

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"/>
<p>Comment: The application relates to an Optus telecommunications facility, which falls within the land use classification of 'Radio, TV and Communications Installation', which is defined under TPS2 as:</p> <p><i>'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.'</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 'Special Rural' zone is an 'AA' use which means that Council may, at its discretion, permit the use.</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"/>
<p>Comment: Under draft Local Planning Scheme No.3 (LPS3), the proposed development is considered to meet the land use definition of 'Telecommunications Infrastructure', which is defined as:</p> <p><i>'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.'</i></p> <p>Within the 'Rural Residential' zone under LPS3, a 'Telecommunications Infrastructure' land use is an 'A' use, meaning it can be considered for approval at the discretion of the Shire/Council, subject to community consultation and consideration of any submissions.</p>			
c) any approved State planning policy	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment:</p> <p><u>State Planning Policy 5.2 - Telecommunications Infrastructure (SPP5.2)</u></p> <p>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 large rural residential properties to the west and south; a bushland reserve to the north; and the future Tonkin Highway to the east. The nearest residential area to the compound is approximately 142m to the east, beyond the Hopkinson Road and Tonkin Highway extension, which the latter will begin elevation as it rises to project over Abernethy Road. There is currently, and will be more pronounced, a buffer between the proposed telecommunications facility and the Byford residential area. Additionally, screening provided by surrounding bushland, landscaping in the Tonkin Highway project and other existing vegetation will provide filtered views of the development, thus further ensuring acceptable amenity outcomes. The development is considered 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			
<u>Local Planning Policy 4.6 - Telecommunications Infrastructure (LPP4.6):</u>			
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 marked in orange, existing Optus facilities in blue and Telstra facilities in green.			

