STRATEGIC PLANNING

# DRAFT Randwick Development Control Plan B14 Communications and power lines

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Randwick City Council
a sense of community

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# Contents

# Introduction

This DCP Part has two Sections. Section A applies to telecommunications and radiocommunications facilities and their supporting infrastructure and ancillary development, and Section B applies to the undergrounding of overhead power lines and associated infrastructure across Randwick City.

# SECTION A – Telecommunications and radiocommunications

## 1. Introduction

This DCP section applies to telecommunications and radiocommunications facilities and their supporting infrastructure and ancillary development under the following legislation:

- Telecommunications Act 1997
- Radiocommunications Act 1992
- Telecommunications Code of Practice 2021
- Telecommunications (Low-impact Facilities) Determination 2018

Council does not have regulatory control over "low impact facilities". The Commonwealth Low-impact Facilities Determination (LIF Determination) exempts low impact facilities from State and Territory planning and environmental laws.

Most new or upgraded infrastructure does not require Council consent under the Commonwealth or State legislation such as the LIF Determination, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and State Environmental Planning Policy (Transport and Infrastructure) 2021.

This section of the DCP aims to provide controls and guidelines for the siting, design and installation of telecommunications and radiocommunications facilities that require development consent from Council following the NSW Telecommunications Facilities Guideline, Including Broadband 2022 and the Industry Code for the Mobile Phone Base Station Deployment (*C564:2020*).

While it does not contain regulatory control over low impact facilities, this section can assist as a guide for telecommunications carriers for the siting, design, and installation of low impact facilities.

**Note**

The current version of the LIF determination can be accessed at: Federal Register of Legislation - Telecommunications (Low-impact Facilities) Determination 2018

**Objectives**

1. Ensure the effective, efficient, and suitable provision of telecommunications and radiocommunications infrastructure so that it achieves social, environmental and economic sustainability, and specifically:

Social

2. Apply a precautionary approach to the site selection, design, and operation of telecommunications and radio-communications infrastructure
3. Minimise Electromagnetic Radiation (EMR) exposure to the public

4. Ensure infrastructure emitting electromagnetic radiation is sited to avoid adverse impacts on sensitive land uses including retirement villages, schools, childcare centres, children's playgrounds, and residential land uses
5. Ensure that the public and local communities have access to telecommunications technology
6. Achieve equity for the various stakeholders by endeavouring to balance their various needs
7. Enable the community to adequately identify infrastructure and the agencies responsible for them
8. Outline the planning process to ensure that the community is adequately informed and empowered to participate in the planning/decision-making process.

Environmental

9. Help implement principles of quality urban design in respect to telecommunications and radiocommunications infrastructure
10. Ensure infrastructure is visually compatible with surrounding character and locality/visual context with particular regard to heritage buildings/areas and cultural icons
11. Minimise adverse impacts on the natural environment
12. Assess whether the proposed infrastructure is consistent with the amenity of the area
13. Ensure sites are restored after discontinuation or removal of infrastructure.

Economic

14. Identify the type of land use areas suitable for this type of infrastructure in a Local Government Area (LGA)
15. Accommodate the planning requirements of new technology
16. Assess whether the proposed infrastructure is consistent with permitted development in adjacent areas
17. Ensure reasonable access to telecommunications technology
18. Provide certainty for stakeholders and a consistent approach to the implementation/assessment of telecommunications infrastructure.

## 1.1. Definitions

**Electromagnetic radiation (EMR)** means the radiation in the microwave and radiofrequency band of the electromagnetic spectrum.

**Low-impact telecommunication facility (LIF)** means a low-impact facility within the meaning of the Telecommunications (Low-impact Facilities) Determination 2018 of the Commonwealth made under the Telecommunications Act 1997 of the Commonwealth.

**Non-Low impact facility** means a telecommunications facility that is NOT exempted from State and Council planning control under the Telecommunications (Low-impact Facilities) Determination 2018.

**Radiocommunications facility** means a base station or radiocommunications link, satellite-based facility or radiocommunications transmitter.

