

# Application for Planning Approval

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**Application for Planning Approval:**

Proposed Controlled Environmental Vault

**Location:**

28 Heydon Place

Cue WA 6640

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**Prepared by:** Catalyst ONE Pty Ltd

**For:** Vocus Group

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# 1. Introduction

This development application report (DA report) has been prepared by Catalyst ONE (Catalyst) for Vocus Group (Vocus) to support a Development Application for the use and development of land for the purpose of a telecommunications facility at 28 Heydon Place, Cue.

Vocus are a licensed telecommunications company that manage a purpose-built national fibre network consisting of approximately 25,000 kilometres of fibre connecting Australia's remote, regional and metropolitan locations. The Vocus network also includes submarine links to the cities of Jakarta and Singapore.

A critical component in ensuring the fibre runs effectively throughout the network are the Controlled Environmental Vaults (CEVs). CEVs are large equipment shelters that are located at regular intervals along the network that house the network's key electrical, optical transmission, IT and power infrastructure. The CEVs also provide strength to the network signals to mitigate any transmission inefficiencies along the network.

As part of an ongoing project, Vocus have identified the need to install a CEV within Cue to further support their network. The proposed CEV will be designed to support the future-anticipated capacity of the network while providing for the latest network transmission technologies.

This DA report details the proposed facility and identifies the statutory controls relating to the proposed use and development of the CEV and provides an assessment of the proposed facility against the relevant planning controls. In addition, the DA report provides an assessment of environmental impacts associated with the proposed facility and identifies relevant planning considerations to minimise any impacts.

## 2. Subject Site and Locality

The subject land is 28 Heydon Place, Cue, and is legally described as Lot 9000 On Deposited Plan 403380 (the site). A copy of the Certificate of Title is enclosed in **Appendix A**.

The site located within Cue in the Mid-West region of Western Australia, approximately 620 kilometres northeast of Perth and 350 kilometres east of Geraldton. The site is on the north-western corner of the townsite within Cue's industrial area.

The Lot is approximately 1.23 hectares in size, with the land parcel located on a cul-de-sac at the end of Heydon Place. The parcel has a large warehouse on its southern side that accommodates multiple tenants.

**Figure 1** below depicts the subject lot to host the Vocus equipment and the warehouse as mentioned above.



**Figure 1:** View of the subject land to host the Vocus equipment

## 3. The Proposal

### 3.1. Scope of Works

The proposal consists of a fenced compound containing the necessary fibre infrastructure is to be located on the south eastern corner of the property. The proposal will specifically be directly adjacent to the western side of the warehouse at the approximate decimal coordinates of -27.4212°, 117.8888°.

The proposed development can be separated into four separate components, as follows:

1. installation of a new CEV;
2. installation of a permanent on-site generator;
3. installation of a compound fence; and
4. installation and of ancillary components.

Further information on the above scope is provided below:

#### 3.1.1. Proposed new CEV

The proposed CEV is to be located on the western side of the compound with its entrance to the north. The purpose of the proposed facility is to accommodate the necessary IT equipment, together with back-up batteries to ensure the facility continues to transmit and operate in the event of an outage.

Further information on the proposed facility is provided below:

- Sized 7268mm (length) x 3668mm (width) x 3737mm (height).
- Entrance consisting of a single door and a door canopy.
- Isolation switchbox to be located adjacent to the entrance door.
- Four air conditioning condenser units to be located to the rear (southern side) of the CEV contained within separate wire mesh lockable cages.
- To be mounted on an elevated concrete slab.

#### 3.1.2. Proposed new on-site generator

A permanent on-site generator is proposed to ensure the network can remain online during maintenance and outage periods. The generator will be located to the south of the proposed facility.

A description of the proposed generator is provided below:

- Sized 2289mm (length) x 1120mm (width) x 1961mm (height).
- To be mounted on above-ground concrete slab.
- 1000-litre diesel capacity.

### 3.1.3. Proposed fenced compound

To ensure the security of the equipment, a compound fence is required to surround the facility. The fenced compound is proposed to measure 14 metres (east-west) by 7.67 metres (north-south).

A gate will also be installed as part of the fencing measuring 4.2 metres in width to allow the compound to be vehicle-serviced from Heydon Place.

### 3.1.4. Additional works and components

Further additions to the compound include two new fibre pits located at the western side and southeastern corner of the compound, together with weed matting and gravel cover.

