

Shire of Mundaring

# POLICY

## TELECOMMUNICATIONS

<b>Policy Ref:</b>	<b>PS-04</b>	
<b>Adopted:</b>	C8.04.16	<b>Date:</b> 12 April 2016
<b>Amended:</b>		<b>Date:</b>
<b>Reviewed:</b>	Once per Electoral Cycle	<b>Date:</b>
<b>Procedure Ref:</b>		<b>Delegation Ref:</b>
<b>Statute Ref:</b>	<i>Planning and Development Act 2005</i> <i>Local Planning Scheme No. 4</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	

**Local Law Ref:**

### PURPOSE

To provide a guide for assessing applications for:

- Telecommunications Installation – Large Scale Commercial;
- Telecommunications Installation – Small Scale Commercial; and
- “Low-Impact” facilities under the Telecommunications (Low-impact Facilities) Determination 1997.

To provide carriers with a guide for preparing development applications for communication installations.

### 1.0 INTERPRETATIONS

For the purpose of this Code:

**Carrier** means a telecommunications carrier or provider of a mobile phone communications service.

**Low Impact Facility** means a telecommunication facility that is exempt from the need to obtain planning approval if constructed in certain areas and to a certain standard, as outlined in the Schedule of the Telecommunications (Low-impact Facilities) Determination 1997.

**Telecommunications Installation – Large Scale Commercial** has the same meaning as given to it in the Shire of Mundaring’s Local Planning Scheme No. 4.

**Telecommunications Installation – Large Scale** means buildings, masts, aerials and equipment used by commercial enterprises for the transmission or reception of communication or electronic signals. Any telecommunication facility that is not a Low Impact Facility and that comprises a mast, aerial or tower and associated equipment

shelter/building requiring occasional maintenance shall be deemed to be a Large Scale Commercial Telecommunications Installation.

**Telecommunications Installation – Small Scale Commercial** has the same meaning as given to it in the Shire of Mundaring's Local Planning Scheme No. 4.

**Telecommunications Installation – Small Scale** refers to equipment considered by Council to be unobtrusive (such as radio masts and two-way communication systems) and which does not include any other type of building or equipment requiring frequent servicing.

## **2.0 TELECOMMUNICATIONS INSTALLATION – LARGE SCALE COMMERCIAL**

### **2.1 Information required**

Every application for planning approval for Communications Installation – Large Scale Commercial must incorporate a completed Form 1 Application for Planning Approval (including payment of the planning application fee) along with a written submission and plans addressing the following points. All of the following points must be addressed in every application, unless in the opinion of the Shire's Director Statutory Services that information is already available or is not necessary to assist in the determination of the application:

1. Description of:
  - a) the subject land (including a location plan and scaled surveyed site plan);
  - b) location and access to the subject land;
  - c) current use of the subject land and adjoining land (including current scaled and annotated aerial photography);
  - d) bushfire hazard assessment;
  - e) compliance with relevant legislation (including Telecommunications Act and Determination, Code of Practice, Metropolitan Region Scheme, Shire of Mundaring Local Planning Scheme No. 4);
  - f) the proposed facility (including scaled plans and elevations);
  - g) need for the facility (including a plan showing the existing and resulting mobile coverage area);
2. Opportunities for co-location with existing telecommunication installations in the locality.
3. Plan showing the carriers existing and proposed facilities within the Shire of Mundaring.
4. Impacts of the following on the amenity of the area; the residents of the area; and the enjoyment or use of public or private land in the area:
  - a) noise from equipment;
  - b) over shadowing;
  - c) visibility of the proposal;
5. Lifespan of the proposed facility and the cumulative impact of the factors outlined in 4 above, over that lifespan.

6. Opportunities for the proposed facility to satisfy the needs of other telecommunication carriers via co-location.
7. The clearing of any vegetation required for the construction of the facility or the installation of any services, access roads or fencing.
8. Reinstatement of cleared areas after site works, by re-vegetation and landscaping.

## **2.2 Assessment Criteria**

Council will not approve an application for Telecommunications Installation – Large Scale Commercial unless the proposal is considered by Council to be consistent with the objectives of the relevant zone and has been advertised for public comment for a period of not less than 21 days. Relative to this requirement, the applicant shall be responsible for advertising the proposal by placing a notice twice in a local newspaper and notifying landowners within a 300m radius (or such larger area as determined by Council) of the proposal in writing by registered mail.