**Note**

The terms used in this DCP Part have the meanings described above. The definitions included here are for the purpose of clarification only and do not replace the definitions in relevant legislation and regulations.

# 2. Legislation and regulatory framework

## 2.1. Commonwealth legislation

**Telecommunications Act 1997**

The Telecommunications Act 1997 establishes a regime for carriers' rights and responsibilities when inspecting, maintaining or installing telecommunication facilities.

**Radiocommunications Act 1992**

The Radiocommunications Act 1992 regulates radiocommunication transmitters. It provides for the licensing of radiocommunications equipment and applies mandatory standards to its use.

**Radiocommunications Equipment (General) Rules 2021**

The Radiocommunications Equipment (General) Rules 2021 establishes standards and regulations for the use, possession, and supply of radiocommunications equipment to ensure compliance with technical and safety requirements.

**Telecommunications Code of Practice 2021**

The Telecommunications Code of Practice 2021 establishes obligations on carriers in land-access situations such as when inspecting land, installing low impact telecommunication facilities and maintaining such facilities. It also requires carriers to comply with recognised industry codes and standards.

**Telecommunications (Low-impact Facilities) Determination 2018**

The Telecommunications (Low-impact) Facilities Determination 2018 exempts telecommunications infrastructure classified as "low impact" from compliance with State and Local Government regulations. This classification relates primarily to visual appearance and size, rather than emissions.

**Industry Code for the Mobile Phone Base Station Deployment (C564:2020)**

The Code is designed to:

- Allow the community and Councils to have greater participation in decisions made by carriers when deploying mobile phone base stations
- Provide greater transparency to local community and Councils when a carrier is planning, selecting sites for, installing and operating Mobile Phone Radiocommunications Infrastructure.

Although the Code cannot change the regulatory and legislative regime at Local, State or Federal level, it supplements the existing requirements already imposed on carriers by requiring them to consult with the local community and to adopt a precautionary approach in planning, installing and operating Mobile Phone Radiocommunications Infrastructure.

## 2.2. State legislation

**State Environmental Planning Policy (Transport and Infrastructure) 2021**

The Transport and Infrastructure SEPP prescribes circumstances where the development of telecommunications facilities can be carried out as:

- Exempt development
- Development permitted without consent (an assessment process under Part 5 of the EP&A Act is required)
- Complying development
- Development permitted with consent

It also outlines relevant requirements relating to notification, site selection, design, construction and operation.

**State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

The Codes SEPP allows certain types of communications dishes (radio and satellite) to be installed as exempt development.

**NSW Telecommunications Facilities Guideline, Including Broadband 2022**

The Guideline outlines the State-wide planning provisions and development controls for telecommunications facilities in NSW contained in the Transport and Infrastructure SEPP and provides guidance to facilitate the roll out of broadband in NSW.

# 3. Consultation requirements for low-impact facilities

While development consent is not required for low-impact facilities, as part of a carrier's consultation obligations, Council requires a written notification demonstrating compliance with the relevant sections of the Code and provision of the information listed in the checklist (Appendix 1). Other consultation requirements for low-impact facilities include:

- The carrier is to consult with the affected community, irrespective of Council boundaries, as required by the Code
- The applicant is to consult with Council about a consultation strategy
- Consultation must be commensurate with the anticipated impact of the facility
- The applicant must make reasonable endeavours to conduct consultation in such a way that local communities are informed about the proposal and able to comment on it
- For each proposed facility, a sign must be erected notifying the intention of the carrier to erect infrastructure on site and providing the name and contact details of the carrier, consistent with the Code
- For each completed facility, a permanent and legible weatherproof sign must be publicly visible in the immediate proximity of the facility and visible to the public, to identify the name and contact details of the operator or site manager, consistent with the Code
- The applicant must provide Council and any other interested party with the results of its community consultation undertaken for facilities covered by the LIF Determination

# 4. Development Application lodgement requirements

The applicant is to provide information about the existing infrastructure of that carrier in the area to assist with Council's consideration of this application.

