

- TITLE:** TELECOMMUNICATIONS INFRASTRUCTURE
- ADOPTED:** OCM 4 October 2012 – Page 58 - 62
- REVIEWED:** OCM 30 July 2015 – Pages 28 – 40
 OCM 17 December 2015 – Pages 110 – 121
 OCM 25 May 2017 – Pages 85 – 260
 OCM 14 December 2017 – Pages 1030 – 1043
 OCM 12 December 2019 – Pages – 213 - 221
- ASSOCIATED LEGISLATION:** Planning and Development Act 2005
- ASSOCIATED DOCUMENTS:** State Planning Policy 5.2 – Telecommunications Infrastructure
 Local Planning Policy 8.11
- REVIEW RESPONSIBILITY:** Director Development & Community Services
- DELEGATION:** Delegations are exercised in accordance with delegation granted in terms of Section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified officers.
- APPLICATION:** This policy applies to all land within the Shire of Broome.

Previous Policy Number 8.19

Background:

The Shire of Broome at times receives applications for Telecommunications Infrastructure. Clause 4.17 of LPS6 contains provisions relating to Telecommunications Infrastructure and this Policy will provide further direction on the assessment of such applications.

Facilities which are listed in the Telecommunications (Low-Impact Facilities) Determination 1997 fall outside State and local government control but are required to comply with the Commonwealth Telecommunications Code of Practice 1997. A copy of the Telecommunications (Low-Impact Facilities) Determination 1997 and Amendment No.1 1999 can be access via the following website - www.comlaw.gov.au

As a result this policy accepts that under the Telecommunications Act 1997 the following facilities are exempt from the requirement to obtain development approval, however a building permit may still be required:-

- (a) A low-impact facility described in the Telecommunications (Low-Impact Facilities) Determination 1997 and Amendment No.1 1999, when installed by a Carrier;
- (b) Inspection and maintenance;

- (c) A temporary defence facility; and
- (d) A facility authorised by a Facilities Installation Permit issued under the Telecommunications Act.

Under sub-clauses 6(4), (5) and (7) of the Telecommunications Act 1997, the following telecommunications facilities cannot be low-impact facilities:

- (a) Designated overhead lines;
- (b) A tower that is not attached to a building;
- (c) A tower attached to a building and more than 5m high;
- (d) An extension to a tower that has previously been extended; and
- (e) An extension to a tower, if the extension is more than 5m high.

Accordingly, overhead cabling and new mobile telecommunications towers are not low-impact facilities and a facility in an 'area of environmental significance' cannot be a low-impact facility.

Objective:

1. Ensure that Telecommunications Infrastructure is developed in a manner that is compatible with the surrounding environment and will not adversely impact on the amenity of an area.
2. Establish suitable assessment criteria for the control and location of Telecommunications Infrastructure
3. Ensure compliance with all relevant health and safety standards in the provision of telecommunications infrastructure
4. Ensure that Telecommunications Infrastructure does not cause interference to any domestic or other commercial electrical appliance in the vicinity as a result of emission from the structure or any appliance connected or related to it.

Definitions:

Mobile telephone service provider: Means the holder of a carrier licence granted under Section 56 of the Telecommunications Act, 1997.

Low Impact Facilities: Means small radio communications antennae and dishes that are erected on existing towers or buildings and that are designed to be unobtrusive. Other types of low-impact facilities include underground and above ground housing, underground cables, public payphones and temporary emergency facilities.

Telecommunications Infrastructure: Means land used to accommodate 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 and includes Radio and Television Installations used for business purposes or commercial gain.

Sensitive Areas: Means existing and proposed residential areas.

