

Technical Report			
Application No:	PA20/585		
Lodgement Date:	13 July 2020	DAU Date:	
Address:	928 Orton Road, Oldbury		
Proposal:	Telecommunications Tower		
Land Use:	Radio, TV and Communication Installation	Permissibility:	SA
Owner:	Tanya Steinart		
Applicant:	Visions Stream		
Zoning:	Rural	Density Code:	R2
Delegation Type:	12.1.1	Officer:	Haydn Ruse
Site Inspection:	Yes		
Advertising:	Yes		
Outstanding Internal Referrals:	No		
External Referrals:	N		
Within a Bushfire Prone Area:	Yes		

Introduction:

A planning application dated 13 July 2020 has been received for proposed Telecommunications Tower at 928 Orton Road, Oldbury.

The subject lot is zoned Rural in accordance with the Shire's Town Planning Scheme No. 2 (TPS2). A Telecommunications Tower is considered a 'Radio, T.V and Communication Installation' land use which is a 'SA' use within the Rural zone in accordance with the Shire's TPS 2.

The proposal is reported to Council for determination as an objection was received during the advertising process. Officers do not have delegation to determine development applications where objections cannot be satisfied by way of amendments or conditions.

This report recommends that the Telecommunications Tower as proposed be approved subject to conditions

Background

The subject site lies within a typical rural area of the Shire, to the west of Cardup. Orton Road runs along the northern boundary. Lots in the immediate locality are rural with lots zoned 'Rural Living A' located approximately 430m to the west.

Existing Development

The subject site is developed for residential occupation and pastoral land, used for the grazing of stock. The majority of the site is undeveloped, with the dwelling located on the western side of the lot and towards the Orton Road street boundary.



Figure 1: Aerial Image

Proposed Development

The application seeks approval for the following

- Installation of one 40m high monopole;
- Installation of one triangular headframe;
- Installation of nine new panel antennas (no greater than 2.8m in length);
- Installation of one Telstra Equipment Shelter that is not more than 3m high with a base area of not more than 7.5m² at the base of the aforementioned tower;
- Installation of associated ancillary cabling and equipment;
- Installation of 8m by 11m chain-link fence with a 3m wide gate.

The development would be contained within a 9m by 11m fenced lease area. The proposed lease area would be set back 27m from the Orton Road street boundary and 2.5m from the western lot boundary.

