

Local Planning Policy No. 13

Telecommunications Infrastructure and Communications Equipment



Local Planning Policy No. 13

Telecommunications Infrastructure and Communications Equipment Policy

1. TITLE

Local Planning Policy No. 13: Telecommunications Infrastructure and Communications Equipment

2. PURPOSE

The purpose of this policy is to provide guidance for the assessment and determination of development applications for telecommunications infrastructure and communications equipment within the City of Kwinana (the City) that cannot be classified as low-impact facilities.

The Policy should be read in conjunction with State Planning Policy 5.2 Telecommunications Infrastructure, the *Telecommunications Act 1997* and State Planning Policy 3.1: Residential Design Codes.

3. OBJECTIVES

The objectives of the Policy are to:

- Facilitate the implementation of an efficient communications network within the City that is compatible with the surrounding built and natural environments.
- Reduce the impact of telecommunications infrastructure and communications equipment on the visual amenity of the area.
- Ensure a consistent approach in the assessment and determination of development applications for telecommunications infrastructure and communications equipment.

4. POLICY APPLICATION AND INTERPRETATION

This policy applies to all land within the City's Local Planning Schemes No. 2 and No. 3.

This policy applies to the installation of telecommunications infrastructure and communications equipment throughout the City, other than those that are specifically exempt and classified as low impact facilities under the *Telecommunications Act 1997*.

The *Telecommunications Act 1997* states that the installation of low-impact facilities are exempt from the requirement to obtain planning approval when they are installed by a Carrier (for example Telstra, Optus and the like).

Under sub-clauses 6(4), (5) and (7) of the *Telecommunications Act 1997*, and as per the *Telecommunications (Low Impact Facilities) Determination 1997* (and its subsequent amendments), the following telecommunications facilities are NOT 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' (as defined under Section 2.5 of the Telecommunications (Low Impact Facilities) Determination 1997) cannot be a low-impact facility.

Telecommunications Infrastructure is classified as a use within Local Planning Scheme No. 2 (the Scheme), Table No.1. The permissibility of Telecommunications Infrastructure in Table No. 1 of the Scheme can be summarised as follows;

- (a) The use is classified as an 'SA' use in the Residential, Special Residential, Rural A and Special Rural Zones. This means Telecommunications Infrastructure is not permitted 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 the City's Community Engagement Policy;
- (b) The use is classified as a 'P' use in the General Industry zone. This means Telecommunications Infrastructure is permitted within the General Industry zone; and
- (c) In all other zones, the use is classified as an 'AA' use. This means Telecommunications Infrastructure is not permitted unless the Council has exercised its discretion by granting Development Approval.

The *Telecommunications Act 1997* also provides guidance and exemptions to the development of National Broadband Network (NBN) infrastructure.

Clauses 5.4.4 and 6.4.5 of the Residential Design Codes provide assessment criteria with respect to the installation of incidental external fixtures and features, including communications equipment on residential properties. The provisions of this policy should be read in conjunction with the Deemed-to-Comply requirements of the abovementioned clauses of the Residential Design Codes.

Note: this policy does not address the health impacts of telecommunications infrastructure on humans. The health impacts and research findings are outlined in State Planning Policy 5.2: Telecommunications Infrastructure.

5. DEFINITIONS

Telecommunications Infrastructure - means land used to accommodate 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 for, or in connection with, a telecommunications network.

Communications Equipment - includes satellite dishes, television antennas, citizen band antennas, microwave antennas and other equipment and structures used to transmit or receive television and radio signals.

Above Ground Infrastructure: refers to any line, equipment, apparatus, tower, antenna or any other structure that is visible above ground level.

Below Ground Infrastructure: refers to pit and pipe infrastructure to house fixed line (fibre, Hybrid Fibre Coaxial, copper) to carry voice and data services.

6. SUBMISSION REQUIREMENTS

Applications for Development Approval for telecommunications infrastructure and/or communications equipment shall be made on the form prescribed by the City, shall be signed by the owner(s), and accompanied by the following information;

1. Plans and other information that the City may reasonably require to enable the application to be determined (Refer to Schedule 2, Clauses 62 and 63 of the *Planning*

and Development (Local Planning Schemes) Regulations 2015).

2. A written submission which should outline the following information:
 - A statement about the extent to which the proposed facility complies with this Planning Policy and (if applicable) justification for any variation from the relevant scheme and policy provisions;
 - detailed reasons for the design, location and configuration of the telecommunications infrastructure and/or communications equipment;
 - 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); and
 - details of co-location investigations (if applicable).

7. DEVELOPMENT PROVISIONS

7.1 General requirements

1. All decommissioned telecommunication infrastructure and communications equipment shall be removed and the site reinstated to its original condition at the applicant's cost.
2. No above ground telecommunications cabling will be approved by the City, even in areas where above ground electrical services are established.

