52.19 TELECOMMUNICATIONS FACILITY

24/11/2016
VC131

Purpose

To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.

To ensure the application of consistent provisions for telecommunications facilities.

To encourage an effective statewide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in Victoria as set out in section 4 of the *Planning and Environment Act 1987*.

To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.

52.19-1 Application

23/09/2011
VC77

These provisions apply to the construction of a building or the construction or carrying out of works associated with the use of land for a Telecommunications facility. They apply to the extent permitted under the Telecommunications Act 1997 (Cwth) and determinations made under that Act by the relevant Commonwealth Minister for Telecommunications, including the Telecommunications (Low-impact Facilities) Determination 1997.

52.19-2 Permit requirement

19/01/2006
VC37

A permit is required to construct a building or construct or carry out works for a Telecommunications facility.

This does not apply to:

- Buildings and works associated with:
  - A low-impact facility as described in the Telecommunications (Low-impact) Facilities Determination 1997.
  - The inspection and maintenance of a Telecommunications facility as defined in the Telecommunications Act 1997 (Cwth).
  - A facility authorised by a Facilities Installation Permit issued under the Telecommunications Act 1997 (Cwth).
  - A temporary defence facility.
  - The connection of a building, structure, caravan or mobile home to a Telecommunications line forming part of a Telecommunications network.
  - Any Telecommunications facility described in A Code of Practice for Telecommunications Facilities in Victoria which complies with the requirements of the Code.
- Buildings and works associated with activities which are:
  - Authorised under Clause 6(2) of Division 3 of Schedule 3 of the Telecommunications Act 1997 (Cwth).
  - Carried out by bodies listed in Sections 46 to 51 (inclusive) of the Telecommunications Act 1997 (Cwth) pursuant to legislation applying to those bodies.

52.19-3 Land in public ownership

19/01/2006
VC37

An application for a permit on land in a public land zone by a person other than the relevant public land manager, must be accompanied by the written consent of the public land manager indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development.

52.19-4 Exemption from notice and review

24/11/2016
VC131

An application for a permit is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act unless:

- The Telecommunications facility is:
  - A radio communications dish greater than 1.2 metres in diameter or
  - A Telecommunications tower (other than a low-impact facility described in the Telecommunications (Low-impact Facilities) Determination 1997).
- The land is located in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay.
- The land is public land not in a public land zone and the responsible authority is not the public land manager.

An application for a permit for a Telecommunications facility funded, or partly funded, by the Victorian or Commonwealth governments through the Mobile Black Spot Programme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

52.19-5 Application requirements

19/01/2006
VC37

An application for permit must be accompanied by the following information as appropriate to the proposal and the location:

- A site analysis and design response explaining how the proposed facility addresses the principles for the design, siting, construction and operation of telecommunications facilities and the requirements in A Code of Practice for Telecommunications Facilities in Victoria.
- Site boundaries and dimensions.
- The purpose and location of all buildings and works required in the construction of the facility.
- The location of all existing buildings and works to be retained and demolished.
- The location of all proposed buildings and works including dimensions, elevations, materials, colours and finishes.
- The location and use of all buildings on adjoining properties.
- The location of all adjoining streets and access ways.
- Australian Height Datum levels.
- Natural drainage lines, watercourses, coastal dunes, beach systems and wetlands.
- Proposals for the rehabilitation of the land on which development is to occur.
- Roads and parking areas.

- Materials, landscaping, external lighting, colour and reflectivity.

52.19-6 Decision guidelines

19/01/2006
VC37

Before deciding on an application, in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate:

- The principles for the design, siting, construction and operation of a Telecommunications facility set out in A Code of Practice for Telecommunications Facilities in Victoria.
- The effect of the proposal on adjacent land.
- If the Telecommunications facility is located in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay, the decision guidelines in those overlays and the schedules to those overlays.