



# **TELECOMMUNICATIONS AND RADIOCOMMUNICATIONS DEVELOPMENT CONTROL PLAN**

**Adopted: 11 September 2007**

**Effective: 1 October 2007**

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# 1 Introduction

## 1.1 Introduction

This DCP applies to telecommunications and radiocommunications infrastructure (including broadcasting infrastructure covered under the Telecommunications Act 1997 and the Radiocommunications Act 1992). There are two categories of facilities:

- “low impact facilities”
- “not low impact facilities”.

Council does not have regulatory control over “**low impact facilities**”. These are facilities described in the Commonwealth Government’s Telecommunications (Low Impact Facilities) Determination 1997 (LIF Determination - see Appendix 1) which exempts low impact facilities from State and Territory planning and environmental laws. These facilities must comply with the Telecommunications Code of Practice 1997 which is administered by the Australian Communications and Media Authority.

In addition to State and Federal regulations there is a registered industry code established by the Australian Communications Industry Forum (ACIF) called Deployment of Mobile Phone Infrastructure C564:2004 (the “ACIF Code”). The Code supplements the requirements already imposed on carriers under the existing legislative scheme by requiring them to consult with the local community and to adopt a precautionary approach in planning, installing and operating telecommunications infrastructure.

Council is the consent authority for facilities that require development consent under the Environmental Planning and Assessment Act 1979 (those that are not listed as “low impact facilities”). These facilities are referred to as “**not low impact facilities**”.

This DCP provides:

- controls and guidelines for the siting, design and installation of telecommunications and radiocommunications facilities that require development consent from Council (“not low impact facilities”), and
- information to assist the community to understand the planning and legislative requirements for telecommunication facilities.

While the DCP does not apply to low impact facilities, it may nevertheless assist as guidelines for telecommunications carriers for the siting, design and installation of “low impact” facilities.

## **1.2 Citation**

This Development Control Plan (DCP) is called the Telecommunications and Radiocommunications Development Control Plan 2007.

## **1.3 Area to which this plan applies**

This DCP applies to all land within Randwick City Local Government Area.

## **1.4 Commencement**

This DCP commenced on 1 October 2007.

## **1.5 To what facilities does this plan apply?**

This plan applies to any fixed transmitter, its supporting infrastructure and ancillary development which are termed “Not Low Impact Facilities” under the following legislation:

- Telecommunications Act 1997; and
- Radiocommunications Act 1992.

The DCP does not apply to ‘low impact facilities’, including temporary emergency services which are identified in the Telecommunications (Low-impact Facilities) Determination 1997 [LIF Determination] (refer Appendix 1 of this DCP).

## 1.6 What is the purpose of this plan?

The purpose of this plan is:

- to provide a consistent and integrated planning framework that addresses the local community's interests in the effective, efficient and suitable provision of telecommunications and radiocommunications infrastructure so that it achieves environmental, economic and social sustainability in the short, medium and long term;
- to provide a consistency of approach which assists carriers, the local community and Council;
- to balance the needs of different stakeholders, including the local community, industry, Council, State and Federal Government, and
- to provide guidance to carriers about Council's planning, design and consultation requirements.

## 1.7 Definitions

The terms, used in this document, have the following meanings. The definitions included here are for the purpose of clarification only and do not supplant the definitions in legislation.

**Co-located facilities** one or more facilities on or within an original facility or a public utility structure

**Co-siting:** the siting of a number of telecommunication facilities, often owned by different carriers, in one location

**Communications facility** means a building, structure, work or place used primarily for transmitting or receiving signals for the purpose of communication, and includes radio masts, towers, satellite dishes, cables and the like, but does not include any reception device attached to a dwelling for domestic purposes.

**Cumulative impact** the impact of radiation from various sources or over time

**Electromagnetic radiation (EMR)** 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 1997 of the Commonwealth made under the Telecommunications Act 1997 of the Commonwealth.

(note: these facilities are exempt from State and Council planning under the Telecommunications (Low-Impact Facilities) Determination 1997 – refer Appendix 1)

**Public utility undertaking** means any undertaking carried on by, or by authority of, any public authority, or in pursuance of any Commonwealth or State Act, for the purpose of:

- (a) railway, road or air transport, or
- (b) the provision of sewerage or drainage services, or
- (c) the supply of water, hydraulic power, electricity or gas, or
- (d) low-impact telecommunication facilities.

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

**Telecommunications facility** any part of the infrastructure of a Telecommunications Network. It includes any telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or for use in connection with a Telecommunications Network.

