

**CITY OF  
BALLARAT**



**Planning Special Committee Meeting**

**28 August 2019**

Trench Room, Town Hall, Ballarat City Council

**AGENDA**

**NOTICE IS HEREBY GIVEN THAT A PLANNING SPECIAL COMMITTEE MEETING WILL BE HELD IN THE TRENCH ROOM, TOWN HALL, BALLARAT CITY COUNCIL ON 28 AUGUST 2019 AT 7:00PM.**

<h1>AGENDA</h1>
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**ORDER OF BUSINESS:**

<b>1. Apologies For Absence.....</b>	<b>3</b>
<b>2. Declaration Of Conflict Of Interests.....</b>	<b>3</b>
<b>3. Confirmation Of Minutes.....</b>	<b>3</b>
<b>4. Planning Special Committee Reports.....</b>	<b>4</b>
4.1. PLP/2019/278 54 Humffray Street Ballarat East Development of a Telecommunications Facility.....	4
<b>5. General Business - Matters Arising From The Agenda .....</b>	<b>71</b>
<b>6. Close .....</b>	<b>71</b>

**1. APOLOGIES FOR ABSENCE**

**2. DECLARATION OF CONFLICT OF INTERESTS**

**3. CONFIRMATION OF MINUTES**

Nil

#### 4. PLANNING SPECIAL COMMITTEE REPORTS

##### 4.1. PLP/2019/278 54 HUMFFRAY STREET BALLARAT EAST DEVELOPMENT OF A TELECOMMUNICATIONS FACILITY

**Division:** Infrastructure and Environment  
**Director:** Terry Demeo  
**Author/Position:** Stephanie Durant – Principal Statutory Planner

#### OFFICER RECOMMENDATION

Council resolves to:

1. Issue a Notice of Decision to Grant a Planning Permit PLP/2019/278 for the land located at 54 Humffray Street North, Ballarat East for Development of a Telecommunications Facility subject to the following Conditions:

1. Amended Plans Required

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted but modified to show:

- (a) Colour schedule to be provided showing the telecommunications tower and associated shed/shelter in muted neutral colours.

Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

2. Plan Condition

The telecommunications facility shown on the approved plans must not be modified without the written consent of the Responsible Authority.

3. Compliance with Radiation Protection Standard

The telecommunications facility hereby approved must comply with the ARPANSA 'Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz (2002)', or such other standard as is adopted from time to time by the Australian Communications and Media Authority.

4. Requirements After Construction

On completion of the construction and commissioning of the telecommunications facility, subsequent readings of the electromagnetic levels from the facility as measured on the site and nearby land must be submitted to the satisfaction of the Responsible Authority.



**5. Ceasing of Use**

If the use of the site as a telecommunications facility ceases, all infrastructure must be removed within three months of the use ceasing to the satisfaction of the Responsible Authority.

**6. Minimising Glare**

The exterior colour and cladding of the monopole and associated infrastructure must be non-reflective to the satisfaction of the Responsible Authority.

**7. Earthworks**

All works must be undertaken in a manner that minimises soil disturbance, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Responsible Authority. All topsoil removed during the earthworks must be stockpiled, maintained in a weed-free condition, respread on disturbed ground after completion of the earthworks and revegetated to prevent dust and erosion, all to the satisfaction of the Responsible Authority.

**8. Permit Expiry- Development Only**

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

- (a) The development is not started within two years of the date of this permit;
- (b) The development is not completed within four years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards (for a request to extend the time to commence the development) or twelve months after the permit expires (for a request to extend the time to complete the development).

**EXECUTIVE SUMMARY**

On 6 May 2019 an Application was lodged for development of a Telecommunications Facility at 54 Humffray Street North, Ballarat East. The application was advertised and Council has received 14 objections. It is recommended that Council issue a Notice of Decision to Grant a Planning Permit subject to Conditions.

**APPLICATION DETAILS**

<b>Applicant:</b>	Service Stream Holdings Ltd
<b>Owner:</b>	DRAR Investments Pty Ltd
<b>Date Lodged:</b>	6 May 2019
<b>Subject Site:</b>	54 Humffray Street North, BALLARAT EAST VIC 3350 Lot 1 TP392052, Lot 2 TP392052
<b>Current use:</b>	Warehouse
<b>Zone:</b>	Mixed Use Zone (MUZ)
<b>Overlays:</b>	Nil
<b>Permit triggers:</b>	Clause 52.19-1: A permit is required to construct a building or construct or carry out works for a Telecommunications facility.
<b>Ward:</b>	Central
<b>Number of Objections:</b>	14
<b>Mediation Meeting:</b>	Yes
<b>Council Referral Trigger:</b>	Councillor call-in
<b>Covenant or S173</b>	No
<b>CHMP Required:</b>	No

**PROPOSAL**

The proposal is summarised as follows:

- Development of a 25 metre high telecommunications tower with associated antennas (total overall height of 26.3 metres)
- Six panel antennas to be attached on a triangular headframe to be mounted at the top of the monopole
- Development of electricity equipment cabinets at ground level
- Security fencing located around a secure 6.5m x 7m compound.

The proposed telecommunications facility will be located in the northeast section of the subject site with a setback of 500mm from Corbett Street, a setback of approximately 40m from Humffray Street, a setback of approximately 500mm from the southern boundary and a setback of approximately 500mm from the eastern boundary. The existing driveway access from Corbett Street will provide access to the telecommunications facility.

The proposed photo montage submitted by the applicant showing the appearance of the telecommunications facility from Humffray Street looking south east is shown below, along with the Elevation Plan.

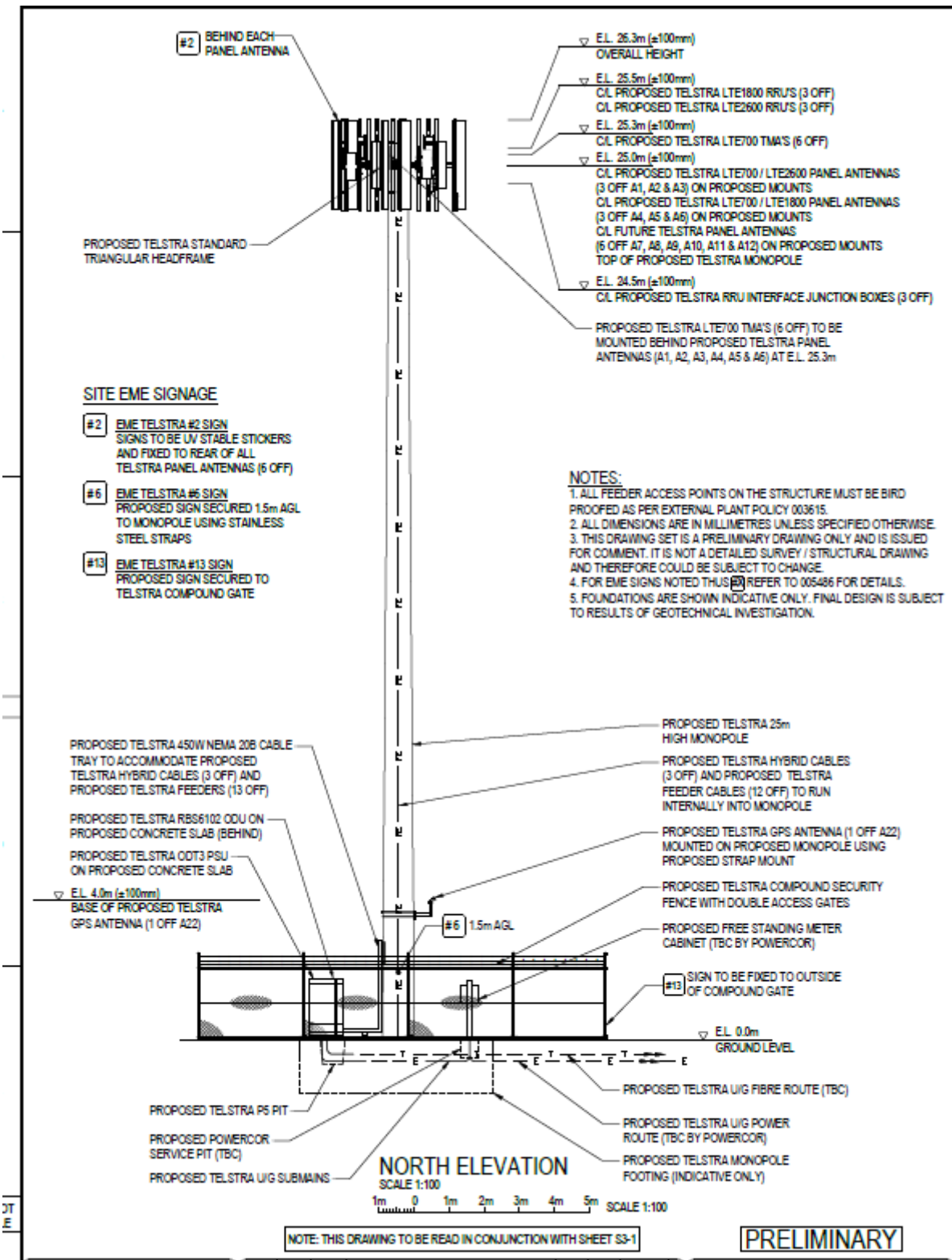


Figure 1: Elevation Plan

## **SITE AND SURROUNDS**

The land is included in a Mixed Use Zone (MUZ), with a mixture of commercial, industrial and residential uses and development surrounding the subject site. Abutting properties to the south, east and west are also within the MUZ, utilised for predominantly commercial and industrial uses. No overlays affect the subject land.

The subject property has two road frontages. The western boundary fronts Humffray Street and the northern boundary faces Corbett Street. The site comprises two large sheds/factory buildings with vehicular access off Corbett Street. The property also includes a small, single storey retail shop/office which fronts Humffray Street. The property was formally utilised for a glass company (Ballarat Glass) and has more recently been purchased by a building company (Des Rix Homes). The sheds are currently used as a storage facility by the landowner and the shop/office is vacant.

The property's southern boundary abuts a sports club, the Ballarat Leagues Club which includes single storey club rooms and a car parking area accessed from Mair Street, a Road Zone Category 1 Road. Land abutting to the east is utilised for the Eastwood Veterinary Clinic, a single storey brick building fronting Mair Street and its car parking area.

A laneway borders the eastern boundary of the subject property which divides the Leagues Club and the veterinary clinic land, however this is not formed and the land is used for shared car parking, particularly for the Leagues Club's visitor use. The access from Corbett Street is partly fenced allowing for pedestrian access only.

Land abutting to the north comprises the Ballarat Regional Rail corridor which includes the railway line, infrastructure and buildings. The land is zoned Public Use 4 (Transport) and affected by a Heritage Overlay- HO59 – Ballarat Railway Complex. Land north of the rail corridor comprises residential and commercial properties within a General Residential 1 Zone. To the north west the land is zoned Commercial 1.

Land further to the east and south of the subject site comprises a mixture of commercial, industrial and residential uses located within the Commercial 1 Zone and the Mixed-Use Zone. A retail shopping centre is located south east of the subject site and includes a Coles Supermarket, fast food outlets and car parking. The Bakery Hill Kindergarten is located approximately 70m south of the subject site.

Although the subject property is not encumbered by any overlays, land further to the south is encumbered by a Heritage Overlay (HO177 – Victoria Street Heritage Precinct). There are also individually listed sites identified within the Ballarat Planning Scheme within the Victoria Street precinct and in the immediate surrounding area. Mature vegetation lines the surrounding streets and there are a range of railway infrastructure, power poles, light poles and business signage evident in this area.

The nearest residential property is located approximately 95m west of the subject site at 57A Humffray Street. Other residential dwellings located within proximity to the site are located approximately 100m south on East Street North and approximately 120m north lining Humffray Street North. These dwellings are separated by roads and the railway corridor land.

An aerial and zoning map is provided below with the subject site outlined in red.

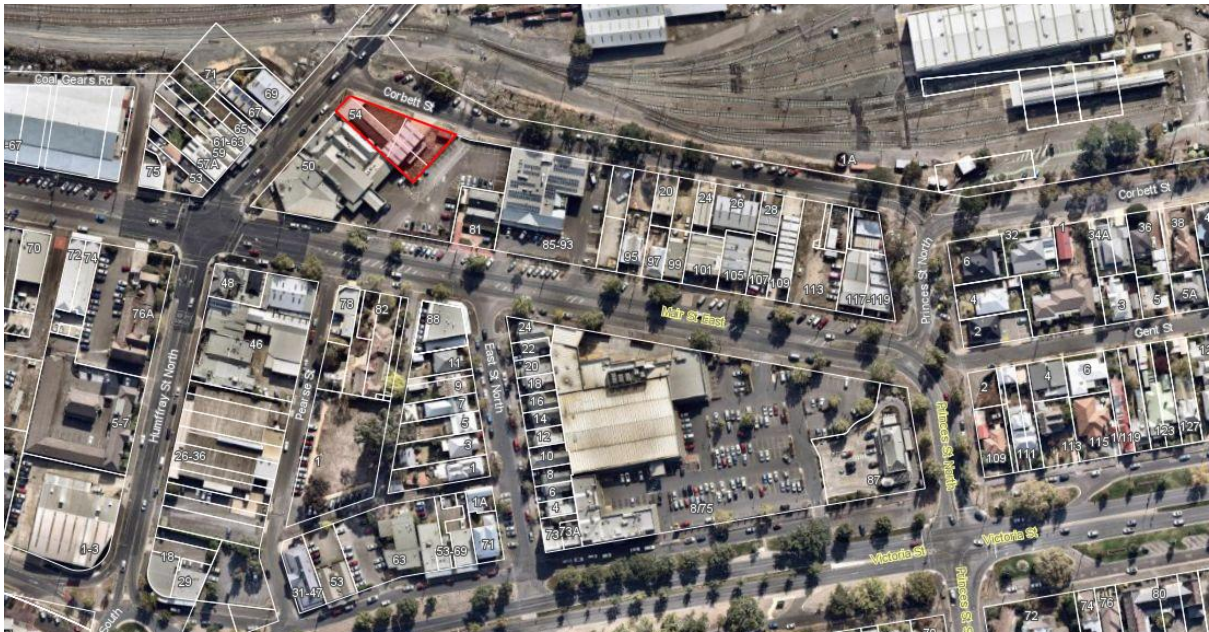


Figure 2: Aerial Map

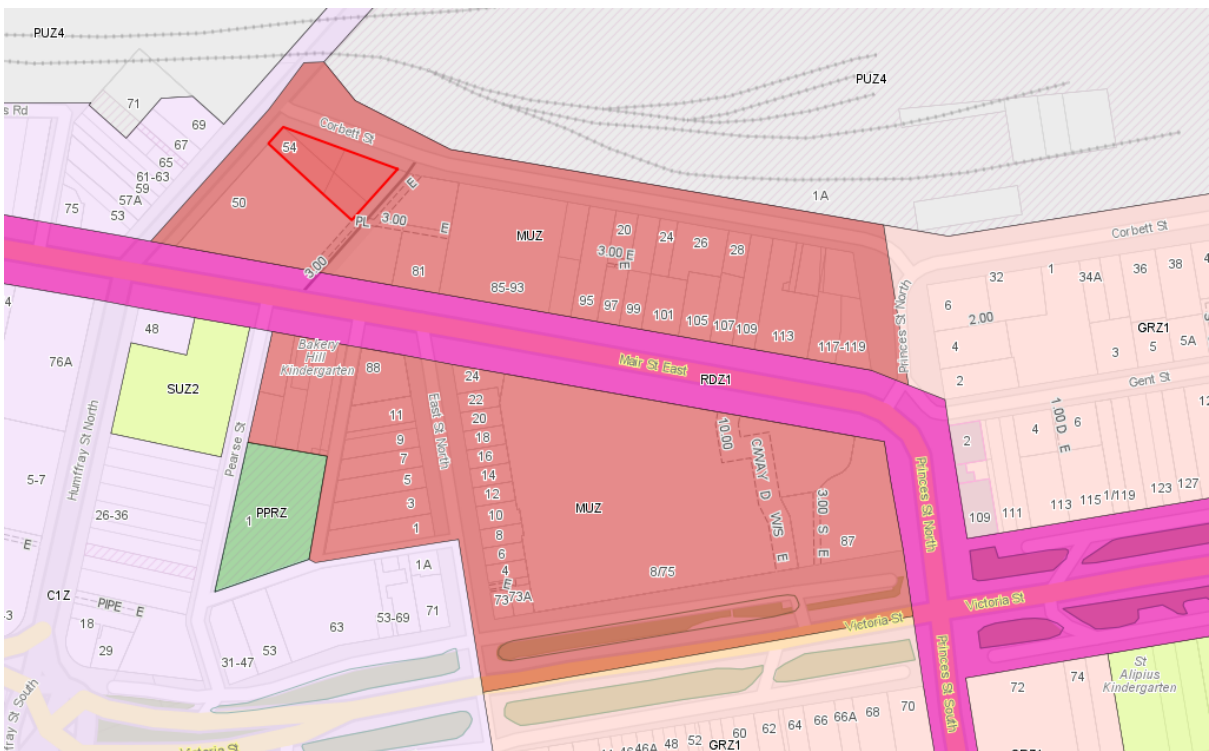


Figure 3: Zoning Map

### RESPONSE TO NOTICE OF APPLICATION

The application was required to be advertised pursuant to Section 52 of the Planning and Environment Act 1987.

The following forms of advertising were undertaken:

- Notices sent to owners and occupiers of adjoining land within 500 metres of the site;
- An A3 sign was placed on the land; and
- Notice placed in “The Courier” Newspaper.

14 objections were received. Grounds of objection are summarised as follows:

- Visual impact;
- Heritage impact;
- Amenity impacts – residential area;
- Questioning the need for a telecommunications tower;
- Alternative locations; and
- Health concerns.

A mediation meeting was undertaken on 4 July 2019. The mediation meeting was attended by objectors, the applicant and council officers. The mediation meeting did not result in any resolutions being reached.

## **REFERRAL OF APPLICATION**

### External Referrals

The application was not required to be referred to any external authorities.

### Internal Referrals

#### **Environmental Health**

No objection subject to conditions in relation to compliance with radiation protection standards and a general amenity condition.