The applicant is to provide Council with:

- Its rationale for deciding the category or type of the development (i.e. low-impact facility or non-low impact facility)
- An EMR assessment in accordance with the ARPANSA prediction methodology and report format as described in the Code
- A 360° prediction map of exposure levels at 1.5m above publicly accessible surfaces within a 300m radius including a list of sensitive land use locations, or for other sites upon request
- The information listed in the checklist (see Appendix 1)
- Photomontage/s of the proposed facility in context of the location
- The results of any community consultation process
- Statement of Environmental Effects (SEE)
- Site and locality analysis. Refer to Section 5 of this DCP for further requirements on site/locality analysis

Telecommunication facility (i.e. mobile) providers must provide compliance evidence that indicates that exposure details contained in the application are true, accurate, and consistent with the Code. Other radiocommunication infrastructure providers must provide an EMR compliance certificate as to exposure details in the application.

# 5. Design controls

## 5.1. Visual amenity

**Controls**

a) Antennas, cabinets and supporting infrastructure should be designed to minimise or reduce the visual and cumulative visual impact from the public domain and adjacent areas
b) Within the local context, the infrastructure design must take account of:
    i. Colour
    ii. Texture
    iii. Form
    iv. Bulk and scale
c) Infrastructure must:
    i. Be well-designed
    ii. Be integrated with the existing building structure unless otherwise justified in writing to Council
    iii. Have concealed cables where practical and appropriate
    iv. Be unobtrusive where possible
    v. Be consistent with the character of the surrounding area
d) Minimise the visual impact of a telecommunications or radiocommunication facility by:
    i. Integrating the facility with the design and appearance of any building or structure on, or within which it is located
    ii. Screening any equipment associated with the facility to reduce its visibility
    iii. Avoiding the obstruction of views of significant vistas, significant landmarks or items of environmental heritage
    iv. Locating the facility away from the street frontage as much as practicable
    v. Ensuring that the scale, colour and finishes of the facility are in keeping with the streetscape and locality
e) Infrastructure must be removed when no longer being used. The site must be restored following construction of the infrastructure.

## 5.2. Co-location

Co-location is the practice of locating several different telecommunication facilities, often owned by different carriers, on one facility or structure. Co-location may not always be a desirable option where:

- Cumulative emissions are a consideration
- It may be visually unacceptable
- There are physical and technical limits to the amount of infrastructure that structures can support
- The required coverage cannot be achieved from the location.

**Controls**

a) Co-locate facilities (where possible), or demonstrate why the co-location with other facilities in the vicinity is not viable
b) Demonstrate a precautionary approach and effective measures to minimise any negative impacts of co-location.

## 5.3. Location

**Controls**

a) Demonstrate that, in selecting a site, that the applicant has adopted a precautionary approach regarding minimising EMR exposures consistent with the Code. Preferred locations and land uses (as determined by Randwick City Council) include:
    i. Industrial areas
    ii. Special uses where co-location arises, such as university and port uses
    iii. Business centres.
b) Demonstrate particular consideration of likely sensitive land uses. Sensitive land uses may include areas:
    i. Where occupants are located for long periods of time (e.g. residences, retirement villages)
    ii. That are frequented by children (e.g. schools, childcare centres, playgrounds).

## 5.4. Heritage and environment

While infrastructure proposed for areas of environmental significance cannot be carried out as low-impact facilities under the LIF Determination, the Infrastructure SEPP permits certain development in areas of environmental significance to be carried out as exempt or complying development or development permitted without consent.

**Controls**

If development consent is required, the applicant must:

a) Demonstrate how the proposed facility avoids or minimises the visual impact on the heritage significance of heritage items and heritage conservation areas
b) Provide a heritage impact report/statement if the proposal involves a heritage item or is located within a Heritage Conservation Area (HCA)
c) Demonstrate how the proposed facility avoids or minimises the physical impact on any endemic flora and fauna during construction, maintenance, and operation. Refer to the RLEP Terrestrial Biodiversity Map for location of areas with biodiversity significance.

