement in this scheme relating to the construction of a building or the construction or carrying out of works does not apply to buildings and works associated with a telecommunications facility if the requirements of Clause 52.19 are met.”

In our view, as the proposal is not a permit exempt facility under Clause 52.19, a permit is required for use and development.

6.8 General Provisions (Referrals)

Clause 66 of the Planning Scheme requires the Responsible Authority to refer specific applications to nominated referral authorities in accordance with Section 55 of the Planning and Environment Act 1987.

7 PLANNING CONSIDERATIONS

7.1 Design Response

The principles contained within the Code 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 required by Clause 52.19-5 of the Planning Scheme.

Principle 1

A Telecommunications Facility should be sited to minimise visual impact

The proposal involves the erection of a new 45 metre high monopole and associated antennas. Associated equipment will be located within the 100 square metre lease area with the outdoor cabinets and power distribution board located on ground level.

One of the many factors that are considered by **nbn** in determining their preferred sites for **nbn™** wireless facilities is the amenity of the surrounding area.

It is submitted that the visual impact of the proposal is minimized by the site being well removed from surrounding roads and surrounding rural dwellings, as has been described earlier. The site selection has resulted in a rural property that has an ample degree of separation from surrounding dwellings, whilst at the same time being close enough to achieve the required quality of service.

Furthermore some nearby tree cover closely located to the proposed site will help minimize visibility of the lower portion of the facility. The surrounding area is quite variable in topography, which combined with tree cover in the surrounds will assist in interrupting views to the proposed telecommunications facility. For example, Wood Road in the main town area of Bellbrae is at a lower elevation than the site (approximately 40 metres), and is approximately 1.1 kilometres south of the proposed site.

The view of VCAT which has been upheld on numerous occasions is 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. It is submitted that the right balance has been achieved for this proposal (**Refer photomontages, Appendix 5**).

As such, the proposed new facility will have limited visual impact on the existing landscape setting as seen by local residents and people passing through the area. The development should not impact upon the character of Bellbrae.

In summary:

- The subject site is well separated in relation to distances from the nearest rural dwellings, which will minimize visual impacts;
- The facility is designed/sited so as not to compromise any significant views or places of significance or local landmarks. The site and immediate surrounds are not identified in the planning scheme as being of landscape significance, with the SLO7 area to the south;
- The height and design of the proposed tower is considered to be the minimum required to achieve reasonable Radio Frequency (RF) objectives; and
- The site is well removed from surrounding roads, particularly the Great Ocean Road which is approximately 1.9 kilometres to the south. At this distance visual impacts of the proposed facility should be limited.
- The surrounding road network typically features power poles and associated lines. There are also other telecommunications towers in the broader area, examples being at Grossmans Road to the north and the Great Ocean Road to the south.

Principle 2

A Telecommunications Facility should be co-located wherever practical.

nbn aims to investigate all possible co-location opportunities when selecting a site. There are no practical co-location options available here. The two (2) other towers noted above were too far from the preferred search area to be considered.

Principle 3

Health standards for exposure to radio emissions will be met

The proposal will be designed and is intended to be installed to satisfy the requirements contained with *Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz, ARPANSA, May 2002 (Standard)*.

An EME report has been produced for the Telecommunications Facility and is attached as **Appendix 4**. As explained in section 8.7.1 below, the report shows that the proposed facility complies with the Standard, with the maximum predicted EME will equating to 0.11% 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 environment protection policies and best practice environmental management guidelines.

The site already comprises a modified environment, being a rural property. Any further disturbance to the existing property is expected to be minimal and limited to the building activities within the existing compound area and access route during construction activities.

The construction area and overall compound area of the facility is designed to have minimal disturbance to the environmental characteristics of the site. The installation of the proposed facility can be undertaken at any time and is not anticipated to affect the use of the site or the surrounding area due to the accessibility of the site.

Construction of the facility is designed to be carried out in accordance with relevant Occupational Health and Safety Guidelines. **nbn** intends to reinstate any damage to the existing property to the standard that existed prior to the facility being installed.

nbn considers that construction of the facility is unlikely to cause any disruption to adjoining properties or public access areas. Due care will be taken to ensure construction is undertaken at times least likely to cause disturbance.

7.2 Zoning

As the proposed **nbn**[™] facility at Bellbrae is not classified as a 'low impact facility' under the Telecommunications (Low Impact) Facilities Determination 1997, a permit is required for use and buildings and works for the proposed facility under the Farming Zone (FZ), as outlined previously.

