

5.2 62-94 JACKSONS ROAD, MULGRAVE – WORKS ASSOCIATED WITH A UTILITY INSTALLATION (NEW 39.4 METRE HIGH TRANSMISSION LINE TOWER)

(TPA/36157:MM:RO)

Ward : Mulgrave

Responsible Director: Don Cameron

Reason for Council Consideration: Community interest and cost of development \$2 million

Statutory Processing Date : 21 June 2008

RECOMMENDATION

*The Council having caused notice of planning application No. 36157 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to grant a planning permit and issue a **Notice of Decision** to grant a permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 62-94 Jacksons Road, Mulgrave, for the purpose of works associated with a utility installation, generally in accordance with the plans submitted with the application dated March 2008 subject to the following conditions, including the specified standard conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council 16 September 2003:*

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 2. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*

Expiry of permit:

In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

- The development is not started within two years of the date of this permit.*
- The development is not completed within four years of the date of this permit.*

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permits expires, or within three months afterwards.

and directs that the Applicant and each objector be given a notice of the Council's decision to grant the permit.

BACKGROUND

The subject site is located on the eastern side of Jacksons Road, Mulgrave approximately 400 metres north of the underpass of the Monash Freeway. The site is rectangular in shape, has an area of approximately 4.7 hectares and a frontage to Jacksons Road of approximately 280 metres. (Refer to Attachment 1)

The land is owned by the Missionary Oblates of Mary Immaculate and is used for purposes associated with this Missionary. Development on the site comprises of a complex of buildings well setback from the Jacksons Road frontage. A number of canopy trees surround the buildings on site and a tennis court associated with the Missionary is located along the southern boundary.

The site also is encumbered by a 30.5 metre wide electricity transmission easement along its southern boundary. A 35.7 metre high transmission tower is located within this easement, setback 15 metres from the Jacksons Road frontage and 15 metres from the nearest residential property boundary to the south of the site. The transmission lines extend east and west from the tower.

The subject site is surrounded by residential development to the north, east and south. Residential lots to the south of the subject site are developed generally with large single dwellings that are one or two storeys in height. On the western side of Jacksons Road is the Waverley Park residential development, which is under construction and with land still vacant opposite the subject site. These vacant areas will also be built out with residential development.

PROPOSAL

Planning Permit STA / 2001 000714 was issued by the Minister for Planning for the subdivision and development of Waverley Park.

Condition 50 of the Permit states:

“The existing powerline easement through the land must be removed and high voltage electricity transmission lines must be placed underground and located via a route which is to the satisfaction of S.P.I Powernet Pty Ltd or the relevant electricity authority.”

In order to comply with this condition and provide for the underground of the transmission lines on the Waverley Park estate, works are required to the existing transmission lines on the subject site.

Therefore as part of these works it is proposed to demolish the existing transmission tower and replace it with a new tower setback a further 15 metres from Jacksons Road and consequently directly 15 metres east from the location of the existing tower.

The existing tower has a base of 5.5 metres by 5.5 metres and an overall height from ground level 35.7 metres. As part of the replacement works it is necessary

to increase the base of the new tower to 6.7 metres by 6.7 metres and increase the overall height of the tower to 39.4 metres. (Refer to Attachment 2)

POLICY IMPLICATIONS

Monash Planning Scheme

Zoning

The subject site is located within a Residential 1 Zone. No planning overlays apply. Apart from the implementation of the State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement and Local Planning Policies, the purpose of a Residential 1 zone is to in appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

The transmission lines in question are designed to operate at more than 220,000 volts of electricity and therefore, the lines and associated towers are defined by the Monash Planning Scheme as a utility installation.

Within a Residential 1 Zone, a utility installation is a permit required use however given that an existing transmission tower and associated lines are located within the existing easement and along the southern boundary of the subject site, there are existing use rights for a utility installation. Thus a permit for the use is not required, however a permit is required for buildings and works subject to Clause 32.01-6 of the Monash Planning Scheme.

CONSULTATION

Public notification of the application was carried out by way of a notice displayed at the Jacksons' Road frontage of the site and the forwarding of smaller notices and plans to the occupiers and owners of 25 surrounding properties.

Four (4) objections to the proposal, including a petition with 39 signatories have been received by Council. The grounds of objection can be summarised as follows:

- The proposed development will have a detrimental effect on the overall health, emotional and financial well being of surrounding residents.
- The tower will be moved closer to homes and will be larger in length and height thus impact on visual amenity.
- The tower will be in a more prominent position in the Carboni Court streetscape.
- Research has shown that exposure to electro magnetic fields may be implicated in a number of adverse health effects.
- There is no environmental impact study on the future health effects of the tower.
- Noise levels associated with the power lines.
- Decrease in property values.
- Question as to why there are no alternatives offered.

- The relocated and extended tower was not part of the original proposal subjected to the governing bodies.
- Construction activities will be disruptive.

Referral of the application was not required.

ASSESSMENT

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework,
- including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.

The proposed demolition of the existing transmission line tower and its replacement with a new transmission line tower is required by the service authority (SP Austnet) to act as a straining tower as part of the Waverley Park undergrounding works, which are a direct requirement of the Planning Permit issued for the Waverley Park estate.

It is necessary for the new tower to be located 15 metres east from the existing tower to allow for uninterrupted service of transmission lines during construction. The increase base and overall heights are also required to facilitate the undergrounding works. The planning permit for the development of the Waverley Park estate did not cover these works, as the works are situated on the Missionary Oblates of Mary Immaculate site.

With regards to objector concerns and the effect on the amenity of adjacent residents, it is noted that there is an existing tower and transmission lines located along the southern boundary of the subject site. Given the existing arrangement a permit is not required for the use, solely for the buildings and works associated with the use.

It is considered that the replacement tower is appropriately located in line with the existing transmission lines. The proposed increase base from 5.5 metres to 6.7 metres and increased overall height from 35.7 metres to 39.4 metres is not expected to result in any unacceptably increased detriment to adjacent residents.

CONCLUSION

For the reasons outlined in the above report, the proposed development is considered appropriate to the site and will facilitate the upgrade works required

by the planning permit for the Waverley Park estate. The development of the proposal will assist in the orderly planning of the area. It is recommended that the proposal be supported subject to the appropriate conditions.