**Telecommunications Network** a system, or series of systems, that carries, or is capable of carrying, communications by means of guided and/or unguided electromagnetic radiation

## **2 Objectives**

The objectives of this plan are to ensure the effective, efficient and suitable provision of telecommunications and radiocommunications infrastructure so that it achieves social, environmental and economic sustainability, specifically:

### **2.1 Social**

The social objectives of this plan are to:

- apply a precautionary approach to the deployment of telecommunications and radio-communications infrastructure;
- minimise EMR exposure to the public;
- avoid community sensitive locations;
- ensure that the general public and local communities have access to telecommunications technology;
- achieve equity for the various stakeholders by endeavouring to balance their various needs;
- enable the community to adequately identify infrastructure and the agencies responsible for them;
- outline the planning process to ensure that the community is adequately informed and empowered to participate in the planning/decision-making process.

### **2.2 Environmental**

The environmental objectives of this plan are to:

- help implement principles of quality urban design in respect to telecommunications and radiocommunications infrastructure;
- ensure infrastructure is visually compatible with surrounding character and locality/visual context with particular regard to heritage buildings/areas and cultural icons;
- minimise adverse impacts on the natural environment;
- assess whether the proposed infrastructure is consistent with the amenity of the area;
- ensure sites are restored after discontinuation or removal of infrastructure.



## **2.3 Economic**

The economic objectives of this plan are to:

- identify the type of land use areas suitable for this type of infrastructure in a local government area;
- accommodate the planning requirements of new technology;
- assess whether the proposed infrastructure is consistent with permitted development in adjacent areas;
- ensure reasonable access to telecommunications technology;
- provide certainty for stakeholders and a consistent approach to the implementation/assessment of telecommunications infrastructure.

### **3 How does this plan relate to other plans/legislation?**

#### **3.1 Commonwealth legislation**

##### **3.1.1 *Telecommunications Act 1997***

The Telecommunications Act 1997 establishes a regime for Carriers' rights and responsibilities when inspecting, maintaining or installing both 'low-impact' and 'not low impact' telecommunications facilities.

##### **3.1.2 *Radiocommunications Act 1992***

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

##### **3.1.3 *Telecommunications Code of Practice 1997***

The Telecommunications Code of Practice 1997 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.

##### **3.1.4 *Telecommunications (Low-impact Facilities) Determination 1997***

The Telecommunications (Low-impact) Facilities Determination 1997 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.

##### **3.1.5 *Code for the Deployment of Mobile Phone Infrastructure (ACIF C564:2004)***

This Code (Appendix 2) derives its authority from the Telecommunications Act 1997 and applies only to telecommunications carriers and their infrastructure. It does not apply to other broadcasters, councils or other agencies. It requires carriers to apply a precautionary approach to site selection and the design and operation of infrastructure; to consult with councils and communities regarding siting; to provide information to the public and to implement a complaints handling procedure. It applies to both low impact and not-low-impact facilities.

## **3.2 New South Wales State Government**

### **3.2.1 *Environmental Planning and Assessment Act 1979***

To meet Council's obligations to achieve environmental, economic and social sustainability, this DCP has been prepared in accordance with Section 74C of the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation 2000.

### **3.2.2 *Local Government Act 1993 (as amended)***

This DCP assists Council to fulfil its obligations under the Local Government Act 1993 by having regard to the principles of ecologically sustainable development, including application of the precautionary principle.

### **3.2.3 *Department of Planning (former Planning NSW) Draft Telecommunications Guidelines***

Planning NSW introduced guidelines for councils in respect to preparing any DCP or providing guidance on telecommunications infrastructure. The purpose of these guidelines is to provide advice on appropriate and consistent planning controls for telecommunications facilities across the State. The guidelines also seek to promote an approach that provides for better information and communication.

## **3.3 NSW Local Government**

### **3.3.1 *Council's planning instruments, codes, policies and statutory requirements***

The Randwick City Plan sets the direction for Randwick City over the next 20 years; the key elements of the City Plan will be reflected in all Council's planning (including this DCP), infrastructure, management and budget documents.

The Randwick Local Environmental Plan 1998 includes definitions for 'communication facility', 'low-impact telecommunication facility' and 'public utility undertaking'. Under the Randwick LEP 1998, public utility undertakings (which include low-impact telecommunication facilities) do not require consent in all zones other than Zone No 8 (National Parks Zone). Communication facilities are permissible with consent in all residential, business, industrial, Port Botany, special uses and open space zones. In Zone 7 (Environmental Protection) and Zone 8 (National Parks) consent is required and development must either be consistent with an approved plan of management or the National Parks and Wildlife Act, 1974.

This DCP is consistent with the aims and objectives of the City's relevant planning instruments.

## 4 Does your proposal need Council consent?

By law, new infrastructure requires Council consent unless it is exempted by other legislation such as the Low Impact Facilities Determination (LIF Determination) or is classified as exempt or complying development in Randwick Local Environmental Plan 1998.

