

City of Mandurah Local Planning Policy

LPP5 Telecommunications Infrastructure

**Final
August 2017**

Record of Adoption

Stage	Document Version & Date	Approval Date
Draft for Council Adoption	Version 1 Dec 2014	15 December 2014
Final	Version 2 Aug 2017	8 August 2017

Schedule of Modifications

No	Summary of the Modification	Document Version & Date	Approval Date

1. Introduction

1.1 Policy Objectives

The objectives of this Local Planning Policy are to:

- (a) Outline the requirements of a proponent to notify the community of a proposal for telecommunications infrastructure where Town Planning Scheme No 3 exempts the development from the need for planning approval; and
- (b) Outline the procedures that Council will follow in advertising an application for planning approval for telecommunications infrastructure.

1.2 Application of the Policy

- (a) This Local Planning Policy is prepared, advertised and adopted pursuant to Part 2 Division 2 of the Deemed Provisions for Local Planning Schemes (as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2*). (**'deemed provisions'**)
- (b) Clauses 61(1)(i) and 61(2)(e) of the Deemed Provisions outline that Development Approval is not required for development works or the use of land where specified in a Local Planning Policy.

This Local Planning Policy does specify forms of development that do require development approval.

- (c) Clause 3(5) and Clause 67(g) of the Deemed Provisions state that the local government is to have due regard to a local planning policy in making a determination under the local planning scheme and applications for development approval.

1.3 Interpretations

Unless otherwise stated, interpretation and definition of terms shall be as provided in the Local Planning Scheme and/or State Planning Policy 5.2.

2. Exempt Development

Pursuant to clause 61(1)(h) of the Deemed Provisions, the prior development approval of the Council is not required for the erection of telecommunications infrastructure in the following circumstances:

- (a) on land zoned City Centre Development and Precinct Development unless otherwise described within the applicable Activity Centre Plan;
- (b) on land zoned Service Commercial and Industry;
- (c) on land zoned Commercial, subject to the designation of the site as a Strategic Centre, District Centre or Neighbourhood Centre within the Local Planning Strategy;
- (d) on any other land where expressly described in an Structure Plan or Activity Centre Plan;

where the proposed development is consistent with the following criteria:

- (a) the structure has a maximum height of 30 metres;
- (b) the guiding principles for the location, siting and design of the structure is in accordance with the relevant State Planning Policy associated with telecommunications infrastructure; and
- (c) the proponent has notified the local community of the proposed structure consistent with the Council's requirements.

3. Notification Requirements

As outlined in Clause 2, there may be circumstance where proposed telecommunications infrastructure does not require development approval.

One of the criteria requires a proponent to notify the local community of a proposed structure consistent with Council's requirements.

For the purposes of the Policy and the Scheme, the Council's requirements for notification shall be as outlined in the *Communications Alliance Industry Code C564:2011 – Mobile Phone Base Station Deployment* in a similar manner to proposals being developed in accordance with Federal Government's *Telecommunications Act, Low Impact Facilities Determination (1997)*.

4. Advertising Requirements

Where an application for development is required for a telecommunication structure, the application for development approval will be advertised for public comment in accordance with the following:

All landowners within a 200 metres radius of the application site be notified by letter and be provided with the following information:

- (a) A City of Mandurah prepared Question and Answer information sheet;
- (b) An Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) prepared brochure on the scientific assessment of the impacts of such facilities on people's health;
- (c) A public information session where public concern is raised;
- (d) All submitters be invited to the Committee and Council meetings, and be informed of the decision, with further correspondence in the event of an appeal to the SAT, and
- (e) The letter advising of the decision will include a summary of the key issues raised during the consultation period and the City's consideration of those issues.