## 5.5. Facility physical design controls

**Controls**

a) Infrastructure must be of high-quality design and construction. Proposals should consider the range of available alternate infrastructure including new technologies, to minimise unnecessary or incidental EMR emissions and exposures, as required under the Code
b) The plan for the facility must include measures to restrict public access to the antenna(s). Approaches to the antenna(s) must contain appropriate signs warning of EMR and providing contact details for the facility(ies) owner/manager
c) Where relevant, proposals must comply with the NCC for purposes of construction and the relevant exposure levels as directed by the Australian Communications Authority

(ACA). Provide Council with certification about the standards with which the facility will comply

d) Proposals must include details on measures taken to ensure public safety for antennas with respect to their structural and electrical safety. A certificate from a suitably qualified structural engineer showing conformity to *AS1170* Structural Design Actions is to be included for soundness of rooftop antennas, if required

e) Proposals should also consider:
    i. Minimising transmitter power to that required to achieve coverage requirements
    ii. Choosing or designing antenna(s) which minimise emissions in directions not required for coverage
    iii. Selecting the option that results in the lowest exposures (if alternative sites are available or if there are different options for mounting antenna(s) on a single site)

## 5.6. Facility health controls

**Controls**

a) Provide documentation to show that the proposed facility complies with the relevant Australian Exposure standard as specified by the ACA

b) Demonstrate the precautions taken to minimise EMR exposures to the public

c) Provide a mapped analysis of cumulative EMR effect of the proposal

d) Submit documentation outlining the monitoring protocols and reporting for the proposed facility to demonstrate ongoing compliance with electromagnetic exposure standards.

# Appendix 1: Checklist for low-impact facilities and non-low impact facilities

| Information requirements | Required (Yes/No) | Supplied (Yes/No) |
|---|---|---|
| Has the proponent provided Council with its information on infrastructure in this Council's jurisdiction? | | |
| Is the proposal low impact? | | |
| Is the proposal not low impact? | | |
| Has adequate justification been provided for this proposed location? | | |
| Has the proponent provided a 360° map of predicted exposure levels at 1.5m above publicly accessible surfaces within 300m radius including sensitive land use locations? | | |
| Has the proponent provided cross sectional diagrams? | | |
| Has the proponent provided a photo montage of the facility in context of the location? | | |
| Has the proponent provided a community consultation proposal where required under the Code? | | |
| Has the proponent provided a heritage report/impact statement in accordance with Council's LEP (if required)? | | |
| Has the proponent provided professional certification that exposure details contained in the application are true and accurate? | | |
| **Location** | | |
| Has the proponent demonstrated that, in selecting a site, it has adopted a precautionary approach regarding minimising Electromagnetic Radiation exposures? | | |
| Is the facility in a preferred land use area? | | |
| If the facility is in a sensitive area? | | |
| **Site analysis** | | |
| Is the proposed site within 300m of a retirement village, school, hospital, childcare centre, playground, or on a listed item of environmental heritage? | | |
| Has the proponent submitted a scaled site and adjacent locality analysis plan showing: | | |
| • Existing vegetation | | |
| • Site boundaries and dimensions | | |

| | | |
|---|---|---|
| • Topography | | |
| • Location of existing buildings | | |
| • Views to and from the proposed site | | |
| • Location of sensitive land uses | | |
| **Public consultation** | | |
| Has the proponent consulted with affected adjoining Councils (where relevant)? | | |
| Has the proponent consulted with Council about how best to conduct community consultation? | | |
| Does the proposal provide for visible permanent signage on site? | | |
| Has the proponent advised relevant community groups? | | |
| Has the proponent placed an advertisement in the local paper (if appropriate)? | | |
| Has the proponent conducted a public meeting (if appropriate)? | | |
| Has the proponent provided Council with the results of its community consultation process? (if appropriate) | | |
| Has the proponent adequately considered the issue of non-English speaking communities? | | |
| Has the proponent erected a sign on site notifying of its intention to construct that provides its contact details for facilities covered by the LIF Determination? | | |
| **Design controls/Council's requirements** | | |
| **1. Visual amenity** | | |
| Has the facility been designed to minimise visual impact from the public domain? | | |
| Does the design minimise or reduce the cumulative visual impact from the public domain? | | |
| Does the design take account of: | | |
| • Colour | | |
| • Texture | | |
| • Form | | |
| • Bulk and scale | | |
| Is the facility: | | |
| • Well designed | | |