Before deciding on an application in the Farming Zone, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General Issues

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *How the use and development makes use of existing infrastructure and services.*

Agricultural issues and the impacts from non-agricultural issues

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*

- *Any integrated land management plan prepared for the site.*

Dwelling issues

- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration and proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

Environmental issues

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *The impact of the use or development on the flora and fauna on the site and its surrounds.*
- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

Design and siting issues

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*
- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
- *Whether the use and development will require traffic management measures.*

Overall, the proposed NBN facility at Bellbrae is considered to be consistent with the SPPF and LPPF of the Surf Coast Shire Planning Scheme including the MSS.

In regard to the other general issues, the subject land is clearly capable of accommodating the proposal, being a large parcel of rural land, sufficiently removed from surrounding dwellings in Bellbrae. The proposal is considered to be compatible with nearby land uses. The nearest rural dwellings have been noted to be approximately 400 and 440 metres from the proposed facility. Visual impacts to the surrounds are therefore assessed to be minimised as required by the planning scheme.

The proposal has access to a power source and existing access to the property and proposed facility site, making use of this existing infrastructure.

No disposal or discharge of effluent is proposed as part of the development of the facility.

In regard to agricultural issues, the proposal takes up only a relatively small footprint of land (10x 10m), is located near a boundary and therefore there will be little impact on the operation and viability of any future agricultural uses on the site. Access to fast internet can be seen to have potential flow-on effects for agriculture in the area and agricultural based businesses (further discussed in Section 8.8 of this report).

The facility will also not limit the operation and potential expansion of nearby agricultural uses. The facility will not diminish the agricultural qualities of the land.

No dwellings are proposed so the decision guidelines relating to dwelling issues are not applicable.

In regard to environmental issues, no native vegetation removal is proposed as part of the development of the facility. The facility will not have a detrimental impact on flora, fauna, soil or water quality.

In regard to design and siting issues, as noted elsewhere in this report, the proposal strikes a balance between minimising visual impact and the need for telecommunications infrastructure to be placed in a location that will allow for its effective operation.

It is submitted that the proposal will not dramatically change the appearance or character of the area, and is a typical feature of rural and farming environments.

7.3 Overlays

As noted earlier, no overlays affect the proposed facility location.

7.4 The SPPF

The proposed facility is consistent with the SPPF as it is an essential part of the rollout of the **nbn**[™] network which will enable modern telecommunications facilities to be widely accessible to business, industry and the community. In addition, as explained above, the facility has been sited so as to minimize its impact on the surrounding environs. It is therefore considered compliant with the SPPF.

7.5 The Municipal Strategic Statement

The public infrastructure provided through the **nbn**[™] facility is required to facilitate fixed wireless coverage for the Bellbrae area. **nbn** believes an important telecommunications facility will be established, benefiting the community as a whole. An investment of this type in the local community could provide enormous benefits for the wider community and enable improvements in service delivery and productivity in a number of areas such as health, education and financial services to name a few.

The availability of high speed internet could facilitate services such as the transfer of medical images, the holding of remote consultations by doctors and the provision of distance training for medical professionals. These services also have the potential to allow people to stay in their homes longer by providing improved access to medical professionals, or medical monitoring services.²

The introduction of the **nbn**[™] within the community will allow for access to information and services which have the potential to provide a richer and more diverse experience for the end user.

² End user experience including the speeds actually achieved over the NBN depends on some factors outside NBN Co's control like the end user's equipment quality, software, broadband plans and how the end user's service provider designs its network.

nbn considers that the proposal is therefore consistent with the objectives of the Surf Coast Shire Planning Scheme for the provision of services and infrastructure within the municipality to meet the demands of the local population, and visitors to the region.

7.6 Local Provisions

We have noted previously our assessment is that the proposal accords with Council's MSS, particularly with respect to the provision of infrastructure which would include access to the latest telecommunications services.

7.7 Particular Provisions

The decision guidelines set out in Clause 52.19 of the Planning Scheme establish the list of considerations for the Responsible Authority. In addition to the principles for the design, siting and construction of a telecommunication facility, addressed in Section 7.1 above, the effect of the proposal on adjacent land is to be considered.

In this regard the proposed facility is located in a farming area, and is set a suitable distance away from surrounding rural dwellings as has been noted. This is supported with vegetation nearby which will help screen lower portion of the facility. Surrounding land is rural farmland with scattered rural dwellings. As a result it is submitted that there will be little impact on adjacent land, and the visual impact of the proposed telecommunications facility is considered to be minimised as required by the planning scheme.

Information to be submitted with the application under Clause 52.19 of the Planning Scheme has been addressed in this submission or attached to this application.