## **KEY ISSUES**

The principal issues relevant to the Application are as follows:

- Strategic Justification against the Ballarat Planning Scheme;
- Consistency with the Code of Practice for Telecommunications Facilities in Victoria 2004; and
- Amenity Impacts.

#### **Strategic Justification**

There is strong policy support at both State and Local Government level for the provision of telecommunication facilities and infrastructure.

Clause 19.03-4 of the Ballarat Planning Scheme aims to facilitate the orderly development, extension and maintenance of telecommunications infrastructure. The relevant strategies of this clause are as follows:

- Facilitate the upgrade and maintenance of telecommunications facilities;
  - Ensure modern telecommunications facilities are widely accessible to business, industry and the community;
  - Ensure the communications technology needs of business, domestic, entertainment and community services are met;
-

- Do not prohibit the use of land for a telecommunications facility in any zone;
- Encourage the continued deployment of broadband telecommunications services that are easily accessible by:
  - Increasing and improving access for all sectors of the community to the broadband telecommunications trunk network; and
  - Supporting access to transport and other public corridors for the deployment of broadband networks in order to encourage infrastructure investment and reduce investor risk.
- In consideration of proposals for telecommunication services, seek a balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure; and
- Planning should have regard to national implications of a telecommunications network and the need for consistency in infrastructure design and placement.

Clause 21.02-1 of the Ballarat Planning Scheme identifies a key issue for Ballarat as being able to provide access to modern technological infrastructure.

Clause 21.04-7 of the Ballarat Planning Scheme states: “The City of Ballarat is committed to providing support for... the installation of telecommunications infrastructure”.

As such, there is significant policy support for the provision of telecommunication facilities. As summarised in Victorian Civil and Administrative Tribunal (VCAT) determination *Optus Mobile v Macedon Ranges SC* [2009]: “*Telecommunications are an essential part of everyday life and essential for a community that includes many people who work and access services some distance from their homes... It will enable residents to contact their family or friends, and to enjoy enhanced access to the internet for information, transactions and bookings. Businesses will have enhanced marketing exposure and their operations will be more efficient*”.

### **Consistency with the Code of Practice for Telecommunications Facilities in Victoria 2004**

The Code of Practice for Telecommunication Facilities in Victoria 2004 establishes principles for the design and siting, construction and operation of a telecommunications facility which a Responsible Authority must consider when assessing an application for a Planning Permit.

The four principles are:

- Principle One: A Telecommunications facility should be sited to minimise visual impact;
- Principle Two: Telecommunications facilities should be co-located wherever practical;
- Principle Three: Health standards for exposure to radio emissions will be met; and
- Principle Four: Disturbance and risk relating to siting and construction should be minimised and construction activity and site location should comply with State Environment Protection Policies and best practice environmental management guidelines.

These principles are discussed below.

#### Principle One: A telecommunications facility should be sited to minimise visual impact

The application of Principle One includes the following criteria:

- A telecommunications facility should be located to minimise any interruption to a significant view of a heritage place, a landmark, a streetscape, vista or a panorama whether viewed from public or private land; and



- Equipment associated with the telecommunications facility should be screened or housed to reduce its visibility.

The proposal raises three key visual amenity impacts concerning the height, location and design of the telecommunications tower. The telecommunications facility mainly comprises a monopole, which is a relatively slender, single pole. The proposed height of the pole will be 25m, with a maximum height of 26.3m including antennas. Therefore, it is the height, rather than the bulk of the telecommunications facility presenting a potential visual concern.

It is noted the application of Principle One above is based on whether the telecommunications facility has been located to minimise any interruption to a significant view of a vista or panorama from public or private land. It is not about minimising interruption to all views, just those which are assessed as being significant. This in mind, it must be noted the landscape in this area, including the subject site, in terms of the views and vistas offered, is not identified as being so significant as to warrant a Significant Landscape Overlay within the Ballarat Planning Scheme.

In the wider landscape the monopole will be viewed in the context of the existing telecommunications towers, electricity poles, power lines and other structures and will not interrupt a significant vista or panorama. It is considered the most significant views are those from Humffray Street North when looking south and from Victoria Street looking west as these are the two main entry points into Ballarat.

The proposed telecommunications facility will be visible from Victoria Street where the upper portion of the telecommunications tower will be visible when looking east. The photo montage submitted by the applicant below shows the extent of visibility of the tower when viewed from the corner of Princes Street South and Victoria Street. As shown on the aerial photo above the view along Victoria Street does not directly point towards the telecommunications tower. When driving along Victoria Street, the telecommunications facility would be located off to the side, where only the upper portion of the telecommunications tower would be visible above the existing Coles Shopping complex and established trees.





**Figure 4: Photo Montage – Corner of Victoria Street and Princes Street South looking northwest towards the subject site.**

The monopole will be visible from Humffray Street as shown in the photo montages below. However, it is considered that the industrial/commercial character of the site and immediate surrounds provides an appropriate setting for the telecommunications tower to ensure it doesn't appear out-of-context with its surroundings. The tower will be partially screened from Humffray Street when looking north west by the existing industrial shedding located on the site and established vegetation. It will also be partially screened from the north by the Ballarat Leagues Club and the two storey building on the corner of Mair and Humffray Streets (48 Mair Street East).



**Figure 5: Photo Montage Humffray Street looking southeast towards the subject site**



**Figure 6: Photo Montage Humffray Street looking southeast towards the subject site**

Views from Mair Street looking both east and west are partially screened by existing buildings and the topography as Mair Street slopes steeply further west of the site. The telecommunications tower also sits in the context of other nearby infrastructure including rail infrastructure, a large advertising billboard, a surveillance tower, boom gates, powerlines and street lights which minimise its prevalence.

In addition to vistas of the site, the visual impacts onto properties proximate to the site also require consideration. The nearest dwelling being 57A Humffray Street North, Ballarat East is located approximately 95m from the proposed telecommunications tower. From this angle the Ballarat Leagues Club building and the industrial building on the site will provide partial screening from the telecommunications facility, with only the upper portion of the telecommunications tower being seen. Dwellings on East Street North and dwellings on Humffray Street North will be located a minimum of 100 metres from the site of the telecommunications tower and views to the site will be partially screened by existing vegetation and buildings. Views of the telecommunications tower from the Bakery Hill Kindergarten, which is located approximately 70 metres to the south will be partially screened by the existing buildings along the north side of Mair Street.

A permit condition can require the colour of the monopole be shown on the plans to ensure the materials will be non-reflective, complementary colours to achieve a reasonable degree of integration with the surrounding landscape.

It is not suggested the telecommunications tower will be invisible; because of its height, the telecommunications tower will always be a visible element in the broader landscape. However, the fact that the telecommunications tower will be visible is not in itself a reason to refuse the application. It is acknowledged that whether or not the proposed telecommunications tower is visually acceptable is very much subjective and there will always be differing opinions about

what is reasonable or acceptable. It is not a requirement for the telecommunications facility to be invisible, but rather that its appearance and location does not unreasonably dominate views. As stated in VCAT case *Telstra Corporation Ltd v Mildura RCC* [2009]: *“The need for clear transmission and receiving paths means that mobile phone towers must be visible for them to be effective...if they were hidden below buildings or hills they would provide less coverage”*.

Overall, it is considered the setback distances from Victoria Street, Mair Street and Humffray Street, the slimline monopole design and the industrial/commercial setting of the site should reduce the visual impact so that the appearance of this new structure would not be so unusual, offensive or visually jarring. In the context, it is considered the proposed telecommunications tower becomes just one element in the wider landscape which includes electricity poles, street lights, rail infrastructure, a variety of building types including industrial shedding and mature trees scattered throughout the area.

Given this operational requirement and as noted above, the proposal strikes the appropriate balance between minimising the visual impact of the telecommunications facility while providing effective service coverage.

Principle Two: Telecommunications facilities should be co-located wherever practical

The second principle concerns co-location. This principle intends telecommunication antennae and services should be located within an existing underground conduit or duct and overhead lines and antennae should be attached to existing utility poles, towers or other radio communications equipment to minimise unnecessary clutter.

The applicant has indicated that they explored opportunities to upgrade and expand existing facilities in the area however there were no existing facilities sufficient for Telstra’s purposes in the area suitable for co-location. The applicant also considered two other sites to locate the proposed telecommunications tower. 75 Victoria Street within the carpark of the Coles Supermarket (candidate A) and within the road reserve of Victoria Street (candidate B). Both of these sites were excluded due to their location with the Heritage Overlay (H0177), proximity to residential properties and impacts on views and vistas along Victoria Street.





**Figure 7: Candidate Sites for Telecommunications Tower**

As noted in several VCAT decisions, consideration of alternative locations is not a relevant planning issue and it is not the task of Council to consider alternative locations but simply to assess the specific Application before it on its own merits and determine its acceptability.

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

The proposal will operate within the Australian Communications and Media Authority (ACMA) mandated Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) standard for radio frequency emissions. The Applicant has indicated that the highest level of electromagnetic radiation (EMR) emitted from the telecommunications facility will be 0.92% of the standard.

Principle Four: Disturbance and risk relating to siting and construction should be minimised and construction activity and site location should comply with State Environment Protection Policies and best practice Environmental Management Guidelines

Given the location of the telecommunications facility, there will be minimal impact during the construction phase on the general public, adjoining properties or on road safety. There will be some site disturbance in the immediate area of the monopole during its erection and construction of the associated building and fencing. A permit condition can ensure earthworks are carried out in a manner which minimises soil disturbance. The proposed buildings and works are not considered likely to cause any substantial or ongoing detriment to the environment.

Amenity impacts

The visual amenity impacts of the proposal are discussed earlier in this report. The positive amenity impacts caused by the social and economic benefits that are provided by the telecommunications facility also require consideration.

It is noted this area of Bakery Hill/Ballarat East provides a mixture of land uses, with residential properties interspersed with commercial properties along Mair and Humffray Street North, the Bakery Hill Kindergarten and the railway line to the north.

From inside the existing dwellings, the amenity will be virtually unaffected by the visual appearance of the proposed telecommunications tower. From outdoor entertaining areas of surrounding properties, the telecommunications tower will be visible but, for reasons discussed earlier in this report, including the ameliorating effect of distance, appearance of existing infrastructure, commercial setting of the site and slimline, monopole design, this change is not sufficient to warrant rejection of the proposal.

On balance, it is considered the positive social and economic amenity benefits for the surrounding area outweigh the potential negative amenity impacts caused by the partial visibility of the structure from nearby properties.

## **OBJECTIONS**

In response to the grounds of objection not already discussed in the report, the following comments are made:

At a Practice Day Hearing in *Marshall v Ararat RCC [2013]* to consider the validity of certain statements of grounds for a similar telecommunication facility, Deputy President Helen Gibson stated a number of issues commonly raised in objections are not relevant planning considerations.

These issues include:

- Potential health risks from electro-magnetic radiation and the like;
- Lack of consultation with the community;
- Alternative locations for the telecommunications tower/s;
- Preference for alternative technologies; and
- Loss of property values.

There have been numerous VCAT decisions concerning telecommunications facilities which have reached this conclusion. As such, it is considered these matters are outside the scope of Council's assessment of the Application.

Nonetheless, in response to the grounds of objection not already discussed in the report a brief discussion of these concerns is provided below for clarity.

### Failure to adequately notify affected parties

The Application has been advertised by mail notifying owners/occupiers within 500 metres of the site. Two signs were erected on site. The Application documentation was posted online on Council's website. A notice of the Application was also placed in the Saturday edition of The Courier. The extent of notification exceeds Council's Advertising Policy and satisfies the statutory obligations contained within the *Planning and Environment Act 1987*.

### Health concerns

There is much information available, both positive and negative, regarding potential health issues caused by telecommunication towers. There have been numerous decisions before VCAT where the potential health side effects of telecommunications towers have been consistently dismissed. As stated in *Hyett R v Corangamite SC and Telstra [1999]*: "*First, the Tribunal is obliged to apply the relevant regulatory standards as it finds them, not to pioneer*

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*standards of its own. The creation of new standards is a matter for other authorities.” This is expanded in Telstra Corporation Ltd v Mildura RCC [2009]: “Clearly residents have a strongly held fear about the effects of EMR but I have reached the conclusion that I could not reject the proposal on health grounds because of the very easy compliance with the relevant Australian standard in relation to electromagnetic radiation”.*

This is not to say the concerns raised by the objectors regarding the issue of potential health impacts are immaterial. Rather, the above Tribunal decisions dictate planners must rely on the fact the Standards and Code of Practice regarding safety and Electromagnetic Radiation (EMR) exposure were developed based on all available scientific research and with input from the experts in the field. VCAT have indicated on numerous occasions: it is not the role of Local Government to specify which level of EMR exposure is appropriate in any given circumstance – hence the requirement to rely on the predetermined standards.

Information submitted by the applicant has detailed the telecommunications facility will operate within the ACMA mandated ARPANSA Standard for radio frequency emissions. The Report summary of Estimated Radiofrequency Electromagnetic Energy (RF EME) Levels submitted by the Applicant indicates the highest level will be 0.92% of the Standard. A permit condition could require the telecommunications facility to comply with the ARPANSA Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300GHz (2002), or other such standard as is adopted from time to time by ACMA. This would ensure that, should the Australian Standard regarding EME exposure be modified in the future to reflect new research, the telecommunications facility would need to comply with any new regulations.

## **LEGISLATION, COUNCIL PLAN, STRATEGY AND POLICY IMPLICATIONS**

Clauses relevant to the application include the following:

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

Clause 15 Built Environment and Heritage; and  
Clause 19 Infrastructure.

### **Municipal Strategic Statement**

Clause 21.01 Key Issues;  
Clause 21.04 Land Uses; and  
Clause 21.05 Built Form and Amenity.

In addition:

- *Charter of Human Rights and Responsibilities Act 2006;*
- *Planning and Environment Act 1987;*
- City of Ballarat Council Plan 2017-2021; and
- Ballarat Planning Scheme.
- Code of Practice for Telecommunications Facilities in Victoria 2004;
- ARPANSA Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300 GHz (2002)

## REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
<b>Human Rights</b>	Yes	Yes
<b>Social/Cultural</b>	Yes	Yes
<b>Environmental/Sustainability</b>	No	No
<b>Economic</b>	No	No
<b>Financial /Resources</b>	No	No
<b>Risk Management</b>	No	No
<b>Implementation and Marketing</b>	No	No
<b>Evaluation and Review</b>	No	No

**Human Rights and Social/Cultural-** The application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* and the Ballarat Planning Scheme. The assessment is considered to accord with the *Charter of Human Rights and Responsibilities Act 2006*. Specifically:

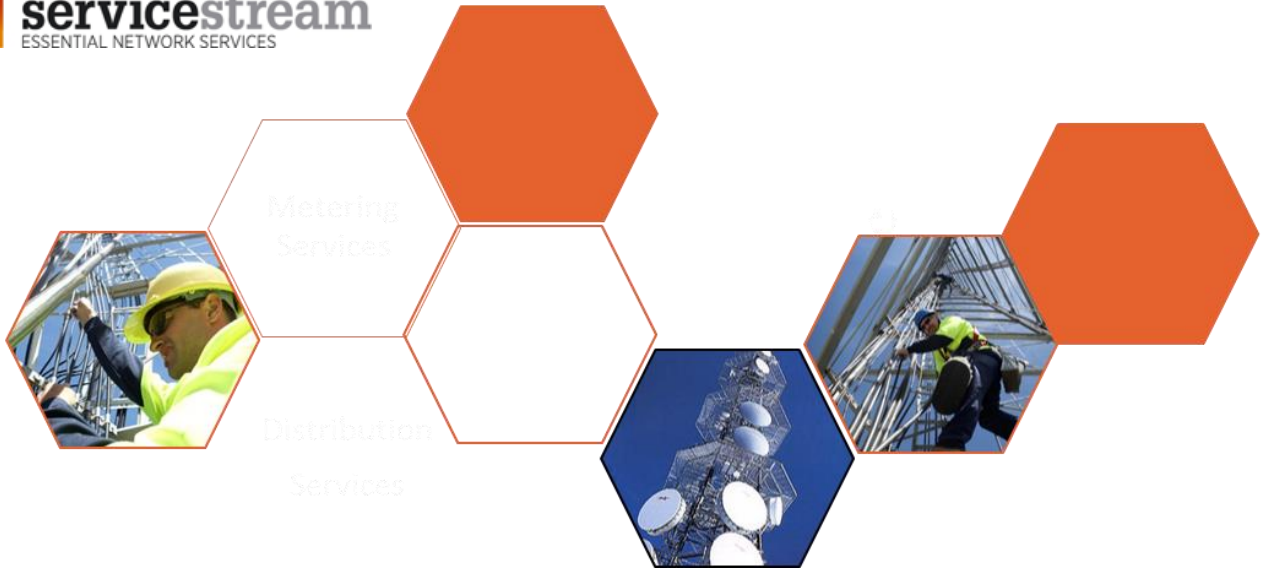
- Freedom of Expression (part 2 section 15);
- A fair hearing (part 2 section 24); and
- Entitlement to participate to public life (part 2 section 18).

