

# Telecommunications Facilities and Communications Equipment

<b>Policy Type: Local Planning Policy</b> <b>Policy Owner: Director Urban Planning</b>	<b>Policy No. LPP1.7</b> <b>Last Review Date: 20 September 2016</b>
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## Policy Objectives

The main purpose of this Policy is to provide additional guidance for members of the public and applicants against which applications for telecommunications and communications development will be assessed by the City of Melville.

It is recognised that there is a need for telecommunications and communications infrastructure and equipment to be located within the City, as such installations contribute to the State and national network of communications infrastructure, the existence of which supports residents and businesses of the City in their need to access quality and reliable telecommunications systems and facilities.

Whilst the City recognises the need to respond in a positive and responsible way to applications for telecommunications development, the adverse impacts that such development proposals can have must be managed to ensure that the visual character of the City is not undermined. The management of these potentially adverse impacts is therefore the overriding aim of this Policy.

The Policy should be read in conjunction with the Western Australian Planning Commission (WAPC) Statement of Planning Policy 5.2 “Telecommunications Infrastructure”, and the “Guidelines for the Location, Siting and Design of Telecommunications Infrastructure” (March 2004). Collectively, these three documents provide a comprehensive policy framework against which all applications for telecommunications development within the City of Melville will be measured and assessed.

## Policy Objectives

The objectives of this policy are:

- To promote the orderly and proper development of land by outlining suitable provisions relating to the location and design of Telecommunications facilities and Communications equipment that are not classified within legislation as low-impact facilities;
- To provide development standards to address the visual amenity impacts relating to the location of Telecommunications Facilities and Communications Equipment; and
- To provide additional Deemed-to-Comply Development provisions for the assessment of proposals for the installation of communications equipment to residential properties, as governed by the provisions of the Residential Design Codes of Western Australia.

## Policy Scope

Under the *Telecommunications Act 1997*, the installation of low-impact facilities, as defined by the Telecommunications (Low Impact Facilities) Determination 1997 (and its subsequent amendments) are exempt from the requirement to obtain planning approval when installed by a Carrier.

The provisions of this policy therefore apply to the installation of Telecommunications facilities and Communications equipment throughout the City of Melville, other than those that are specifically exempt under the *Telecommunications Act 1997*, except in respect to informing Elected Members of all notifications from telecommunications providers, and requesting that telecommunications providers advise affected adjoining and adjacent landowners and occupiers of the intended facility where the proposed works will result in an increase in the physical presence of the low impact facility.

Clause 5.4.4 and 6.4.5 of the Residential Design Codes (R-Codes) provides assessment criteria with respect to the installation of incidental external fixtures and features, including communications equipment, on residential properties. Clause 7.3.1 of the R-Codes allows Councils to vary Clause 5.4.4 and 6.4.5.

## Definitions / Abbreviations Used In Policy

**Telecommunications infrastructure** - includes any part of the infrastructure of a telecommunications network including 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.

**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.

Regulations Planning and Development (Local Planning Schemes) Regulations 2015

## Policy Statement

### Telecommunications Facilities

- 1 Within the City of Melville, the preferred location for new and/or additional Telecommunications infrastructure is at existing telecommunications sites, where infrastructure can be added to existing installations with little or no additional impact.
- 2 Where co-location is demonstrated not to be possible, new Telecommunications infrastructure must satisfy the following criteria:
  - Be located within the Centre, Mixed Use, Service Commercial, Light Industry, Private clubs institutions and places of worship and Urban development zones or on land reserved under the provisions of the City of Melville Local Planning Scheme No 6, or Parks and Recreation



under the provisions of the Metropolitan Region Scheme (MRS) (refer to Land Reserved under the MRS section below);

- Where located within proximity to residential properties and other sensitive land uses, such as schools and child day care facilities, care must be taken to ensure facilities are well designed, and sited to minimise visual impact;
- Be integrated with the building it is attached to rather than free-standing or be designed to have a minimal impact on the streetscape and surrounding properties;
- Be constructed using non-reflective materials of a colour that is compatible to the building it is attached to, or the surrounding area within which it is located;
- Be located so to not have any significant adverse impacts on the visual character and amenity of areas of natural conservation value, places of heritage significance, prominent landscape features and significant views; and
- Be designed in such a manner as to permit the future co-location of other providers.

#### *Land Reserved under the MRS*

- 3 The City accepts that in order to provide uninterrupted service coverage throughout the broader area, Telecommunications operators may seek approval to locate within areas of significant local natural conservation value.

There are a number of such areas within the City of Melville, including the Swan and Canning River Foreshore areas (including Deep Water Point, Blackwall Reach, and Point Walter) Point Walter and Melville Glades Golf Clubs, Wireless Hill Park, and the Piney Lakes Reserve.

Within such areas there will be a presumption against telecommunications development unless it can be demonstrated that there will be no adverse impact on the landscape character or visual amenity of the area.

In practice these areas are reserved under the provisions of the MRS, and as such the jurisdiction for the determination of applications for telecommunications development within them rests with the WAPC.

In considering applications for such development, the views of the City are however sought by the WAPC, and unless the City is satisfied that development can take place without detriment to the special landscape character or natural conservation value that the area has to offer, then the application will be recommended for refusal.