### Low Impact Facilities - Consultation

Development consent is not required for low-impact facilities. However, as part of a carrier's consultation obligations, a written submission to Council must demonstrate the proposal's compliance with the relevant sections of the ACIF Code. The carrier, while not required, may also supply the information listed in the information checklist at Appendix 3. The carrier may also consider the Design Controls contained in Section 6 of this DCP and information regarding facility design contained in *Low Impact Facilities for Better Visual Outcomes* prepared by the Mobile Carriers Forum that can be accessed through <http://www.mcf.amta.org.au>.

For facilities covered by the LIF Determination, the carrier must consult with the potentially affected community, irrespective of Council boundaries, as required by the ACIF Code. The carrier 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 ACIF 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 general public, to identify the name and contact details of the operator or site manager, consistent with the ACIF Code.

The applicant must provide Council with the results of its community consultation undertaken for facilities covered by the LIF Determination.

## **5 Making an application**

### **5.1 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 that the proposal is a not-low-impact facility;
- an EMR assessment in accordance with the ARPANSA prediction methodology and report format as described in the ACIF Code;
- a 360° prediction map of exposure levels at 1.5m above publicly accessible surfaces within 300 m and listed as a likely community sensitive location at 5.1(c) in the ACIF Code, or for other sites upon request;
- the information listed in the checklist (see Appendix 3);
- photo montage/s of the proposed facility in context of the location;
- the results of any community consultation process;
- statement of environmental effects; and
- site and locality analysis.

Upon request, the applicant is to provide extra documentation such as a heritage impact statement, should the site be identified adjacent to a heritage item or within a heritage conservation area.

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

### **5.2 Site and Locality Analysis**

A site and locality analysis establishes the development context by showing graphically the constraints and opportunities of the proposed site in relation to existing land uses and existing buildings in the immediate surroundings and the environment

generally. It should influence the suitability of the proposed location and the design.

A site and locality analysis plan is to be submitted with all applications and should indicate in relation to the proposed site for a radius of 300 metres:

- existing vegetation;
- site boundaries and dimensions;
- topography;
- location of existing buildings;
- views to and from the proposed site; and
- location of any sensitive land use within the adjacent area such as schools, child care centres, parks and recreational areas/reserves.

The site and locality analysis must be to scale.

A written statement explaining how the design of the facility has responded to the site analysis is also required to be submitted with all applications.

### **5.3 Statement of Environmental Effects**

A written statement is to be prepared and must explain how the proposed radiocommunications or telecommunications facility has responded to the site analysis and the objectives of the Randwick LEP 1998 and this DCP.

This statement is to demonstrate how the precautionary principle has been applied in the siting, design and operation of the proposed facility as identified in the ACIF Codes (refer Appendix 2).

### **5.4 Public notification/consultation**

Development applications are to comply with Council's DCP on public notification.

Details of consultation requirements for 'low impact facilities' are contained in Section 4 above.

## 6 Design Controls

The application is required to consider the following design controls.

### 6.1 Visual amenity

- i) Antennas and supporting infrastructure should be designed to minimise or reduce the visual and cumulative visual impact from the public domain and adjacent areas.
- ii) Within the local context, the infrastructure design must take account of:
  - colour;
  - texture;
  - form;
  - bulk; and
  - scale.
- iii) Infrastructure must:
  - be well-designed;
  - be integrated with the existing building structure unless otherwise justified in writing to Council;
  - have concealed cables where practical and appropriate;
  - be unobtrusive where possible; and
  - be consistent with the character of the surrounding area.
- iv) Minimise the visual impact of a telecommunications or radiocommunication facility by any one or more of the following:
  - by integrating the facility with the design and appearance of any building or structure on or within which it is located;
  - by screening any equipment associated with the facility so as to reduce its visibility;
  - by avoiding the obstruction of views of significant vistas, significant landmarks or items of environmental heritage;

- by ensuring that the facility as installed is in keeping with the streetscape;
  - by ensuring that the colour and finish of the facility are in keeping with the locality; and
  - by ensuring that the scale of the facility is in keeping with the locality, bearing in mind that the scale may be affected by the intended coverage of the facility.
- v) Infrastructure must be removed when no longer being used. The site must be restored following construction of the infrastructure.

## **6.2 Co-location**

Co-location is the practice of locating a number of 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 are able to support; or
  - the required coverage cannot be achieved from the location.
- i) Co-locate facilities (where possible) or demonstrate why the co-location with other facilities in the vicinity is not viable;
- ii) Demonstrate a precautionary approach and effective measures to minimise any negative impacts of co-location.

## **6.3 Location**

- i) Demonstrate that, in selecting a site, that the applicant has adopted a precautionary approach in regards to minimising EMR exposures consistent with Section 5.1 of the ACIF Code. Preferred land uses (as determined by this Council) include:
- industrial areas;
  - special uses where co-location arises, such as university, hospital and port uses, and
  - commercial centres.