## OFFICERS DECLARATIONS OF INTEREST

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

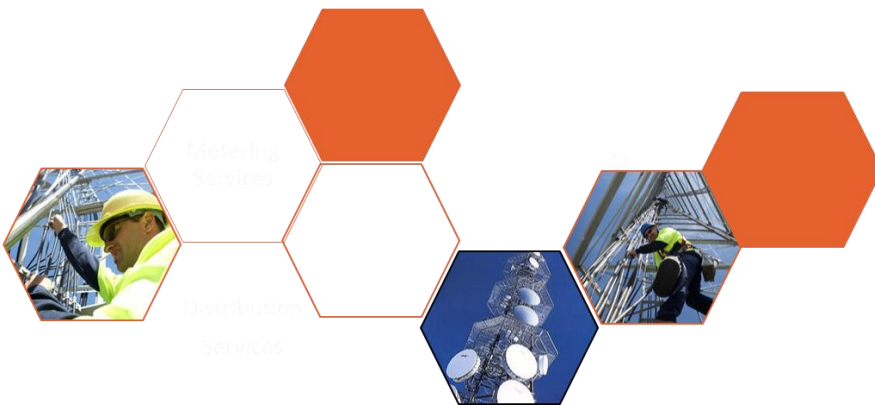
## ATTACHMENTS

1. PLP 2019 278 54 Humffray Street Ballarat East Planning Report [4.1.1 - 39 pages]
2. PLP 2019 278 54 Humffray Street Ballarat East Environmental EME Report [4.1.2 - 2 pages]
3. PLP 2019 278 54 Humffray Street Ballarat East Photos and Montage Package [4.1.3 - 5 pages]
4. PLP 2019 278 54 Humffray Street Ballarat East Plans [4.1.4 - 5 pages]



# PLANNING ASSESSMENT

**Proposed Telstra Mobile Telecommunications Facility At:  
54 Humffray Street, Ballarat East Vic 3350**





# Document Control Record

<b>Document Description</b>	Planning Submission		
	VT08054.02	<b>Site Name</b>	BAKERY HILL

	<b>Name</b>	<b>Signed</b>	<b>Date</b>
<b>Prepared By</b>	Barbara Grinter		April 2019

<b>File Location</b>	\\servicestream.local\ssdata\HOData\TCI_Data\01 Customers\02 Telstra\001 Victoria & Tasmania Sites\Bakery Hill
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*This report has been prepared as a supporting document to the Development Application. The report relies upon data, surveys, measurements and results taken at or under particular times and conditions specified herein. Any findings and conclusions or recommendations only apply to the aforementioned circumstances. Service Stream does not accept any responsibility for the use of this report by any parties without its prior written permission.*

## Table of Contents

<b>1</b>	<b>Executive Summary</b>	<b>2</b>
<b>2</b>	<b>Background to the Application</b>	<b>3</b>
2.1	Mobile Network Services	3
2.2	Need for the Facility	4
2.3	Assessment of Candidate Sites	4
2.3.1	Co-location Options	4
2.3.2	Alternative New Site Options	5
2.4	Subject Site and Surrounds	7
2.5	Summary of Proposal	11
<b>3</b>	<b>Regulatory Framework</b>	<b>12</b>
3.1	Commonwealth Regulatory Framework and Telecommunications Act	12
3.2	Commonwealth Telecommunications Code of Practice 2018	12
3.3	Telecommunications (Low-Impact Facilities) Determination 2018	12
3.4	Industry Code C564:2011	13
3.5	A Code of Practice for Telecommunications Facilities in Victoria	13
3.6	Ballarat Planning Scheme Provisions	13
<b>4</b>	<b>Assessment of Application</b>	<b>15</b>
4.1	Planning Policy Framework (PPF)	15
4.2	Municipal Strategic Statement	15
4.3	Zoning	16
4.4	Overlays	17
4.5	Particular Provisions – Clause 52.19 of the Planning Scheme	19
4.5.1	Clause 52.19 Telecommunications Facilities	19
4.5.2	Native Vegetation	19
4.6	Incorporated Documents – Code of Practice for Telecommunications Facilities in Victoria	20
4.6.1	Principle 1: A Telecommunications facility should be sited to minimise visual impact	20
4.6.2	Principle 2: Telecommunications facilities should be co-located wherever practical	21
4.6.3	Principle 3: Health standards for exposure to radio emissions will be met.	21

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4.6.4	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	22
<b>4.7</b>	<b>Environment and Heritage</b>	<b>22</b>
4.7.1	Flora and Fauna – EPBC Report	22
4.7.2	Cultural Significance – Aboriginal Heritage	22
<b>4.8</b>	<b>Construction and Operation of the Facility</b>	<b>24</b>
4.8.1	Design and Construction	24
4.8.2	Maintenance	24
4.8.3	Access	24
4.8.4	Utilities	24
4.8.5	Noise	24
4.8.6	Effect on Other Transmission Frequencies	25
4.8.7	Redundant Facilities and Rehabilitation	25
<b>5</b>	<b>Community Consultation</b>	<b>26</b>
<b>6</b>	<b>Conclusion</b>	<b>28</b>

---

<b>APPENDICES</b>		
<b>Appendix A</b>		<b>30</b>
<b>Appendix B</b>		<b>32</b>
<b>Appendix C</b>		<b>34</b>
<b>Appendix D</b>		<b>36</b>

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# 1 Executive Summary

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This Planning Submission provides an assessment of a proposal by Telstra for a new monopole at the 54 Humffray Street, Ballarat East, to improve its mobile telecommunications network within the Ballarat East area and surrounds.

In October 2006, Telstra launched its \$1.1 billion Next G™ wireless broadband network, which is geographically the world's largest national 3GSM network, and delivers unequalled customer reach and speed across the country. Telstra's Next G™ network covers 99.3 per cent of the Australian population and with a coverage footprint of more than 2.4 million square kilometres and is Australia's fastest national mobile network.

Telstra 4G LTE (Long Term Evolution technology) is now also an integral part of the Telstra mobile network and is now available in all capital CBD's, many suburban areas of capital cities, their airports and in over more than 100 metropolitan and regional centres across the country. It currently covers 87% of the population and is still expanding.

Telstra has identified a need to provide enhanced coverage and services in the northern area of Ballarat East, which requires a new telecommunications facility to be established. For this proposal extensive investigations have been undertaken. An extensive site selection process has been undertaken, taking into account planning, property, design and radio frequency engineering disciplines.

As a licensed telecommunications carrier in Australia, Telstra must operate under the provisions of the *Telecommunications Act 1997* (The Act 1997) and the *Telecommunications Code of Practice 2018*. The Act 1997 exempts carriers from the requirements of State and Territory environmental and planning legislation when the proposed facility falls within the definition of a 'low-impact' facility as described under the *Telecommunications (Low-impact Facilities) Determination 2018*. However, where a facility does not comply with the requirements of the Low-impact Facilities Determination, the facility is subject to State and Territory environmental legislation and a permit may be required.

In Victoria, *A Code of Practice for Telecommunications Facilities in Victoria, July 2004*, (The Victorian Code of Practice) is also applicable. The Victorian Code of Practice has been incorporated into all Victorian planning schemes and sets out the circumstances under which telecommunications facilities may be developed without the need for a planning permit in Victoria.

In this case, the proposal is not deemed 'low-impact' under Commonwealth legislation. Telstra is therefore seeking a planning permit from the Ballarat City Council to construct a new telecommunications facility.

This report comprises a description of the need for this facility and an assessment of the planning/environmental impacts associated with the proposal. Telstra is seeking to establish low-impact solutions where possible however, in this instance no other viable solutions were found and therefore a planning permit is sought for this proposal.

The proposed works comprise the installation of:

- A new 25 metre high monopole;
- Six (6) panel antennas to be attached on a triangular headframe to be mounted at the top of the monopole;
- Ancillary equipment, including Remote Radio Units (RRUs), Tower Mounted Amplifiers (TMAs), cable feeders;
- Two (2) outdoor equipment cabinets within a fenced compound approximately 55 sqm in area.

Existing vehicle access driveway off Corbett Street will be retained and utilised for installation and maintenance purposes.

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## 2 Background to the Application

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### 2.1 Mobile Network Services

Telstra has identified the need to expand on the existing mobile network telecommunications facilities within the Ballarat East area to satisfy network capacity demands and “depth of coverage” objectives.

A mobile communications network is made up of multiple telecommunication network base stations (“facilities”) covering a geographic area. They work by sending and receiving low power radio signals to mobile phones and other mobile devices by their antennas.

In general the location and height of a facility along with the size and number of antennas are balanced to ensure dedicated services to an intended geographic area. This area is largely defined by the number of customers using our network, their usage patterns (when and how they use connected devices) with a consideration for future growth. For example streaming a video to a mobile or tablet device requires a lot more bandwidth than many users making a phone call or sending multiple text messages at one time. This means additional facilities are not only needed in areas where there is unreliable coverage but are also needed where there are multiple or high bandwidth users. A compromise in height or a location further away from its technically optimum position may result in service gaps and require additional or taller local facilities, to achieve the same level of service. Engineers use state of the art applications to record customer patterns of use and to predict future usage trends.

As the user moves around, their mobile device will usually communicate with the nearest facility. There are many factors which can cause a call drop-out or a slow data speeds while you are transferring content. First, the user may be too far away from a facility to pick up a phone signal, or there may be objects blocking the signal from the nearest facility – such as hills, large buildings or even trees. Second, the facility may be handling as many calls as it can manage – call drop-outs and slower data speeds can occur when too many customers are using the available resources of a facility at once. Third, the depth of coverage (which affects the ability to make calls inside buildings), may be insufficient in some local areas.

The proposal detailed in this development application will form a part of Telstra’s mobile network solution in the area and will deliver essential mobile services (voice calling, SMS) as well as live video calling, video-based content services (like news, finance and sports highlights) and internet browsing via its mobile network.

With a coverage footprint of more than 2.4 million square kilometres and covering 99.3% of the Australian population, Telstra’s Next G@ network is Australia’s largest and fastest national mobile broadband network and as such it requires more network facilities, located closer together to ensure a high quality signal strength to achieve reliable service and the fastest possible data transfer rates.

Telstra 4G LTE (Long Term Evolution technology) is also proposed for this development. It is now an integral part of the Telstra mobile network, being available in all capital CBD’s, many suburban areas of capital cities, their airports and in over more than 100 metropolitan and regional centres across the country. It currently covers 87% of the population and is still expanding.

Telstra’s 4G devices provide Australians within 4G coverage areas with more consistent data speeds during peak and off-peak times, the ability to stream high-quality video and access to high definition video conferencing plus faster response times when accessing the mobile internet. More importantly this leading edge technology allows customers to do more things online at the same time with their device, giving Telstra the opportunity to efficiently meet user demand for mobile data, which is doubling every year

## 2.2 Need for the Facility

A new facility is required within the Ballarat East area to support increasing demand on the Telstra network in what is an increasingly more populated area and to provide critical network relief to:

- Ensure that the increased demands in mobile network traffic identified in the Ballarat East area and surrounds on the existing base stations do not critically compromise customers' ability to connect to the Telstra network;
- Ensure that optimal data speeds are maintained at all times during the day and network capacity demands and “depth of coverage” objectives are achieved;
- Improve mobile phone coverage to residents, local businesses and along traffic corridors in the surrounding area, supporting the economic future of the communities of the area;
- Provide capacity relief to Telstra's existing sites in the Ballarat East area;
- Provide depth of coverage and service to new development within the Ballarat East area; and
- Provide additional capacity and coverage for the holiday season.

The Responsible Authority is Ballarat City Council who administer the Ballarat Planning Scheme that applies to the site. Section 52.19 of the Planning Scheme sets out the planning requirements for telecommunications facilities in the area.

The site selected for the proposed telecommunications facility seeks to satisfy the relevant planning criteria with regard to preserving the amenity of the surrounding area, siting and designing the structure. At the same time, and of equal importance, the proposal satisfies Telstra's coverage objectives, providing an effective and efficient solution to respond to the identified (growing) demand for Telstra's network services from the community, businesses, emergency services, tourists and travellers. Furthermore, the site is ideally positioned to satisfy Telstra's future requirements in terms of providing 4G technology to the area including high speed network access.

## 2.3 Assessment of Candidate Sites

Co-location on existing infrastructure and the upgrading of existing telecommunications facilities are the first options examined when new infrastructure is required.

With the objective of providing the best coverage in the Ballarat East area, a comprehensive site selection/analysis was undertaken. This process began with investigation of possible 'co-location' opportunities on existing infrastructure in accordance with Chapter 4 Part 3 Clause 4.13 of the *Telecommunications Code of Practice 2018*.

### 2.3.1 Co-location Options

Wherever possible, Telstra actively pursues site sharing arrangements and the use of existing structures so as to prevent the proliferation of mobile phone towers and masts.

Figure 1 below shows the location of the proposed facility in blue and the nearest existing and/or proposed facilities in grey.

Nearby existing telecommunications facilities are as follows:

- 3350018 - 1-3 Bath Lane Ballarat VIC 3350 (Optus) – In-Building and Rooftop
- 3350001 - Ballarat (Down Town) Target Car Park, Doveton St Sth & Dana St Ballarat Central VIC 3350 (Optus/Vodafone/Optus Vodafone Joint Venture) - Building
- 3350002 - WIN TV Studios, Walker St Ballarat VIC 3350 (Vodafone/Optus/Optus Vodafone Joint Venture/Telstra) - Lattice tower

- 3350016 – Bunge Mills, Trench Street, Ballarat VIC 3350 (Optus) - Lattice Tower
- 3350010 - 1 Drummond Street Ballarat Central VIC 3350 (Optus In-Building/Telstra Rooftop)

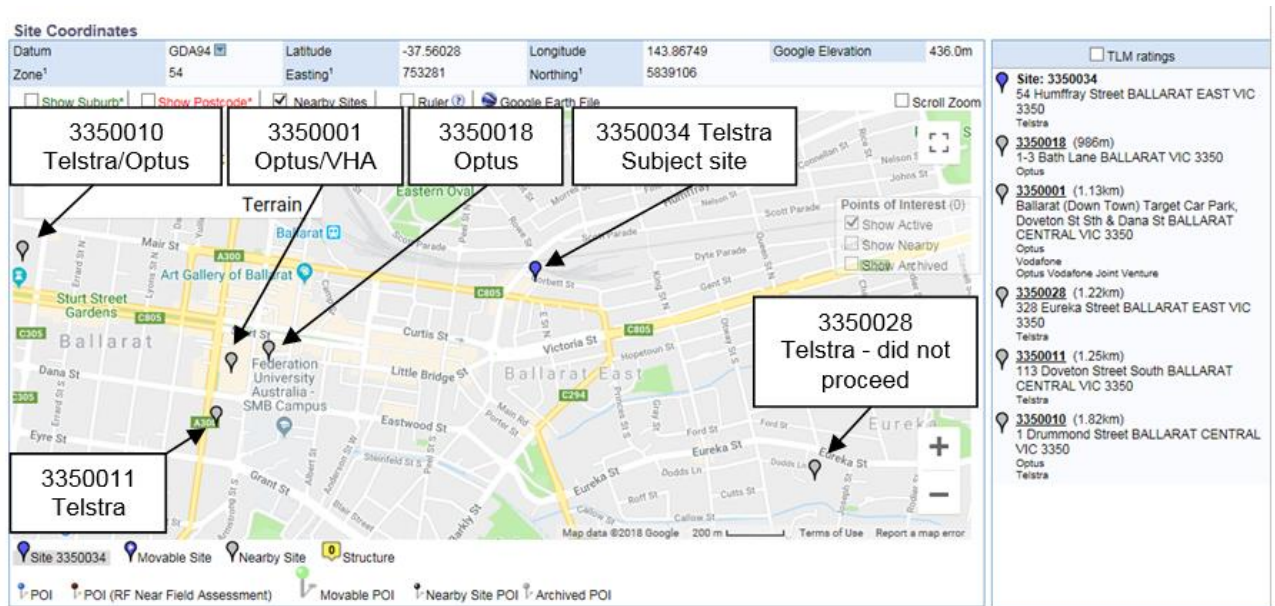


Figure 1: Subject site and location of existing and/or proposed infrastructure considered for colocation marked (Source: RFNSA)

Telstra has explored all opportunities to upgrade (and expand) existing facilities in the surrounding area (shown above) and no other elevated structures sufficient for Telstra’s purposes were identified in the region.

When this occurs and no development opportunity exists to utilise an existing structure or facility, a new site is required.

The specific site location is important in determining how much network capacity can be realised from a new base station.

In order to effectively build network capacity new sites must be deployed to areas where demand is greatest. In this case, the proposed new facility at the Quay Reserve, will provide improved mobile coverage to the Ballarat East and wider areas.

### 2.3.2 Alternative New Site Options

In identifying potential new sites, consideration is given to surrounding land uses and development and the availability of any effective screening measures which may be available. These considerations however are tempered by a range of other requirements and site suitability issues which include, but are not limited to those identified below:

- Environmental Planning considerations
- Property matters and the ability to secure a lease
- Engineering requirements
- Radio frequency coverage quality

Telstra has previously undertaken investigations in the Ballarat East area for a new telecommunications facility. Sites considered were located within Victrack railway corridor land, however tenure could not be secured. A planning application was also lodged for a new facility at 328 Eureka Street, Ballarat, however this application was refused by Council in 2014. Additional details about these candidates is provided in Section 5 of this submission.



Three new sites were identified as candidates for potential development (refer to Figure 2) and have been assessed in accordance with Telstra’s extensive selection criteria. Candidate C was selected as the proposed site within the Ballarat East area.

The discounted candidates, A and B, and the preferred candidate C are described below.



**Figure 2: Candidates investigated (Source: Google Earth)**

**Candidate A – Greenfield proposal located at 75 Victoria Street, Ballarat East**, comprises the swap out of an existing 6m light pole for a proposed 25m slimline pole within a supermarket car park. The land is zoned Mixed Use and encumbered by a Heritage Overlay (HO177), being within the ‘Victoria Street Heritage Precinct’.

Although located within a modern shopping centre car park, the land is encumbered by the Heritage Overlay HO177, and would require a Heritage Assessment against the Ballarat Planning Scheme. Council raised concerns due to proximity to residential properties surrounding the shopping centre and the proposal’s impact on views and vistas along Victoria Street.

Council indicated a greater preference for Candidate C, which provides reasonable separation from sensitive/residential uses, being within a commercial/industrial area fronting the rail corridor and outside of the surrounding Heritage Overlay areas.

**Candidate B – Greenfield proposal comprises an existing 12m street light pole (pole number# 33102) to be replaced with a proposed 25m slimline pole**, within the road reserve within Victoria Street, Ballarat East and abutting the southern boundary of a supermarket car park. The land is zoned Mixed Use and affected by the Heritage Overlay (HO177) being within the ‘Victoria Street Heritage Precinct’. The southern side of Victoria Street is lined by residential properties with views directly towards the existing utility pole. Mature trees line Victoria Street which are listed within the Heritage Overlay Incorporated P Plan 2004.

Council advised that although there is an opportunity to swap out the utility pole in the road reserve, Victoria Street is considered an important road corridor with significant views and vistas entering Ballarat.



This candidate is also in close proximity to a protected tree and any tree impacts should be avoided, particularly along this significant road.

Furthermore, residences on the south side of Victoria Street will be adversely impacted by direct views to the facility. This candidate was therefore least favoured from a planning perspective.