This stance is consistent with advice contained within the State Governments “Guidelines for the Location, Siting and Design of Telecommunications Infrastructure” which states that telecommunication facilities that are visually intrusive should not be located within areas of particular environmental significance such as foreshores. The Guidance also states that telecommunications installations should not be located such that they are prominently visible from significant vantage points including tourist routes, lookouts, and recreation sites. This is necessary, it states, in order that the amenity and environmental value of such areas is preserved.



Within the City of Melville, the areas reserved under the MRS comprise important strategic open spaces. They provide an amenity to both residents and visitors of the City which should not be undermined. For that reason, proposals for telecommunications development in such areas will be the subject of considerable scrutiny.

Within Wireless Hill Park, the introduction of new and/or additional telecommunications infrastructure must be justified in the context of this Policy. Wireless Hill Park has particular heritage value in that it was home to one of Australia's earliest telecommunications stations. As such, whilst the siting of modern telecommunications equipment is seen to be consistent in principle with the Parks historic standing as home to telecommunications infrastructure, the fact that the Park has developed into one of Perth's most significant and beautiful reserves, coupled with its heritage value which must be preserved, means that proposals for new or additional equipment will be closely scrutinised. Where development proposals are considered to detract from the particular heritage value of the Park and its environs, the City will recommend that they are refused.

### **Communications Facilities**

- 4 Television aerials of standard design, in keeping with the area are permitted as of right.
- 5 Antennae, satellite dishes and the like not visible from the street.
- 6 Communications equipment located on **residential** properties that do not satisfy 4 and 5 above are to satisfy Design Principle 5.4.4 or 6.4.5 of the R-Codes.
- 7 Communications equipment located on **non-residential** properties which do not satisfy 4 or 5 above are to be located as follows:
  - Not to project more than 1m above the overall height of the building;
  - Of similar colour to the roof or background materials;
  - Where the property adjoins a residential property, the equipment must not project more than 3m above ground level or be screened from view; and
  - No more than two communications structures associated with any building.
  - With measures such as surface mounting, concealment, colour coordination, camouflage and landscaping in relation to equipment and cables.

### **Decommissioning**

- 8 When existing telecommunications sites or equipment are no longer required, the sites or equipment must be decommissioned, facilities removed and site reinstated to its original condition.

## Application Requirements

- 9 In accordance with the requirements of Clause 5.3 of Statement of Planning Policy 5.2 “Telecommunications Infrastructure”, all applications for telecommunications development must be accompanied by:
- A site plan at a scale of 1:100 or 1:200 indicating the location of the proposed facility in relation to any existing buildings and the lot boundaries;
  - Graphic illustrations including photomontages or photographic perspectives to show the type of facility proposed and its relationship with adjacent development;
  - Elevation plans to show the extent, height, and appearance of the proposed facility;
  - Details of the materials proposed to be used, including their colour;
  - Any screening or fencing proposed;
  - Details of any external lighting;
  - Landscaping proposals, including details of any existing landscaping proposed to be removed;
  - A written submission outlining the following:
    - (a) Technical justification to demonstrate the need for the facility in terms of service coverage, why the particular installation is required, and how the facility will relate to the existing and proposed network of telecommunications infrastructure;
    - (b) The site selection process followed, including details of the search area investigated;
    - (c) Details of any pre-application consultation;
    - (d) The maximum power output of the facility including radiofrequency electromagnetic energy levels in accordance with the Industry Code for the Deployment of Radio Communications Infrastructure 2002;
    - (e) The availability of all existing structures (not only those owned by the company making the application) which may be suitable to accommodate the proposed infrastructure;
    - (f) Whether the design allows for the future co-location of other service providers;
    - (g) A landscape and /or visual impact assessment (if considered appropriate); and
    - (h) Any other information deemed necessary in order that an accurate assessment and determination can be made.



- In instances where the City considers the proposal may have the potential to result in significant adverse impacts upon the amenity of surrounding residents, the City will require the installation of a temporary structure on the site for an agreed period during the formal public consultation period, to indicate the proposed height of the telecommunications facility or communications equipment.

## **Advertising Requirements**

### 10 Telecommunications Facilities

- (a) All applications for the installation of Telecommunication infrastructure are to be advertised to affected adjoining and adjacent landowners in accordance with the provisions of the Regulations.
- (b) When a notification is received for an exempt facility under Commonwealth law, which details works which will result in an increase in the physical presence of the facility, the City shall request the relevant telecommunications provider advise adjoining landowners and occupiers of their intended installation, in accordance with the provisions of Local Planning Policy 1.1 Planning Process and Decision Making.

### 11 Communications Facilities

Where applications for the installation of Communications equipment do not satisfy Clauses (3) and (4) above they are to be advertised to adjoining and adjacent landowners in accordance with the provisions of Local Planning Policy 1.1 Planning Process and Decision Making.

### 12 Notification to Councilors

Notification of all applications for telecommunication installations (including exempt applications) will, be brought to the attention of Elected Members via the Elected Members Bulletin.



### References that may be applicable to this Policy

Legislative Requirements:	Planning and Development Act 2005 Telecommunications Act 1997 Planning and Development (Local Planning Schemes) Regulations 2015
Procedure, Process Maps, Work Instructions:	Planning Application Directorate Procedure
Other Plans, Frameworks, Documents Applicable to Policy:	Local Planning Scheme No. 6 Residential Design Codes of Western Australia LPP 1.1: Planning Process and Decision Making
Delegated Authority No:	DA-020: Planning and Related Matters

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### ORIGIN/AUTHORITY

Ordinary Meeting of Council

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