Policy:

Location

- 1.1 Telecommunication facilities and associated equipment such as shelters and antennas, are encouraged to locate within existing rural, industrial and commercial areas, large recreation grounds (e.g. playing fields, golf courses) in order to provide network coverage.
- 1.2 Telecommunications infrastructure is to be sited in accordance with the relevant State Planning Policy and it is the Shire of Broome's preference that infrastructure is not sited on land currently zoned or proposed to be zoned 'Residential', or within a 100 metre radius of residential or sensitive areas.
- 1.3 In order to provide for future co-location, new mobile telecommunications towers, including equipment sheds, are to be designed in such a manner as to permit at least 3 mobile telephone service providers if constructed to a maximum height of 35 metres, and co-location of at least five (5) separate mobile telephone service providers if erected at a height of 40 metres.
- 1.4 Mobile telephone service providers shall co-locate onto existing towers, other existing structures or replace existing structures wherever possible. Where there is an existing facility in the locality and the Mobile telephone service provider chooses not to co-locate onto that facility, the applicant will be required to demonstrate by means of certification from an appropriately qualified person, that the proposal cannot be co-located onto that facility for technical or structural reasons.

Design

- 1.5 Telecommunications Infrastructure is to be designed to have minimal impact on the streetscape, visual amenity of the surrounding built, natural conservation areas, places of heritage significance and natural environment of the locality.
- 1.6 Any proposal within proximity to the Broome International Airport must comply with the 'Inner Horizontal Surface' of the Obstacle Limitation Surface.
- 1.7 Mobile telephone service providers are required to use techniques to blend facilities into the environment in which they are located, including the use of natural, non-reflective, compatible colours and finishes and innovative tower designs.
- 1.8 Where a proposed facility is to be located on, or immediately adjacent to, an existing or proposed building or structure, care needs to be taken with its design and siting so as to integrate the development as far as possible with the building or structure to which it relates.

Techniques which may be used to minimise adverse visual impacts include:

- adjustment to the overall size (height and scale) of the facility;
- colour-matching with adjacent walls;
- creating an architectural feature of the facility, such as a spire or column;
- complementing facade treatment so as to maintain visual balance;
- screening to minimise visibility of the facility from adjacent areas

- 1.9 When locating on an existing structure, the Telecommunications Infrastructure shall be coloured and fixed onto or within buildings to blend/harmonise with the colour and design of the building and where possible, should be screened from public places by the building, and should not protrude from a building

into or above a public road reserve, pedestrian access way or other public space.

- 1.10 The base of the tower and associated installations shall be screened by vegetation. A landscaping plan shall be submitted and implemented through the development approval conditions where required.
- 1.11 All decommissioned Telecommunications Infrastructure shall be removed and the site reinstated to an acceptable condition at the applicant's cost.

General

1.12 Development Application Requirements

All development applications for Telecommunications Infrastructure should be accompanied by the following:

- (a) A completed Development Application Form
- (b) The required application fee
- (c) Location plans on a 1:50 or 1:100 scale showing the location of the facility and any existing or known facilities of the carrier and other carriers, within the Shire of Broome.
- (d) Site plans drawn to of scale 1:50 or 1:100 showing the existing and proposed improvements on the property, i.e. elevations, landscaping, watercourses and other natural features and levels at one metre contour levels.
- (e) Elevations - Council may require the submission of documentation showing sight lines demonstrating the level of visibility of the facility as viewed from adjacent properties or streets elevations of all proposed improvements on the site.
- (f) Colour photographs of the existing site and separate colour photomontages accurately depicting the proposed facility incorporated into the site.
- (g) Plans of the proposed mobile tower/monopole including the height, appearance, colour and location of equipment shelters.
- (h) A written submission detailing the following:
 - (i) the need for the facility;
 - (ii) details of co-location investigations, if applicable;
 - (iii) whether the applicant has notified other licensed carriers about the proposal and whether the other licensed carriers intend to co-locate on the proposed tower/monopole;
- (i) Information detailed under clause 6.3.1 of State Planning Policy 5.2 – Telecommunications Infrastructure.

SHIRE OF BROOME LOCAL PLANNING SCHEME No. 6 (LPS6) – LOCAL PLANNING POLICIES

This Policy is a Local Planning Policy adopted under the provisions of Clause 2.4 of LPS6. LPS6 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS6 was gazetted and came into operation on the 30 January 2015. Planning policies adopted under LPS6 may be amended or rescinded after the procedures set out in Clause 2.4 and 2.5 have been completed.