**Candidate C** – A greenfield proposal, this candidate is located at 54 Humffray Street North, Ballarat East at the rear of commercial premises formerly used as a commercial /retail glass company. The proposal comprises a proposed 25m slimline pole. The property is now utilised by a building company as a storage facility and land banked for future redevelopment.

The land is zoned Mixed Use and no overlays affect the land (although Heritage Overlays are in close proximity to the north with the Ballarat Rail Corridor and the Victoria Street Heritage Precinct further to the south. There are surrounding commercial and industrial uses and the rail corridor provides a buffer to surrounding residential uses. Overall, the site is well setback from sensitive uses and there is reasonable visual buffering from mature vegetation and existing tall structures on the landscape.

On balance the proposal to install the proposed 25m monopole at 54 Humffray Street, Ballarat East was deemed the most appropriate design and visual solution within this commercial/industrial precinct abutting a rail corridor and good separation from residential and sensitive uses. The site offers access to nearby power, transmission and outdoor cabinets will house ancillary equipment. Most importantly the site provides Telstra's required mobile coverage and capacity for the Ballarat East area. Therefore Candidate C was selected.

The submitted proposal strikes an appropriate balance between protecting existing local amenity, reducing the degree of visual change, avoiding heritage areas, providing optimal radio frequency coverage and capacity, thus offering maximum community benefit. This candidate has therefore been selected.

## 2.4 Subject Site and Surrounds

The subject property of this application is at 54 Humffray Street, Ballarat East.

This site has been identified as the optimum location for this proposed development as it provides the best coverage for the Ballarat East area. Figure 3, 4 and 5 show the location of the subject property within the immediate area.

The land is included in a Mixed Use Zone (MUZ), with a mixture of commercial, industrial and residential uses and development. Abutting properties to the, south, east and west are also within the MUZ, utilised for predominantly commercial and industrial uses. No overlays affect the subject land.

The subject property, which has two road frontages, with the western boundary fronting Humffray Street and northern boundary facing Corbett Street, comprises a two large sheds/factory buildings with vehicular access off Corbett Street. The property also includes a small, single storey retail shop/office which fronts Humffray Street.

The property was formally utilised for a glass company (Ballarat Glass) and has more recently been purchased by a building company (Des Rix Homes). The sheds are currently used as a storage facility by the landowner and the shop/office is vacant.

The property's southern boundary abuts a sports club, the Ballarat Leagues Club which includes single storey club rooms and a car parking area accessed from Mair Street (also known as Burrumbeet-Ballarat Road North), a Road Zone Category 1 Road. Land abutting to the east is utilised for the Eastwood Veterinary Clinic, a single storey brick building fronting Mair Street and its car parking area shared with the Leagues Club.

A laneway (Petticoat Lane) borders the eastern boundary of the subject property which divides the Leagues Club and the veterinary clinic land, however is not formed and the land used for shared car parking, particularly for the Leagues Club's visitor use. The access from Corbett Street is partly fenced allowing for pedestrian access only.

It is noted that the car parking area includes several light poles.

Land abutting to the north comprises the Ballarat Regional Rail corridor (identified as 1A Corbett Street, Ballarat East) which includes the railway line, infrastructure and buildings. The land is zoned Public Use 4 (Transport), and affected by a Heritage Overlay- HO59 – Ballarat Railway Complex, 140 Lydiard Street North, Ballarat Central, 75 Humffray Street North, Bakery Hill, 60 Corbett Street, Ballarat East, 202 Lydiard Street North, Soldiers Hill, Scott Parade, Ballarat East and Nolan Street, Soldiers Hill.) The land is also listed on the Victorian Heritage Register - Ref No H902.

Land north of the rail corridor land comprises residential and commercial properties within a General Residential 1 Zone. To the north west the land is zoned Commercial 1. The railway infrastructure, built form, billboards/signage and mature vegetation provide a buffer and screening to the subject site.

Land further to the east, south and south east of the subject site comprises a mixture of commercial and industrial uses and developments, within the Commercial Zoning to the south west (west side of Pearse Street) and Mixed Use to the south east (east side of Pearse Street). Although there are residential properties within this commercial area of Ballarat, such as those lining East Street North and Princes Street North, these dwellings are mostly single storey and buffered by vegetation and taller built form.

A retail shopping centre is located south east of the subject site and includes a Coles Supermarket, fast food outlets and car parking.

The Bakery Hill Kindergarten is located approximately 80m south of the subject site.

Although the subject property is not encumbered by any overlays, land further to the south is encumbered by a Heritage Overlay (HO177 – Victoria Street Heritage Precinct). There are also individually listed sites identified within the Ballarat Planning Scheme within the Victoria Street precinct and in the immediate surrounding area.

Mature vegetation lines the surrounding streets and tall structures throughout this commercial/industrial area, including railway infrastructure, power poles, light poles and business signage, provide a context of tall structures on the existing landscape.

The nearest residential properties are located approximately 100m south of the subject site within East Street North, however buildings and mature vegetation provide a buffer to the subject site.

Residential dwellings are also located approximately 120m north lining Humffray Road North, however these dwellings are separated by roads and the railway corridor land. Trees, signage/billboards, buildings and railway infrastructure mitigate views towards the subject site.

A corridor of factories within the commercial/industrial precinct provide screening opportunities to residential properties situated approximately 250m to the east.





Figure 3: Subject site and immediate surrounding area (Source: Near Map)



Figure 4: Subject property boundaries and immediate surrounding area (Source: DELWP)





**Figure 5: Subject Property and the wider surrounding area (Source: DELWP)**

Refer to **Appendix C** for photographs of the proposed location of the new monopole, in addition to the wider surrounding area and entry into the subject property. A visual impression of the proposal from various viewpoints has also been provided.

Community sensitive ‘Points of Interest’ (POI) have also been identified in the surrounding area which are within 500m of the site. These are:

- Bakery Hill Kindergarten, 82 Mair St, Bakery Hill, VIC 3350 PH 53326872 (80m S)
- St Alipius Kindergarten, 78 Victoria St, Ballarat Vic 3350 Phone: (03) 5331 4272 (400m SE)

Community uses in the wider area (greater than 500m from the site) identified are:

- Girrabanya Kindergarten, 11b Steinfield St, Ballarat, VIC 3350 Phone: (03) 5320 5150 (730m SW)
- St Alipius Parish School, 106/108 Victoria St, Ballarat East VIC 3350 Phone: (03) 5331 1816 (610m SE)
- Ballarat Secondary College, Fussell Street, Ballarat East Vic 3355, PO Box 1877, Ballarat Mail Centre, Victoria 3354 P: (03) 5336 7264 E: ballarat.sc.woodmans.hill@edumail.vic.gov.au (2.2km E)

The following Google Earth photograph shows the location of POIs in the surrounding area (Ballarat Secondary College not shown):

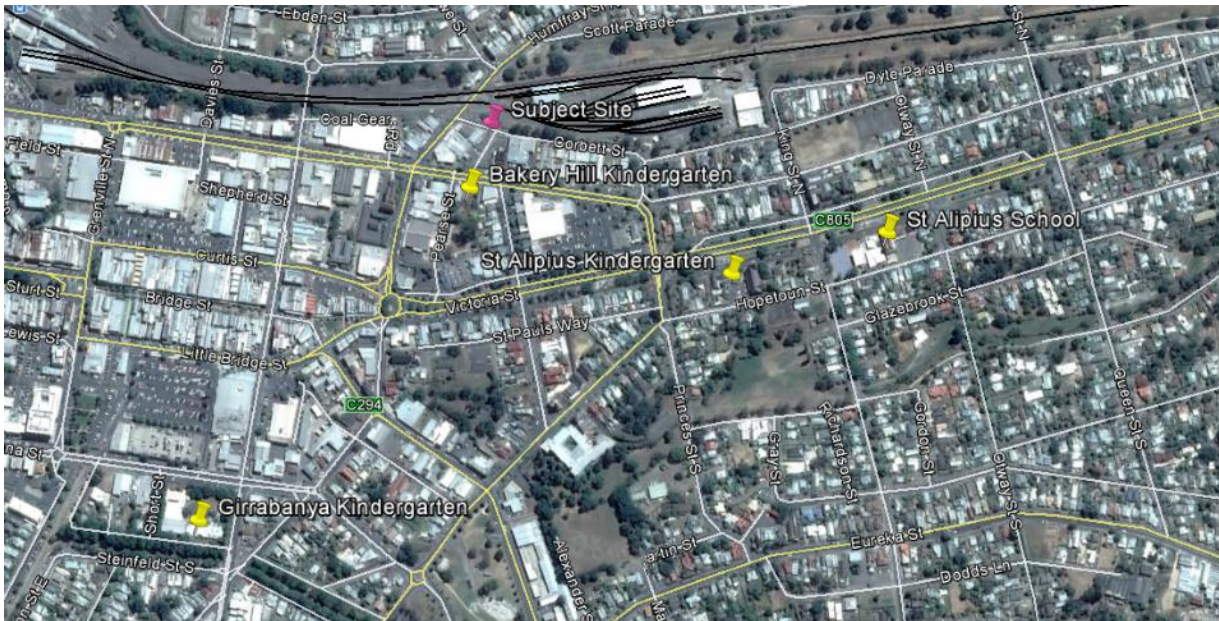


Figure 6: Subject site and surrounding land uses (Source: Google maps)

## 2.5 Summary of Proposal

Drawings accompanying this application for planning permit illustrate the site locality and proposed layout, site set out, site elevation, and contextual information (refer Appendix B).

In summary Telstra proposes to install a new telecommunications facility which comprises:

- A new 25 metre high monopole;
- Six (6) panel antennas to be attached on a triangular headframe to be mounted at the top of the monopole;
- Ancillary equipment, including Remote Radio Units (RRUs), Tower Mounted Amplifiers (TMAs), cable feeders;
- Two (2) outdoor equipment cabinets within a fenced compound 55 sqm in area.



## 3 Regulatory Framework

### 3.1 Commonwealth Regulatory Framework and Telecommunications Act

In 1991, the Commonwealth Government initiated a major reform of the communications industry in Australia. The reforms allowed limited competition until July 1997 at which time full competition was permitted. In July 1997, the *Telecommunications Act 1997* was introduced, replacing the 1991 Act, which facilitated this competition.

Under the 1997 Act, the Government established the *Telecommunications Code of Practice 2018* (Commonwealth Code of Practice), which sets out the conditions under which a carrier must operate. Carrier, as a licensed telecommunications carrier, must comply with the *Telecommunications Act 1997* and the *Telecommunications Code of Practice 2018* for all telecommunication facilities. Under the 1997 Act, provisions have been made for telecommunications carriers to be subject to State and Territory environmental and planning laws where the proposed facility does not fall within the definition of the *Telecommunications (Low-impact Facilities) Determination 2018*.

### 3.2 Commonwealth Telecommunications Code of Practice 2018

Section 2.11 of the Telecommunications Code of Practice 2018 requires carriers to ensure that the design, planning and installation of facilities are in accordance with industry “best practice”. This is required to [2.11(3)]:

“...*minimise the potential degradation of the environment and the visual amenity associated with the facilities*”.

“Best Practice” involves the carrier complying with any relevant industry code or standard, which is registered by the ACMA under Part 6 of the Act. The planning and siting of the current proposal has taken place in accordance with Section 3 (Planning and Siting) of the Australian Standard, Siting of Radiocommunications Facilities (AS 3516.2).

### 3.3 Telecommunications (Low-Impact Facilities) Determination 2018

A *Low-Impact Telecommunications Facility* is a Facility which meets with the requirements of the *Telecommunications (Low-impact Facilities) Determination 2018*, which was established by the Federal Minister for Communications utilising the provisions of the *Telecommunications Act 1997*.

The Determination criteria only relate to the size and purpose of the equipment proposed, the type of supporting structure used, and the existing land use category where the facility is proposed. The Determination does not specifically relate to the power levels of the proposed equipment to be used. The Background to the Determination (Section 1.2 Page 3) explains as follows:

*A facility cannot be a low-impact facility unless it is specified in this determination. Therefore overhead cabling and new mobile telecommunications towers are not low-impact facilities.*

*Also, a facility will be a low-impact facility only if it is installed in particular areas identified in this determination. The areas have an order of importance, based on zoning under State or Territory laws, so that any area only has its “highest” possible zoning. The order of priority is:*

- *Area of environmental significance*
- *Residential areas*
- *Commercial areas*
- *Industrial areas*
- *Rural areas.*

Telecommunications development, which is classified as low-impact, does not require planning permit approval from Local Government. Telecommunications development, which is not classified as low-impact,

requires planning permit approval. Due to the proposed facility being an installation of a new telecommunications tower or pole, the development is not a low-Impact facility

It is the visible physical characteristics of the equipment and supporting structures, rather than radio-frequency emissions which determine a proposal status as either low-impact or not low-impact.

### 3.4 Industry Code C564:2011

The Industry Code (Mobile Base Station Deployment) is a national Code implemented in July 2012 by licensed telecommunications Carriers. The aim of the Code is to address the concerns of the community about the risks of radiofrequency EMR exposure by allowing the community and the Councils to have greater participation in decisions made by Carriers and encouraging a more collaborative approach between carriers, local councils and the community alike to mobile base station deployment. As part of this, Carriers are required to adopt a Precautionary Approach in planning, installing and operating radiocommunications infrastructure.

The Code however does not change the existing regulatory regime at Local, State or Federal level and is a supplement to existing requirements imposed on Carriers. This proposal is compliant with the Industry Code and Telstra has applied the Precautionary Approach in the Selection and Design of the proposed site in accordance with Sections 4.1 and 4.2 of this Code.

### 3.5 A Code of Practice for Telecommunications Facilities in Victoria

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

An assessment of the proposal and the four principles outlined in the *Victorian Code of Practice for Telecommunications in Victoria 2004* is provided in Section 4.6 of this submission.

### 3.6 Ballarat Planning Scheme Provisions

The following provisions in the planning scheme apply to telecommunications facilities:

- The Planning Policy Framework (PPF) is set out in Clause 19-03-4S.
- The provisions which apply to a telecommunications facility are set out in Clause 52.19.
- As well as other matters, Clause 52.19 provides that no planning permit is required if a telecommunications facility is described in the Code and the specified requirements are met. Clause 52.19 also sets out decision guidelines which apply when a permit is required.

- Clause 62.02 provides that no permit is required for buildings and works associated with a telecommunications facility which meets the requirements of the Code.

An assessment of the proposal outlined in Section 2 of this report against the above planning scheme provisions is outlined in the next section of this report.



## 4 Assessment of Application

### 4.1 Planning Policy Framework (PPF)

A relevant objective of State planning policy at Clause 19.03-4S of the Ballarat Planning Scheme is:

*“To facilitate the orderly development, extension and maintenance of telecommunication Infrastructure”*

Strategies to achieve the objective include:

- *Facilitate the upgrading and maintenance of telecommunications facilities.*
- *Ensure that modern telecommunications facilities are widely accessible to business, industry and the community.*
- *Ensure the communications technology needs of business, domestic, entertainment and community services are met.*
- *Ensure that the use of land for a telecommunications facility is not prohibited in any zone.*
- *Encourage the continued deployment of broadband telecommunications services that are easily accessible by:*
  - *Increasing and improving access for all sectors of the community to the broadband telecommunications trunk network.*
  - *Supporting access to transport and other public corridors for the deployment of broadband networks in order to encourage infrastructure investment and reduce investor risk.*

*Ensure a balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.*

*Planning should have regard to national implications of a telecommunications network and the need for consistency in infrastructure design and placement.*

The State planning policy therefore recognises the importance of telecommunications facilities whilst acknowledging the need to ensure amenity issues are also appropriately dealt with. We consider that the proposal is consistent with the State planning policy, as demonstrated by this assessment.

### 4.2 Municipal Strategic Statement

The Ballarat 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 Shire. Like the State planning policy, the Local planning policy is a relevant consideration in determining any permit application.

'Our Vision for 2040' outlines that Ballarat will be:

- *A successful community that has built its future on its beautiful city and great lifestyle.*
- *A proud community that has retained its unique sense of identity.*
- *A desirable city that we love to live and work in, with excellent facilities and services.*
- *A friendly city where the sense of community is a daily cornerstone of our life.*
- *A healthy and safe community that supports and values its residents.*

The *Ballarat Strategy (2015)* applies the community values and key principles as a long-term strategic direction for Ballarat towards 2040.

Although the vision and local policies do not specifically discuss telecommunications facilities, there is an overall objective to ensure excellent services and that infrastructure provision keeps pace with population and housing growth.

This is an area identified as requiring improved mobile coverage. The proposed facility is required to meet the growing demands of telecommunications users in the Ballarat East area, particularly with expanding commercial and residential development in the region and increased use of surrounding traffic corridors.

A new facility has been selected as there are no suitable existing structures which can meet Telstra's coverage requirements. The proposed site is located within a commercial property in a broader commercial precinct and adjacent to the Ballarat rail corridor.

The facility will be of muted tones, finishes and colours to soften visual appearance and minimise impact on the surrounding area. It is believed that consideration of visual impact has been taken into account in this case as much as practicable and that, given the constraints for site selection, an acceptable new pole solution has been proposed.

### 4.3 Zoning

The land where the proposed facility is to be located at 54 Humffray Street, Ballarat East, is included within the Mixed Use Zone (MUZ) pursuant to the Ballarat Planning Scheme (refer to Figure 7).

The purpose of the MUZ is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in the schedule to this zone.*

The Schedule to the MUZ relates to Ballarat Mixed Use Areas, and applies to setbacks, site coverage, permeability, landscaping, fencing and private open spaces for residential developments. There is no building height specified in this schedule.

Land abutting the subject property to the east and south is zoned Mixed Use whilst land to the north is zoned Public Use 4 (Transport) and comprise the Ballarat rail corridor. Land to the west and further south west is zoned Commercial with an established commercial precinct.

Land to the south of Burrumbeet-Ballarat Road is zoned Special Use 2 (Education) and includes the Bakery Hill Kindergarten and a cluster of community use buildings.

Land to the north of the railway corridor is zoned General Residential (GRZ1) and consists of urban sized allotments with an established residential area.

A Utility Installation, other than a minor utility installation, is a Section 2 use and therefore triggers a permit. A permit is also triggered under this zone for buildings and works.

