

1. Introduction

The purpose of this policy is to provide guidance for the assessment and determination of Development Applications for Telecommunications Infrastructure within the City of Rockingham that cannot be classified as low-impact facilities.

2. Background

Whilst recognising the need to provide an efficient communications network for the community, there is a need to ensure that Telecommunications Infrastructure is developed in a manner that is compatible with the surrounding environment and will not adversely impact on the amenity of an area.

In October 2014, the Western Australian Planning Commission (WAPC) released a draft revised State Planning Policy 5.2 - Telecommunications Infrastructure (SPP 5.2) in response to a survey conducted in July 2014, which indicated that there was a lack of coverage in Western Australia. The amended SPP 5.2 was gazetted in September 2015 and this Local Planning Policy has been updated to reflect the current SPP.

Under State Planning Policy 5.2 Telecommunications Infrastructure (SPP5.2), Telecommunication Infrastructure includes both above and below ground facilities.

(a) Above Ground Infrastructure includes the following:

- (i) mobile telephone networks;
- (ii) National Broadband Networks (NBN) fixed wireless broadband towers; and
- (iii) amateur radio equipment;

(b) Below Ground Telecommunications Infrastructure refers to pit and pipe infrastructure used to house fixed line used to carry voice and data services.

Under the Telecommunications Act 1997, the following telecommunications facilities are exempt from the requirement to obtain Development Approval:

- (a) A low-impact facility described in the Telecommunications (Low-Impact Facilities) Determination 1997¹ and Amendment No.1 1999, when installed by a Carrier;
- (b) Inspection and maintenance;
- (c) A temporary defence facility; and
- (d) A facility authorised by a Facilities Installation Permit issued under the Telecommunications Act.

¹ Facilities which are listed in the Telecommunications (Low-Impact Facilities) Determination 1997 fall outside State and local government control but are required to comply with the Commonwealth Telecommunications Code of Practice 1997. A copy of the Telecommunications (Low-Impact Facilities) Determination 1997 and Amendment No.1 1999 can be access via the following website – www.comlaw.gov.au/

Under sub-clauses 6(4), (5) and (7) of the Telecommunications Act 1997, the following telecommunications facilities cannot be low-impact-facilities:

- (a) Designated overhead lines;
- (b) A tower that is not attached to a building;
- (c) A tower attached to a building and more than 5m high;
- (d) An extension to a tower that has previously been extended; and
- (e) An extension to a tower, if the extension is more than 5m high.

Accordingly, overhead cabling and new mobile telecommunications towers are not low-impact facilities. Furthermore, a facility in an 'area of environmental significance' cannot be a low-impact facility.

3. Policy Application

In Town Planning Scheme No.2, the Zoning Table (Table No.1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

The Town Planning Scheme No.2 defines 'Telecommunications Infrastructure' as any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, in or in connection with a telecommunications network.

The permissibility of the Telecommunications Infrastructure use in Town Planning Scheme No.2 can be summarised as follows:

- (a) The use is not permitted in the Residential and Special Residential zones;
- (b) In the Development Zone, where an area is denoted as 'Residential' under a Local Structure Plan, it is not preferred;
- (c) The use is not permitted in the Special Rural Zone unless the Council has exercised its discretion by granting Development Approval, following a process of community consultation in accordance with clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015; and
- (d) In all other zones, the use is not permitted unless the Council has exercised its discretion by granting Development Approval.

This Planning Policy should be read in conjunction with the WAPC SPP 5.2 and the Commonwealth Telecommunications Act 1997.

4. Policy Objectives

The objectives of this Planning Policy are as follows:

- (a) To promote a consistent approach in the assessment and determination of applications for Development Approval for Telecommunications;
- (b) To manage the environmental, cultural heritage, visual and social impacts of Telecommunications Infrastructure through appropriate provisions intended to minimise any potential adverse impacts from such Telecommunications Infrastructure;
- (c) To facilitate the provision of Telecommunications Infrastructure in an efficient and environmentally responsible manner to meet community needs;
- (d) To ensure that Telecommunications Infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons; and
- (e) To consider the location and the need for Telecommunications Infrastructure at District Structure Plan, Local Structure Plan and Activity Structure Plan stage to mitigate any potential visual impacts to the community. In the absence of an approved District Structure Plan, the location of Telecommunications Infrastructure should be considered at Local Structure Plan stage.