8 OTHER ENVIRONMENTAL CONSTRAINTS AND OPPORTUNITIES

8.1 Heritage

In order to determine any possible natural or cultural values of state or national significance associated with the site, a search was conducted through the relevant Heritage Registers. There are no sites of local heritage significance in the immediate vicinity of the site. There is a locally listed site in the Schedule to the Heritage Overlay within the Bellbrae township, HO6, which is the Bellbrae Cemetery Monumental Masonry, approximately 1.7 kilometres south of the proposed site. Otherwise the Great Ocean Road (HO163) is approximately 1.9 kilometres to the south. At these distances there are not considered to be impacts to the heritage qualities of the respective sites.

Matters of Aboriginal cultural heritage must also be considered with planning applications. An assessment needs to be made as to whether a Cultural Heritage Management Plan (CHMP) is required under the Aboriginal Heritage Act 2006. There are three triggers for a CHMP for a telecommunications facility:

- The site must be in an identified area of cultural heritage sensitivity.
- The ground must not have been significantly disturbed.

- The proposal is a “high impact” activity, which for a telecommunications facility includes an underground telecommunications line of over 500 metres.

If all three apply to a proposal, a CHMP is required. In this case, not all three triggers apply, as the property is not identified as being an area of cultural heritage sensitivity and the power run is less than 500 metres.

8.2 Electrical Interference and Grounding of the Facility

The **nbn**™ fixed wireless network is licensed by the Australian Communications and Media Authority (ACMA) for the exclusive use of the OFDMA2300 frequency band. As **nbn** is the exclusive licensee of this sub-band, emissions from **nbn**™ equipment within the frequency band should not cause interference.

Filters will also help to ensure that each facility meets the ACMA specifications for emission of spurious signals outside the **nbn**™ frequency allocations. **nbn** intends to promptly investigate any interference issues that are reported.

The facility is also designed to be grounded to the relevant Australian Standards – that is, the facility will be ‘earthed’.

8.3 Erosion, Sedimentation Control and Waste Management

All erosion and sediment control mitigation measures will be detailed in construction plans and will be designed to comply with the Building Code of Australia and local Council standards. In addition, contractors must comply with the ‘**nbn** Construction Specification’ that requires contractors to undertake the necessary erosion and sediment control measures in order to protect the surrounding environment. On completion of the installation, the site will be restored and reinstated to an appropriate standard. No waste which requires collection or disposal should be generated by the operation of the facility.

8.4 Flora and Fauna Study

In order to determine any possible natural Flora and Fauna significance associated with the site, a search was conducted through the relevant environmental searches.

An EPBC Protected Matters Search was carried out. Due to the size of the proposal it is not anticipated that the proposal will have a significant impact on this matter of national environmental significance. Accordingly, approval from the Minister for the Environment is not expected to be required in this instance.

8.5 Endangered Species

As above, due to the size of the proposal it is not anticipated that the proposal will have a significant impact on these matters of national environmental significance. Accordingly, approval from the Minister for the Environment is not expected to be required in this instance.

8.6 Social and Economic Impacts

Access to fast internet is an essential service in modern society. Initially, small to medium business customers accounted for a significant part of the demand for broadband technology, but internet services have now been embraced by the general public. Usage of internet services continues to widen as new technologies become progressively more affordable and accessible for the wider community.

The proposed development should provide significantly enhanced fixed wireless internet coverage to the Bellbrae area. This is expected to be of particular benefit for residential dwellings in the locality.

The new **nbn™** network is designed to provide the community with access to fast and reliable internet services. A reliable internet service is important to help promote the economic growth of communities, and the facility is anticipated to have significant social and economic benefits for the local community.

8.7 Public Safety

8.7.1 Radiofrequency Emissions

In relation to public safety and specifically Electromagnetic Emissions (EME) and public health, **nbn™** network 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).

All **nbn™** installations are designed and certified by qualified professionals in accordance with all relevant Australian Standards. This helps to ensure that the **nbn™** facility does not result in any increase in the level of risk to the public.

This facility is to be operated in compliance with the mandatory standard for human exposure to EME – currently the Radio communications (Electromagnetic Radiation Human Exposure) Standard 2003. The EME Report associated with this site is attached in Appendix 4. The report shows that the maximum predicted EME will equate to 0.11% 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).

Moreover, all **nbn™** equipment has the following features, all of which help to minimise the amounts of energy used and emitted:

- Dynamic/Adaptive Power Control is a network feature that automatically adjusts the power and hence minimises EME from the facility.
- Varying the facility's transmit power to the minimal required level, minimising EME from the network, and
- Discontinuous transmission, a feature that reduces EME emissions by automatically switching the transmitter off when no data is being sent.

8.7.2 Access

The proposed facility will have restrictions aimed at preventing public access, and will only be able to be accessed by trained technicians.

8.8 The Public Interest and the Benefits of Telecommunications

The proposed **nbn**TM facility is expected to have significant benefit for residents in the Bellbrae area. **nbn** believes that the public interest would be served by approval of the proposal, given benefits for enhanced internet coverage in the area. The facility is expected to have benefits for local residents and businesses within the district.