The proposed use and development for a telecommunications facility is deemed to be appropriate for this zoning as the land is currently utilized and developed for commercial purposes with two large sheds and a small retail building facing Humffray Street. The proposed site is located adjacent to one of the large sheds on the property and borders Corbett Street which faces the rail corridor land. Land immediately abutting to the east is used as car parking for the Leagues Club. Locating the proposed facility within this commercial area, which provides a reasonable buffer from residential and sensitive uses, is deemed appropriate in this case.

Furthermore, the position of the monopole has been selected as it will provide the optimal mobile coverage for surrounding businesses, residents, tourists, education facilities, community groups, emergency services and traffic corridors throughout this commercial precinct.

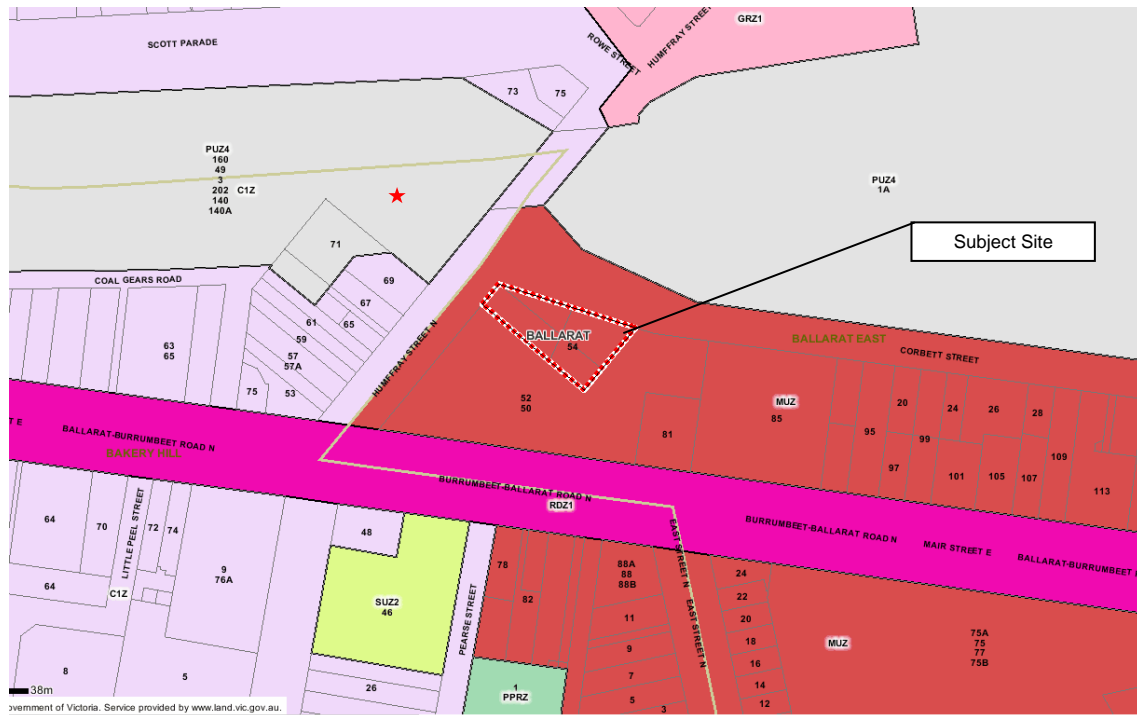


Figure 7: Zoning map (Source: DELWP)

The proposal will ensure that minimal land is required for the proposed works with a small compound area to accommodate an equipment shelter. The small area required will not adversely impact on the commercial activities of the property nor will it adversely impact adjoining commercial uses. It is contended that the provision of improved mobile coverage to the area will actually support and enhance the surrounding commercial uses.

The scale of the proposed monopole will comprise a 25m high monopole, so that the overall height of the structure will be 26.3 metres. Telstra's mobile antennas will be mounted onto a triangular headframe at the top of the monopole and an equipment shelter will be installed next to the pole within a fenced compound. Fibre and power will be trenched to nearby pits.

Existing built form and scattered vegetation will provide screening of the lower to middle portions of the facility when viewed from various viewpoints, and approaches along surrounding streets.

No additional amenity impacts or noise will be emitted by the new facility other than a proposed air conditioning unit utilized for temperature control of the equipment shelter. Furthermore, the site will not emit any waste or other contaminants into the environment.

Once construction is completed, the site will be visited for maintenance purposes 3-4 times per year and entered via the Corbett Street entrance with a standard vehicle.

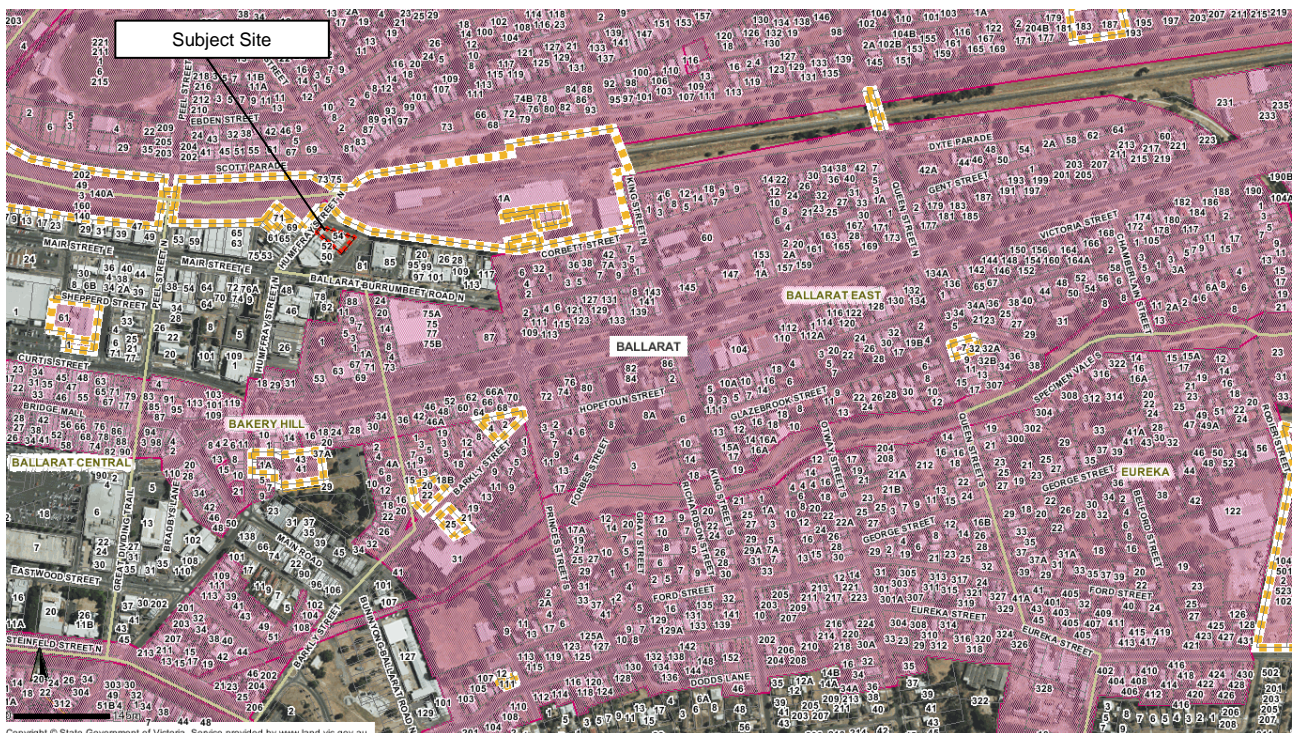
It is therefore contended that on balance the proposed new pole within Mixed Use zoned land utilised for commercial purposes and abutting the rail corridor, with an already compromised amenity, is appropriate and will not adversely impact the current use or future use or development of the land.

Moreover, the improvement in Telstra's mobile coverage to the Ballarat East area will greatly benefit existing and future residents, local businesses, tourism, emergency services, agricultural, medical and educational uses, whilst minimizing amenity impacts.

## 4.4 Overlays

There are no overlays which affect the subject site that trigger a planning permit.





**Figure 8: Map shows no overlays affecting the subject property. (Source: DELWP)**

Although the subject site is not encumbered by the Heritage Overlay, it abuts the following areas of identified heritage significance:

PS Map Ref	Heritage Place	Victorian Heritage Register	Aboriginal Heritage Place
HO59	Ballarat Railway Complex - 140 Lydiard Street North, Ballarat Central, 75 Humffray Street North, Bakery Hill, 60 Corbett Street, Ballarat East, 202 Lydiard Street North, Soldiers Hill, Scott Parade, Ballarat East and Nolan Street, Soldiers Hill	Ref No H902	No
HO177	Victoria Street Heritage Precinct	No	VAHR 7622-0186

Land immediately to the north and north west of the subject site comprises the Ballarat Railway Complex (HO59), which is also included in the Victorian Heritage Register (H902) (marked with yellow border), whilst land to the south forms the Victoria Street Heritage Precinct (HO177) which includes several individually listed sites (local, state and national significance), significant trees lining Victoria Street and a listed Aboriginal Heritage Place.

It is considered that the proposed facility, although in relatively close proximity to these heritage places, will not adversely impact on their heritage values. The site is buffered to the west, east and south by land which is also not encumbered by the Heritage Overlay. This corridor of land has been used and developed for commercial purposes and comprises several more recently constructed sheds and buildings, including the two large sheds within the subject property and the Leagues Club to the south. This existing modern built form and surrounding established vegetation will provide a buffer and screening to these surrounding heritage sites. In addition, power poles, light poles and a proliferation of commercial signage in the wider commercial area, provide a context of existing modern tall structures on the landscape.

It is therefore considered that the proposal is acceptable in the proposed location, with the facility's visibility mitigated as much as practicable with a slim line monopole design and neutral finishes.

Hence, it is our contention that views towards and from these heritage sites will not be adversely impacted by this proposal.

## 4.5 Particular Provisions – Clause 52.19 of the Planning Scheme

### 4.5.1 Clause 52.19 Telecommunications Facilities

Clause 52.19 of the Ballarat Planning Scheme relates specifically to Telecommunications Facilities. The purpose of the policy is:

- *To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.*
- *To facilitate an effective state-wide telecommunications network in a manner consistent with orderly and proper planning.*
- *To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.*

Before deciding on an application, the responsible authority must consider as appropriate:

- 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 2004*.
- 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.

Following extensive consultation with Ballarat City Council, an appropriate design response has been proposed for a new slimline monopole structure within the Ballarat East commercial precinct, not encumbered by Heritage Overlays.

It is contended that the proposal strikes an appropriate balance between a) siting the proposal in a location capable of satisfying Telstra's network coverage/capacity objectives for the area and b) siting the proposal in a location that avoids unnecessary and detrimental visual amenity and environmental implications by enabling the proposed monopole to be located within a property used and developed for commercial purposes and abutting a railway corridor, resulting in minimising the visual impact on the surrounding landscape.

The proposal considers existing local amenity expectations whilst ensuring mobile telecommunications infrastructure in the area is provided in an efficient and cost effective manner to meet increasing community needs in line with current available technologies.

### 4.5.2 Native Vegetation

Clause 52.17 of the Ballarat Planning Scheme is applicable to protection of native vegetation and ensuring there is no net loss in the contribution made by native vegetation to Victoria's biodiversity. A permit is therefore triggered for removal, destruction or lopping of native vegetation

The proposed site for the telecommunications facility has been carefully chosen so that there will be no impact to native vegetation, particularly to avoid adverse impact to mature trees. A cleared area has been selected.

Only a small area will be required for the compound to accommodate an equipment shelter within a grassed area adjacent to the pole. Trenching will be minimal and will not adversely impact the existing vegetation in the wider area.

The site selected provides sufficient setback from larger trees. It is therefore contended that the impact of the proposal on vegetation and biodiversity will therefore be minimal.



Once construction is completed, if necessary, the work site area will be re-habilitated in accordance with Council requirements.

## 4.6 Incorporated Documents – Code of Practice for Telecommunications Facilities in Victoria

The following section provides an assessment of the proposal and addresses the four principles outlined in the Victorian Code of Practice as required under Clause 52.19-5, “Application Requirements,” of the Planning Scheme.

### 4.6.1 Principle 1: A Telecommunications facility should be sited to minimise visual impact

Principle 1 of the Victorian Code of Practice “A Telecommunications facility should be sited to minimise visual impact” provides a number of means by which the Principle should be applied to a proposed Telecommunications Facility. These are outlined below followed by an assessment of the facility.

***On, or in the vicinity of a heritage place, a telecommunications facility should be sited and designed with external colours, finishes and scale sympathetic to those of the heritage place. A heritage place is a heritage place listed in the schedule to the Heritage Overlay in the planning scheme.***

The property at 54 Humffray Street, Ballarat East is not encumbered by a Heritage Overlay, however there are identified heritage sites in the immediate area and/or listed in the Schedule to the Heritage Overlay within the Ballarat Planning Scheme.

It is considered that the proposed telecommunications facility will not adversely impact on the significance of these heritage sites in the wider Ballarat East area. The proposal for a slim-line pole will result in minimal visual impact as much as practicable. Existing built form and mature vegetation in the surrounding area will provide a visual buffer when viewed for heritage places. In addition the facility has also been designed in neutral, non-reflective finishes, which will further minimise its visibility on the surrounding landscape. Refer to Appendix C for photographs and photomontages.

Additionally, an *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) Protected Matters Report has been undertaken for the subject site and surrounding area to identify any matters of national environmental significance. This report indicates that there are no World Heritage Properties.

***A telecommunications facility mounted on a building should be integrated with the design and appearance of the building.***

The proposal is for a free standing structure, and will not be mounted on a building. The proposed slimline 23.8m monopole design will result in minimal visual change due to a flood light swap out of like height to match three existing flood lights at the sports oval.

***Equipment associated with the telecommunications facility should be screened or housed to reduce its visibility.***

The monopole and equipment associated with the new facility will be housed in the proposed equipment shelter within the compound.

***The relevant officer of the responsible authority should be consulted before any street tree is pruned, lopped, destroyed or removed.***

No street trees will be removed, pruned or lopped as part of this proposal.

***A telecommunications facility should be located so as to minimise any interruption to a significant view of a heritage place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.***

The Ballarat East area is generally identified for its surrounding heritage places within this former gold mining region, and now a popular tourist destination.

However, the proposed development will not adversely impact heritage values or detract from the views of this property and within the context of the wider historical Ballarat area.

The location of the new facility is within a commercial precinct where there are existing light poles and power poles lining surrounding roads. Existing built form comprising large factories and sheds in the area, in addition to established vegetation, will provide partial screening and a backdrop to views of the facility from surrounding historic sites.

Some views of the mobile equipment to be mounted to the proposed monopole will be available from outside the immediate area and in the surrounding road networks and along streetscapes. Nonetheless, the majority of these views will be reasonably mitigated by distance, the structure's slimline design, muted finishes, and will not represent unreasonable visual change or impact.

It is contended, the visual impact of the proposed facility when viewed from the most proximate historic properties will be minimal from what currently exists. The monopole may be visible when travelling in an east-west direction along Victoria Street, however existing power poles, light poles and commercial/road signage provide a context of tall structures on the landscape and will reduce visual impact of the new facility.

The use of neutral colours and non-reflective finishes will assist in minimising this visual impact. These colours and finishes will be subject to Council's discretion controlled by condition on any permit issued for the proposal. The structure is therefore not expected to substantially interrupt the view of properties in the area.

On balance, it is submitted that the proposal will not cause significant visual impact upon any heritage place, landmark, streetscape or vista including established residential areas of the Ballarat East area with respect to visual change given there are existing tall structures in the area.

Refer to Appendix C for site photographs and photomontages.

#### **4.6.2 Principle 2: Telecommunications facilities should be co-located wherever practical**

As outlined in section 2.3 a co-location opportunity onto an existing telecommunications facility is not appropriate in this case to achieve Telstra's coverage requirements for the Ballarat East area.

The new monopole will enable Telstra to provide improved mobile coverage to the area and allow for future upgrades and co-location opportunities for other carriers on application.

#### **4.6.3 Principle 3: Health standards for exposure to radio emissions will be met.**

Research on possible biological and health effects of exposures to radiofrequency fields has been underway for more than 50 years. Telstra relies on the expert advice of national and international health authorities such as, the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the World Health Organisation (WHO) for overall assessments of health and safety impacts. The (WHO) has an extensive database of published scientific articles on the biological and health effects of radiofrequency EME fields and studies on radiofrequencies specifically used by mobile networks. The WHO states that the research has found no adverse health effects from the low level RF signals emitted by mobile network base stations:

*"... considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF signals from base stations and wireless networks cause adverse health effects".*

Telstra is committed to being open and transparent on all issues relating to EME (electromagnetic energy) and has comprehensive policies and procedures in place to ensure the health and safety of the community and its employees. In doing so, it is Telstra's responsibility to comply with the mandated safety standard for EME as set down by the ARPANSA and WHO, which is regulated by the Federal Government. On 1 March 2003 the Australian Communications and Media Authority (ACMA), introduced new regulations setting limits for human exposure to EME for all types of radio communication, broadcast and telecommunications transmitters. Previous regulations only applied to telecommunications transmitters. The limits for public human exposure to EME are based on the Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300GHz, as developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) referred to as the ARPANSA Standard.

The ARPANSA Standard works by limiting the network signal to a level low enough to protect all people of all ages and health status in all environments, 24 hours a day. The ARPANSA Standard is closely aligned with the international guidelines produced by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), who confirmed their validity in 2009 following a review of the scientific data collected since their preparation (<http://www.icnirp.org/documents/StatementEMF.pdf>)

ARPANSA has created a report for mobile network carriers like Telstra to demonstrate their compliance with national safety standards. This report is called the “Environmental EME Report” and identifies maximum levels of Electromagnetic Energy (EME) from the proposed facility relative to the Australian Standard (refer to Appendix D). The EME is calculated with the facility operating at maximum power, however mobile networks are specifically designed to use the lowest possible power from base stations and mobile phones necessary to ensure quality voice or data services. The network automatically adjusts the base station transmitter power according to how far away the mobile phone users are.

Further information on the regulation of radio emissions and a range of other issues relevant to the placement of mobile phone facilities (including industry codes of practice and legislation; and a video clip on mobile phones and health) is available from the Australian Communications and Media Authority (ACMA) website at <http://emr.acma.gov.au>.

