TELECOMMUNICATIONS POLICY

OBJECTIVE

The objectives of this policy are to:

a) guide telecommunications infrastructure providers on the siting and design of telecommunication facilities, specifically mobile phone towers, antennae and associated infrastructure (henceforth the term ‘telecommunications’ facilities will be used in this policy); and

b) facilitate the installation of an effective telecommunications network in the City of Fremantle that minimises the adverse impacts to the community, and the natural and built environments.

Legislative Framework

The development of telecommunications infrastructure across Australia is controlled by the Telecommunications Act 1997.

Supplementing the Act is the Telecommunications (Low–impact facilities) Determination Act 1997 that defines the classes of telecommunications infrastructure and location of the facility to determine if it is a low-impact facility. This policy should be read in conjunction with the Act.

The Telecommunications Code of Practice 1997 outlines the requirements for the erection and/or installation and maintenance of telecommunications infrastructure.

Telecommunications facilities that meet the requirements of the Telecommunications (Low-impact Facilities) Determination 1997 are exempt from the requirement to obtain town planning approval under City of Fremantle Town Planning Scheme No. 3 and the Metropolitan Region Scheme. Hence this policy applies to non low impact facilities. Council will encourage providers of all facilities to adhere to the policy requirements.

Due to community and local government concern over lack of control in the siting of low-impact facilities the Australian Communications Industry Forum released the Deployment of Radiocommunication Infrastructure 2000 (draft industry code) to supplement the present legislation and aims to:

- provide clear guidelines for telecommunication suppliers, particularly in relation to community consultation;
- ensure rights under the telecommunications legislation are exercised responsibly; and
- require councils to be notified of proposed telecommunication installations prior to construction.
The Deployment of Radiocommunication Infrastructure 2000 is presently in draft format and should be finalised and adopted by the end of 2001.

POLICY

This policy applies to new facilities and the upgrading or relocating of existing facilities which do not qualify as low impact facility under the Telecommunications (Low-impact Facilities) Determination 1997. Such works will require formal town planning consent to be granted in accordance with Town Planning Scheme No. 3.

1) Planning Approval

a) Planning approval is required from the City of Fremantle for the erection and/or installation of all non low impact telecommunication facilities defined under the Telecommunication Act 1997, Telecommunications (Low-impact facilities) Determination 1997.

It is recognised that low-impact facilities do not require Council approval, but to facilitate better relations between carriers, the Council and the community encourages applications for all telecommunication facilities to be referred to Council for assessment against this policy.

b) Prior consultation with the community shall be undertaken in accordance with policy D.A5 Advertising and Notification of Development Applications.

c) Telecommunication facilities proposed on land reserved under the Metropolitan Region Scheme will be determined by the West Australian Planning Commission and the Commission will consider any recommendations from Council.

2) Site Selection

a) The siting process of telecommunication facilities is achieved through having regard to network requirements and minimising the adverse impacts to the community, and the natural and built environments.

b) The siting of a facility will take into account:
   I. opportunity for co-location with another facility (refer 3);
   II. the proximity of sensitive uses (refer 4);
   III. maintenance of Fremantle’s unique heritage (refer 5);
   IV. minimising the impact on the visual amenity of the area (refer 6);
   V. protection of public health and safety through a precautionary approach to siting of facilities (refer 7); and
   VI. minimising the impact on vegetation and other natural aspects of the site (refer 8).

3) Co-location
a) Telecommunication facilities should preferably be co-located and any new facilities should be designed to accept additional future facilities required by carriers;

b) All applications for telecommunications facilities must include a written assessment demonstrating that the carrier has undertaken a process to identify and assess the option of co-location;

c) Co-location or upgrading an existing facility will not be permitted if the facility cannot meet a maximum cumulative radiofrequency (RF) electromagnetic energy (EME) level set by the Australian Communications Authority (ACA) at sensitive uses within a 500m radius of the facility; and

d) If an existing telecommunications facility cannot meet the ACA standard at sensitive uses within a 500m radius, any existing approvals will be withdrawn (under clause 93 of Town Planning Scheme No. 3). Council may impose a condition(s) to this effect.

Note: For the purpose of this policy, 'sensitive uses' is defined as: any dwelling, childcare facility, kindergarten, preschool, school, aged care and hospitals (reference – SPP4, State Industrial Buffer Policy).