- ii) Demonstrate particular consideration of likely sensitive land uses. Sensitive land uses may include areas:
  - where occupants are located for long periods of time (e.g. residences); and
  - that are frequented by children (eg schools, child care centres).

## 6.4 Heritage and Environment

Infrastructure proposed for areas of environmental significance (as defined in LIF Determination) require development consent under the LIF Determination and Council's LEP. The applicant must:

- i) Demonstrate how the proposed facility avoids or minimises the visual impact on the heritage significance of heritage items and conservation areas;
- ii) Provide a heritage impact report/statement if the proposal involves a heritage item or is located within a heritage conservation area, and
- iii) Demonstrate how the proposed facility avoids or minimises the physical impact on any endemic flora and fauna.

Note: The Randwick LEP 1998 (clause 43) requires a report on the heritage impact for development relating to a heritage item or within a heritage conservation area.

## 6.5 Facility physical design controls

- i) 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 ACIF Code.
- ii) 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.
- iii) Where relevant, proposals must comply with the BCA 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.

- iv) Proposals should also consider:
- minimising transmitter power to that required to achieve coverage requirements
  - choosing or designing antennae which minimise emissions in directions not required for coverage
  - selecting the option that results in the lowest exposures (if alternative sites are available or if there are different options for mounting antennae on a single site).

## **6.6 Facility health controls**

- i) Provide an EMR assessment in accordance with the ARPANSA prediction methodology and report format as described in the ACIF Code.
- ii) Demonstrate the precautions taken to minimise EMR exposures to the public.
- iii) Provide a mapped analysis of cumulative EMR effect of the proposal (as per Section 5.0 - Making an Application).

## **7 Conditions of DA Consent**

The applicant is advised that the consent may be subject to a number of conditions, including but not restricted to the following:

- the colour of the telecommunications facility shall compliment its surrounds in order to reduce the structure's visibility;
- the applicant is responsible for the maintenance and upgrading of infrastructure;
- the applicant, should any emissions other than electromagnetic radiation arise from the installation and operation of the infrastructure, is to notify Council and the DEC and to recommend a preferred strategy of amelioration;
- infrastructure must be removed when it is no longer in use, including any associated structures such as screening; and
- each facility is to provide a permanent and legible weatherproof sign which must be publicly visible in the immediate proximity of the facility and is to identify the name and contact details of the operator or site manager.

## **Appendix 1**

### **Low impact Determination Commonwealth of Australia Telecommunications (Low-impact Facilities) Determination 1997 (as amended)**



# **Telecommunications (Low-impact Facilities) Determination 1997**

**as amended**

made under subclause 6(3) of Schedule 3 of the

*Telecommunications Act 1997*

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This compilation was prepared on 14 July 2004  
taking into account amendments up to *Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 1 of 1999)*

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## Part 1 Preliminary

### 1.1 Citation [see Note 1]

This determination may be cited as the *Telecommunications (Low-impact Facilities) Determination 1997*.

### 1.2 Commencement

This determination commences on 1 July 1997.

#### Background to determination

Part 1 of Schedule 3 to the *Telecommunications Act 1997* authorises a carrier to enter on land and install a facility if the facility is a low-impact facility.

Under subclause 6 (3) of Part 1, the Minister may, by written instrument, determine that a specified facility is a low-impact facility.

Under subclauses 6 (4), (5) and (7), certain facilities cannot be low-impact facilities:

- designated overhead lines
- a tower that is not attached to a building
- a tower attached to a building and more than 5 metres high
- an extension to a tower that has previously been extended
- an extension to a tower, if the extension is more than 5 metres high.

A facility cannot be a low-impact facility unless it is specified in this determination. Therefore, overhead cabling and new mobile telecommunications towers are not low-impact facilities.

Also, a facility will be a low-impact facility only if it is installed in particular areas identified in this determination. The areas have an order of importance, based on zoning under State or Territory laws, so that any area only has its “highest” possible zoning. The order of priority is:

- area of environmental significance
- residential areas
- commercial areas
- industrial areas
- rural areas.

One effect of this determination is that a facility in an area of

environmental significance cannot be a low-impact facility.

Rules for the installation and maintenance of a low-impact facility can be found in Schedule 3 to the Telecommunications Act and the Telecommunications Code of Practice 1997.

### Simplified outline of determination

The determination has 3 Parts.

Part 2 identifies areas in which a facility may be installed, by reference to zoning arrangements under State and Territory planning laws.

Part 3 and the Schedule identify the low-impact facilities.

Definitions for words and expressions used in this determination are to be found in section 1.3.