**4.6.4 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 facility’s construction, operation and siting will be undertaken with minimal disturbance and risk and in compliance with State Environment Protection Policies and best practice environmental management guidelines. The comments below deal with relevant aspects of the development of a site.

## 4.7 Environment and Heritage

### 4.7.1 Flora and Fauna – EPBC Report

An EPBC Protected Matters Report has been produced. The EPBC Report considers ecological matters of national environmental significance that may occur in, or relate to the land within the area for this proposal.

The EPBC report indicates that a number of listed threatened and migratory species may occur in the general vicinity of the proposed site. It is not expected that these species will be adversely impacted by the proposal which will be located on land within the area.

A National Heritage Property has been identified to be in general proximity to the subject site. The Eureka Stockade Gardens, approximately 1.4km south east of the site, are included on the National Heritage List (Place ID 10574). Distance, intervening built form and vegetation will mitigate views and adverse impacts on the heritage values of this significant site.

By virtue of the modest building footprint – typical of telecommunications infrastructure – and the nature of use and development proposed, it is submitted that the proposal will have minimal impact on the site and/or surrounding area and will not damage any recognised and dedicated nature conservation areas, or threaten the existence of flora and fauna that is threatened.

Although a small grassed area will be required for the compound, no trees or shrubs will require removal so that there will be a minimal impact on flora and fauna within the surrounding areas.

### 4.7.2 Cultural Significance – Aboriginal Heritage

The proposal has had regard for the Aboriginal heritage protection regime in place as a result of the introduction of the *Aboriginal Heritage Act 2006* and the *Aboriginal Heritage Regulations 2007 (Vic)*.

The legislation provides protection for Aboriginal cultural heritage. Aboriginal cultural heritage is defined in the new Act as *Aboriginal places, Aboriginal objects and Aboriginal human remains*. Aboriginal places is an

umbrella term that encompasses “sites”, such as where artefacts occur and other significant locations. Aboriginal objects are artefacts. The most common Aboriginal places are stone artefacts and scarred trees.

The legislation also provides the obligation to prepare a cultural heritage management plan (CHMP) in respect of activities which are defined as “high impact”. A CHMP is a report on the assessment of cultural heritage impacts of an activity which includes recommendations for managing disturbance, and its content is set out in the regulations.

A CHMP is required for an activity if:

- all or part of the activity is in an “area of cultural heritage sensitivity”, and
- all or part of the activity is a “high impact activity”.

This does not apply where there has been “significant ground disturbance”. “Significant ground disturbance” is disturbance of:

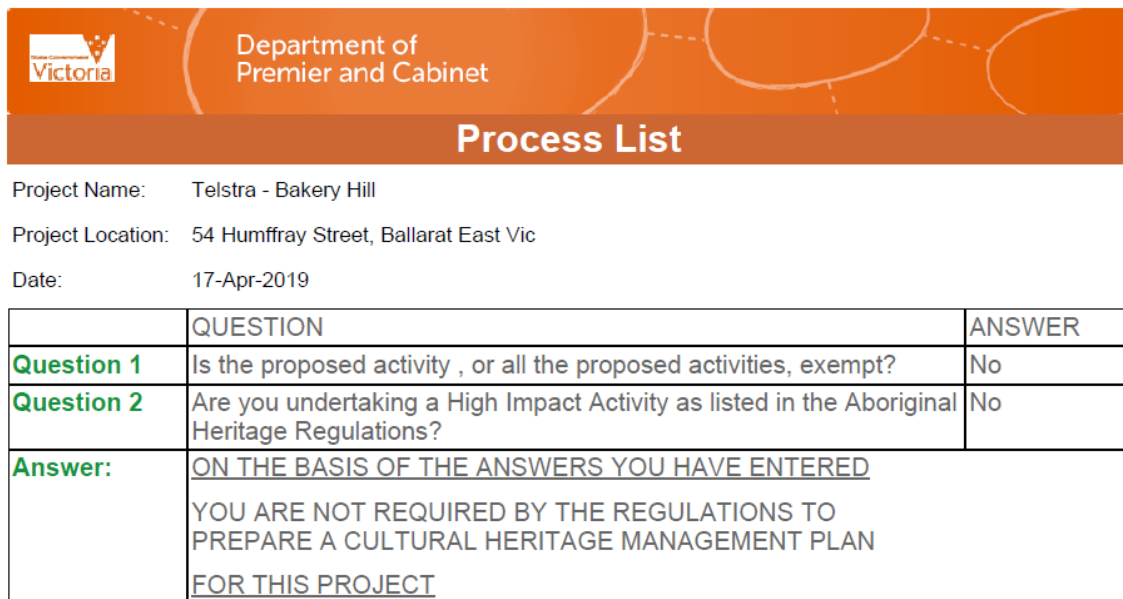
- (a) the topsoil or surface rock layer of the ground, or
- (b) a waterway

by machinery in the course of grading, excavating, digging, dredging or deep ripping, but does not include ploughing other than deep ripping.

A Cultural Heritage Self-Assessment has been undertaken and is provided in Figure 9. The proposed activity will involve minimal ground disturbance with the pole and equipment shelter installation and with vehicle access already provided.

A desktop assessment and search of the relevant Aboriginal Heritage registers has been undertaken for the subject site and surrounds.

No Aboriginal Heritage sites were identified and as the proposed works are deemed a “low impact” activity, a Cultural Heritage Management Plan (CHMP) is therefore not required for the proposed works.



Victoria Department of Premier and Cabinet

### Process List

Project Name: Telstra - Bakery Hill  
 Project Location: 54 Humffray Street, Ballarat East Vic  
 Date: 17-Apr-2019

	QUESTION	ANSWER
<b>Question 1</b>	Is the proposed activity , or all the proposed activities, exempt?	No
<b>Question 2</b>	Are you undertaking a High Impact Activity as listed in the Aboriginal Heritage Regulations?	No
<b>Answer:</b>	<u>ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED</u> YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN FOR THIS PROJECT	

**Figure 9: Cultural Heritage Self-Assessment. Source: Department of Premier and Cabinet**

Furthermore, the subject land does not lie within or near an area of Aboriginal Cultural Heritage Sensitivity as shown in Figure 10.

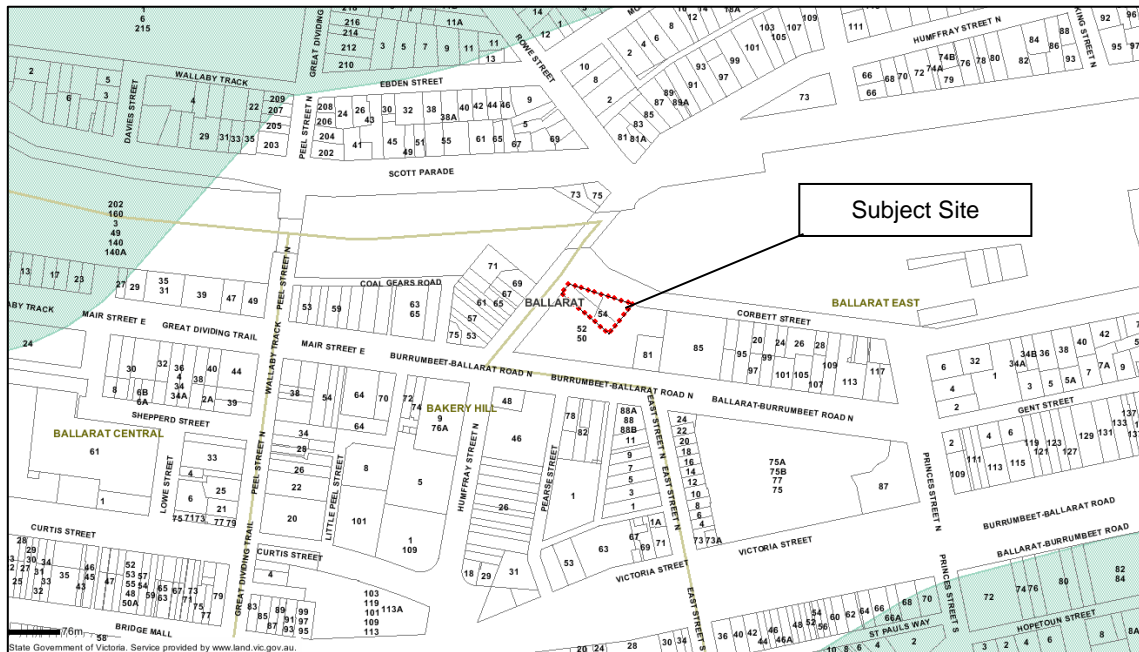


Figure 10: Map showing area of potential Aboriginal Cultural Heritage Sensitivity. Source: DELWP

## 4.8 Construction and Operation of the Facility

### 4.8.1 Design and Construction

The facility is designed and certified by qualified engineers engaged by Telstra. The design of the installation will be carried out in accordance with all relevant current Australian Standards.

During the construction period there will be trucks, a crane and other associated construction vehicles and equipment on site. All construction activities will be carried out in compliance with relevant regulations and Council requirements within the shortest possible timeframe.

### 4.8.2 Maintenance

Once established the site will operate like other utility installations. In the normal course of events the facility would be subject to routine maintenance checks, a maximum of 3-4 times per year or as required in an electricity outage or similar event.

### 4.8.3 Access

Access to the facility will in most cases be undertaken in a standard 4WD motor vehicle via the existing entrance to the Quay Reserve off Merriji Drive.

### 4.8.4 Utilities

The site will have fibre and power connected via the existing power source nearby.

### 4.8.5 Noise

Construction activity will generate some noise; however, this will be in accordance with relevant guidelines for construction site noise as per the State Environment Protection Policy N-1 Noise for Industry, Commerce and Trade.



The only noise emitted by the facility once completed is associated with an air conditioning unit attached to the equipment shelter which emits a noise level similar to that of a domestic air conditioner. However air conditioners will be within the exchange building and will not be noticeable from outside the building.

Operation of the base station will not generate any odour emissions, or solid waste, nor discharge any liquid waste.

#### **4.8.6 Effect on Other Transmission Frequencies**

The monopole will operate at a unique frequency allocated by the Federal Government. In addition the facility operates on a low power output. As a result its operation will not have any effect on the operation of any other transmission frequencies including AM/FM radio, amateur radio, television, satellite, sky channel, CB, or any emergency service frequency.

#### **4.8.7 Redundant Facilities and Rehabilitation**

Telstra has a policy of removal of facilities and rectification and reinstatement of sites when they become redundant. All building works and associated with the build of the new monopole will be carried out to ensure that the site is left in a similar condition to that when the facility was installed. The site and the surrounds will be reinstated, and appropriate landscaping will be undertaken by contractors if required to reinstate the landscaping.

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## 5 Community Consultation

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In the interest of open and transparent information sharing, and prior to lodgement of a planning application with Council, Telstra has undertaken consultation with surrounding residents, businesses and community members as we believe that the community should be kept informed of the development to the local telecommunications infrastructure.

A summary of the consultation undertaken is provided:

- Recent discussions have been undertaken with Council to confirm a new site and an appropriate design solution within land at 54 Humffray Street, Ballarat East. Considering the time since previous community consultations about Telstra proposals in the area, it was decided to conduct another pre-lodgement consultation in April 2019 to update the local community of the proposal.
- Community newsletters were posted to residents located within a 200 metre radius of the site. In addition, Ballarat Shire's Mayor, Councillors, Planning Manager and Property Officer, Federal and State MPs were sent the newsletter. Identified stakeholders and community groups within a 500m radius of the site were also notified.
- A newspaper notice was placed in the Ballarat Miner Times on the 11<sup>th</sup> April 2019 to inform the wider Ballarat community of the proposal.
- A community consultation page on the RFNSA website provided details of the Telstra proposal.
- The consultation period finished on the 3<sup>rd</sup> May 2019.

### Response to Submissions

- Individual responses were sent to each submission received from the consultation, which comprised information about the Telstra proposal and details about construction and traffic management.
- Telstra maintain that the most appropriate location for a new facility which will achieve the optimum mobile coverage and benefit to the community will require a site at the Quay Reserve.
- The feedback received from the consultation has been very helpful to inform Telstra about the local community's views and overall support for Telstra's proposal to improve mobile coverage in the Ballarat East area.
- In accordance with statutory public notice requirements, it is expected that Council will undertake advertising of this proposal to abutting properties.
- Responses to any issues/concerns which may arise, will be addressed accordingly by Telstra should this be required.

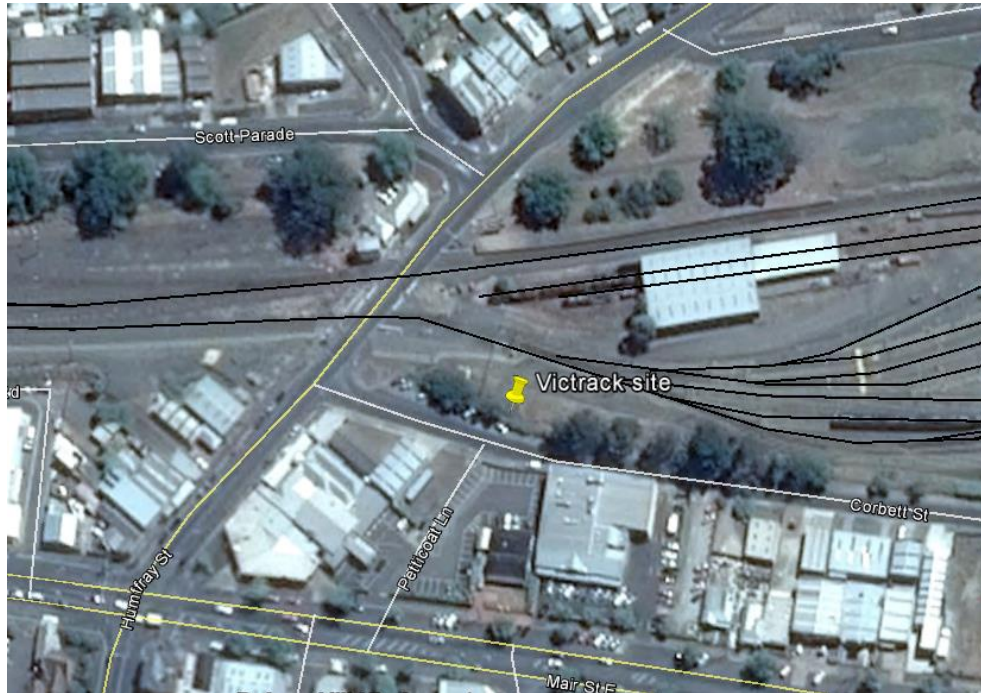
### Past Consultations and Applications

2010/2012 - Telstra investigated several potential candidates in the Bakery Hill area in 2010-12, including a site within Victrack land adjacent to the train station building. However, due to expansion constraints this site did not proceed.

Alternative sites in the area were also investigated but for various reasons, including radio frequency coverage, site constraints, lack of landowner interest/inability to secure tenure, planning issues due to heritage impacts, visual impact and proximity to sensitive uses, these candidates were discounted.

February/March 2014 - In early 2014, Telstra investigated a new potential site for a 35m monopole within the Ballarat Rail Corridor land (1A Corbett Street, Ballarat East). Pre-lodgement consultation was undertaken by Evans Planning on behalf of Telstra advising of the need for improved mobile coverage in the Ballarat East area. Evans Planning presented a proposal to Council at the time for a proposed new pole, being the most optimal location for a telecommunications facility to achieve the coverage objectives. However, as tenure could not be secured on the Victrack land, the proposal did not progress any further and a planning application was not lodged. The site was then discounted.

The proposed site location investigated within the rail corridor is shown below:



**Figure 11: Ballarat Rail Corridor site at 1A Corbett Street, Ballarat East. (Source: Google Earth)**

Alternative site locations were then investigated by Telstra in the Ballarat East area. A site at 328 Eureka Street Ballarat East (RFNSA 3350028) was identified for a proposed 35m monopole and equipment shelter within a large parcel of land zoned Mixed Use, for a range of commercial, residential and industrial purposes which was reasonably separated from sensitive land uses.

A pre-DA lodgement meeting was undertaken by Evans Planning with senior Council Officers in addition to a community consultation program in February/March 2014. A planning application PLP/2014/594 was lodged in August 2014 with Ballarat City Council. The application was determined at Council Meeting and refused.

More recently, a site for a telecommunications facility was investigated within the rail corridor land as part of the Regional Rail Connectivity Project, however due to a major redevelopment of the Ballarat Station Precinct, discussions with Victrack did not progress any further.

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## 6 Conclusion

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This report provides the necessary information to support the application for a planning permit to develop a new telecommunications facility at 54 Humffray Street, Ballarat East.

A detailed assessment of the proposed site has been undertaken with a view to ensuring that the proposal complies with relevant Commonwealth, State and Local planning policies as applicable.

It is submitted that the proposal will not conflict with surrounding land uses, nor will it significantly impact the general amenity of the area or have a detrimental impact on the local environment.

The proposal is compliant with the Ballarat Planning Scheme controls and will assist in its commitment to ensuring that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.

Approval of this facility is consistent with:

- The discretionary elements of the Ballarat Planning Scheme concerning the subject land and proposal;
- The general zoning of the land;
- Maintaining the general amenity of the area;
- Protecting the environmental and heritage characteristics of the locality;
- Complying with the ARPANSA RPS3 - Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3 kHz to 300 GHz (2002);
- Providing an opportunity for swap out to enable co-location of Council's flood lighting and Telstra's mobile equipment to be mounted onto one pole; and
- Improving and maintaining the quality of mobile telecommunications services in the Ballarat East area and surrounds.

The proposal, which supports the delivery of and access to important, contemporary and reliable telecommunications network services for Ballarat East and the surrounding area, will moreover have important local and regional benefits and is consistent with current State planning directives and regional planning initiatives to improve strategic planning for Victoria.

It is therefore submitted that the proposal is both consistent and compliant with the relevant planning legislation and should be supported.