| | | |
|---|---|---|
| • Integrated with existing building structure | | |
| • Incorporating concealed cables | | |
| • Integrating the shelters with building structure | | |
| • Unobtrusive | | |
| • Consistent with character of the surrounding area | | |
| Does the plan include removal of the infrastructure when it is redundant? | | |
| Does the plan include restoration of the site following construction of the infrastructure? | | |
| **2. Co-location** | | |
| Does the plan require co-location? If so: | | |
| • Does it result in an unacceptable visual impact? | | |
| • Does it minimise cumulative emissions for neighbouring residents or other sensitive land uses? | | |
| **3. Environment and heritage** | | |
| Is the infrastructure in a heritage area/on a heritage building/in the vicinity of heritage items requiring development consent? | | |
| Have measures been implemented to reduce visual impact on the heritage item or conservation area? | | |
| Has the proponent provided a heritage impact report/ statement? | | |
| Has the proponent considered minimising physical impact on flora & fauna? | | |
| **4. Facility physical design controls** | | |
| Has the carrier demonstrated that the infrastructure is of high-quality design and construction? | | |
| Does the plan include measures to restrict public access to the antenna(s)? | | |
| Does the facility comply with the National Construction Code (NCC) (not relevant for facilities covered by the LIF Determination) and other relevant Australian standards? | | |
| Has the proponent supplied a certificate showing conformity to AS1170 for rooftop antennas, if required? | | |
| **5. Facility health controls** | | |
| Has the proponent demonstrated the measures it has taken to minimise Electromagnetic Radiation exposures in the adjacent area? | | |

| | | |
|---|---|---|
| Has the proponent provided a statement that the proposed facility complies with the relevant Australian exposure standard? | | |
| Are any emissions other than electromagnetic expected? | | |
| Has the proponent provided documentation demonstrating the measures taken to ensure ongoing monitoring and compliance with electromagnetic exposure standards and levels? | | |

# SECTION B – Undergrounding of power lines

## 1. Introduction

**Explanation**

This section provides objectives and controls to facilitate the undergrounding of infrastructure across Randwick City. Undergrounding of overhead power lines and associated infrastructure can significantly improve the urban environment by reducing clutter and enhancing the visual amenity of the public domain. It can also provide an opportunity for street trees to grow to their natural height, enrich business and commercial activity by facilitating a pleasant pedestrian experience, and reduce potential safety hazards associated with exposure to uninsulated wires.

This section of the DCP should be read in conjunction with:

- Part A – Introduction
- Part B - General Controls
- Part C2- Medium Density Residential
- Part D – Location Specific Controls, Commercial Centres (E2) of this DCP
- Other parts of the DCP for specific development types, locations or sites, if relevant to the application.

**Objectives**

The objectives of undergrounding power lines are to:

1. Improve the visual amenity of the public domain and provide a pleasant pedestrian and transport user experience
2. Ensure utility services and power lines are appropriately located and integrated with the public domain
3. Enhance the appearance and amenity of the development
4. Reduce potential safety hazards and tree pruning maintenance costs
5. Facilitate revitalisation of the urban environment.
6. Support tree canopy growth across Council.
7. Have means by which the extent of overhead cabling is reduced progressively as development takes place.

# 2. Pathways for undergrounding

## 2.1. Council undergrounding program

**Explanation**

Randwick City Council's undergrounding program aims to improve the visual amenity of the public domain by placing overhead power lines underground in key locations through the Randwick LGA. Centres such as Kensington and Kingsford Town Centres and Coogee Bay Road, Coogee Beach currently have power supply and services undergrounded. Street lighting, traffic lights and signage and banners are provided on Smart Poles in these centres. Cost savings, efficiencies and reduced disruption are possible when undergrounding of power lines takes place at the same time as site redevelopment and when upgrades of the overall streetscape are undertaken as a condition of development consent.