4) Preferred Sites for Telecommunication Facilities

a) To facilitate the implementation of a telecommunications network in the locality and to minimise the conflict between the siting of facilities and residents and/or sensitive land uses, a map has been prepared that identifies existing facilities and sensitive uses within the City (refer Figure 1). The map is provided as a guide to assist in siting of facilities.

b) Telecommunication facilities should be located in industrial and commercial areas and away from sensitive uses.
Heritage

a) Council will not approve the installation or upgrade of any telecommunications facility that:
   I. has an adverse impact or threatens the visual amenity or integrity of heritage properties as listed on the City of Fremantle Municipal Heritage Inventory, the Australia Heritage Commission, the National Trust of Australia (WA), or the Heritage Council of Western Australia databases,
   II. will obstruct significant vistas, or instances where they will adversely impact upon the cultural heritage significance of a building,
   III. where attached upon the building, negatively impacts upon the architectural integrity of the existing building.
   IV. natural heritage sites, conservation areas and remnant vegetation areas.

b) The applicant shall seek written approval from the abovementioned heritage listing agency (with the exception of the City of Fremantle Municipal Heritage Inventory) prior to the submission of a application for planning consent for any facilities on a heritage listed property.

5) Visual Amenity and Facility Design

a) All telecommunication facilities should be located and designed to ensure visual compatibility with existing built form and maintain the landscape character of the local area.

b) Broadband aerial telecommunication cabling is not permitted and any such cabling is to be located underground, within existing conduits or ducts where present.

c) Any new or upgraded telecommunication facility will not be permitted unless it :
   I. is integrated on or into any existing suitable structures on the site;
   II. is screened, through design, artwork and/or landscaping to minimise the visual impact and maintain the amenity of the area;
   III. is designed to blend in with the surrounding area through the use of non-reflective compatible colours, landscaping and/or artwork;
   IV. does not visually dominate the site or surrounding views into the site; and
   V. does not negatively impact on the architectural integrity of any existing building.

d) Landscaping of facilities should occur using advanced species compatible with the surrounding vegetation, where appropriate (see section 8).

6) Public Health and Safety
a) Council recognises the need for a telecommunications network within the locality and equally recognises the community’s concern over the potential health impacts from telecommunication facilities. The Council adopts a precautionary approach to the installation and operation of telecommunication facilities and considers it important to protect sensitive uses. This is based on inconclusive scientific evidence regarding the long term health impacts.

b) The siting of telecommunications facilities should be based on a precautionary approach and meet the following location requirements:
   I. meet a maximum cumulative RF EME level set by the ACA at sensitive uses within a 500m radius of the facility;
   II. the beam of greatest intensity should not fall on any sensitive use without agreement from owners and occupiers of the sensitive use;
   III. all telecommunication facilities are required to be enclosed by appropriate fencing and/or barriers to prevent unauthorised access and to maintain public safety; and
   IV. appropriate warning/information signs are to be erected on the subject facility where there is a potential hazard or risk to public safety. Signage should be clearly visible to the public and contain information for the community to contact the carrier(s) regarding any enquiries.

c) The predicted RF EME levels from the facilities (up to 500m and the distance to the highest RF EME level) are submitted as part of the application for planning consent. Where required, advice from the Australian Communications Authority will be sought.

d) On installation of a facility the actual maximum cumulative RF EME levels will be measured by the carrier and submitted to the Director Urban Management to ensure compliance with 7 b (i) of this policy. Non compliance will require the carrier to implement measures to achieve these levels or approval for the facility will be revoked.

7) Vegetation and Natural Aspects

a) The installation, operation and maintenance of telecommunication facilities should be conducted in a manner to minimise the impact to vegetation and other natural aspects of the site and its immediate surrounds.

b) Council will not approve facilities unless the installation or upgrading of a facility:
   I. results in zero net loss of native vegetation and where the site is cleared a vegetation enhancement program implemented using advanced species; and
   II. not result in the destruction or alteration of any significant topographical forms including limestone outcrops.
c) The following factors should be complied with in planning applications:

I. not result in the destruction or alteration of any significant topographical forms including limestone outcrops;

II. if earthworks are undertaken on the site, a site management plan is required to manage stormwater and soil erosion, noise and/or dust levels that may result from the installation, operation and maintenance of a telecommunications facility; and

III. the site management plan will be prepared to the satisfaction of the Director of Urban Management.

Adopted: 23/7/2001, item SP34

Review Date: 2003 or as new information is available.