8.8.1 Other Benefits of Reliable Broadband Services

There are numerous other benefits of telecommunications connectivity, as follows:³

- There are many potential educational benefits justifying the implementation of the NBN. Curriculum and data sharing, increased availability and accessibility of research materials, and virtual classroom environments are good examples. Such elements are particularly beneficial within a tertiary education context.
- Businesses can, through internet usage, increase efficiency through time, resource and monetary savings. Improved internet services effectively remove physical distance and travel time as a barrier to business.
- Improvements to internet services may also be of benefit for local employees, by enabling telecommuting and home business. The telecommuting trend is heavily reliant on access to fast internet services, and is anticipated to continually increase in popularity.

The public benefits of access to fast internet have been widely acknowledged for many years. Reliable internet access is now more than ever an integral component of daily life, so much so that its absence is considered a social disadvantage.

9 CONCLUSION

The proposed **nbn**TM network facility, comprising a 45 metre high monopole with attached antennas and equipment units, has been sited in the most appropriate location given the context of the local area and service objective – providing broadband services to Bellbrae.

The facility has been strategically sited and designed to minimise visibility within the surrounding environment as much as practicable. The visual impact of the development on the surrounding area has been assessed and given the siting and design, the proposal is considered to have limited impacts to the visual amenity or scenic value of the area. Although the monopole would be visible at varying degrees depending on the line of site of the viewer, impacts on visual amenity are deemed to be acceptable when assessed against the relevant planning scheme criteria.

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³ End user experience including the speeds actually achieved over the NBN depends on some factors outside **nbn**TM's control like the end user's equipment quality, software, broadband plans and how the end user's service providers designs its network.

Accordingly, it is considered that the visual impact of the proposal is acceptable having had full regard to the context of the locality, the nature of the design employed, and the coverage benefits deriving from the installation.

nbn considers that the proposal is also consistent with the stated objectives of the Surf Coast Shire Planning Scheme and, in particular, Clause 52.19 relating to telecommunications facilities. It is considered that the proposal will provide an important community benefit to Bellbrae by providing coordinated and open access shared communication infrastructure, and therefore greatly improved fixed wireless internet coverage within the local area.

10 APPENDIX

10.1 Appendix 1 – Copy of Title

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10.2 Appendix 2 – Site Photographs



Looking south west (approx.) from the proposed facility, shows boundary trees nearby.



Looking north (approx.) from near gate near proposed site.



Looking north-west (approx.) from near proposed site.



Looking south-west (approx.) from near proposed site.

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10.3 Appendix 3 – Proposed Plans



10.4 Appendix 4 – ARPANSA EME Report



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10.5 Appendix 5 – Photomontage





Bellbrae nbn™ Fixed Wireless – Outcome from Community Information Session and Next Steps

Introduction

On the 1st March 2017 between 3pm-6pm a Community Information Session (CIS) was held at Bellbrae Hall. The CIS was a community event initiated by **nbn** and this was widely advertised via a mailout, in the local newspaper and via various community groups and channels.

The session was hosted by **nbn**, and its' project partners in the deployment of the nbn Fixed Wireless network Ericsson and Aurecon.

The session was well attended with approximately 47 community members attending to: learn about the **nbn** and how it is to be delivered in this area, view display material including posters, maps and plans, and most importantly discuss the proposal and provide feedback. Feedback forms were available for attendees to complete.

Importantly, the CIS allowed **nbn** to present a range of information about the **nbn** to people with quite different levels of understanding and interests, and to answer their questions. For example, we had members of the community attending whose primary interest was when they would receive the service. There were also attendees who were interested in the siting, visual impact and town planning aspects of the proposal. Notably, there was also members of the Committee for Equitable Telecommunications Access for Bellbrae (CETAB) with whom **nbn** had previously met and engaged with in the lead up to the CIS. CETAB had an interest in maximising the reach of the Fixed Wireless service in the context of **nbn**'s multi-technology mix (MTM).

The **nbn** team had seven representatives present from across the business and project partners, who were equipped to discuss the full range of issues described above.

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Feedback received and nbn's consideration of matters raised at the CIS

There were five principal matters raised by attendees at the session: (i) Coverage and service, (ii) Provision of information, (iii) Candidate selection criteria, (iv) Town Planning and Visual Impact, and (v) Timing of deployment and commissioning. Each of these issues is discussed below, including representative examples of feedback contained within feedback forms completed at the session and in emails after the session.

(i) Coverage and Service

Despite the positive feedback about the benefits of delivery of **nbn** service, several feedback forms from the CIS referred to the proposed fixed wireless facility as being able to service only a small proportion of premises to the south-west of Bellbrae – particularly in the vicinity of Portreath Rd and Gundrys Road.