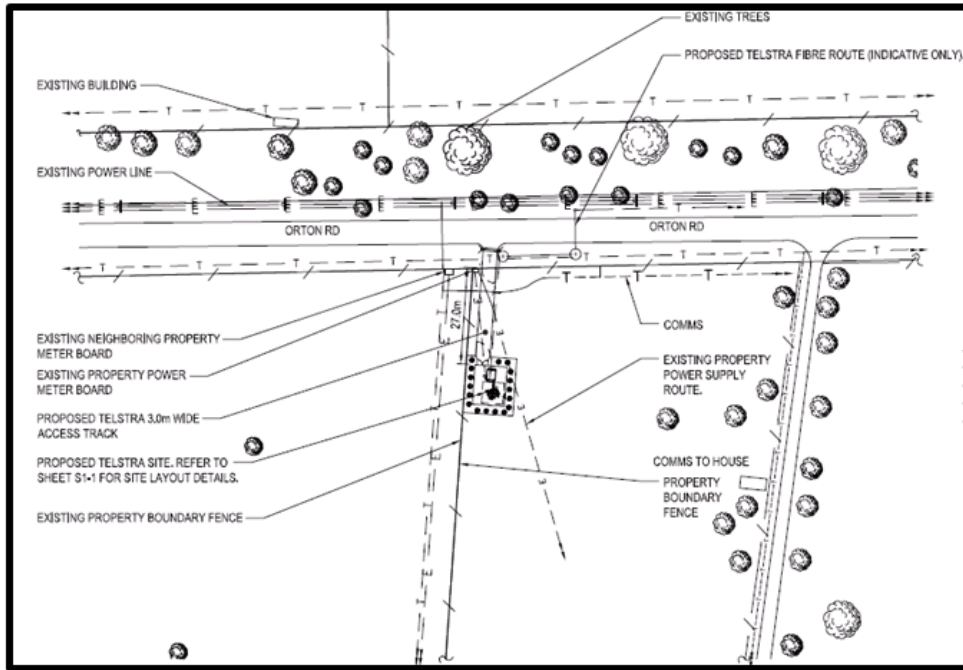


Figure 2: Proposed Site Plan

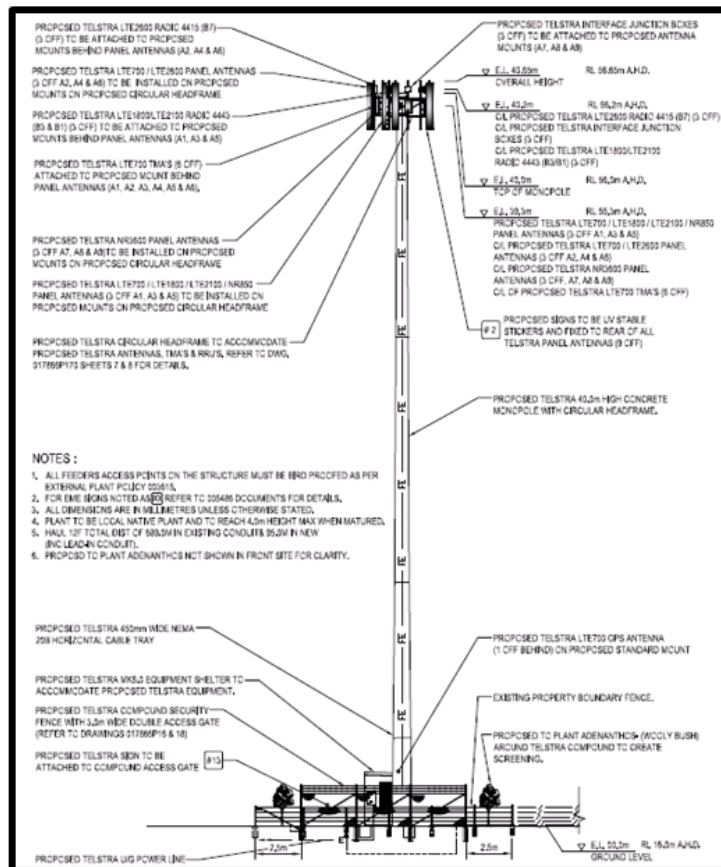


Figure 3: Proposed Elevation

The proposal is part of Telstra’s 4GX and 5G network to serve the Oldbury and Byford localities.

Community / Stakeholder Consultation:

The application was advertised for a period of 21 days from 30 September 2020 to 21 October 2020 to surrounding landowners within a 1km radius of the subject site, in accordance with Local Planning Policy 1.4 – Consultation for Planning Matters. During this period, two submissions were received. One raising no objections to the proposed development and one submission objecting to the proposal. The submissions include one objection relating to the proposal, summarised and addressed in the table below:

Issue	
Visual Impact	OFFICER COMMENT
	<p>The proposed tower compound would be located 2.5m from the objectors lot boundary and the tower itself would be located 7.65m from the lot boundary. The property is significantly smaller than the surrounding Rural lots at 5.5ha and is a narrow lot in comparison, with a frontage of 100m, resulting in a higher potential for amenity impacts.</p> <p>Officers consider, given the context of the affected lot, that the size of the development and proximity to the lot boundary is likely to result in a visual amenity impact to the objectors property.</p>
Existing towers in close proximity	OFFICER COMMENT
	<p>Officers have reviewed existing telecommunications towers within close proximity. There is an existing tower located approximately 1.5km to the south and another located approximately 2.4km to the north. The applicant has stated that these towers are too far apart to meet the coverage requirements of the project.</p> <p>Officers consider the two towers nearest towers are not so close that the proposed development should be made to co-locate, as this may not be possible to achieve an efficient coverage outcome.</p>

Statutory Environment:Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Metropolitan Region Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2).

State Government Policies

- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 1 – State Planning Framework
- State Planning Policy 5.2 – Telecommunications Infrastructure

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No.3
- Rural Strategy Review 2013
- Local Planning Policy 4.6 – Telecommunications Infrastructure

Planning Assessment:

A comprehensive assessment has been undertaken in accordance with section 67 of the Planning and Development Regulations 2015.

Land Use:

The application relates to a Telstra Telecommunications Tower, which is considered to fall within the land use classification of 'Radio, T.V and Communications Installation', which is defined under TPS2 as:

'Radio, T.V. and Communication Installation – means any land or buildings used for the transmission, relay or reception of signals or pictures, both commercial and domestic, but does not include a communications antenna domestic.'

The proposed development would transmit and relay signals for telecommunications and is therefore considered to meet the definition above. Within the 'Rural' zone, a Radio, TV and Communication Installation is an 'SA' land use, meaning it can be approved at the discretion of the Shire/Council subject to community consultation being undertaken and consideration of any submissions being taken into account.

Under LPS3, the proposed development is considered to meet the land use definition of 'Telecommunications Infrastructure', which is defined as:

'Telecommunications Infrastructure – 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.'

Within the 'Rural' zone under LPS3, a Telecommunications Infrastructure land use is an 'AA' use, meaning it can be considered for approval at the discretion of the Shire/Council, subject to community consultation and consideration of any submissions.