## 1.3 Definitions

In this determination:

**Aboriginal person** has the same meaning as in Schedule 3 to the Act.

**Act** means the *Telecommunications Act 1997*.

**area of environmental significance** has the meaning given by section 2.5.

**co-located facilities** means one or more facilities installed on or within:

- (a) an original facility; or
- (b) a public utility structure.

**commercial area** has the meaning given by section 2.1.

**emergency**, for the installation of a facility, means circumstances in which the facility must be installed without delay to protect:

- (a) the integrity of a telecommunications network or a facility; or
- (b) the health or safety of persons; or
- (c) the environment; or
- (d) property; or
- (e) the maintenance of an adequate level of service.

**emergency services organisation** has the same meaning as in subsection 265(11) of the Act.

**Note** At the commencement of this determination, the emergency service organisations were:

- a police force or service
- a fire service
- an ambulance service



- a service specified in the numbering plan (see Act, s455) as an emergency services organisation
- a service for despatching the force or service.

***in-building subscriber connection equipment*** means a facility installed within a building with the aim of managing and maintaining the supply of carriage services to a customer of a carrier.

***industrial area*** has the meaning given by section 2.2.

***installation***, for a facility, has the same meaning as in Part 1 of Schedule 3 to the Act.

*Note* Installation includes:

- construction of the facility
- attachment of the facility to a building or other structure
- any activity ancillary to installation.

***listed international agreement*** has the same meaning as in Schedule 3 to the Act.

*Note* Listed international agreements are agreements specified in the regulations.

***Nature Conservation Director*** means the Director of National Parks and Wildlife under the *National Parks and Wildlife Conservation Act 1975*.

***original facility*** means the original structure that is currently used, or intended to be used, for connection to a telecommunications network where the original structure was:

- in place on the date on which the *Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 1 of 1999)* took effect; or
- installed after that date by means other than in accordance with Part 7 of the Schedule.

***planning law***, for an area, means a law of the State or Territory where the area is located dealing with land use, planning or zoning.

***principal designated use***, for an area, has the meaning given by section 1.4.

***public utility*** has the same meaning as in Schedule 3 to the Act.

***public utility structure*** means a structure used, or for use, by a public utility, for the provision to the public of:

- reticulated products or services, such as electricity, gas, water, sewerage or drainage; or
- carriage services (other than carriage services supplied by a carriage service provider); or
- transport services; or
- a product or service of a kind that is similar to a product or service covered by paragraph (a), (b) or (c).

***relevant local government authority***, for land in a State or Territory, means an authority of the State or Territory responsible for the local government of the area where the land is located.

***residential area*** has the meaning given by section 2.3.

***rural area*** has the meaning given by section 2.4.

**significant environmental disturbance** means significant interference with the relationship between a species or community and its immediate environment or habitat and includes, for example, significant interference with identified flora and fauna, ecological communities, geological features, wilderness values or scientific values within an area.

**subscriber connection** means an installation for the sole purpose of connecting premises to a telecommunications network.

**Torres Strait Islander** has the same meaning as in Schedule 3 to the Act.

**tower** means a tower, pole or mast.

*Note* A number of other words and expressions used in this determination are defined in the *Telecommunications Act 1997* (see s7), including ‘carrier’ and ‘facility’.

**volume** means the apparent volume of materials that constitute:

- (a) co-located facilities; or
  - (b) an original facility; or
  - (c) a public utility structure;
- where the materials are visible from a point outside the co-located facilities, original facility or public utility structure.

#### 1.4 Principal designated use

- (1) If an area is described, under a planning law, as having a sole or principal use, the use is the **principal designated use** of the area.
- (2) If an area is described, under a planning law, as having 2 or more uses, in terms that show that 1 of the uses is the predominant, preferred or most likely use, the use is the **principal designated use** of the area.
- (3) If an area is described, under a planning law, as having 2 or more principal uses, without any indication of the predominant, preferred or most likely use, the **principal designated use** of the area is determined on the following basis:
  - (a) if the uses include residential purposes, the principal designated use is for residential purposes;
  - (b) if the uses include commercial purposes, but not residential purposes, the principal designated use is for commercial purposes;
  - (c) if the uses include industrial purposes, but neither residential nor commercial purposes, the principal designated use is for industrial purposes.
- (4) If a carrier proposes to engage in a low-impact facility activity in an area under Chapter 4 of the *Telecommunications Code of Practice 1997*, the principal designated use of the area is to be determined by reference to the time when the carrier proposes to issue the first notice to the owner or occupier of land in the area under Part 5 of that Chapter.

*Note* Areas of environmental significance are identified in accordance with section 2.5, not by reference to planning laws.

The effect of this determination is that an area may be an area of environmental significance, and also a residential, commercial, industrial or rural area identified by reference to planning laws. However, the area’s status as an area of environmental significance is more important for the identification of low-impact facilities.