# Appendix A

Copy of Title





# Appendix B

Plans of the Proposed Development





# Appendix C

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## Photographs and Photomontages





# Appendix D

## Environmental EME Report



# Environmental EME Report

<b>Location</b>	54 Humffray Street, BALLARAT EAST VIC 3350		
<b>Date</b>	19/11/2018	<b>RFNSA No.</b>	3350034

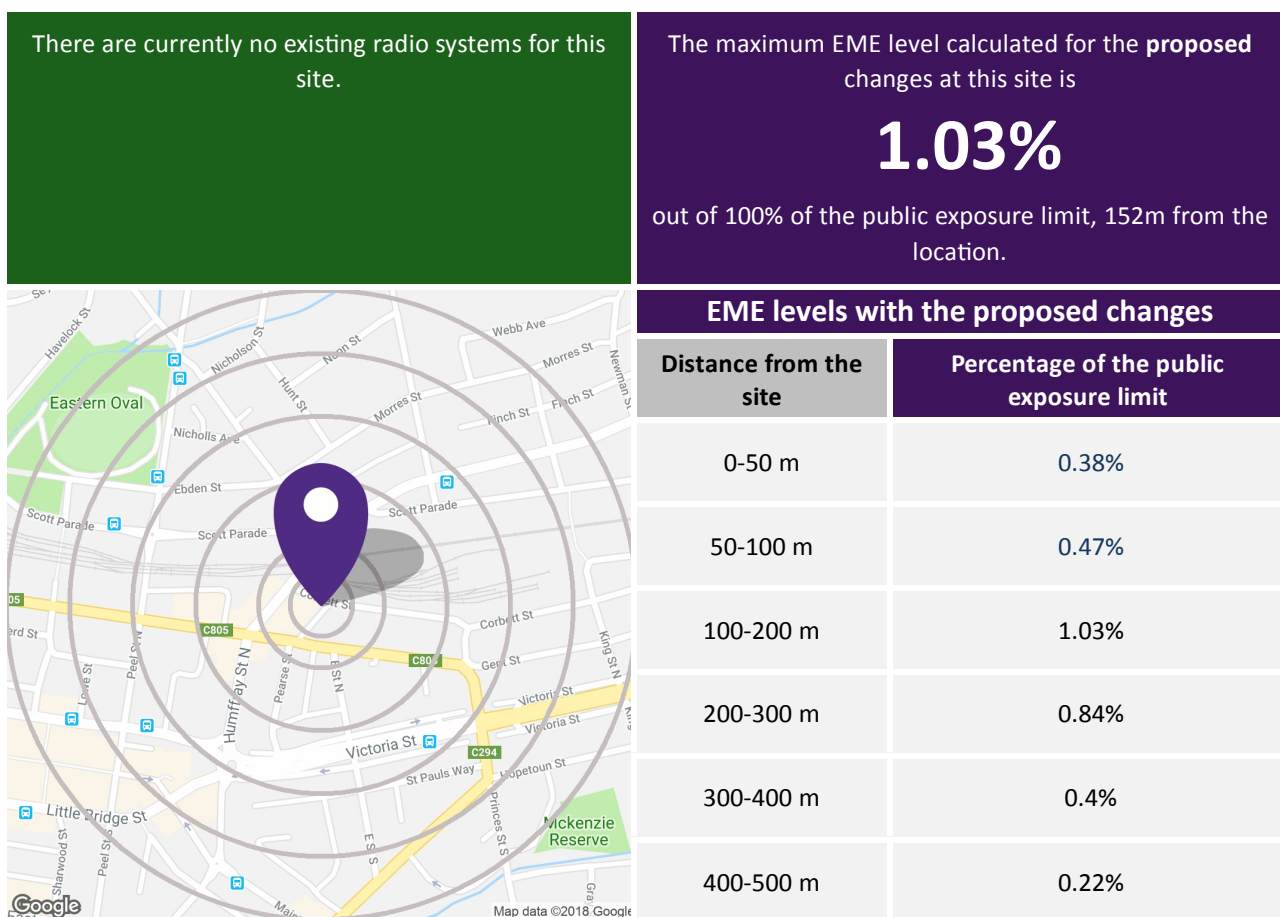
## How does this report work?

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at 54 Humffray Street, BALLARAT EAST VIC 3350. These levels have been calculated by Telstra using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

A document describing how to interpret this report is available at ARPANSA's website:

[A Guide to the Environmental Report.](#)

## A snapshot of calculated EME levels at this site



For additional information please refer to the EME ARPANSA Report annexure for this site which can be found at <http://www.rfnsa.com.au/3350034>.

## Radio systems at the site

This base station currently has equipment for transmitting the services listed under the existing configuration. The proposal would modify the base station to include all the services listed under the proposed configuration.

Carrier	Existing		Proposed	
	Systems	Configuration	Systems	Configuration
Telstra			4G	LTE700 (proposed), LTE2600 (proposed), LTE1800 (proposed)

## An in-depth look at calculated EME levels at this site

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined. All EME levels are relative to 1.5 m above ground and all distances from the site are in 360° circular bands.

Distance from the site	Existing configuration			Proposed configuration		
	Electric field (V/m)	Power density (mW/m <sup>2</sup> )	Percentage of the public exposure limit	Electric field (V/m)	Power density (mW/m <sup>2</sup> )	Percentage of the public exposure limit
0-50m				3.43	31.21	0.38%
50-100m				2.78	20.44	0.47%
100-200m				4.94	64.8	1.03%
200-300m				4.58	55.74	0.84%
300-400m				3.17	26.62	0.4%
400-500m				2.37	14.95	0.22%

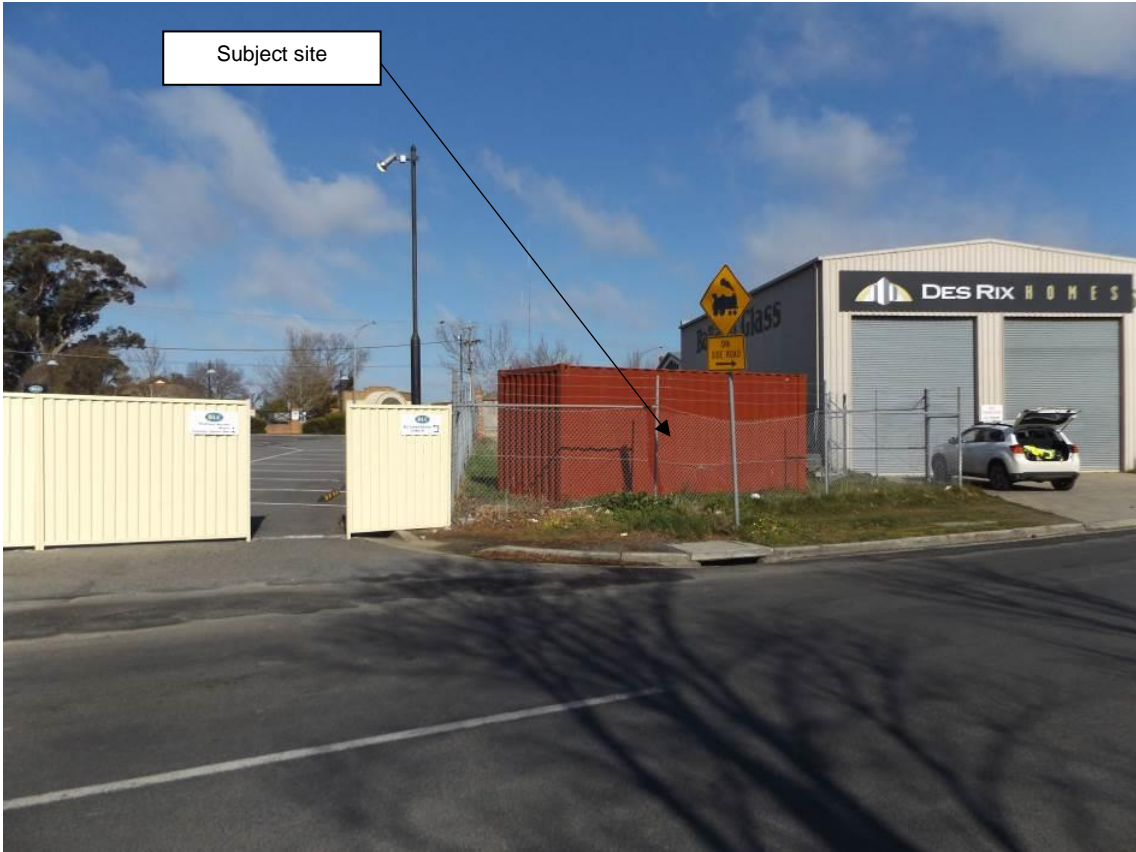
## Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest, identified through consultation requirements of the [Communications Alliance Ltd Deployment Code C564:2011](#) or other means. Calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

### Maximum cumulative EME level for the proposed configuration

Location	Height range	Electric field (V/m)	Power density (mW/m <sup>2</sup> )	Percentage of the public exposure limit
No locations identified				

**APPENDX C – PHOTOGRAPHS**



**Photograph 1 – View of the subject site, looking south. Source: Service Stream**



**Photograph 2 – View to subject site, looking north, taken from adjacent car park area. Source: Service Stream**



**APPENDX C – PHOTOGRAPHS**



**Photograph 3 - View to subject site, looking west. Source: Servicestream**



**Photograph 4 - View from the proposed site, looking east. Source: Servicestream**

**APPENDX C – PHOTOMONTAGES**



**Photograph 5 - Visual representation of the proposed facility, looking west. Source: Servicestream**



**Photograph 6 - Visual representation of the proposed facility, looking east. Source: Servicestream**



**APPENDX C – PHOTOMONTAGES**



**Photograph 7 - Visual representation of the proposed site, looking south east. Source: Servicestream**



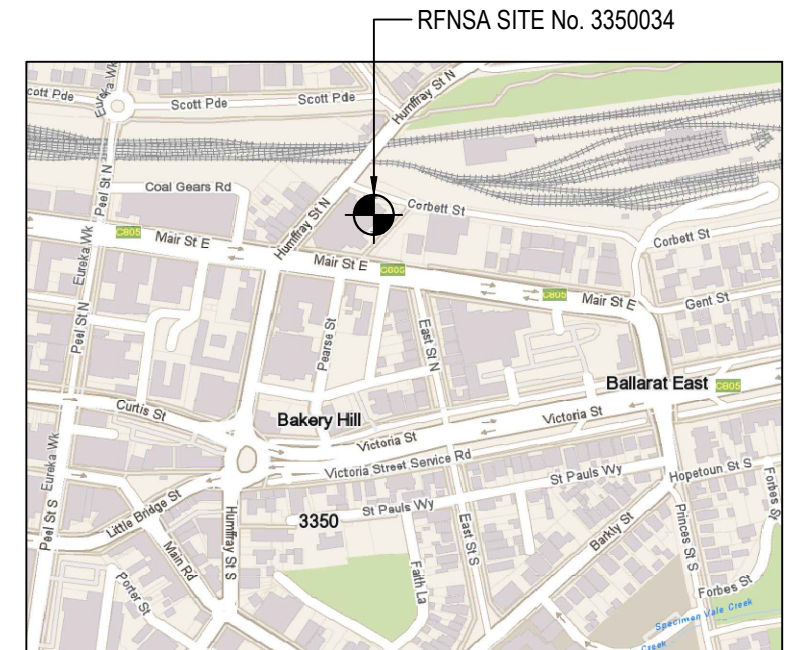
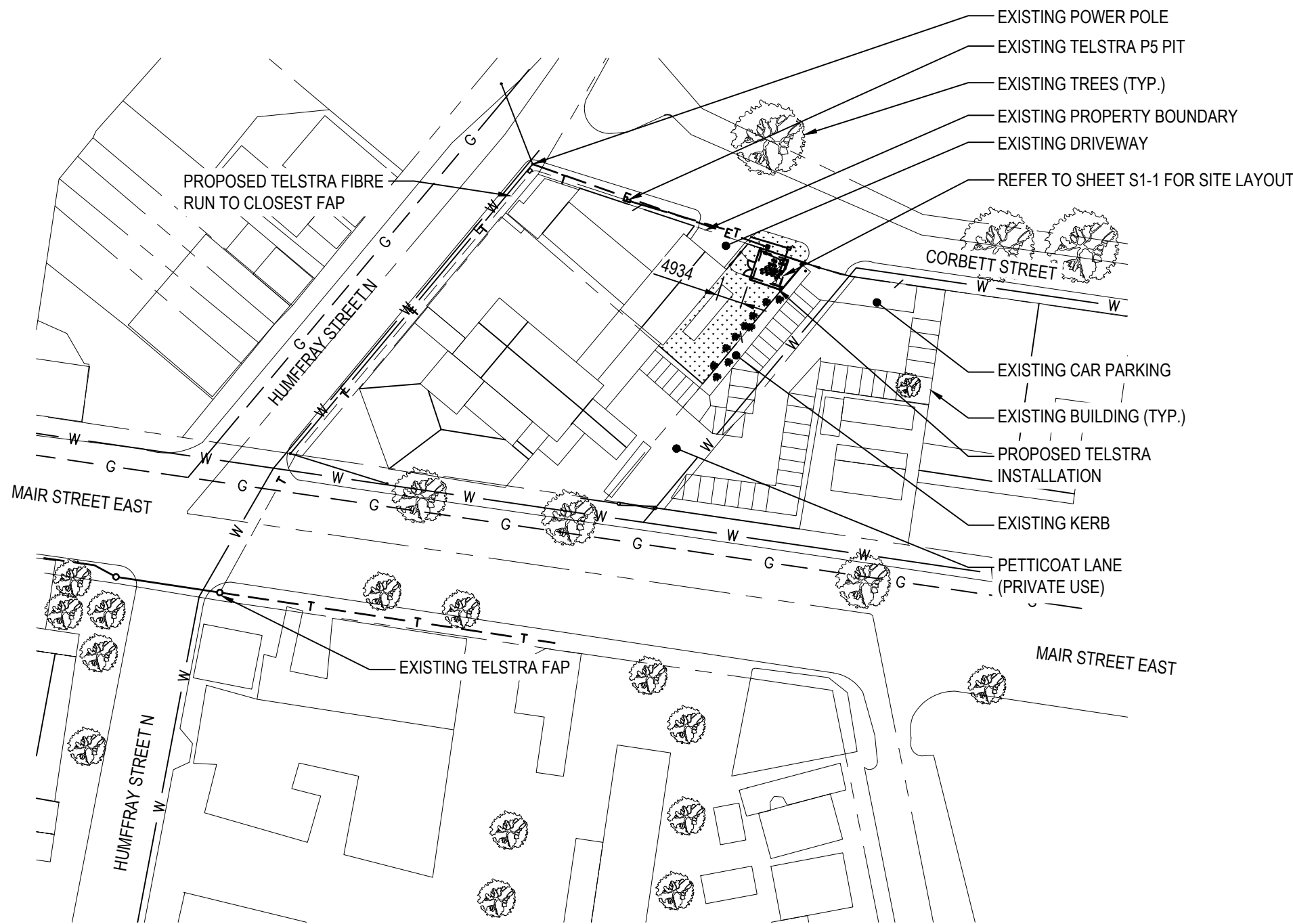
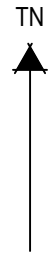
**Photograph 8 - Visual representation of the proposed site, looking north west. Source: Servicestream**

**APPENDX C – PHOTOMONTAGES**



**Photograph 9 - Visual representation of the proposed site, looking north west. Source: Servicestream**





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### LOCALITY PLAN

NOT TO SCALE

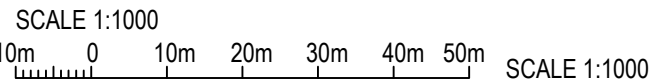
### SERVICES LEGEND

— E —	— E —	ABOVE GROUND ELECTRICAL SUPPLY
— FE —	— FE —	ABOVE GROUND FEEDER CABLES
— E —	— E —	BELOW GROUND ELECTRICAL SUPPLY
— FE —	— FE —	BELOW GROUND FEEDER CABLES
— T —	— T —	OPTIC FIBRE BELOW GROUND
— W —	— W —	WATER SUPPLY
— G —	— G —	GAS SUPPLY

### NOTES:

1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
3. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
4. CLEAR ALL VEGETATION WITHIN THE COMPOUND TO MINIMISE SNAKE ACTIVITY.