This was encapsulated in feedback such as:

"Disappointed that the proposed coverage does not appear to help residents in Portreath Road".

"From what I've seen, a better tower site would service more residences".

"We need this service ASAP and we need the fixed wireless to service as many properties as possible".

"Believes poor internet is going to have an adverse effect on property values".

"Believes proposal will not service her address and that Satellite is unsuitable due to the inadequacy of data allowance".

"We run a business from home and have three children. Our internet is important on so many fronts. Please consider an extra tower"

"Supportive as the proposal will ultimately give their household an affordable internet service with a decent data package. Currently on Bigpond wireless which is very expensive and only 15GB/month".

"We need this service ASAP and we need the fixed wireless to service as many properties as possible".

This widespread belief that a large number of premises would not be served in this area appears to be based upon limited analysis produced by CETAB modelling of coverage. **nbn** advises that this modelling, whilst well intentioned, does not form a good basis for assessing the technical viability of a fixed wireless facility, and we regret that this broad generalisation and assumption has been taken to be factual and accurate. When undertaking analysis of



the viability of proposed facilities, we use both desktop surveys, using sophisticated radio planning tools, and we also undertake in-field surveys including terrain and vegetation mapping, to be sure a facility will operate effectively.

nbn's analysis indicates that the clear majority of premises in and around Portreath Rd and Gundry's Rd will receive the fixed wireless service from the proposed facility. Consistent with our advice at the CIS, some individual premises may not receive a signal strong enough to receive the service due to terrain or vegetation constraints, in which case those properties will be offered an **nbn** satellite service. This is typical of the fixed wireless service – whereby we are seeking to provide service to almost the entire community – but absolute coverage is not always possible.

One comment received in feedback claimed that "*Emphasis is on coverage by population. In this case, the coverage proposed covers most people who already have good internet – and ignores those who do not*". In response we advise that this is incorrect, and that the vast majority of premises in the coverage area for **nbn's** proposed facility currently have the lowest quality broadband (D or E rating) as per information on National Map - refer to <https://nationalmap.gov.au/#share=s-80jNNI2tRUosiaGKhKfFgFn9dy5>

At the CIS, information was also sought about prospects of **nbn** building a second tower in the area to service premises not covered by the **nbn** Fixed Wireless facility. In response, we advise that based upon modelling to-date, **nbn** has no plans for a 2nd tower in this area because it could not be justified based upon the relatively small number of premises that are not covered by the proposed fixed wireless facility. This is consistent with **nbn's** national approach.

(ii) Provision of Information

Some attendees at the session posed questions about why coverage maps were not on display, and CETAB has requested access to this data. For example, feedback such as "*Disappointed that no coverage maps were displayed for each option at the information session*" was noted on feedback forms.

nbn does not publish detailed advice regarding analysis supporting local network design prior to planning permit release as this is considered commercially sensitive information that could be of commercial benefit to **nbn's** Retail Service Providers (RSPs). Detailed coverage information will be provided to all RSPs and the public once the final design is agreed and



the site moves into construction. Also, once a facility is operational, the purpose of validation testing is often to confirm whether a small number (and small proportion) of premises often on the periphery of the modelled coverage area will receive the signal at the required strength. In this context and at this stage in the process provision of coverage maps can be misleading. Notwithstanding, we note that information is provided about individual premises on the **nbn** website, reflecting the best available information at the time.

Both during and after the CIS, CETAB has requested information about the characteristics of the facility including orientation of antennas etc. Following is the information requested, which reflect the best information at this point in time, and is subject to refinements.

- Panel numbers and azimuths: S1-SSPX310R Azimuth 70, S2-AW3497 Azimuth 180, S3-AW3497 Azimuth 215, S4-SSPX310R Azimuth 260
- Panel Inclinations (tilt):S1- 8, S2-4, S3-4, S4-4,
- Power levels:46dBm
- Frequencies: S1- App2, S2-App3, S3-App2, S4-App1
- Panel heights (phase center) above ground:45m

We note that **nbn** and its' project partners at Ericsson undertake a process of refining coverage based upon a range of factors including performance of other adjacent facilities in the network and ongoing improvements to technology. Therefore, the above specifications may change in order to further improve service and maximise coverage.

Finally, in relation to coverage CETAB questioned whether the direction of the antennas on the "Antenna Setout Plan" was correct. Specifically, a query about the orientation of one of the antennas towards ("B1") towards the north-east was queried, as it appeared to be facing directly towards an area to be served by fixed line technology between Grossmans Road and Coombes Road. We have confirmed that indeed this is correct, as this antenna is not highly directional and spans a significant distance to the north and east from the centre-line, thereby serving a significant number of premises, but please note that the premises in the fixed line area are not served by Fixed Wireless and are not counted in **nbn**'s figures for fixed wireless coverage.

