

Deemed Provisions – CI 67 Matters to be considered by Local Government

a) The aims and provisions of this Scheme and any other local planning scheme operating within the area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment: The application relates to an Optus and Vodafone telecommunications facility, which falls within the land use classification of 'Telecommunications Infrastructure', which is defined under TPS3 as:</p> <p><i>“means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.”</i></p> <p>The proposed development would transmit and relay signals for telecommunications and is considered to meet the definition above. Land use in the 'Rural residential' zone is an 'A' use which means that such a land use can be considered for approval at the discretion of the Shire, subject to community consultation and consideration of any submissions.</p>			
b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: No planning scheme amendments proposed.			
c) any approved State planning policy	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment: <u>State Planning Policy 5.2 - Telecommunications Infrastructure (SPP5.2)</u> SPP5.2 seeks to balance the need for infrastructure with the potential amenity impacts generally associated with this type of development. It states that it should be located to avoid detracting from a significant view of a heritage item or place, a landmark, streetscape, vista or panorama. SPP5.2 sets out requirements in relation to visual impact, location/co-location, siting and design and the need for services. In this regard, the subject site is surrounded by rural residential development and a bushland reserve to the south and east. The nearest residential area to the compound is located over 1.1km to the east, beyond Hopkinson Road and the road reserve for the proposed Tonkin Highway extension. Further to the substantial separation distance from urban areas, screening provided by surrounding bushland and onsite vegetation will provide filtered views of the development, thus further ensuring acceptable amenity outcomes. The development is considered to be consistent with SPP5.2.</p>			
d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d) –	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
f) any policy of the State	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

Comment:			
g) any local planning policy for the Scheme area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>

Comment

Local Planning Policy 4.6 - Telecommunications Infrastructure (LPP4.6):

In addition to SPP5.2, LPP4.6 supplements the SPP and seeks to protect the character and amenity of areas within the Shire and ensure telecommunications infrastructure is located appropriately and with minimal impact. The development is considered to align with the LPP, which is explained following:

Co-location:

LPP4.6 states that, “Carriers must co-locate onto existing towers/monopoles, other existing structures or replace existing structures where possible. If there is an existing facility in the locality and the Carrier chooses not to co-locate with that facility, the applicant will be required to demonstrate that the proposal cannot be co-located for technical/structural reasons”. The plan below shows the proposed facility (H) and other existing facilities in the red line coverage area.

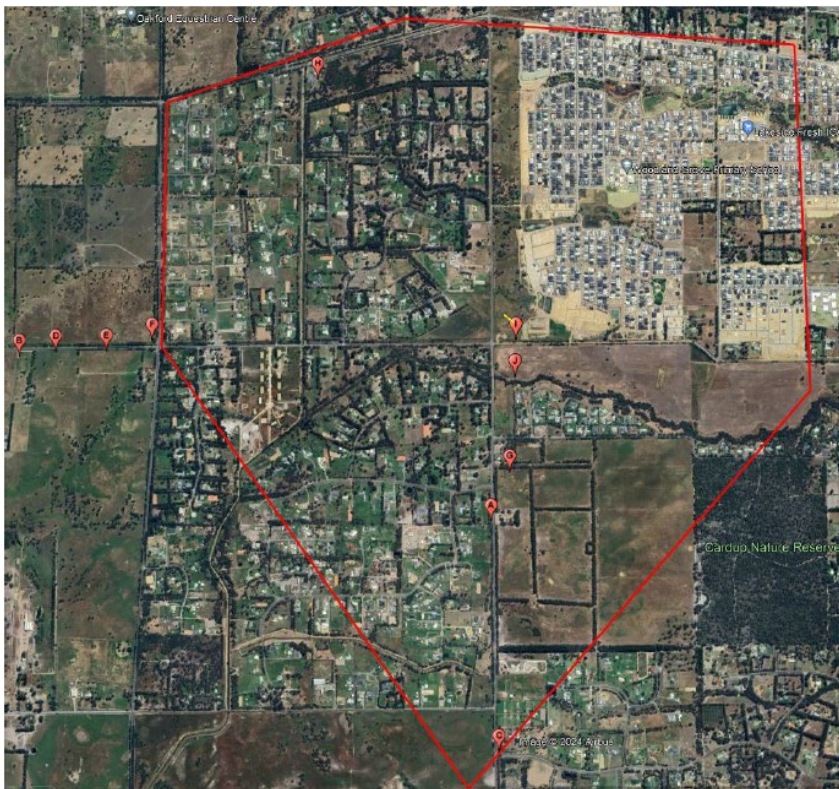


Figure 2 – Investigated Greenfield Candidates in the Oakford redline coverage area (Source: Google Earth).

Visual Impact:

The policy framework acknowledges that telecommunication infrastructure is generally located in prominent positions where they are more likely to be visible to the public in order for them to be effective. However, SPP5.2 states that telecommunication infrastructure should be sited and designed to “minimise visual impact” and where possible be located where such will not detract from a streetscape where viewed from public or private land, under provision 5.1.1(11)(b).

