

Telecommunications Infrastructure Local Planning Policy

Responsible Directorate: Planning and Community Development

Objective: To outline the City's position on the installation of telecommunications infrastructure in the City of Joondalup.

1. Authority:

This Policy has been prepared in accordance with the deemed provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015*, which allows a local government to prepare local planning policies relating to planning or development within the Local Planning Scheme area.

2. Application:

This policy applies throughout the City of Joondalup in respect to all above ground telecommunications infrastructure other than those facilities that are exempted under the Commonwealth *Telecommunications Act 1997* (including low-impact facilities).

3. 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.

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

“telecommunications infrastructure” as defined in 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.

Note: Telecommunications infrastructure, under this policy, does not include facilities covered by the City's *Satellite Dishes, Aerials and Radio Equipment Policy*.

4. Statement:

This policy is complementary to State Planning Policy 5.2: *Telecommunications Infrastructure* (SPP 5.2). In assessing development applications for telecommunications infrastructure (non low-impact) the City is required to have due regard to SPP 5.2, 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 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. Details:

5.1. Installation of Low-Impact Telecommunications Facilities:

The City 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 City 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. Installation of Other Telecommunications Infrastructure:

The City 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 City 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 in accordance with the City's *Planning Consultation Local Planning Policy*.

In making a recommendation to the WAPC or in determining the application, the Council 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

- the merits of the particular proposal, including the need for services to be located to optimise coverage
- submissions received in response to public consultation, noting that submissions on health or safety grounds cannot be considered.

Creation Date: December 2002

Formerly:

- *Telecommunications Facilities*
- *Installation of Telecommunications Facilities*

Amendments: CJ166-08/12; CJ098-06/16; CJ033-03/20

Related Documentation:

- *City of Joondalup Local Planning Scheme No. 3*
- *Telecommunications Act 1997*
- *Telecommunications Code of Practice 1997*
- *Telecommunications (Low-impact Facilities) Determination Act 1997*
- *Planning and Development Act 2005*
- *State Planning Policy No. 5.2: Telecommunications Infrastructure*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Planning Consultation Local Planning Policy*