(iii) Candidate Selection

Site selection for the **nbn** Fixed Wireless facilities, is a staged and careful process. In the



first stage, a search area is drawn up for each site which takes into account:

- Environmental, Land Use, Town Planning and potential amenity impacts;
- Technical operation considerations including a transmission line-of-sight to existing towers, and the most efficient fixed wireless coverage to targeted areas from a relatively central position;
- Construction feasibility of power and vehicle access, and surface conditions, terrain and vegetation impacts;
- The need to secure a lease with a willing landowner; and
- Potential co-location opportunities.

The proposed site at 1435 Anglesea Rd was selected to provide the optimum radio frequency coverage required whilst minimising the visual impact as much as possible.

Following an initial selection of likely candidates, more detailed investigations into the site-specific characteristics of each site are undertaken to identify a single "Prime" (or preferred) candidate. Discussions with the landowner, the relevant Council and the affected community provide local insights and suggestions to achieve a better visual outcome, including site location, orientation, configuration, and other factors.

Comments from the CIS about Site Selection included:

"Requests a variation on "F" closer to the Alcoa power line (near Brushfields Road) be modelled as an alternative".

"Believes locals are opposed and that a site would be better away from the Great Ocean Road".

We note that 40 Seifferts Rd (Candidate F on the CIS Posters) was an option for a 45m monopole on private farm land (within the Farming Zone), approximately 1km to the south-west of the selected candidate. The site was not chosen as it had a greater potential for visual impact than the selected candidate, with a greater number of rural dwellings in the surrounding area.

The CETAB proposal (Vickers Rd) was carefully considered by our Radio Engineers, but also against the other site selection criteria listed above. CETABS' position is that the **nbn** tower should be established in an optimum location to serve existing underserved areas, particularly an area to the south-west of Bellbrae. We have assured CETAB that it is also **nbn's** objective that the facility be sited at an optimum location, providing the greatest benefit to the residents in the Bellbrae and surrounding area. In order to deliver a tower we have explained to CETAB there are some other considerations which may impact on the

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siting of the facility (i.e. leasing, town planning etc.) but optimum coverage and service is our primary objective.

CETAB has been advised that their proposal at 261 Vickerys Road was carefully considered but was not recommended by our Radio Engineers as a large number of target premises near the centre of Bellbrae and some outlying parts of the Bellbrae town would not receive coverage. In total, approximately 253 premises would be served by a facility in this location, versus approximately 450 premises from the current nbn preferred site at 1435 Anglesea Rd. This represents a significant difference in the number of premises that would be served.

(iv) Town Planning and Visual Impact

At the CIS, feedback was sought from attendees about compatibility of the site within the middle portions of the property at 1435 Anglesea Road, Bellbrae for use and development of the **nbn** telecommunications facility. Photo-montages from two prominent vantage points - from Anglesea Road to the west and Moores Rd to the south were on display.

We note that the subject property is located within a Farming Zone, and is located to the north of an area that is within a Significant Landscape Overlay. There are no other Overlays impacting the site. If the site itself had any particular landscape significance, Council would have chosen to protect this with an overlay.

We also note that Clause 21.06 Rural Landscape of the Surf Coast Planning Scheme identifies the site as being within the 'Cape Otway Road to Northern Foot Hills and Coast' landscape unit. In this regard, we note that the proposed site is extremely well setback from the nearest main roads which are Grossmans, Anglesea, Moores and the Great Ocean Road. The proposed facility is approximately 370 metres east of Anglesea Road which is the closest of the main roads to the site. Whilst it will be visible from surrounding roads it would not dominate the landscape nor detract from its visual qualities. It would also have little if any impact on the significant Great Ocean Road corridor at in excess of 1.5 km distance.

In relation to the town planning merits of the proposal, comments (direct quotes) received in feedback forms or via email included:

- "concerns about the visual impact of current site on passing cars and people";
- "The spot u have chosen will be seen from every angle there is going to be a lot of trouble all farmers and locals in";
- "locals are opposed and that a site would be better away from the Great Ocean Road";



- “the proposal would be an eyesore and could cause accidents”.

It is unsurprising that some negative feedback has been provided but no compelling case was presented that demonstrated that the facilities would lead to an unreasonable level of detriment in the context of the planning controls impacting the site. State Planning Policy recognises that by their very nature, all telecommunications facilities will be visible to some degree, and just because the facility is visible does not disqualify it from consideration.

(v) Timing of deployment and commissioning

Critical to the timely deployment of the Bellbrae Fixed Wireless facility is navigating through the town planning process which is administered by the Surf Coast Shire as the “Responsible Authority” in accordance with the provisions of the Victorian Planning and Environment Act 1987.