## Part 2 Areas

### 2.1 Commercial area

An area is a commercial area if its principal designated use is for commercial purposes.

*Note* The use of an area is to be assessed at the time mentioned in subsection 1.4(4).

### 2.2 Industrial area

An area is an industrial area if its principal designated use is for industrial purposes.

*Note* The use of an area is to be assessed at the time mentioned in subsection 1.4(4).

### 2.3 Residential area

- (1) An area is a residential area if its principal designated use is for residential purposes.
- (2) A part of a built-up area is a residential area if it cannot otherwise be described as a commercial, industrial or rural area.

*Note* The use of an area is to be assessed at the time mentioned in subsection 1.4(4).

### 2.4 Rural area

- (1) An area is a rural area if its principal designated use is for rural purposes.
- (2) An area that is not part of a built-up area is a rural area if it cannot otherwise be described as a commercial, industrial or residential area.

*Not* The use of an area is to be assessed at the time mentioned in subsection 1.4(4).

### 2.5 Area of environmental significance

- (1) An area is an area of environmental significance if it is identified property for section 3A of the *World Heritage Properties Conservation Act 1983*.
- (2) An area is an area of environmental significance if it is an identified property (within the meaning of section 3A of the *World Heritage Properties Conservation Act 1983*).
- (3) An area is an area of environmental significance if it is a place that Australia is required to protect by the terms of a listed international agreement.
- (4) An area is an area of environmental significance if, under a law of the Commonwealth, a State or a Territory:
  - (a) it is designated as a reserve for nature conservation purposes; and

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- (b) the principal purpose of the designated reserve is for nature conservation.
- (5) An area is an area of environmental significance if it is an area that, under a law of the Commonwealth, or a State or Territory, is protected from significant environmental disturbance.
- (6) An area is an area of environmental significance if it is entered in the Register of the National Estate or the Interim List for that Register.
- (7) An area is an area of environmental significance if, under a law of the Commonwealth, a State or a Territory, it consists of a place, building or thing that is entered in a register relating to heritage conservation.
- (8) An area is an area of environmental significance if, under a law of the Commonwealth, a State or a Territory, it is:
- (a) entered in a register; or
  - (b) otherwise identified;
- as being of significance to Aboriginal persons or Torres Strait Islanders, in accordance with their traditions.

## Part 3 Low-impact facilities

### 3.1 Facilities

- (1) A facility described in column 2 of an item in the Schedule is a low-impact facility only if it is installed, or to be installed, in an area mentioned in column 3 of the item.
- (2) However, the facility is not a low-impact facility if the area is also an area of environmental significance.
- (3) For subsection (1), trivial variations for a facility mentioned in column 2 are to be disregarded.
- (4) A facility that is ancillary to a facility covered by subsection (1) is also a low-impact facility only if it is installed, or to be installed, solely to ensure the protection or safety of:
  - (a) the low-impact facility; or
  - (b) persons or property in close proximity to the low-impact facility.

## Schedule Facilities and areas

(section 3.1)

### Part 1 Radio facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Subscriber connection deployed by radio or satellite terminal antenna or dish: (a) not more than 1.2 metres in diameter; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local authority	Residential Commercial Industrial Rural
1A	Subscriber connection deployed by radio or satellite terminal antenna or dish: (a) not more than 1.8 metres in diameter; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local government authority	Industrial Rural
2	Panel, yagi or other like antenna: (a) flush mounted to an existing structure; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local authority	Residential Commercial Industrial Rural
3	Panel, yagi or other like antenna: (a) not more than 2.8 metres long; and (b) if the antenna is attached to a structure — protruding from the structure by not more than 3 metres; and (c) either: (i) colour-matched to its	Residential Commercial Industrial Rural

Column 1 Item no.	Column 2 Facility	Column 3 Areas
	background; or (ii) in a colour agreed in writing between the carrier and the relevant local authority	
4	An omnidirectional antenna or an array of omnidirectional antennas: (a) not more than 4.5 metres long; and (b) not more than 5 metres apart; and (c) if the array is attached to a structure — protruding from the structure by not more than 2 metres	Industrial Rural
5	Radiocommunications dish: (a) not more than 1.2 metres in diameter; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local government authority; and (c) if attached to a supporting structure, the total protrusion from the structure is not more than 2 metres	Residential Commercial Industrial Rural
5A	Radiocommunications dish: (a) not more than 1.8 metres in diameter; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local government authority	Industrial Rural
6	Microcell installation with: (a) a cabinet not more than 1 cubic metre in volume; and (b) a separate antenna not more than 1 metre long	Residential Commercial Industrial Rural
7	In-building coverage installation: (a) to improve cellular coverage to mobile phone users operating inside a building; and (b) wholly contained and concealed in a building	Residential Commercial Industrial Rural