Landscape setting and rural amenity issues are an important consideration in respect of telecommunication infrastructure proposals. In this regard, that amenity question also takes account of the nearby rural residential area (and its amenity expectation), and beyond that the residential area (and its amenity expectation). This reflects that varying patterns of land use exist across the landscape, and that the rural plain currently affords vistas across the landscape from these different areas.

Officers consider that in respect of the rural area and nearest rural residential area, that the proposed development will be compatible with its setting. The proposal is presented as a necessary part of modern infrastructure being delivered to service the locality, and is similar to infrastructure such as power poles and radio transmitters. With respect of the setting of this proposed development, it was noted to the east that existing power infrastructure had created a visual infrastructure presence on the land.

Whereas the height of the monopole will be visible and is higher than the power poles (more than twice), the combination of existing power infrastructure strung to the east, and the

distance from the more intensely developed rural residential area further afield, means officers do not consider that amenity is so detrimentally affected that it takes away from rural character.

Officers also note the fact that just because the proposed development will be visible does not, in and of itself, mean that the proposed development will have a negative impact on the visual amenity of the locality. As can be seen from State Planning Policy 5.2, factors such as the prominence of the development within the landscape, the extent to which visual aspects of value to the community as a whole might be compromised, and the degree to which the development is sympathetic to the surrounding landscape are relevant to this assessment. Officers consider the location, being on a plain, avoids what would otherwise be more prominent impacts if an elevated location was chosen. Likewise, the presence of nearby power infrastructure means the rural character is already influenced by the presence of power lines, and thus officers conclude it can be considered sympathetic in this case.

Rural Strategy 2013 Review:

The Shire's Rural Strategy 2013 Review (Strategy) outlines key themes that future development within rural areas should be considered against. Generally, the Strategy requires rural areas to maintain a rural character, retain natural assets and facilitate productive rural areas by ensuring the areas are economically productive.

The subject site is located within the Rural Policy Area under the Rural Strategy, within this location the objectives seek to promote the use of agricultural and rural type land uses and maintain the rural character of the area. The question of protecting character, while still ensuring essential services are provided, is part of what needs to be balanced in this regard.

Given the utility of this infrastructure for surrounding rural and rural residential areas, and the landscape setting documented above in respect of the proposal, the development is considered acceptable in this location.

Draft Local Planning Strategy:

The subject site is located within the Rural area under the Draft LPS. Within this area, the LPS seeks to preserve the natural landscape and to strengthen agricultural and rural uses. It is considered that the development can co-exist with the existing and any future rural land uses.

State Planning Policy 5.2 – Telecommunications Infrastructure:

The proposed development is subject to the provisions of SPP5.2, which seeks to balance the need for infrastructure with the potential amenity impacts generally associated with this type of development.

The objectives of this policy are to:

- a) *facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs;*
- b) *manage the environmental, cultural heritage, visual and social impacts of telecommunications infrastructure;*

- c) *ensure that telecommunications infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons; and,*
- d) *promote a consistent approach in the preparation, assessment and determination of planning decisions for telecommunications infrastructure.”*

Visual Impact:

As mentioned already, SPP5.2 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, it 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).

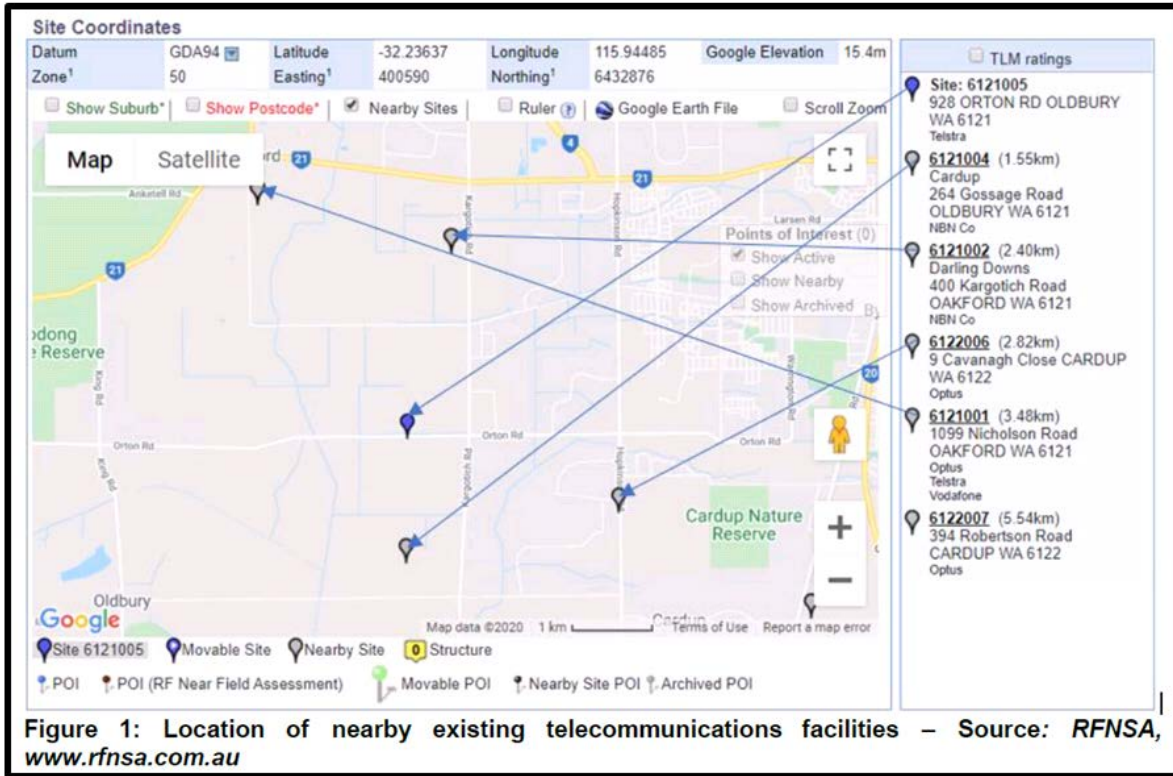
The proposed location of the development, in noting the combination of existing power infrastructure strung to the east, and the distance from the more intensely developed rural residential area further afield, means officers do not consider that visual amenity is so detrimentally affected that it takes away from the rural character.