As stated previously, the proposed location of the development is substantially separated from residential development to the east. Further, the telecommunications tower is sited approximately to the rear of the site and therefore substantially well setback from Abernethy Road while views will be mostly screened by onsite vegetation and buildings. Views from the south and east will be obscured by the bushland reserve while the west boundary abuts a drainage reserve and vegetation

will help screen views from the property at 5 Mount Eden Lane. No vegetation removal is required. The position and site can be viewed in the following figures.



The proposal balances both the need for infrastructure within the locality and the potential amenity impacts. The proposal is considered to meet the objectives of the planning framework, and provide critical infrastructure for the growing community. Officers consider that having an adequate mobile telecommunications network at interfaces between rural and urban areas is important in managing

<p>the risk of bushfire. Being able to communication and activate early warning systems, for example, form central aspects to both preparedness and response. This is an important risk to be address by this proposed development.</p>			
<p>Health and Safety: It is noted that a number residents raised objections in relation to impact of telecommunications infrastructure on human health. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) provide standards for limits of exposure which must be complied with by all installations. The limits for electromagnetic energy (EME) exposure given in the standard are intended to provide protection for people of all ages and medical conditions when exposed 24 hours a day 7 days a week. A report has been provided as part of the application detailing information in relation to levels of radiofrequency (RF) and EME. The report shows that the highest EME exposure level of the tower is 2.12% of the ARPANSA standard exposure limit. This is very low and represents nil risk.</p>			
h) any structure plan, activity centre plan or local development plan that relates to the development	<p>YES <input checked="" type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>	<p>N/A <input type="checkbox"/></p>
<p>Comment: Subject site not located within a Local Structure Plan or Local Development Plan area and does not contain a building envelope.</p>			
i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>	<p>N/A <input checked="" type="checkbox"/></p>
<p>Comment:</p>			
j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>	<p>N/A <input checked="" type="checkbox"/></p>
<p>Comment:</p>			
k) the built heritage conservation of any place that is of cultural significance	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>	<p>N/A <input checked="" type="checkbox"/></p>
<p>Comment:</p>			
l) the effect of the proposal on the cultural heritage significance of the area in which the development is located	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>	<p>N/A <input checked="" type="checkbox"/></p>
<p>Comment:</p>			
m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development	<p>YES <input checked="" type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>	<p>N/A <input type="checkbox"/></p>
<p>Comment: Refer to visual impact section of report.</p>			
n) the amenity of the locality including the following – I. Environmental impacts of the development II. The character of the locality III. Social impacts of the development	<p>YES <input checked="" type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>	<p>N/A <input type="checkbox"/></p>
<p>Comment: Refer to visual impact section of report.</p>			
o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	<p>YES <input checked="" type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>	<p>N/A <input type="checkbox"/></p>
<p>Comment: Subject site is located within a 1% AEP Flood Plain Development Control Area. The application was referred to the Shire's Infrastructure department who stated the following:</p>			

<p>- DWER contacted and flood level within the site has been provided.</p> <p>- Soakwells not appropriate. The current soil profile is already impermeable and not suitable for drainage. So proposal will not have direct impact on stormwater runoff coefficient.</p> <p>Also, the following condition is recommended:</p> <p>- <i>The land being filled, stabilised, drained and/or graded as required to ensure that finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/ or proposed finished ground levels of the land abutting.</i></p>			
p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: No vegetation removal is required while existing vegetation will help screen the telecommunication facility from the public realm.			
q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Subject site is located within a Bushfire Prone Area, however the proposal is not for residential or vulnerable land use development and therefore the requirements of 'State Planning Policy 3.7- Planning in Bushfire Prone Areas' are not relevant to the assessment of this application.			
r) the suitability of the land for the development taking into account the possible risk to human health or safety	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: It is noted that a number residents raised objections in relation to impact of telecommunications infrastructure on human health. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) provide standards for limits of exposure which must be complied with by all installations. The limits for electromagnetic energy (EME) exposure given in the standard are intended to provide protection for people of all ages and medical conditions when exposed 24 hours a day 7 days a week. A report has been provided as part of the application detailing information in relation to levels of radiofrequency (RF) and EME. The report shows that the highest EME exposure level of the tower is 2.12% of the ARPANSA standard exposure limit. This is very low and represents nil risk.			
s) the adequacy of – I. The proposed means of access to and egress from the site; and II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity off the road system in the locality and the probable effect on traffic flow and safety	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
u) the availability and adequacy for the development of the following – I. Public transport services II. Public utility services III. Storage, management and collection of waste IV. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities) V. Access by older people and people with disability	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

Comment:			
v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
w) the history of the site where the development is to be located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment: There are no records of previous development approvals for the subject site.			
x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
y) any submissions received on the application	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to Consultation and Planning Assessment section of the report.			
Za) the comments or submissions received from any authority consulted under clause 66	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
Zb) any other planning consideration the local government considers appropriate	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			