



## **DEVELOPMENT CONTROL PLAN NO.51**

### **Telecommunications and Radiocommunications**

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## 1 Introduction

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This DCP applies to telecommunications and radiocommunications infrastructure (including broadcasting infrastructure covered under the *Telecommunications Act 1997* and the *Radiocommunications Act 1992*).

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

Leichhardt Council does not have regulatory control over “low impact facilities”. These are facilities described in the *Telecommunications (Low Impact Facilities) Determination 1997* (LIF Determination - see **Appendix 1**) which exempts low impact facilities from State and Territory planning and environmental laws.

This DCP provides:

- controls for the siting, design and installation of telecommunications and radiocommunications facilities that require development consent from Council, and
- guidelines for telecommunications carriers for the siting, design and installation of “low impact” facilities.

## 2 Definitions

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

|  |   |
|--|---|
| <b>Applicant</b>                       | applies to infrastructure providers and their agents  |
| <b>Co-located facilities</b>           | one or more facilities on or within an original facility or a public utility structure  |
| <b>Co-siting</b>                       | the siting of a number of telecommunication facilities, often owned by different carriers, in one location  |
| <b>Cumulative impact</b>               | the impact of radiation from various sources or over time   |
| <b>Electromagnetic radiation (EMR)</b> | the radiation in the microwave and radiofrequency band of the electromagnetic spectrum  |
| <b>Low impact facility (LIF)</b>       | a facility that is exempted from state and council local planning under the Telecommunications (Low-impact Facilities) Determination 1997. For guidance, see Appendix 1.  |
| <b>Radiocommunications facility</b>    | a base station or radiocommunications link, satellite-based facility or radiocommunications transmitter   |
| <b>Telecommunications facility</b>     | 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. |
| <b>Telecommunications Network</b>      | a system, or series of systems, that carries, or is capable of carrying, communications by means of guided and/or unguided electromagnetic radiation  |

## 3 Where does this plan apply?

This plan applies to all land within the Leichhardt Council Local Government Area.

### 3.1 Adoption Date

This DCP was originally adopted by Leichhardt Council on 22 March 2005 and came into operation on 19 April 2005.

## 4 To what facilities does this plan apply?

This plan applies to any fixed transmitter, its supporting infrastructure and ancillary development under the following legislation:

- *Telecommunications (Low-impact Facilities) Determination 1997* [LIF Determination];
- *Telecommunications Act 1997*, and
- *Radiocommunications Act 1992*.

This DCP provides:

- controls for the siting, design and installation of telecommunications and radiocommunications facilities that require development consent from Council, and
- guidelines for telecommunications carriers for the siting, design and installation of other, including “low impact”, facilities.

The DCP does not apply to temporary emergency services.

For guidance on the nature of facilities classified as “Low Impact” under the LIF Determination 1997, see **Appendix 1**.

## 5 What is the purpose of this plan?

The purpose of this plan is:

- to provide a consistent and integrated planning framework that addresses the community's interests in the effective and efficient 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 benefits carriers, community and Council;
- to balance the needs of different stakeholders, including the community/industry/local, state and federal governments, and
- to provide guidance to carriers about Council's requirements for:
  - site selection
  - lodging an application
  - conducting community consultation.

## 6 What are the objectives of this plan?

The objectives of this plan are:

### 6.1 Social

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

### 6.2 Environmental

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

### 6.3 Economic

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

### 6.4 Administrative

- to ensure that Council obtains information about existing and proposed infrastructure to assist with strategic planning.

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

## 7.1 Commonwealth legislation

### 7.1.1 Telecommunications Act 1997

The Telecommunications Act establishes a regime for Carriers' rights and responsibilities when inspecting, maintaining or installing telecommunications facilities.

*This DCP clarifies the expectations of Council on carriers who operate under the Act.*

### 7.1.2 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.

*This DCP clarifies the expectations of Council on carriers who operate under the Act.*

### 7.1.3 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 facilities and maintaining facilities. It also requires carriers to comply with recognised industry codes and standards.