**Objectives**

1. Improve urban amenity and environmental outcomes by requiring undergrounding of overhead power lines.

**Controls**

a) All existing overhead service cables, including power lines, telecommunications cables and associated infrastructure within the identified precinct or streetscape, is to be placed underground in accordance with the requirements of the relevant power supply authority.
b) Where undergrounding of power is proposed, Smart Poles must be used in accordance with Council's Urban Elements Manual
c) Street lighting on proposed Smart Poles is to be provided to meet relevant Australian Standards for levels of illumination
d) Priority precincts include:
    i. Maroubra Junction
    ii. Randwick Junction
    iii. The Spot
    iv. Matraville Town Centre
    v. Well Located Housing Areas (formally HIAs)
    vi. E1 Local Centres (subject to Council assessment)
    vii. Foreshore Scenic Protection Area (FSPA) (subject to Council assessment)

## 2.2. Development funded power line undergrounding

**Explanation**

When major redevelopments occur in Commercial Centres (E2) or Local Centres (E1), or generally throughout the Randwick LGA, there is an expectation that a contribution is made by the developer to Council, beyond simply making good the surrounding footpaths, street trees, street furniture, nature strip, to also including the undergrounding of power lines and utility services.

**Controls**

a) All existing overhead service cables, including power lines, telecommunications cables and associated infrastructure within the identified precinct or streetscape, is to be placed underground in accordance with the requirements of the relevant power supply authority
b) Based on the environmental/visual significance of the precinct/streetscape, Smart Poles may be used in accordance with Council's Urban Design Elements Manual
c) Street lighting is to be provided to meet relevant Australian Standards for levels of illumination
d) No existing street trees can be lost due to trenching works.
e) Funding of the undergrounding of power lines and services is fully the responsibility of the developer/owner of the development site
f) This requirement applies to development sites that exceed $10 million in estimated construction cost or deliver 12 dwellings or more
g) The contract, scope of works and payment arrangements are to be addressed in a Voluntary Planning Agreement (VPA) between Ausgrid, Council and the Developer/Owner.
h) Restoration of public domain elements must be 'like-for-like' i.e. match existing materials and construction types. As a minimum:
    i. Roadway: Asphalt, concrete, or asphalt over concrete to match existing.
    ii. Kerb and Gutter: Concrete or stone to match existing.
    iii. Footpath: Concrete or brick paving (where existing or appropriate) to match existing.
    iv. Driveways and Paved Footpaths: Must comply with Council's specification for the Construction of Brick Footpath Paving. Paving that gives the impression of private ownership of Council land (e.g. nature strips) is not permitted.

## 2.3. Resident initiated power line undergrounding

**Explanation**

Council supports resident-initiated proposals to underground power lines and services within a given street or area.

**Controls**

a) All existing overhead service cables, including power lines, telecommunications cables and associated infrastructure within the identified street or area, is to be placed underground in accordance with the requirements of the relevant power supply authority.
b) Based on the environmental/visual significance of the precinct/streetscape, Smart Poles may be used in accordance with Council's Urban Elements Manual.
c) Street lighting is to be provided to meet relevant Australian Standards for levels of illumination
d) No existing street trees can be lost due to trenching works.
e) Funding of the undergrounding of power lines and services is fully the responsibility of the resident or resident group
f) The contract, scope of works and payment arrangements are to be addressed in a contractual agreement between Ausgrid, Council and the Resident/s.
g) Restoration of public domain elements must be 'like-for-like' i.e. match existing materials and construction types. As a minimum:
    i. Roadway: Asphalt, concrete, or asphalt over concrete to match existing.
    ii. Kerb and Gutter: Concrete or stone to match existing.
    iii. Footpath: Concrete or brick paving (where existing or appropriate) to match existing.

iv. Driveways and Paved Footpaths: Must comply with Council's specification for the Construction of Brick Footpath Paving. Paving that gives the impression of private ownership of Council land (e.g. nature strips) is not permitted.

h) Council considers areas of high environmental values, including sites within the Foreshore Scenic Protection Area (FSPA) to be of priority.

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