Maintenance visits are required approximately twice a year, or as required in the event of an electrical outage or other similar events. Routine maintenance would generally involve one vehicle per visit. Other maintenance would occur on an as needs basis and would not generate significant traffic movement. Any impact on the local road system is negligible. Accordingly, no changes to access arrangements are proposed.

Drawings of the proposed facility are enclosed at **Appendix B**.

## 4. Regulatory Framework

### 4.1. Commonwealth Legislation

#### 4.1.1. Telecommunications Act 1997

Vocus is a licensed Carrier within the meaning of the *Telecommunications Act 1997* (the “Act”). The *Telecommunications (Low-impact Facilities) Determination 2018* (Amendment 1, 2021) (the “Determination”), made under subclause 6(3) of Schedule 3 of the Act, establishes the criteria for ‘low-impact’ telecommunications facilities. A proposed facility is a low-impact facility if it meets the requirements set out in the Determination, exempting Carriers from State and Local planning laws. Under the Act and the Determination certain telecommunications facilities cannot be classified as low-impact facilities.

The proposed facility is not classified as a low-impact facility as its proposed components do not comply with the requirements of Schedule Part 3 – Above Ground Housing of the Determination. The proposal therefore requires a development application from Shire of Cue (Council)

#### 4.1.2. Telecommunications Code of Practice 2021

The *Telecommunications Code of Practice 2021* (the “Code”) is established under the Act, which sets out the conditions under which a carrier must operate. Section 2.11 of the Code sets out the design, planning and installation requirements for the carriers to ensure the installation is in accordance with industry “best practice”. This is required to “...*minimise the potential degradation of the environment and the visual amenity associated with the facilities.*”

Best practice also involves the carrier complying with any relevant industry code or standard that is registered by the Australian Communications and Media Authority (ACMA) under Part 6 of the Act.

### 4.2. State

#### 4.2.1. Planning and Development Act 2005

The *Planning and Development Act 2005* (the “Planning and Development Act”) sets out the planning and development assessment framework for Western Australia.

Parts 4 and 5 of the Planning and Development Act allows for the establishment of state and local planning schemes under which town planning proposals can be assessed throughout Western Australia. Part 2 of the Planning and Development Act establishes the Western Australian Planning Commission (the “Commission”) as the state statutory authority with regards to land use planning. A key function the Commission holds is the power to delegate its functions including its determining authority powers to local governments and other statutory bodies (established under Part 2, Clause



16). This function in turn allows for Local Governments to assess and determine certain applications that fall within their Local Planning Scheme area.

#### 4.2.2. Planning and Development (Local Planning Schemes) Regulations 2015

The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) provide guidance on the establishment of local planning schemes and introduces a set of deemed provisions that form part of every local planning scheme in the State. Schedule 2 (deemed provisions), Part 9, Clause 67 of the Regulations outline matters to be given due regard when considering a development application. An assessment of the proposal's compliance with the Clause 67 regulations is provided within this report.

#### 4.2.3. State Planning Policy 5.2 – Telecommunications Infrastructure

State Planning Policy 5.2 – Telecommunications Infrastructure (SPP5.2) outlines provisions for effective telecommunications services and networks that consider visual character of local areas. Clause 4 (c) Policy Objectives of SPP5.2 states: The objectives of this policy are to ensure that telecommunications infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons. Part 5 Policy Measures outlines specific provisions relating to ensuring the appropriate deployment of Telecommunications Infrastructure in Western Australia. An assessment of the principles are provided within this DA Report.

### 4.3. Local

#### 4.3.1. Shire of Cue Local Planning Scheme No. 2

The subject site is subject to the statutory controls and provisions of the Shire of Cue Local Planning Scheme No. 2 (LPS2). LPS2 set outs controls for the use and development of land, providing an assessment framework for any proposals to use and develop land, while identifying development standards and planning provisions that are applicable to this proposal.

## 5. Planning Response

### 5.1. Planning and Development (Local Planning Scheme) Regulations 2015

Clause 67 – Part 9 – Schedule 2 (deemed provisions) of the Regulations outline matters to be given due regard by local government when considering a development application. **Table 5** below provides an assessment against matters relevant to this proposal.