*This DCP clarifies and standardises the expectations of Council in respect to land-access situations.*

### 7.1.4 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.

*This DCP applies to both low impact and not-low-impact facilities. While the DCP does not have the authority to override the LIF Determination, it nevertheless provides advice to carriers about the expectations of Council and requests their voluntary co-operation.*

### 7.1.5 Code for the Deployment of Radiocommunications Infrastructure (ACIF, 2002)

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.

*This DCP broadens the scope of the ACIF Code by applying consistently not only to carriers and their agents, but also to builders and operators of all EMR-emitting infrastructure, including those operating under the Radiocommunications Act 1992.*

## 7.2 New South Wales State Government

### 7.2.1 Environmental Planning and Assessment Act 1979 (as amended)

To meet Council's obligations to achieve environmental, economic and social sustainability.

### 7.2.2 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.

### 7.2.3 DIPNR Draft Telecommunications Guidelines

The Department of Infrastructure, Planning and Natural Resources (DIPNR) has introduced guidelines for councils in respect to 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, education and communication.

*This DCP employs the principles of good urban design outlined by the NSW Government.*

## 7.3 NSW Local Government

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

Under Leichhardt Local Environmental Plan 2000, consent for certain types of telecommunications and radiocommunications facilities is required.

### 7.4 Relevant standards

Facilities are required under this DCP to comply with relevant Australian standards.

## 8 Does your proposal need Council consent?

- By law, new infrastructure requires Council approval unless it is exempted by other legislation such as the LIF Determination or is classified as exempt or complying development in Leichhardt Development Control Plan No.35 Exempt and Complying Development .
- Development consent is not required for low-impact facilities. However, as part of a carrier's consultation obligations, Council requires a written submission demonstrating compliance with the relevant sections of the ACIF Code and provision of the information listed in the checklist at **Appendix 3**.

## 9 Making an application

### 9.1 Lodgement Requirements

- The infrastructure provider is to provide information as requested by Council about the applicant's existing infrastructure in the area to assist with consideration of this application.
- The applicant is to provide Council with:
  - its rationale for deciding whether the proposal is low or a non-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 of the proposed facility in context of the location.
  - the results of any community consultation process, consistent with requirements in the ACIF Code for a low impact facility
  - statement of environmental effects
  - site and locality analysis.
- Upon request, the applicant is to provide extra documentation such as a heritage report/impact statement, should the site be identified as located within an area of environmental significance.
  - The 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.

### 9.2 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.

The site and locality analysis must be to scale.

### 9.3 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 this DCP.

This statement is to demonstrate how the precautionary principle has been applied in the siting, design and



operation of the proposed facility, included in Sections 5.1, 5.2 and 5.7 of the ACIF Code.

## 10 Public notification/consultation

- Development applications are to comply with Council's requirements on notification and signage.
- For facilities covered by the LIF Determination, the carrier is to consult with affected community, irrespective of Council boundaries, as required by the ACIF Code.
- The applicant is to consult with Council about a consultation strategy.
- Consultation must be commensurate with the anticipated impact of the facility.
- As a minimum, telecommunications carriers must notify all owners and occupiers within a 300m radius of any proposed facility, as well as all ward Councillors, the Mayor, Precinct Committee chairs, all community groups and other affected or interested parties.
- All schools within the notification area are to be requested by the carrier to inform parents of pupils of the proposal.
- A list of all stakeholders proposed to be notified, the notification area, and all community sensitive locations is to be made available to Council for approval prior to any consultation process commencing.
- As part of any consultation process, a public meeting is to be held where all relevant stakeholders are invited to attend. The determining authority is to facilitate any meeting that is held as part of the consultation process. In instances when Council is the determining authority, the applicant is required to attend the public meeting.
- The applicant must make reasonable endeavours to conduct consultation in such a way that local ethnic communities are informed about the proposal and able to comment on it.
- Telecommunications carriers make available all information regarding radiofrequency electromagnetic radiation in accordance with ACIF Code requirements.
- For each 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.

- For each 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.
- The applicant must provide council with the results of its community consultation undertaken for facilities covered by the LIF Determination.

## 11 Design Controls

### 11.1 Visual amenity

- Carriers are to design antennas and supporting infrastructure in such a way as to minimise or reduce the visual and cumulative visual impact from the public domain and adjacent areas.
- Within the local context, the infrastructure design must take account of:
  - colour;
  - texture;
  - form;
  - bulk and scale.
- 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.