5. Policy Statement

5.1 Location

The preferred location for Telecommunications Infrastructure that cannot be classified as low-impact facilities is in the industrial, commercial and rural zones.

5.2 Co-Location of Facilities

In order to provide for future co-location, new mobile telecommunications towers, including equipment sheds, are to be designed in such a manner as to permit at least 3 carriers to co-locate.

Carriers shall co-locate onto existing towers, other existing structures or replace existing structures wherever possible as follows:

- (a) Cables and lines should be located within an existing underground conduit or duct;
- (b) Overhead lines and towers should be co-located with existing infrastructure and/or within existing infrastructure corridors and/or mounted on existing or proposed buildings.

Where there is an existing facility in the locality and the Carrier chooses not to co-locate onto that facility, the applicant will be required to demonstrate by means of certification from an appropriately qualified person, that the proposal cannot be co-located onto that facility for technical/structural reasons.

5.3 Visual Impacts

Telecommunications Infrastructure is generally required to be located prominently, at high points, to be effective, where they are more likely to be visible to the public.

The Council may exercise discretion in addressing the visual impacts of Telecommunications Infrastructure, as telecommunication Infrastructure should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community. The benefit of improved telecommunications services should be balanced with the visual impact on the surrounding area.

The following set of policy measures should be used in the assessment of a development application, to guide the location, siting and design of the infrastructure.

- (a) The assessment of the visual impact of development applications for Telecommunications Infrastructure should be made on a case by case basis;
- (b) Telecommunications Infrastructure is to be sited and designed to have minimal impact on the environmental, cultural heritage, social and visual landscape;
- (c) Be located away from scenic routes and recreation sites;
- (d) To avoid detracting from significant views of landmarks, streetscapes and vistas;
- (e) The scale, materials, externals colours and finishes should be sympathetic to the surrounding landscape and use techniques to blend facilities into the environment including the use of natural, non-reflective colours and finishes;
- (f) When locating on an existing structure, the Telecommunications Infrastructure must be coloured and fixed onto or within buildings to blend/harmonise with the colour and design of the building, and where possible, should be screened from public places by the building, and should not protrude from a building into or above a public road reserve, pedestrian accessway or other public space;
- (g) Towers should be of a monopole construction, although the Council may support lattice or other types of tower designs where the applicant demonstrates the technical necessity for such a design and where the tower may provide additional co-locational opportunities;
- (h) The screening of the base of the tower and associated installations by vegetation, will be applied on a 'case by case' basis.

5.4 Electromagnetic Emissions (EME)

The use of mobile telephones has raised public concern about possible health issues associated with exposure to electromagnetic emissions. Measurement surveys undertaken by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) demonstrate that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. It is concluded that it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research.

Therefore, setback distances for telecommunications infrastructure are not required to be set out in this Policy to address health or safety standards.

5.5 General Requirements

All decommissioned Telecommunications Infrastructure shall be removed and the site reinstated to its original condition at the applicant's cost.

5.6 Consultation

All applications for Development Approval for the establishment of Telecommunications Infrastructure in the Special Rural zone will be the subject of a process of community consultation in accordance with clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Planning Procedure No.1.3 - Community Consultation.

Unless otherwise determined by the Manager, Statutory Planning, all other applications for Development Approval for the establishment of Telecommunications Infrastructure will be the subject of a process of community consultation in accordance with clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Planning Procedure No.1.3 - Community Consultation.

6. Application Procedure

Applications for Development Approval for the establishment of Telecommunications Infrastructure shall be made on the form prescribed by the Council, and shall be signed by the owner(s), and accompanied by the following information:

- (a) A written submission describing the proposal, which should include the following information and confirmation that the requirements of this Planning Policy can be achieved:
 - (i) the need for the facility;
 - (ii) details of co-location investigations;
 - (iii) whether the applicant has notified the other licensed carriers about the proposal and whether the other licensed carriers intend to co-locate on the proposed tower;
 - (iv) a statement about where the proposed facility is to be located. If the facility is proposed within an infrastructure easement or corridor, consultation with other users is to be demonstrated;
 - (v) detailed reasons for the design, location and configuration of the facility;
 - (vi) the intended service area of the facility;
 - (vii) whether excess space has been incorporated into the design and configuration of the structure of building for co-location and the suitability of that space for use by other licensed carriers;
 - (viii) details of any significant environmental constraints, including those associated with the species, condition and significance of vegetation to be removed (and, where

relevant, commitments stating how these constraints will be managed to prevent an unacceptable impact upon the environment;