7.2 Above Ground Infrastructure

1. Towers:
 - 1.1 Towers shall generally be located in Industrial, Commercial and Rural areas.
 - 1.2 Co-location of antennae facilities on single towers will be required except where technical impediments preclude such co-location or where the visual impact of two or more towers is less than that of co-located facilities.
 - 1.3 Towers shall not be located within areas designated for Landscape Protection under the Scheme.
 - 1.4 Towers shall be sited so as to not intrude, encroach, obscure or detract from significant landscape features.
 - 1.5 Towers shall be of mono-pole construction.
 - 1.6 Lattice or other towers may be supported where the proponent demonstrates to the satisfaction of the City the technical necessity of such a tower, in terms of achieving the necessary elevation of antennas.
 - 1.7 The base of the tower and associated installations shall be screened by established vegetation. Where local trees do not exist, or their retention is not sufficient, the planting of mature trees approved by the City is required.
 - 1.8 The City will not support towers where antennae can be established on an existing structure/building with the concurrence of the landowner.
 - 1.9 The City may require the use of innovative tower structure design, particularly within an urban context, so that the external appearance of the tower is

compatible with the surrounding built form and mimics urban structures such as clock towers, columns or includes urban art features.

1.10 Favourable consideration will generally be given to the establishment of towers in the following circumstances;

1.10.1 where existing public utility corridors are used.

1.10.2 where the tower height is in keeping with the height and bulk of surrounding built form.

1.10.3 where the base of the tower is screened by established significant vegetation.

2. Satellite Dishes:

2.1 Planning Approval is not required for the installation of satellite dishes where they comply with all of the following criteria;

2.1.1 The maximum diameter of the satellite dish is 1.2 metres.

2.1.2 The satellite dish is of a neutral, non-reflective coloured material.

2.1.3 The satellite dish is not visible from the street.

2.2 Planning Approval is required for all satellite dishes that do not meet the criteria listed in 2.1 above. A Building Permit may be required subject to preliminary assessment.

2.3 Planning Applications for satellite dishes will be considered by the City where they comply with all of the following criteria:

2.3.1 The height of the dish is a maximum of 3 metres above the ground level.

2.3.2 The dish has a diameter greater than 1.2 metres and a maximum of 1.5 metres.

2.3.3 The dish is constructed in a material of neutral and non-reflective colour.

2.3.4 The dish is setback a minimum of 3 metres from any boundary.

2.3.5 The dish is not visible from the street or will not impact on the streetscape.

2.3.6 The dish is located within the General and Light Industrial or Service Commercial Zones.

2.4 Where all of the above requirements (2.3) have not been satisfied, planning Applications for satellite dishes will be considered against the following criteria:

2.4.1 The visual impact of the installations on the subject site, the street and surroundings in terms of design, bulk, colour, height, material and general appearance is to be minimised. Satellite dishes shall be constructed of a material of a neutral and non-reflective colour.

2.4.2 Satellite dishes with a diameter greater than 1.5 metres should be constructed with mesh and painted black or a similar dark colour.

2.4.3 Where visible from an adjoining property, the applicant shall provide

adequate screening for satellite dishes.

3. Panel Antennae, Omni Directional Antennae, Micro Cells:

- 3.1 All of the above installations (3.), where not described as Low Impact Facilities under the *Telecommunications Act 1997* shall be so coloured, finished and fixed to or within buildings so as to blend/harmonise with the colour and design of the building and where possible should be screened from public places by elements of the building.
- 3.2 Should not protrude from a building into and/or above a public road reserve, pedestrian access-way or other public space.

4. Pillar, Roadside Cabinet, Pedestal, External Equipment Shelters:

- 4.1 All of the above installations (4.), where not described as Low Impact Facilities under the *Telecommunications Act 1997*, shall be so positioned, coloured and designed so as to not visually intrude into the streetscape, hinder pedestrian/cyclist/vehicular movement or obscure significant views or vistas.

7.3 Below Ground Infrastructure

1. Pits, Manhole, Underground Equipment Shelter, Underground Conduit or Cabling:

- 1.1 All of the above installations where not described as Low Impact Facilities under the *Telecommunications Act 1997* shall be designed and positioned so as not to interfere with other public utility installations or hinder pedestrian/cyclist safety and movement.

8. CONSULTATION

Development applications for the installation of the following telecommunications infrastructure and/or communications equipment 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 the City's Community Engagement Policy:

Towers:

- All applications for the development of a tower in the Residential, Special Residential, Rural A and Special Rural Zones are required to be advertised.
- Notice of the proposed tower is to be given to the owners and occupiers of all properties within a 200m radius of the affected site (at a minimum).

Satellite dishes

- All applications for the development of a satellite dish are required to be advertised where they:
 - have a diameter greater than 1.2 metres; or
 - have a height greater than 3 metres above the ground; or
 - are NOT located within the General and Light Industrial or Service Commercial Zones; or
 - are setback less than 3m from any property boundary.
- Notice of the proposed satellite dish is to be given to the owners and occupiers of all adjoining properties for a period of 14 days.

Name of Policy	Local Planning Policy 13: Telecommunications Infrastructure and Communications Equipment
Date of Adoption and resolution No	10 October 2018; Resolution No. #297
Review dates and resolution No #	
Legal Authority	<i>Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions (Division 2)</i>
Directorate	City Regulation
Department	Statutory Planning Department
Related documents	State Planning Policy 5.2: Telecommunications Infrastructure State Planning Policy 3.1: Residential Design Codes. <i>Telecommunications Act 1997</i>