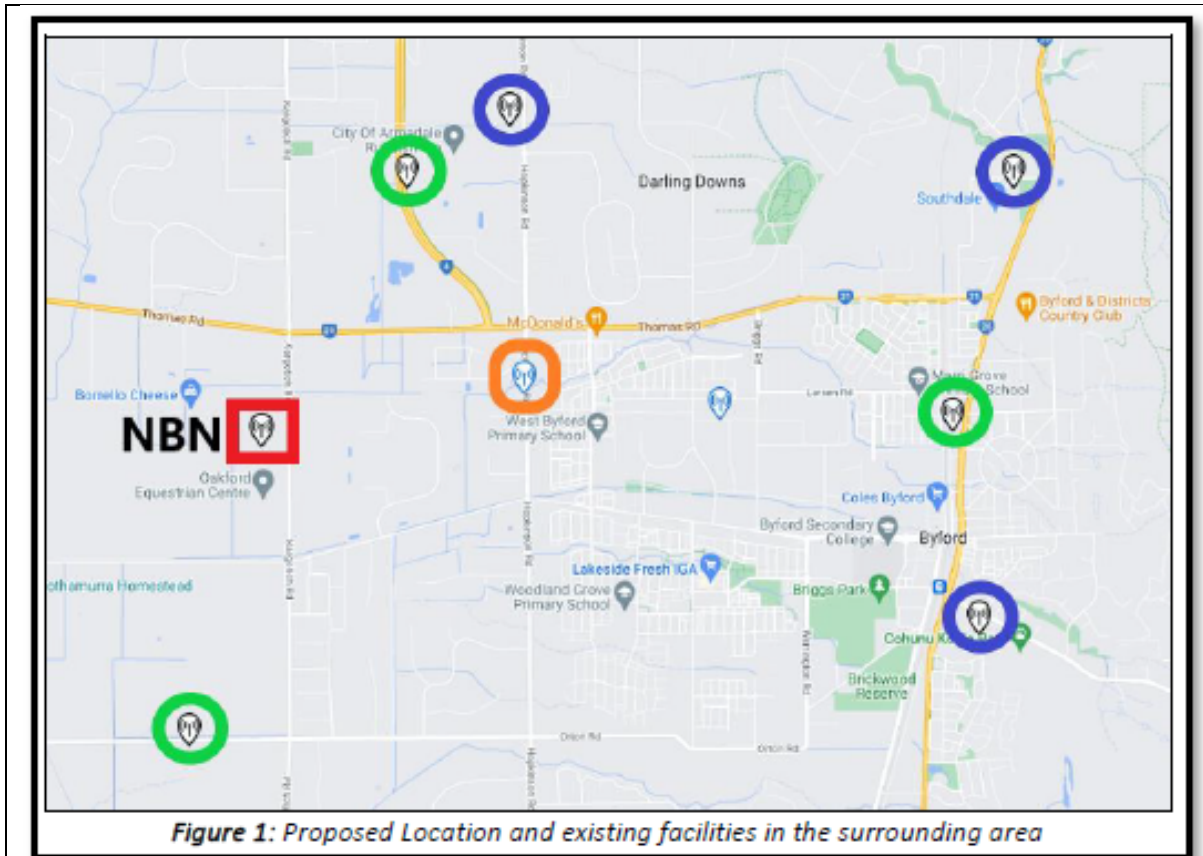


Figure 5: Location of existing telecommunications facilities

The submitted planning report states that all existing Optus facilities are between 2km and more than 4km from the proposed facility, with the nearest mobile phone base station of any type a Telstra facility 1.85km to the north-west on Kellet Drive. For 4G service, distances of more than 1km in urban areas are unreliable, while 5G service requires an even greater density of facilities. Consequently, there are no opportunities for co-location, and current service levels will continue to decline as further residential expansion of Byford continues to the south.

Location:

LPP4.6 states that this type of development “should not be located within 200 metres of land zoned Urban or Urban Deferred in the Metropolitan Region Scheme” (MRS), unless there are special circumstances such as a physical buffer between the development and the residential area. As mentioned above, although the subject site is located within 200m of the residential area to the east, a significant separation is provided by Hopkinson Road and the future Tonkin Highway extension. The reconfiguration of Hopkinson Road, once the Tonkin Highway is extended, will see this as a minor local road only, servicing the immediate rural residential locality. The increasing elevation of Tonkin Highway at this point will also occur, given the need for this to project over the Abernethy Road connection. This is shown following:



Figure 6: Map depicting Tonkin Highway southern projection towards and over Abernethy Road

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 separated from residential development to the east by Hopkinson Road and the Tonkin Highway extension. Further, the telecommunications tower is sited approximately 22m from Hopkinson Road and views will be screened by both roadside and onsite vegetation. Views from the north will be obscured by the bushland reserve, which will remain associated with the riparian and upland vegetation fringing Oakland drain. No vegetation removal is required. The position and site can be viewed in the following figures.



Figure 7: View of vegetation in the north east corner of the site



Figure 8: View of vegetation along Hopkinson Road frontage (looking south)