Whilst not widespread, there was a misconception from some participants at the CIS that the proposal could be deployed without approval from Council. This is not the case, and the proposal will be thoroughly assessed and scrutinised against provisions of the Surf Coast Planning Scheme, and **nbn** is required to secure a Planning Permit before it can proceed.

We note that this process includes community participation through statutory notification of the Application by Council. This will then be followed by a process whereby Council assesses all submissions received (negative, positive, and/or neutral). Once Council or its’ delegate makes a decision on the Application there will also be an opportunity for a decision of Council to be reviewed through either an Applicant Appeal or “Third-Party” Appeal to VCAT.

Based upon the process outlined above, **nbn** and its’ project partners are cognisant of the fact that a Permit could take some time to be issued. This is why we’ve forecast that the **nbn** Fixed Wireless service in this area will be available between January-March 2018. Should an Application be refused, or should an Appeal be lodged for a review of the Council decision at VCAT, it is likely that the process to provide **nbn** access to premises in this area will need to be re-forecast to the middle of 2018. Should, for any reason the proposal not proceed at **nbn**’s preferred location, then service is unlikely to be available for many years.

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(v) Alterations to the proposal based upon feedback from the CIS

Since commencing assessment of candidate sites and throughout the consultation process, **nbn** has been receptive to feedback and alterations. Rather than the **nbn** preferred site being a fait accompli, we note that from time-to-time proposals have been altered or relocated because of feedback obtained from the community during the many CIS we have conducted from other proposals over the years. However, we've been clear from the outset that any changes would need to be based upon a compelling case that an alternative site is an improvement when assessed against all **nbn**'s site selection criteria.

nbn has welcomed constructive feedback, however it has not been presented with information that leads it to conclude that the selected site is not the best available site. Notwithstanding, **nbn** and Ericsson Radio Engineers can continue to work with the community to refine the coverage from a tower at this location.

Conclusion and Next Steps

nbn and its' project partners have listened carefully and considered feedback and suggestions made by all attendees at the CIS. We have revisited the possibility of establishing this Fixed Wireless facility at a range of alternative sites suggested by attendees at the CIS, and also by members of CETAB.

We share CETAB's objective of ensuring that the **nbn** tower should be established in an optimum location to serve existing underserved areas, particularly the area to the south-west of Bellbrae. However, there is a difference in perspective about how best to achieve this in the context of the overall network plan for the **nbn** in the region.

We reiterate earlier advice provided to CETAB that it is **nbn** and Ericsson's objective that the tower be sited at an optimum location, providing the greatest benefit to the residents in the Bellbrae and surrounding area. We also note that this is just not a radio planning exercise; there are some other considerations which may impact on the siting of the facility (i.e. leasing, town planning) but optimum coverage and service remains **nbn**'s primary objective.

After considering all feedback received from the CIS, **nbn** has resolved to proceed to the next stage which is lodgement of a Planning Permit Application for the proposal at 1435 Anglesea Road, Bellbrae. In doing so, we note that there remains scope to continue to



refine coverage from this location to achieve optimum coverage and service. Furthermore, we welcome community participation in the next stage of the process.

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CR HEATHER WELLINGTON (VIA TELECONFERENCE) LEFT THE MEETING AT 6:30PM.

2. CULTURE & COMMUNITY

2.1 Proposal to License Council Land - 6 Great Ocean Road, Aireys Inlet (Anderson Roadknight Hall and Car Park) - Market

Author's Title: Recreation Planning Coordinator

General Manager: Anne Howard

Department: Recreation & Open Space Planning

File No: F17/844

Division: Culture & Community

Trim No: IC17/745

Appendix:

1. Order of Speakers (D17/82117)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 – Section 80C:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to enable consideration of submissions received and to hear submitters who have requested to appear in person.

Summary

The market has been operating at the Anderson Roadknight Hall and Car park for 10+ years and Council Officers have recently been informed of the change of ownership.

The previous operators had a permanent booking through the Section 86 Committee for 14 dates throughout the year. With the change in ownership, the Section 86 Committee have requested Council approval for 14 markets in 2017/18.

In the absence of policy, officers advertised intent to licence Council land for the purpose of a market for an interim 12 month period.