### SITE ACCESS



NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEETS S1-1 & S1-2

**PRELIMINARY**

DO NOT SCALE

F

### PROPERTY DESCRIPTION

PART OF LOT 2 ON TITLE PLAN 392052  
PARISH OF BALLARAT  
COUNTY OF TALBOT

SITE STRUCTURE CO-ORDINATES (GDA94)  
GPS READING ACCURACY: ± 10m  
CENTRE OF POLE

LATITUDE	GDA 94 -37.56028
LONGITUDE	GDA 94 143.86749



ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
VT08054.01	KM	JCF	STREET NUMBER AMENDED - 70726550W002TCI	MD	JYW	23.02.11	3
VT08054.01	LR	JCF	PRELIMINARY FOR APPROVAL - 70726550W002TCI	MK	JYW	06.10.11	4
VT08054.01	RS	KM	PRELIMINARY - 70726550W0003SSNC	WLM	LC	16.01.14	5
VT08054.01	DN	RN	PRELIMINARY - 70726550W0003SSNC	WLM	RA	19.09.14	6
VT08054.02	MK	BL	PRELIMINARY - 30069070W0004SSNC - LTE700 / LTE1800 / LTE2600	IN	NH	02.04.19	7

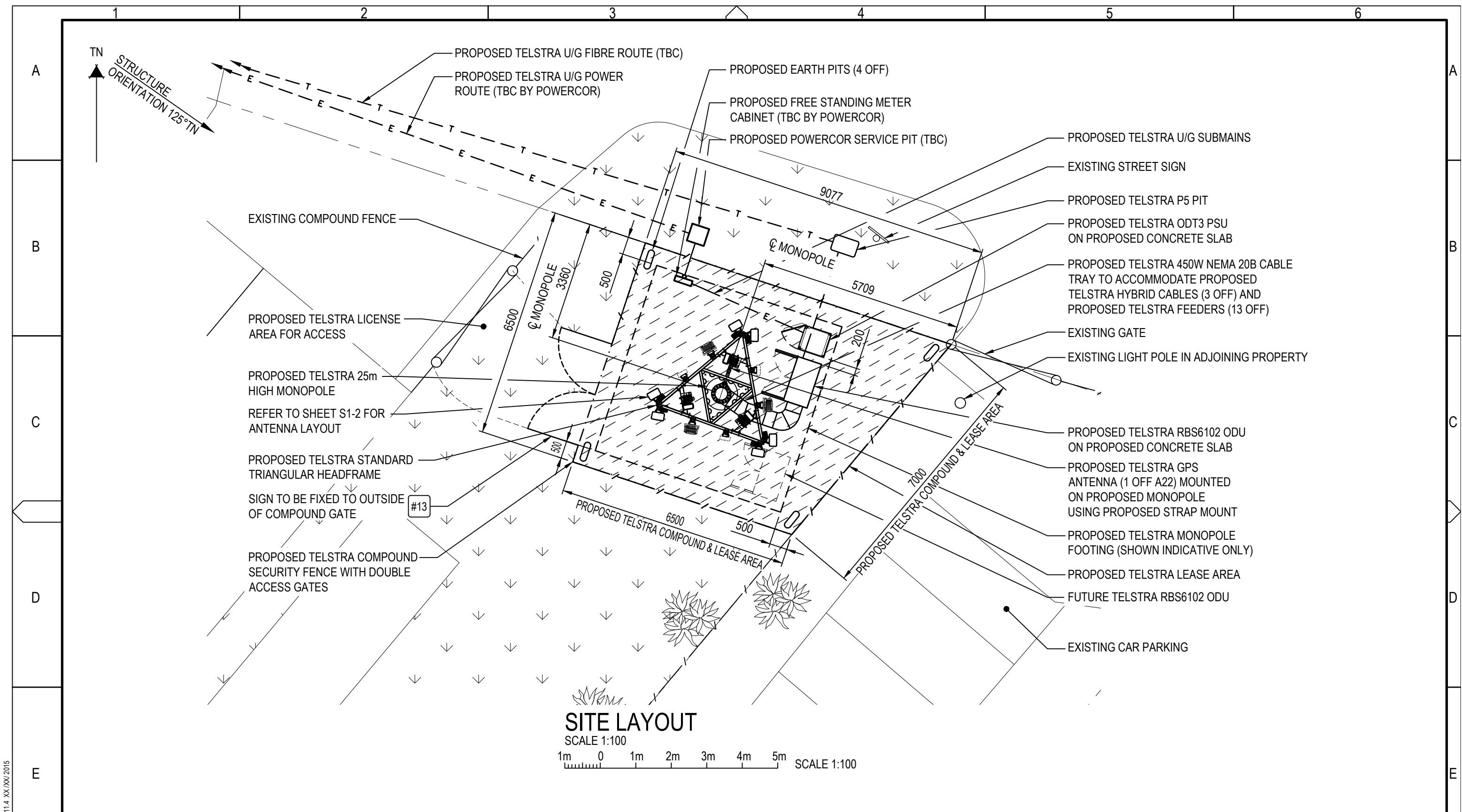
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**Telstra**

**MOBILE NETWORK SITE 277869**  
**BAKERY HILL**  
SITE ACCESS AND LOCALITY PLAN  
54 HUMFFRAY STREET N, BALLARAT EAST, VIC 3350

DWG NO.	V109087	SHT NO.	S1
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**SITE LAYOUT**  
SCALE 1:100  
1m 0 1m 2m 3m 4m 5m SCALE 1:100

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEETS S1 & S1-2

**PRELIMINARY**

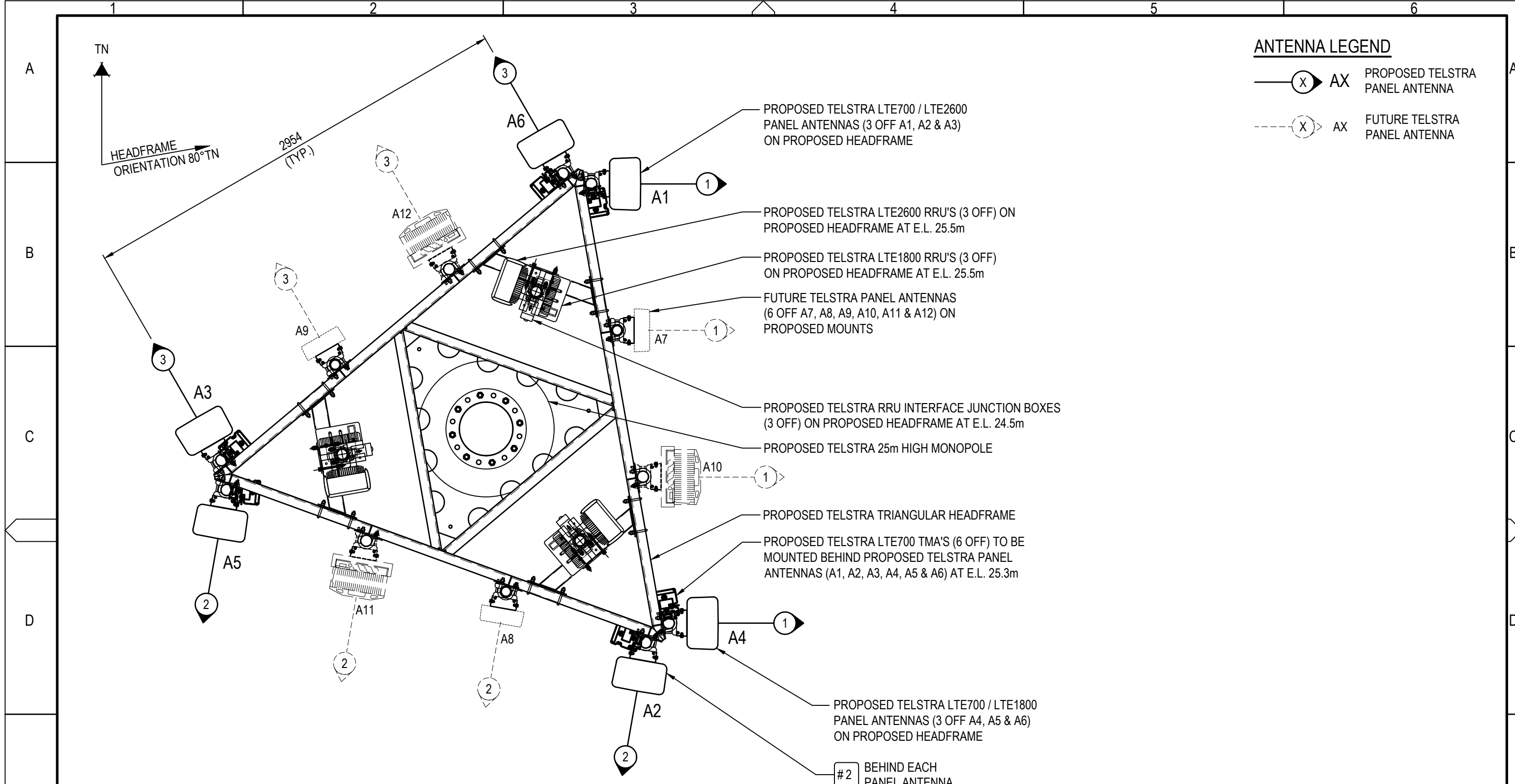
- NOTES:**
1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
  2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
  3. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
  4. FOR EME SIGNS NOTED THUS (#) REFER TO 005486 FOR DETAILS.
- PROPOSED TELSTRA LEASE AREA.

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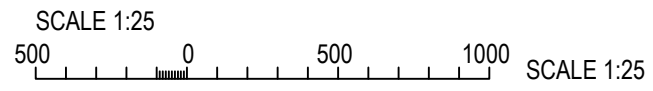
ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
VT08054.01	RS	KM	PRELIMINARY - 70726550W0003SSNC	WLM	LC	16.01.14	1
VT08054.01	DN	RN	PRELIMINARY - 70726550W0003SSNC	WLM	RA	19.09.14	2
VT08054.02	MK	BL	PRELIMINARY - 30069070W0004SSNC - LTE700 / LTE1800 / LTE2600	IN	NH	02.04.19	3

**MOBILE NETWORK SITE 277869**  
**BAKERY HILL**  
SITE LAYOUT  
54 HUMFFRAY STREET N, BALLARAT EAST, VIC 3350

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**ANTENNA & RRU LAYOUT AT EL 25.0m & 25.5m**



NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEETS S1 & S1-1

**PRELIMINARY**

DO NOT SCALE

- NOTES:**
1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
  2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
  3. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
  4. FOR EME SIGNS NOTED THUS (#X) REFER TO 005486 FOR DETAILS.



ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
VT08054.02	MK	BL	PRELIMINARY - 30069070W0004SSNC - LTE700 / LTE1800 / LTE2600	IN	NH	02.04.19	1

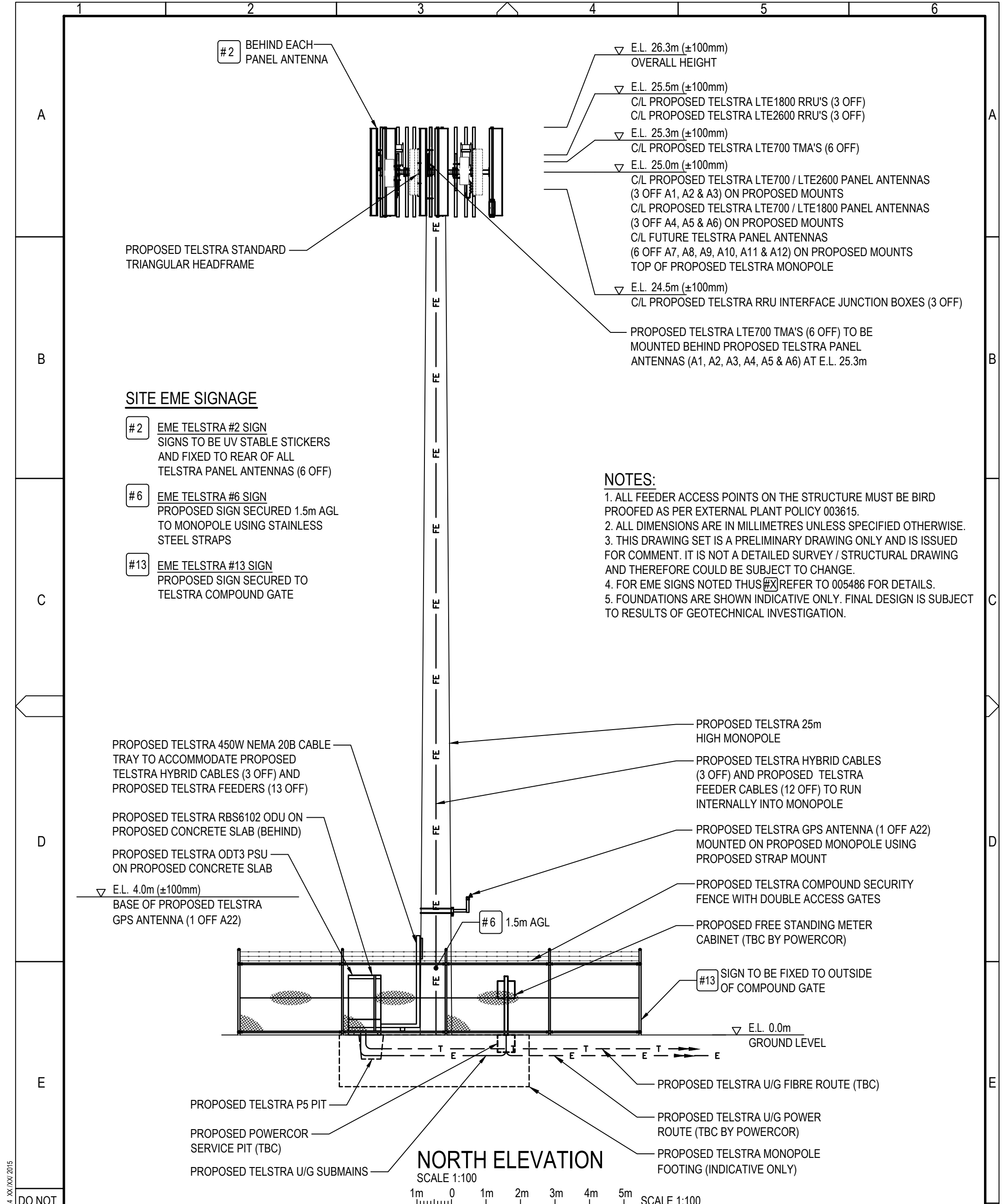
**Telstra**

**MOBILE NETWORK SITE 277869**

**BAKERY HILL**

ANTENNA LAYOUT

54 HUMFFRAY STREET N, BALLARAT EAST, VIC 3350



**SITE EME SIGNAGE**

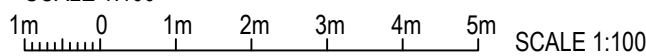
- #2 EME TELSTRA #2 SIGN  
SIGNS TO BE UV STABLE STICKERS AND FIXED TO REAR OF ALL TELSTRA PANEL ANTENNAS (6 OFF)
- #6 EME TELSTRA #6 SIGN  
PROPOSED SIGN SECURED 1.5m AGL TO MONOPOLE USING STAINLESS STEEL STRAPS
- #13 EME TELSTRA #13 SIGN  
PROPOSED SIGN SECURED TO TELSTRA COMPOUND GATE

**NOTES:**

1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
3. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
4. FOR EME SIGNS NOTED THUS (#X) REFER TO 005486 FOR DETAILS.
5. FOUNDATIONS ARE SHOWN INDICATIVE ONLY. FINAL DESIGN IS SUBJECT TO RESULTS OF GEOTECHNICAL INVESTIGATION.

**NORTH ELEVATION**

SCALE 1:100



NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEET S3-1

**PRELIMINARY**

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ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
VT08054.01	KM	JCF	BOLLARD REMOVED - 70726550W002TC1	MD	JYW	02.02.11	2
VT08054.01	KM	JCF	STREET NUMBER AMENDED - 70726550W002TC1	MD	JYW	23.02.11	3
VT08054.01	LR	JCF	PRELIMINARY FOR APPROVAL - 70726550W002TC1	MK	JYW	06.10.11	4
VT08054.01	RS	KM	PRELIMINARY - 70726550W0003SSNC	WLM	LC	16.01.14	5
VT08054.01	DN	RN	PRELIMINARY - 70726550W0003SSNC	WLM	RA	19.09.14	6
VT08054.02	MK	BL	PRELIMINARY - 30069070W0004SSNC - LTE700 / LTE1800 / LTE2600	IN	NH	02.04.19	7

**MOBILE NETWORK SITE 277869**  
**BAKERY HILL**  
NORTH ELEVATION  
54 HUMFFRAY STREET N, BALLARAT EAST, VIC 3350

Telstra Networks Wireless program Delivery Template - 017666P02 issue 11.4 XX/XX/2015

## TELSTRA MOBILES ANTENNA CONFIGURATION TABLE

ANTENNA No	ANTENNA TYPE & SIZE H x W x D	ANTENNA ACTION REQUIRED	ANTENNA HEIGHT C/L A.G.L.	PHYSICAL ANTENNA BEARING (°T)	SECTOR NO. & TECHNOLOGY
A1	ARGUS RVVPX310.11B-T2 PANEL 2533 x 350 x 208	INSTALL	25.0m	90°	S1: LTE700
					S1: LTE700
					S1: LTE2600 S1: LTE2600
A2	ARGUS RVVPX310.11B-T2 PANEL 2533 x 350 x 208	INSTALL	25.0m	190°	S2: LTE700
					S2: LTE700
					S2: LTE2600 S2: LTE2600
A3	ARGUS RVVPX310.11B-T2 PANEL 2533 x 350 x 208	INSTALL	25.0m	330°	S3: LTE700
					S3: LTE700
					S3: LTE2600
					S3: LTE2600
A4	ARGUS RVVPX310.11B-T2 PANEL 2533 x 350 x 208	INSTALL	25.0m	90°	S1: LTE700
					S1: LTE700
					S1: LTE1800
					S1: LTE1800
A5	ARGUS RVVPX310.11B-T2 PANEL 2533 x 350 x 208	INSTALL	25.0m	190°	S2: LTE700
					S2: LTE700
					S2: LTE1800
					S2: LTE1800
A6	ARGUS RVVPX310.11B-T2 PANEL 2533 x 350 x 208	INSTALL	25.0m	330°	S3: LTE700
					S3: LTE700
					S3: LTE1800
					S3: LTE1800
A22	ERICSSON GPS KRE 101 2082/1 OMNI Ø68 x 96	INSTALL	BASE OF GPS 4.0m	0°	-

## TELSTRA MOBILES ANTENNA CONFIGURATION TABLE

ANTENNA No	ANTENNA TYPE & SIZE H x W x D	ANTENNA ACTION REQUIRED	ANTENNA HEIGHT C/L A.G.L.	PHYSICAL ANTENNA BEARING (°T)	SECTOR NO. & TECHNOLOGY
A7	ARGUS VVPX310B1 PANEL 1328 x 290 x 103mm	FUTURE	25.0m	90°	-
A8	ARGUS VVPX310B1 PANEL 1328 x 290 x 103mm	FUTURE	25.0m	190°	-
A9	ARGUS VVPX310B1 PANEL 1328 x 290 x 103mm	FUTURE	25.0m	330°	-
A10	ERICSSON AIR6488 PANEL 827 x 415 x 263mm	FUTURE	25.0m	90°	-
A11	ERICSSON AIR6488 PANEL 827 x 415 x 263mm	FUTURE	25.0m	190°	-
A12	ERICSSON AIR6488 PANEL 827 x 415 x 263mm	FUTURE	25.0m	330°	-

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEET S3

**PRELIMINARY**

DO NOT SCALE

F



ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
VT08054.01	RS	KM	PRELIMINARY - 70726550W0003SSNC	WLM	LC	16.01.14	1
VT08054.01	DN	RN	PRELIMINARY - 70726550W0003SSNC	WLM	RA	19.09.14	2
VT08054.02	MK	BL	PRELIMINARY - 30069070W0004SSNC - LTE700 / LTE1800 / LTE2600	IN	NH	02.04.19	3

<b>MOBILE NETWORK SITE 277869</b>	
<b>BAKERY HILL</b>	
ANTENNA CONFIGURATION TABLE	
54 HUMFFRAY STREET N, BALLARAT EAST, VIC 3350	

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DWG NO. **V109087** SHT NO. S3-1

Cad file: V109087.dwg

**5. GENERAL BUSINESS - MATTERS ARISING FROM THE AGENDA**

**6. CLOSE**