Applications for Telecommunications Installation – Large Scale Commercial shall not be advertised for public comment unless the proposal satisfies the following assessment criteria:

1. Be located so as to minimise the visual impact of the telecommunications installation on the amenity of the area.
2. Not be located on the same property as any listing on the Shire's Heritage List or Municipal Inventory, unless otherwise approved by Council.
3. Large Scale Communication Installations will generally not be supported on lots less than 5.0ha in area, unless in the opinion of Council the reduced lot size will not have an adverse effect on the amenity of the area, as a result of:
  - the zoning of the property;
  - the existing or proposed use of the land and surrounding properties; and
  - the visibility and screening of the site.
4. Be capable of accommodating the equipment of at least 3 carriers.
5. Achieve appropriate setback distances from boundaries and access ways having regard to the visual amenity, protection of biodiversity values and the exposure to bushfire risk.
6. Facilities up to 40m in height shall be generally of a slim-line pole design. Facilities greater than 40m in height may be constructed of a tower or guyed mast form.
7. All facilities (including equipment shelters) shall be colour matched to the surrounding environment and if approved may be conditioned by Council to be of specific colour(s) and appearance.

## **2.3 Additional Matters for Consideration**

In assessing an application for Telecommunications Installation – Large Scale

Commercial, the Council will have regard to the relevant matters to be taken into account under Section 10.2 of Local Planning Scheme No. 4 and the following additional matters:

1. The visual impact of the proposal on the surrounding built or natural environment;
2. The impact on the amenity of the surrounding built or natural environment, whether by way of noise, vibration, access and use of the land;
3. The need for continuity of supply of telecommunication services to the area;
4. Means of providing convenient and safe access to the facility;
5. Impact on the protection and conservation of the natural environment;
6. Council may impose a condition on any planning approval for communications installation, which restricts the time for which such facility may exist on site, or that the facility shall be removed from site once it becomes redundant.

### **3.0 TELECOMMUNICATIONS INSTALLATION – SMALL SCALE COMMERCIAL**

#### **3.1 Information required**

Every application for planning approval for Telecommunications Installation – Small Scale Commercial must incorporate a completed Form 1 Application for Planning Approval (including payment of the planning application fee) along with a written submission and plans addressing the following points. All of the following points must be addressed in every application, unless in the opinion of the Shire's Director Statutory Services that information is already available or is not necessary to assist in the determination of the application:

1. Description of:
  - a) the subject land (including a location plan and scaled surveyed site plan);
  - b) location and access to the subject land;
  - c) current use of the subject land and adjoining land (including current scaled and annotated aerial photography);
  - d) bushfire hazard assessment;
  - e) the proposed facility (including scaled plans and elevations);
  - f) need for the facility
2. Impact of the following on the amenity of the area:
  - a) noise from equipment;
  - b) over shadowing;
  - c) appearance of the proposal;
3. The clearing of any vegetation required for the construction of the facility or the installation of any services, access roads or fencing.
4. Reinstatement of any cleared areas after site works, by re-vegetation and landscaping.

### **3.2 Assessment Criteria**

Council will not approve an application for Telecommunications Installation – Small Scale Commercial unless the proposal is considered by Council to be consistent with the objectives of the relevant zone and has been advertised for public comment if considered necessary by Council.

Applications for Telecommunications Installation – Small Scale Commercial shall not be advertised for public comment or approved unless the proposal satisfies the following assessment criteria:

1. Be located so as to minimise the visual impact of the telecommunications installation on the amenity of the area and any place included on the Shire's Municipal Inventory or Heritage List;
2. Achieve appropriate setback distances from boundaries and access ways having regard to the visual amenity, protection of biodiversity values and the exposure to bushfire risk.

### **3.3 Additional Matters for Consideration**

In assessing an application for Telecommunications Installation – Small Scale Commercial the Council will have regard to the relevant matters to be taken into account under Section 10.2 of Local Planning Scheme No. 4 and the following additional matters:

1. The visual impact of the proposal on the surrounding built or natural environment;
2. The impact on the amenity of the surrounding built or natural environment, whether by way of noise, vibration, access and use of the land;
3. The need for continuity of supply of telecommunication services to the area;
4. Means of providing convenient and safe access to the facility; and
5. Impact on the protection and conservation of the natural environment.

## **4.0 LOW-IMPACT FACILITIES**

### **4.1 Information required**

The Shire will not object to Low-Impact Facilities if in accordance with the Schedule contained in the Telecommunications (Low-impact Facilities) Determination 1997, and subject to the facility being either colour-matched to its background, or in a colour agreed in writing between the carrier and the Shire.

Notifications to construct Low-impact Facilities must be accompanied by plans of the existing and proposed facilities, including a detailed description of the type and number of equipment proposed.

## **4.2 Assessment Criteria**

The Shire will lodge an objection to the proposed low-impact facility if the facility is not in accordance with Clause 5.1 above.