- (ix) details of the timing of works involved in establishing the facility and any arrangements for temporary access and/or changes to existing access facilities during the course of construction;
 - (x) a statement about the extent to which the proposed facility complies with the City's Town Planning Scheme No.2 and this Planning Policy and (if applicable) justification for any variation from the relevant scheme or policy provisions.
- (b) Such plans and other information that the Council may reasonably require to enable the application to be determined (Refer to clause 62 of the Planning and Development (Local Planning Schemes) Regulations 2015). Including such of the following information as is relevant to a description and assessment of the proposal:
- (i) location plans showing the location of the facility and any existing or known/planned facilities of the Carrier and other Carriers, within the City and surrounding local authorities;
 - (ii) site plans drawn to scale showing the existing and proposed improvements on the property, landscaping, watercourses and other natural features and levels at 1m contour levels;
 - (iii) plans and coloured graphic illustrations, including photo simulations, showing the type of facility and its relationship with adjacent development, including the proposal's elevations showing the extent, height and appearance, proposed materials and colour, any screening or fencing, and any external lighting; and
 - (iv) documentation showing sight lines demonstrating the level of visibility of the facility as viewed from adjacent properties or streets.
- (c) In accordance with the Western Australian Planning Commission SPP 5.2, the application should also be supported by a written statement or report setting out:
- (i) the maximum power output of the facility and radiofrequency electromagnetic energy levels in accordance with the Industry Code for the Deployment of Radiocommunications Infrastructure 2002. This statement is to demonstrate that the Carrier accepts full responsibility for compliance with the Radiocommunications Act;
 - (ii) a statement about the extent to which the proposed facility addresses the network capacity for future demand and/or current gaps in service;
 - (iii) where the proposed facility (e.g. trenching cables such as optic fibre) is to be located within an infrastructure easement, consultation with other users is to be demonstrated;
 - (iv) how the proposed facility addresses the policy measures for the visual impacts of Telecommunications Infrastructure set out in Section 5.1.1 of SPP 5.2; and

- (v) compliance with the Mobile Phone Base Station Deployment Industry Code (C564:2011), excluding Sections 6 and 7 (which only apply to developments that do not require development approval).
- (d) The payment of an Administration Fee as detailed in the Council's Planning Information Bulletin No.2.2 – Scale of Fees for Planning Services.

7. Authority

This Planning Policy has been adopted by the Council under Clause 3 4 (4) of the Planning and Development (Local Planning Scheme) Regulations 2015. The Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

8. Interpretations

For the purposes of this Planning Policy, the following terms shall have the same meaning as in the Telecommunications (Low Impact Facilities) Determination 1997:

Area of Environmental Significance means:

1. *An area is an area of environmental significance if it is identified property for section 3A of the World Heritage Properties Conservation Act 1983.*
2. *An area is an area of environmental significance if it is an identified property (within the meaning of section 3A of the World Heritage Properties Conservation Act 1983).*
3. *An area is an area of environmental significance if it is a place that Australia is required to protect by the terms of a listed international agreement.*
4. *An area is an area of environmental significance if, under a law of the Commonwealth, a State or a Territory:*
 - (a) *it is designated as a reserve for nature conservation purposes; and*
 - (b) *the principal purposes of the designated reserve is for nature conservation.*
5. *An area is an area of environmental significance if it is an area that, under a law of the Commonwealth, or a State or a Territory, is protected from significant environmental disturbance;*
6. *An area is an area of environmental significance if it is entered in the Register of the National Estate or the Interim List for that Register.*
7. *An area is an area of environmental significance if, under a law of the Commonwealth, or a State or a Territory, it consists of a place, building or thing that is entered in a register relating to heritage conservation.*
8. *An area is an area of environmental significance if, under a law of the Commonwealth, or a State or a Territory, it is:*



(a) *entered in a register; or*

(b) *otherwise identified;*

as being of significance to Aboriginal persons or Torres Strait Islanders, in accordance with their traditions.

9. Interpretations

Applications for Development Approval or the establishment of Telecommunications Infrastructure that cannot be classified as low-impact facilities will be referred to the Council for determination.

10. Interpretations

This Planning Policy was adopted by the Council at its ordinary Meeting held on the 27th May 2008.

11. Interpretations

This Planning Policy was amended by the Council at its Ordinary meeting held on 26 September 2017.