

POLICY NO: 7.5.6

TELECOMMUNICATIONS FACILITIES

OBJECTIVES

- To provide guidance to telecommunication carriers in relation to the installation of telecommunication facilities in the City.
- To minimise the adverse impact of telecommunications facilities on the community, and the natural and built environment.

DEFINITIONS

“Low-impact Facilities” means a facility as defined in part 3 of the *Telecommunications (Low-impact Facilities) Determination 1997* and does not require a development approval from the City of Vincent.

“New Low Impact Facility” A low impact facility proposed to be installed at a new location and not including replacement or minor upgrades of existing telecommunication facilities.

“Sensitive Uses” for the purposes of this Policy, ‘sensitive uses’ is defined as: any dwelling, childcare facility, kindergarten, preschool, school, aged care and hospitals.

POLICY STATEMENT

1. Legislative Framework

The installation of telecommunications facilities is regulated by:

- (i) *the Telecommunications Code of Practice 1997 (as per the Schedule of the Telecommunications Act 1997);*
- (ii) *the Telecommunications (low-impact facilities) Determination 1997-; and*
- (iii) *the Telecommunications Act 1997.*

2. State Policy Framework

The installation of Telecommunications infrastructure is guided by the Western Australian Planning Commissions *Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure (SPP 5.2)*, in particular:

- (i) *Clause 5.1 of SPP 5.2 - Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure; and*
- (ii) *Clause 5.2 of SPP.5.2 -Matters to be considered when determining Planning Applications.*

3. Low-impact Facilities

- (i) The installation of low-impact facilities is deemed to be a minor form of development and is exempt from the requirement to obtain planning approval.
- (ii) In accordance with the Australian Communication Industry Forum Code (ACIF Code), Carriers are obligated to notify the City and the community of their intention to erect low-impact facilities.
- (iii) The City will undertake the following notification in relation to a **new** low-impact facility:
 - a) advertise a summary of the notification once in a newspaper circulating the locality; and
 - b) notification placed on the City's website for a period of two weeks.
- (iv) The preferred location for low-impact telecommunication infrastructure is in Local Centres, District Centres and Commercial Zones away from sensitive uses.

4. Planning Approval

- (i) Planning approval is required from the City of Vincent for the erection and/or installation of all **non low-impact** telecommunication facilities as defined under the Telecommunication Act;
- (ii) Applications submitted for non low-impact telecommunications facilities will not be considered until all information specified in the Telecommunications Code of Practice 1997 has been submitted;
- (iii) Non low-impact telecommunications facilities proposed on land reserved under the Metropolitan Region Scheme (MRS) will be determined by the West Australian Planning Commission (WAPC) and the WAPC will consider any recommendation from the Council.

5. Site Selection

- (i) The siting of telecommunication facilities is achieved through a collaborative approach between the City and Carriers having regard to network requirements and minimising the adverse impacts to the community and the natural and built environments.

- (ii) The *Telecommunications Code of Practice 1997* provides for the application of a Precautionary Approach in relation to the siting of telecommunication facilities. Carriers are to have regard to the following:
 - (a) The location of areas that may be considered to be 'community sensitive' locations;
 - (b) Minimizing exposure to electromagnetic emissions (EME);
 - (c) The Carriers service objectives,
 - (d) The outcomes of consultation processes undertaken; and
 - (e) Relevant State and Local Planning Policies.
- (iii) In considering the siting of facilities, the City will take into account the following:
 - (a) the opportunity for co-location with other facilities;
 - (b) the proximity of sensitive uses;
 - (c) maintenance of the City's heritage;
 - (d) minimising the impact on the visual amenity of the area;
 - (e) protection of public health and safety through a precautionary approach to siting of facilities.

6. Co-location

- (i) Telecommunication facilities should be co-located with an existing facility and any new facility should be designed to accept additional future facilities required by Carriers unless the Carrier is able to justify otherwise to the City for technical reasons;

7. Protection of sensitive uses

- (i) **Non low-impact** telecommunications facilities are to be located at least 300 metres away from any sensitive use.

