

Local Planning Policy 34 Telecommunications Infrastructure

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1. Statutory Context

The Shire of Chittering, as enabled under, Schedule 2, Part 2, Division 2 – ‘Local Planning Policies’ of the deemed provisions, hereby adopts this Local Planning Policy (LPP) regarding Telecommunications Infrastructure.

Any LPP prepared under this part shall be consistent with the Scheme and if any inconsistency arises the Scheme shall prevail.

A LPP is not part of the Scheme and shall not bind the Local Government in any respect of any application for development approval, but the local government shall have due regard to the provisions of any policy, and the objectives which the policy is designed to achieve before making its decision in accordance with the deemed provisions.

This LPP applies to all land zoned within the Scheme area.

2. Definitions

“above ground telecommunications infrastructure” refers to any line, equipment, apparatus, tower, antenna or any other structure that is visible above ground level.

“low-impact facility” means a facility used for telecommunications as described in Section 3.1 - Facilities of the *Telecommunications (Low-impact Facilities) Determination Act 1997*.

Note: Under the *Telecommunications Act 1997* certain facilities cannot be low-impact facilities, namely designated overhead lines, a tower that is not attached to a building, a tower attached to a building and more than 5 metres high, an extension to a tower that has previously been extended, and/or an extension to a tower if the extension is more than 5 metres high.

“Shire” means the Shire of Chittering inclusive of the Council of the Shire of Chittering, or a delegated staff member pursuant to Council policy

“telecommunications carrier” means a telecommunications company that is licensed by the Australian Communications and Media Authority as a carrier.

“telecommunications infrastructure” as defined in Local Planning Scheme No.5 and State Planning Policy 5.2, Telecommunications Infrastructure means 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.

3. Policy Statement & Objectives

This policy is complementary to *State Planning Policy 5.2: Telecommunications Infrastructure* (SPP5.2). In assessing development applications for telecommunications infrastructure (non low-impact), the Shire is required to have due regard to SPP5.2, including visual impact considerations on a case by case basis.

However, SPP 5.2 makes it clear that telecommunications carrier licences incorporate standards set by the *Australian Radiation Protection and Nuclear Safety Agency* and those licences include substantial safety margins to address human health. It is therefore not within the scope of SPP5.2, Local Planning Schemes or local planning policy to address health and safety matters, or to outline setback or buffer distances for telecommunications infrastructure.

The objective of this policy then is to facilitate the coordinated development of Telecommunications Infrastructure in appropriate locations within the Shire; and to minimise adverse impacts of Telecommunications Infrastructure, including amenity, environment, and heritage

4. Statutory Application for Development Approval

Local Planning Scheme No.5 provides for the use permissibility in the Scheme Area within the various zones. This policy accordingly serves as an addendum assessment tool for the purposes of:

- a) promoting a consistent approach in the assessment and determination of applications for Development Approval for Telecommunications;
- b) managing 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) facilitating the provision of Telecommunications Infrastructure in an efficient and environmentally responsible manner to meet community needs; and
- d) ensuring that Telecommunications Infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons.

This Planning Policy should be read in conjunction with the WAPC SPP 5.2 and the Commonwealth Telecommunications Act 1997. SPP 5.2 makes it clear that telecommunications carrier licences incorporate standards set by the *Australian Radiation Protection and Nuclear Safety Agency* and those licences include substantial safety margins to address human health. It is therefore not within the scope of SPP 5.2, local planning schemes or local planning policy to address health and safety matters, or to outline setback or buffer distances for telecommunications infrastructure.

5. Development Requirements

- 5.1 The Shire recognises that it is bound by Federal legislation relating to telecommunications infrastructure and that it has no jurisdiction over the location, installation, or upgrading of low-impact facilities. The Shire will, however, provide comment when notified of a carrier's intent to install low-impact facilities by way of encouraging background colour matching and the removal of obsolete infrastructure.
- 5.2 The Shire recognises the right of landowners/applicants to submit development applications for telecommunication infrastructure deemed to be other than low-impact under the Telecommunications Act 1997. The Shire also acknowledges its obligation to make a recommendation to the Western Australian Planning Commission (WAPC) or determine the application in its own right.

Upon receiving a development application for telecommunications infrastructure, which is not a low-impact facility, the proposal will be advertised for comment for all properties within a 1000 metre radius.

In making a recommendation to the WAPC, or in determining the application, the Shire will have due regard to:

- the provisions outlined in State Planning Policy 5.2: Telecommunications Infrastructure;
- compliance with the *Telecommunications Code of Practice 1997*;
- the topography of the site and surrounding area, the size, height and type of the proposed facility, the location and density of surrounding vegetation, and the general visibility of the proposal from surrounding development Additional Information;
- the merits of the particular proposal, including the need for services to be located to optimise coverage; and
- submissions received in response to public consultation, noting that submissions on health or safety grounds cannot be considered.