Local Planning Policy 4.6 – Telecommunications Infrastructure:

The proposed development is subject to the provisions of LPP4.6, which seeks to protect the character and amenity of areas within the Shire and ensure telecommunications infrastructure is located appropriately and with minimal impact.

In addition to SPP5.2, the provisions of LPP4.6 also encourage co-location wherever possible. In this instance, as previously stated, the nearest existing telecommunications towers are 1.5km to the south or 2.4km to the north. The application details the other telecommunications

in the locality as shown on the map following.



The grey marker to the south-west indicates where an existing NBN tower is located, however, the applicant states that this site is not in close enough proximity to meet the capacity and in building coverage requirements of the project. There are no other telecommunication facilities within the locality that the applicant considers capable of accommodating the proposed infrastructure.

Provision 3.2 of LPP4.6 requires telecommunications towers to be reasonably screened from view by vegetation. A condition has been imposed to require this.

Conclusion:

In conclusion, officers have assessed the proposal, against the relevant factors such as the prominence of the development within the landscape, the extent to which visual aspects of value to the community as a whole might be compromised, and the degree to which the development is sympathetic to the surrounding landscape are relevant to this assessment. Officers consider the location, being on a plain, avoids what would otherwise be more prominent impacts if an elevated location was chosen. Likewise, the presence of nearby power infrastructure means the rural character is already influenced by the presence of power lines, and thus officers conclude it can be considered sympathetic in this case. The utility will service the surrounding rural and rural residential landscape, and balancing these relevant planning issues is recommended for approval.

Deemed Provisions – Cl 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"/>
Comment: The land use is discretionary within the Rural zone under TPS2.			

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: The land use is capable of approval under LPS3.			
c) any approved State planning policy	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The proposed development is considered to be consistent with SPP5.2.			
d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d) – None Applicable to this area from what I can determine	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 type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The proposed development is considered to be consistent with LPP4.6.			
h) any structure plan, activity centre plan or local development plan that relates to the development	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
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>	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
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	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
k) the built heritage conservation of any place that is of cultural significance	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
l) the effect of the proposal on the cultural heritage significance of the area in which the development is located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
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,	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>

the likely effect of the height, bulk, scale, orientation and appearance of the development			
Comment: The proposed development is considered to be compatible with its setting by way of the height, scale and appearance of the proposed development.			
n) the amenity of the locality including the following –	YES	NO	N/A
I. Environmental impacts of the development	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
II. The character of the locality			
III. Social impacts of the development			
Comment: The proposed development is considered unlikely to impact on the amenity of the locality and character of the area.			
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	YES	NO	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment:			
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	NO	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comment: A condition has been recommended to ensure an appropriate amount of screening is provided.			
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	NO	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment:			
r) the suitability of the land for the development taking into account the possible risk to human health or safety	YES	NO	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment:			
s) the adequacy of –	YES	NO	N/A
I. The proposed means of access to and egress from the site; and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles			
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	NO	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment:			
u) the availability and adequacy for the development of the following –	YES	NO	N/A
I. Public transport services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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			
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: The proposal would provide a benefit to the community by way of improved services.			
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:			
x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" 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: Two submissions received, one objecting to the proposal.			
Za) the comments or submissions received from any authority consulted under clause 66	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" 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:			