8. Heritage

- (i) Council will not approve the installation or upgrade of any telecommunication facility that:
 - a) has an adverse impact or threatens the visual amenity or integrity of heritage properties as listed on the City of Vincent's Municipal Heritage Inventory;
 - b) will obstruct significant vistas;
 - c) will adversely impact upon the cultural heritage significance of a building; and
 - c) where attached upon the building, negatively impacts upon the architectural integrity of the existing building.

9. Visual Amenity and Facility Design

- (i) Telecommunications facilities are to be designed in such a manner that:
 - a) the design and location of the facility has a minimal impact on the streetscape and the amenity of the surrounding area;
 - c) the tower associated with the facility is a slim line monopole and erected at the minimum possible height level;
 - d) the tower, equipment shelter(s) and associated equipment of the facility is designed to blend into the surrounding area with the use of neutral non-reflective compatible colours, landscaping and/or innovative artwork;
 - e) the surrounding vegetation is retained as much as possible and any new landscaping includes suitable advanced species; and
 - f) all obsolete telecommunications facilities and associated infrastructure are removed immediately and the land reinstated with the appropriate landscaping and/or other suitable treatment at the applicants costs to the satisfaction of the City of Vincent.

10. Public Health and Safety

- (i) Telecommunication facilities should meet the following requirements in relation to public health and safety:
 - a) meet a maximum cumulative Electromagnetic emission (EME) levels of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) standard set by the Australian Communication and Media Authority (ACMA);
 - b) all telecommunication facilities are required to be enclosed by appropriate fencing and/or barriers to prevent unauthorized access; and
 - c) appropriate warning information signs are to be erected on the facility where there is potential risk to public safety. Signage should be clearly visible to the public.
- (ii) If in considering a Development Application for a telecommunication facility it is considered that additional EME readings are warranted, the City may request additional readings be undertaken at the Carrier's cost.

11. General Requirements

- a) The City of Vincent strongly encourages "microcell" telecommunications facilities rather than "tower" telecommunications facilities to be located within the City of Vincent, subject to the following requirements:
- i) compliance with the relevant Environmental Health and Engineering requirements;
 - ii) compliance with the Telecommunications Act 1997 and the Telecommunications Code of Practice 1997;
 - iii) the installation of the poles and conduits and footpath reinstatement to be undertaken by the City of Vincent at the Carrier's full cost;
 - iv) the microcell unit and poles to conform to the relevant Australian Standards in respect of frangibility upon impact by vehicles and clearance for pedestrians;
 - v) the City of Vincent to be indemnified against any claim that may arise as a result of accident or injury involving the facility (vehicle or pedestrian);
 - vi) the prior approval of the City of Vincent is required for any replacement of an existing sign pole by a microcell pole and/or if a new location is proposed;
 - vii) the Carrier is to be responsible for maintenance and replacement of the microcell unit, pole and associated equipment in the event that it is damaged or destroyed;
 - viii) the City of Vincent reserves the right to request that the microcell unit, pole and associated equipment be removed and/or moved at Carrier's full cost. Under the Australian Road Rules, parking restrictions adjacent to intersections may be changed. There is the likelihood that existing signs may have to be moved to comply. If these signs accommodate microcell units, the additional cost to relocate and reinstall the microcell units is to be met by the Carrier;
 - ix) compliance with the comments and conditions of Main Roads Western Australia; and
 - x) prior to the installation of any facility, a formal agreement is to be entered into between the City of Vincent, the Carrier and Main Roads Western Australia (where applicable). This agreement is to address the above requirements and all costs associated with the preparation of this agreement are to be met by the Carrier.

- b) Broadband aerial telecommunications cabling is not permitted within the City of Vincent due to its adverse impact on the environment and, therefore, any cabling is to be located underground.
- c) Applications submitted for telecommunications facilities will not be considered until all information specified in the Telecommunications Code of Practice 1997 has been submitted.

12. Consultation

- i) The following consultation requirements are to be met prior to the City of Vincent determining a Development Application for a non low-impact Telecommunication Facility:
 - a) the proposal to be advertised in accordance with the procedure within the Telecommunications Code of Practice 1997; and
 - b) owners and occupiers of all affected properties within a radius of 200 metres of the proposed site to be consulted regarding the proposal.