Column 1 Item no.	Column 2 Facility	Column 3 Areas
8	Equipment installed inside a structure, including an antenna concealed in an existing structure	Commercial Industrial Rural
9	An extension to a tower if: (a) the height of the extension does not exceed 5 metres; and (b) there have been no previous extensions to the tower	Industrial Rural

## Part 2 Underground housing

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Pit with surface area of not more than 2 square metres	Residential Commercial Industrial Rural
2	Manhole with surface area of not more than 2 square metres	Residential Commercial Industrial Rural
3	Underground equipment shelter or housing with surface area of not more than 2 square metres	Residential Commercial Industrial Rural

## Part 3 Above ground housing

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Pillar: (a) not more than 2 metres high; and (b) with a base area of not more than 2 square metres	Residential Commercial Industrial Rural
2	Roadside cabinet: (a) not more than 2 metres high; and (b) with a base area of not more than 2 square metres	Residential Commercial Industrial Rural



Column 1 Item no.	Column 2 Facility	Column 3 Areas
3	Pedestal: (a) not more than 2 metres high; and (b) with a base area of not more than 2 square metres	Residential Commercial Industrial Rural
4	equipment shelter: (a) not more than 2.5 metres high; and (b) with a base area of not more than 5 square metres; and (c) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local authority	Residential Commercial Industrial Rural
5	equipment shelter: (a) used solely to house equipment used to assist in providing a service by means of a facility mentioned in Part 1; and (b) not more than 3 metres high; and (c) with a base area of not more than 7.5 square metres; and (d) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local authority	Residential Commercial Industrial Rural
6	In-building subscriber connection equipment	Residential Commercial Industrial Rural
7	Solar panel with a base area of not more than 7.5 square metres	Rural

## Part 4 Underground cable facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	<p>Underground conduit or cable deployed by:</p> <p>(a) narrow trench not more than:</p> <p>(i) 450 millimetres wide; or</p> <p>(ii) 650 millimetres wide if intended to be used by more than one carrier; or</p> <p>(b) direct burial; or</p> <p>(c) bore or directional drill hole at least 600 millimetres below the surface;</p> <p>where:</p> <p>(d) access to business premises is not restricted between the hours of 8 am and 6 pm, Monday to Friday, or such other hours agreed to by the relevant local government authority; and</p> <p>(e) in relation to residential areas, not more than 100 metres of excavation is left open at any time and vehicle access to each property is not lost for more than 8 hours in total</p>	<p>Residential</p> <p>Commercial</p> <p>Industrial</p> <p>Rural</p>
2	<p>Conduit or cabling to be laid in:</p> <p>(a) an existing trench; or</p> <p>(b) a trench created by a developer, relevant local government authority, public utility or carrier.</p>	<p>Residential</p> <p>Commercial</p> <p>Industrial</p> <p>Rural</p>
3	Cable location marking post or sign	<p>Residential</p> <p>Commercial</p> <p>Industrial</p> <p>Rural</p>

## Part 5 Public payphones

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Public payphone cabinet or booth: (a) used solely for carriage and content services; and (b) not designed for other uses (for example, as a vending machine); and (c) not fitted with devices or facilities for other uses; and (d) not used to display commercial advertising other than advertising related to the supply of standard telephone services	Residential Commercial Industrial Rural
2	Public payphone instrument: (a) used solely for carriage and content services; and (b) not designed for other uses (for example, as a vending machine); and (c) not fitted with devices or facilities for other uses; and (d) not used to display commercial advertising other than advertising related to the supply of standard telephone services or displayed as part of the supply of a content service	Residential Commercial Industrial Rural

## Part 6 Emergency facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	A temporary facility installed: (a) in an emergency; and (b) to provide assistance to an emergency services organisation	Residential Commercial Industrial Rural

## Part 7 Co-located facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Facility mentioned in: (a) Part 1, 5 or 6; or (b) item 3 of Part 4; installed on or within: (c) an original facility; or (d) a public utility structure	Industrial Rural
2	Facility mentioned in: (a) Part 1, 5 or 6; or (b) item 3 of Part 4; installed on or within: (c) an original facility; or (d) a public utility structure; where: (e) the total volume of the co-located facilities is no more than 25 per cent greater than the volume of the original facility or the original infrastructure; and (f) the levels of noise that are likely to result from the operation of the co-located facilities are less than or equal to the levels of noise that resulted from the operation of the original facility or the public utility structure	Residential Commercial

## Notes to the *Telecommunications (Low-impact Facilities) Determination 1997*

### Note 1

The *Telecommunications (Low-impact Facilities) Determination 1997* (in force under subclause 6 (3) of the *Telecommunications Act 1997*) as shown in this compilation is amended as indicated in the Tables below.