Figure 9: Vegetation screening

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,

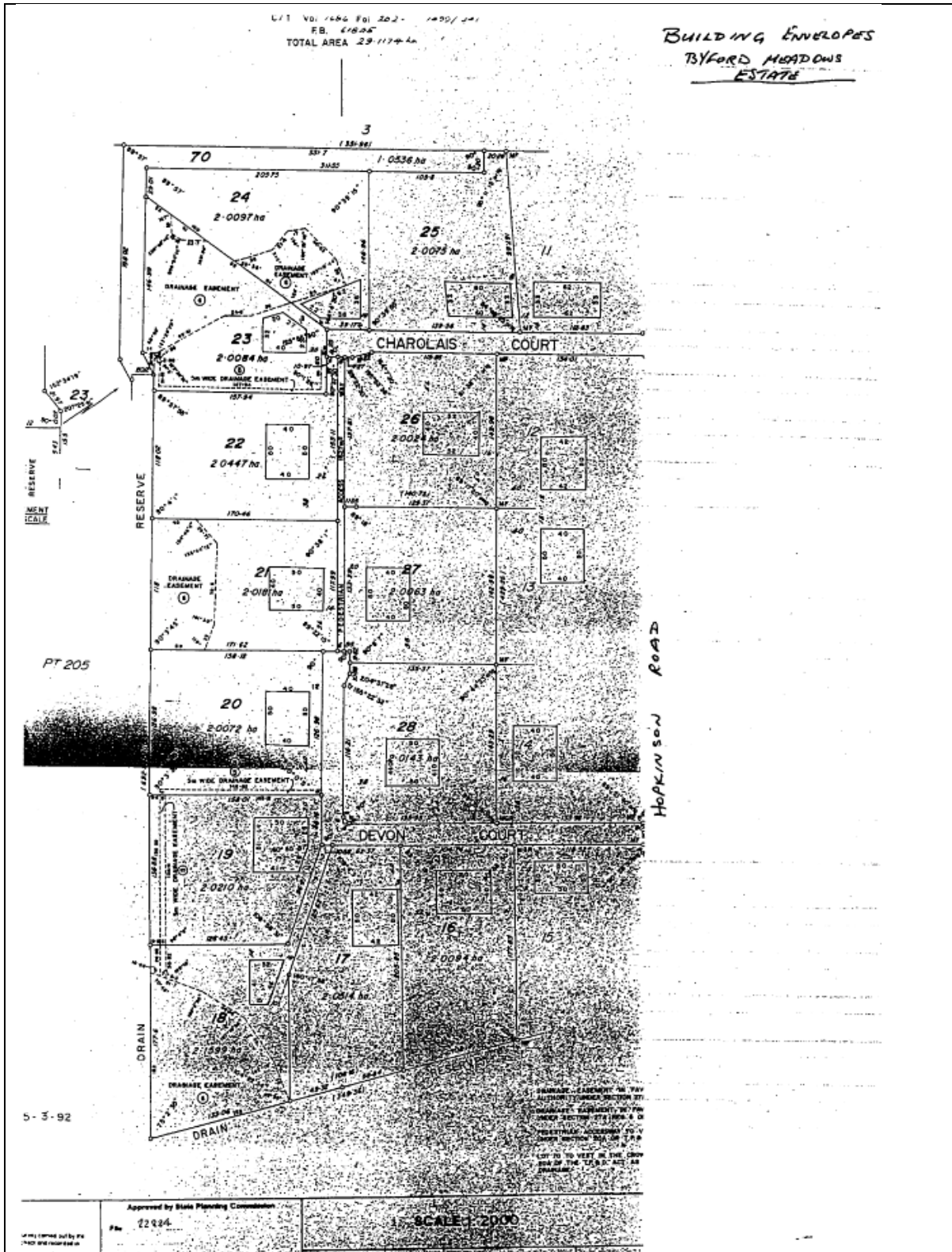
and provide critical infrastructure for the growing community. Officers consider that having an adequate mobile telecommunications network at interfaces between rural and urban areas is important in managing the risk of bushfire. Being able to communicate and activate early warning systems, for example, from central aspects to both preparedness and response. This is an important risk to be addressed by this proposed development.

Health and Safety:

It is noted that several residents raised objections in relation to the 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 0.91% of the ARPANSA standard exposure limit. This is very low and represents nil risk.

h) any structure plan, activity centre plan or local development plan that relates to the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: subject site not located within a Local Structure Plan or Local Development Plan area. However, the subject site contains a Building Envelope located in the south west corner of the lot while the proposed telecommunications facility is located on the north east corner and therefore outside the building envelope. Consequently, development approval is required to build outside the building envelope which is considered reasonable as discussed in the Visual impact section of the report.



i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*

YES	NO	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<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, the likely effect of the height, bulk, scale, orientation and appearance of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: refer to visual impact section of report.			
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	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: refer to visual impact section of report.			
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 <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment: subject site is located within a 1% AEP Flood Plain Development Control Area.			
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 type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment: subject site is located within a Bushfire Prone Area.			
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 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 0.91% of the ARPANSA standard exposure limit. This is very low and represents nil risk.			
s) the adequacy of –	YES	NO	N/A
I. The proposed means of access to and egress from the site; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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	NO	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment:			
w) the history of the site where the development is to be located	YES	NO	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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	NO	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment:			
y) any submissions received on the application	YES	NO	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment: refer to consultation section of report.			
Za) the comments or submissions received from any authority consulted under clause 66	YES	NO	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment:			
Zb) any other planning consideration the local government considers appropriate	YES	NO	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment:			