Clause 67 Provisions		Response
(a)	the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The proposal's consistency with LPS2 has been addressed in Part 5.3 of this report. The proposed development is considered to be consistent with the provisions and warrants approval.
(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 Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;	This report demonstrates the proposed development is consistent with the applicable Council planning framework.  The proposed development is not affected by any identified proposed amendments or any other seriously entertained planning instrument.
(c)	any approved State planning policy;	The proposed development is consistent with the provisions of SPP5.2 – Telecommunications Infrastructure as demonstrated below in this section of this report.
(d)	any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);	The proposed development is not considered to be affected by any policy approved under the <i>Environmental Protection Act 1986</i> .
(e)	any policy of the Commission;	The proposed development is not identified to be affected by any development control policy or any other policy adopted by the Commission.
(f)	any policy of the State;	This report assesses the proposal's compliance and consistency with relevant state planning policies. The proposal is considered to be consistent with this policy.
(g)	any local planning policy for the Scheme area;	A review of local planning policies has been undertaken, and no policies have been identified that relevantly apply to this proposal.
(h)	any structure plan, activity centre plan or local development plan that relates to the development;	The proposed development is not identified to be affected by any structure plan, activity centre plan or local development plan.

(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;	The proposed development does not appear to be impacted by any published review of the LPS2.
(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;	The proposal is not on zoned or reserved land and does not appear to be affected by any reclassification.
(k)	the built heritage conservation of any place that is of cultural significance;	There are no nearby heritage items or any significant fabric that could be impacted by the proposal.
(l)	the effect of the proposal on the cultural heritage significance of the area in which the development is located;	
(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;	The height, bulk, scale and orientation of the proposal have all been considered. The proposal is positioned to minimise the impact on nearby developments as much as possible, as well as the nearby street intersections. The footprint of the proposal is considered necessary to adequately provide for the proposal's operations.
(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;	(i) the environmental impacts of the proposed structure are minimal, with only minor vegetation removal. (ii) The proposed monopole is not considered to impact on the character of the locality, by virtue of the matters mentioned under (m) above. (iii) The proposal will assist in the provision of a high-speed fibre network to service the rural areas of Western Australia.
(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;	The proposed structure is unmanned, has minimal impact (if any) on the natural environment and no impact on water resources. This is because the proposal is not required to be connected to a water source.
(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;	The proposal's appropriate location within an industrial area is not considered to warrant any screening. There are some limitations on providing more landscaping, as this in turn would impact on impact on the existing surrounding ecological balance.
(q)	the suitability of the land for the development taking into account the possible risk of flooding,	The proposed facility is not identified as being within a bushfire prone area, and the provisions of State Planning Policy 3.7 – Planning in Bushfire

	tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	<p>Prone Areas accordingly do not apply to this proposal.</p> <p>The site is located at an elevated location where the risk of flooding is minimised.</p>
(r)	the suitability of the land for the development taking into account the possible risk to human health or safety;	The proposed structure is positioned away from any nearby development. The location and the compound further restricts access to the site components and equipment. All equipment will follow the associated industry codes, industry standards, and technical standards.
(s)	<p>the adequacy of —</p> <p>(i) the proposed means of access to and egress from the site; and</p> <p>(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;</p>	There is already sufficient room for vehicles during construction. There is also enough room for access and maintenance vehicles, which will service the compound several times a year. Access to the proposed is already considered adequate and does not require upgrading.
(t)	the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;	No significant traffic will be generated by the proposal and no roads will require upgrading.
(u)	<p>the availability and adequacy for the development of the following —</p> <p>(i) public transport services;</p> <p>(ii) public utility services;</p> <p>(iii) storage, management and collection of waste;</p> <p>(iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);</p> <p>(v) access by older people and people with disability;</p>	<p>Power will be obtained from the existing points of supply and will be subject to the necessary agreements with Western Power. The proposed fibre route will be sought from the existing Vocus network and will be subject to additional investigations.</p> <p>The site is on private land where public access is restricted as much as practically possible.</p>
(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;	The potential connection improvements to the Vocus network is considered to productivity, connectivity and economic development of the surrounding remote and regional areas of Western Australia.
(w)	The history of the site where the development is to be located.	No historical considerations relevant to this application have been identified.
(x)	the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	The proposal is for a private use, is positioned away from the nearby streets and any negative visual impact is considered to be greatly outweighed by the community benefits.