### Table of Instruments

Title	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Telecommunications (Low-impact Facilities) Determination 1997</i>	30 June 1997 (see <i>Gazette</i> 1997, No. S250)	1 July 1997	
<i>Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 1 of 1999)</i>	17 Aug 1999 (see <i>Gazette</i> 1999, No. S377)	17 Aug 1999	—

**TTable of AmendmentsT****Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
<b>Part 1</b>	
S. 1.3.....	am. 1999 No. 1
<b>Part 2</b>	
S. 2.5.....	am. 1999 No. 1
<b>Part 3</b>	
S. 3.1.....	am. 1999 No. 1
<b>Schedule</b>	
<b>Part 1</b>	
Part 1.....	am. 1999 No. 1
<b>Part 3</b>	
Part 3.....	am. 1999 No. 1
<b>Part 4</b>	
Part 4.....	am. 1999 No. 1
<b>Part 5</b>	
Part 5.....	am. 1999 No. 1
<b>Part 7</b>	
Part 7.....	am. 1999 No. 1

## **Appendix 2**

# **ACIF Industry Code for Deployment of Mobile Phone Infrastructure C564:2004**

The Code specifies the best contemporary practices in the areas of design, installation and operation of radiocommunications infrastructure. The Code requires the application of a precautionary approach to the deployment of radiocommunications infrastructure and contains obligations on carriers to consult.

The Code replaces ACIF C564:2002 *Deployment of Radiocommunications Infrastructure* Industry Code.

An abstract and copy of the Code can be downloaded from the Australian Communications Industry Forum website:

<http://www.acif.org.au/documents/codes/C564>

## Appendix 3

### Information Checklist for “Low Impact Facilities and “Not 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 and listed as a likely community sensitive location at 5.1(c) in the ACIF Code?		
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 ACIF 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?		
<b>Location</b>		
Has the proponent demonstrated that, in selecting a site, it has adopted a precautionary approach in regards to minimising Electromagnetic Radiation exposures?		
Is the facility in a preferred land use area?		
If the facility is in a sensitive area has it considered Australian Communications Industry Forum 5.1.4?		
<b>Site analysis</b>	<b>Yes/No</b>	<b>Yes/No</b>
Is the proposed site within 300m of a school, adjacent to a playground, child care centre or on a listed heritage item?		
Has the proponent submitted a scaled site and adjacent locality analysis plan showing:		
<ul style="list-style-type: none"> <li>existing vegetation;</li> </ul>		



<b>Information Requirements</b>	<b>Required Yes/No</b>	<b>Supplied Yes/No</b>
<ul style="list-style-type: none"> <li>• site boundaries and dimensions</li> </ul>		
<ul style="list-style-type: none"> <li>• topography</li> </ul>		
<ul style="list-style-type: none"> <li>• location of existing buildings;</li> </ul>		
<ul style="list-style-type: none"> <li>• views to and from the proposed site;</li> </ul>		
<ul style="list-style-type: none"> <li>• location of sensitive land uses?</li> </ul>		
<b>Public consultation</b>	<b>Yes/No</b>	<b>Yes/No</b>
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?		
<b>Design controls / Council's requirements</b>		
<b>1. Visual amenity</b>		
Has the facility been designed so as 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:		
<ul style="list-style-type: none"> <li>• colour;</li> </ul>		
<ul style="list-style-type: none"> <li>• texture;</li> </ul>		
<ul style="list-style-type: none"> <li>• form;</li> </ul>		
<ul style="list-style-type: none"> <li>• bulk and scale?</li> </ul>		
Is the facility?:		
<ul style="list-style-type: none"> <li>• well designed;</li> </ul>		
<ul style="list-style-type: none"> <li>• integrated with existing building structure;</li> </ul>		

Information Requirements	Required Yes/No	Supplied Yes/No
<ul style="list-style-type: none"> <li>incorporating concealed cables;</li> </ul>		
<ul style="list-style-type: none"> <li>integrating the shelters with building structure;</li> </ul>		
<ul style="list-style-type: none"> <li>unobtrusive;</li> </ul>		
<ul style="list-style-type: none"> <li>consistent with character of the surrounding area?</li> </ul>		
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?		
<b>2. Co-location</b>		
Does the plan require co-location? If so,		
<ul style="list-style-type: none"> <li>does it result in an unacceptable visual impact?</li> </ul>		
<ul style="list-style-type: none"> <li>does it minimise cumulative emissions for neighbouring residents or</li> </ul>		
<ul style="list-style-type: none"> <li>other sensitive land uses?</li> </ul>		
<b>3. Environment and heritage</b>		
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?		
<b>4. Facility physical design controls</b>		
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 Building Code of Australia (not relevant for facilities covered by the LIF Determination) and other relevant Australian standards?		
<b>5. Facility health controls</b>		
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?		