A public notice was published in the Surf Coast Times on Thursday 8 June 2017 inviting submissions. Submissions closed at 5pm on Thursday 6 July 2017. Further to the public notice Council wrote to 27 tenants of local businesses and hand delivered the public notice letter to 14 businesses whom were open at the time of the drop. Council received 104 submissions in total, 103 by the closing date and 1 late submission. Four submitters requested to be heard in support of their submission. A summary of the submissions received is as follows:

- **94 submissions support the market for the following reasons:**
 - Contributes to local tourism and economy;
 - Fantastic community initiative;
 - Community gathering space;
 - Fresh local produce and hand made products; and
 - Integral part of town identity and culture.
- **10 submissions oppose the market for the following reasons:**
 - Negative impact on local business;
 - Oppose commercial business having permanent booking of community space;
 - Fee paid by the market operators for use of facilities should be equivalent to a commercial rate;
 - Frequency of the market;
 - Submitters preference - one monthly market, year round on the same weekend each month rather than handpicked peak periods;
 - Number of stalls should be capped;
 - Ratio of local based stall holders v outside Shire based stall holders;
 - Oppose the use of car parking for market stalls; and
 - Lack of Council policy for Commercial operators on public land.

2.1 Proposal to License Council Land - 6 Great Ocean Road, Aireys Inlet (Anderson Roadknight Hall and Car Park) - Market

Recommendation

That Council receive and note the submissions for the proposal to License Council Land at the Anderson Roadknight Hall and Car Park for the purpose of a market.

Committee Resolution

MOVED Cr Margot Smith, Seconded Cr Libby Coker

That Council receive and note the submissions for the proposal to License Council Land at the Anderson Roadknight Hall and Car Park for the purpose of a market.

CARRIED 6:0

2.1 Proposal to License Council Land - 6 Great Ocean Road, Aireys Inlet (Anderson Roadknight Hall and Car Park) - Market

Report

Background

The Aireys Inlet Market has been operating for 10+ years without a Council licence agreement, rather an annual booking directly with the Anderson Roadknight Reserve Section 86 Committee of Management (CoM).

The Aireys Inlet Market is a privately run market and recently changed ownership. There have been long standing concerns from a small section of the local business community regarding a negative impact of the Aireys Inlet Market on some local traders business.

Discussion

With the change in ownership, the Section 86 Committee have requested Council approval for 14 markets in 2017/18. Proposed market dates: 2017 - Sunday October 8, Saturday November 4, Sunday November 12, Sunday December 10, Sunday December 31. 2018 - Sunday January 7, Sunday January 14, Sunday January 21, Sunday January 28, Sunday February 11, Sunday March 11, Sunday April 1, Sunday May 13 and Sunday June 10.

An expression of interest process was not considered on this occasion as the first market booking for 2017/18 was scheduled in October, which did not allow the time to plan and run a formal competitive Expression of Interest process and present to Council for resolution without impacting the proposed first market of the year.

In the absence of policy, officers advertised intent to licence Council land for the purpose of a market for an interim 12 month period.

Financial Implications

Not applicable.

Council Plan

Theme 2 Governance
Objective 2.4 Transparency in decision making and access to information
Strategy 2.4.3 Ensure decision-making is as transparent as possible.

Policy/Legal Implications

Local Government Act 1989

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

Risks to the process include entering into a Licence Agreement for a commercial operator without an expression of interest process which is not in line with competitive neutrality principles. It is expected that a competitive Expression of Interest process will be a key feature of the Leasing and Licencing Property Policy that is currently in draft and will be completed prior to the expiry of this proposed interim licence.

Social Considerations

The market as evidenced by the public submissions does provide a community benefit.

Community Engagement

A public notice was published in the Surf Coast Times on Thursday 8 June 2017. Council wrote to 27 tenants of local businesses and undertook a letter drop with 14 businesses whom were open for business at the time of the drop.

Environmental Implications

Nil impacts identified.

2.1 Proposal to License Council Land - 6 Great Ocean Road, Aireys Inlet (Anderson Roadknight Hall and Car Park) - Market

Communication

As detailed under 'Community Engagement'. A letter was sent to all 104 submitters providing the opportunity to make a verbal presentation to Council of up to 5 minutes in support of their submission. The invite confirmed that this is a hearing of submissions only and there will be no decisions made at this meeting in respect to this item.

Conclusion

Receive the submissions for the proposal to License Council Land prior to consideration of the matter by Council at its Ordinary Meeting on 22 August 2017.

2.1 Proposal to License Council Land - 6 Great Ocean Road, Aireys Inlet (Anderson Roadknight Hall and Car Park) - Market

APPENDIX 1 ORDER OF SPEAKERS



Hearing of Submissions
Tuesday 1 August 2017, 5pm
Council Chambers
1 Merrijig Drive, Torquay

ORDER OF SPEAKERS

CULTURE AND COMMUNITY

Aireys Inlet Market Licence

Item	Submitter
1.	Libby Stapleton
2.	Fay Valcanis
3.	David Jones
4.	Sandi Chambers
5.	Sue Reilly
6.	Robert Skehan (Torquay Commerce and Tourism)

Close: There being no further items of business the meeting closed at 7.33pm.