(y)	any submissions received on the application;	The proposal is considered to be consistent with the applicable town planning provisions, as outlined in this report.
(za)	the comments or submissions received from any authority consulted under clause 66;	
(zb)	any other planning consideration the local government considers appropriate	Works that are associated with the proposal are minor, and the impact on the amenity of the locality is minimal.

**Table 5 – Clause 67 Provisions**

Based on the compliance as outlined in this submission, the proposal warrants approval.

## 5.2. State Planning Policy 5.2 – Telecommunications Infrastructure

Policy Provision	Response
Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:	
a)	be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;
	The proposal is in a location on the outskirts of the townsite, where the visual impact is minimised accordingly.  It is not considered the proposal will be prominently visible from significant viewing locations such as scenic routes, lookouts and public recreation sites.
b)	be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;
	No heritage places were identified near this proposal. Furthermore, no significant landmarks, streetscapes, vistas or panoramas were identified near the proposed location from a search of Council and community documents.
c)	not be located on sites where environmental, cultural heritage, social and visual landscape values may be compromised;
	No environmental, cultural heritage, social or landscape values are considered compromised by the placement of the proposal.

**Table 2 – SPP5.2 Visual Impact Provisions**

## 5.3. Shire of Cue Local Planning Scheme No. 2

### 5.3.1. Zoning

The subject site is located within the General Industry zone, pursuant to LPS2. Clause 16(c) of the scheme text provides three objectives for land that's zoned General Industry. These are as follows:

- i. To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.*

- ii. *To accommodate industry that would not otherwise comply with the performance standards of light industry.*
- iii. *Seek to manage impacts such as noise, dust and odour within the zone.*

The proposed facility assists in providing the surrounding area with high-speed fibre network coverage. This has many substantial benefits relating to the connectivity and productivity of the surrounding rural, residential and industrial land uses. Overall, the proposed use is considered to provide a significant public benefit, while also being compatible with the zoning.

The proposal is therefore considered to warrant support based on the General Industry zone objectives.

#### 5.3.2. Land Use

Clause 38 of LPS2 provides the various land use definitions, with 'telecommunications infrastructure' defined as follows:

*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.*

The proposed development is consistent with the above defined land use. Under LPS2, 'Telecommunications infrastructure' is a 'D' use within the General Industry zoning. In accordance with clause 18, an 'D' use *"means that the use is not permitted unless the local government has exercised its discretion by granting development approval."*

The land use is compatible with the current zoning objectives and is positioned to not detract from the surrounding character. Considering the proposal's compliance with the zone objectives and its location in the context of its surroundings, the land use warrants approval by the Shire of Cue.

## 6. Aboriginal Heritage

As part of Vocus's necessary due diligence activities into their network location, an Aboriginal Heritage Survey Report was sought, and was completed in February 2023. The report is not provided as part of this development application but can be provided under separate cover should Council request a copy. A portion of the survey included the entirety of the land parcel of 28 Heydon Place, Cue (Lot 9000), and concluded there were no Aboriginal sites within the Vocus optical fibre cable installation areas.

Notwithstanding the above conclusion, Vocus will follow several recommendations recommended in the survey. If artefacts or other cultural remains are discovered during the minimal excavation associated with the works to be undertaken, the work will cease pending consultation with staff of the DPLH and Aboriginal custodial groups. This is however a separate matter and should not be considered by Council in their assessment.

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## 7. Conclusion

This DA report provides the necessary information to support the application for development consent to expand an existing telecommunications facility. An assessment has been undertaken with a view to ensuring that the proposed facility complies with relevant commonwealth, state and local legislation, planning policies and controls as applicable.

It is considered that the proposed use and development will not conflict with surrounding land uses, nor will it decrease the general amenity of the area or have a detrimental impact on the local environment. The proposed facility is consistent with the LPS2 including the purpose of the existing reserve. The development ensures that telecommunications infrastructure and services are provided in an efficient and cost-effective manner to meet community needs, whilst having a minimal impact on the amenity of the area.

The subject site is suitable for the proposed development, which demonstrates compliance with all relevant legislation and guidelines. Subject to the outcomes of appropriate referrals to relevant authorities, it is recommended that the Shire of Cue approves the Development Application.



Appendix A – Certificate of Title

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Appendix B – Development Plans

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