A discussion on facility design can be found in *Low Impact Facilities for Better Visual Outcomes* that can be accessed at [www.amta.org.au/mcf](http://www.amta.org.au/mcf)

- Infrastructure must be removed when no longer being used.
- The site must be restored following construction of the infrastructure.

### 11.2 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.
- Carriers are to demonstrate a precautionary approach and effective measures to minimise the negative impacts of co-location.

### 11.3 Location

- The applicant is to demonstrate that, in selecting a site, it 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;
  - rural areas;
  - low-use open space, and
  - commercial centres.
- The applicant is to 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);
  - that are frequented by children (eg schools, child care centres), and
  - where there are people with particular health problems (eg hospitals, aged care facilities).

Further information can be found in the ACIF Code at Section 5.1.4.

### 11.4 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 to avoid or minimise the visual impact of any proposed facility on the heritage significance of adjacent/adjoining/surrounding heritage items and conservation areas;
- the applicant to provide a heritage report/impact statement in accordance with Council's LEP/DCP, and

- the applicant to avoid or minimise the physical impact of any proposed facility on endemic flora and fauna.

### 11.5 Facility physical design controls

- 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 Section 5.2.3 of the ACIF Code.
- 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.
- The minimum requisites that shall apply where relevant are the BCA for purposes of construction and the relevant exposure levels as directed by the Australian Communications Authority (ACA). The applicant must provide Council with certification about the standards with which the facility will comply.

### 11.6 Facility health controls

- The applicant is to demonstrate the precautions it has taken to minimise EMR exposures to the public.
- The applicant is to provide documentation to show that the proposed facility complies with the relevant Australian exposure standard as specified by the ACA.
- The applicant is to provide a mapped analysis of cumulative EMR effect of the proposal (as per *Section 9.0 - Making an Application*).

## 12 Conditions of DA approval

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

- 
- the applicant is responsible for the maintenance and upgrading of infrastructure and the maintenance of the site;
  - the applicant, should any emissions other than electromagnetic radiation arise from the installation and operation of the infrastructure, is to notify Council and the EPA and to recommend a preferred strategy of amelioration;
  - infrastructure must be removed when it is no longer in use;
  - For each facility, a permanent and legible weatherproof sign must be publicly visible in the immediate proximity of the facility to identify the name and contact details of the operator or site manager.



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# Appendix 1 Low impact Determination Commonwealth of Australia Telecommunications (Low-impact Facilities) Determination 1997 (as amended)

I, RICHARD KENNETH ROBERT ALSTON, Minister for Communications and the Arts, acting under subclause 6(3) of Schedule 3 to the *Telecommunications Act 1997* and section 4 of the *Acts Interpretation Act 1901*, make the following determination.

Dated 1997

Minister for Communications, Information Technology and the Arts

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## Part 1 – Preliminary

### 1.1 Citation

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

### 1.2 Commencement

This determination commences on 1 July 1997. Amendment No. 1 commences on gazettal.

[Note: See *Acts Interpretation Act 1901*, ss. 46A and 48.]

#### **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 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, s 455) 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:

- (a) in place on the date on which the Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No 1 of 1999) took effect; or
- (b) 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:

- (a) reticulated products or services, such as electricity, gas, water, sewerage or drainage; or
- (b) carriage services (other than carriage services supplied by a carriage service provider); or
- (c) transport services; or
- (d) 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 a 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 the 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 commercial, industrial or residential area.

*Note:* 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
  - (b) the principal purpose of the designated reserve is for nature conservation.
- (4) 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.

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.

- (5) 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.



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## **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**  
**PART 1 –RADIO FACILITIES**

Section 3.1

| <b>Column 1<br/>Item no.</b> | <b>Column 2<br/>Facility</b>  | <b>Column 3<br/>Areas</b>                        |
|------------------------------|---|--|
| 1                            | Subscriber connection deployed by radio or satellite terminal antenna or dish:<br>(a) not more than 1.2 metres in diameter; and<br>(b) either:<br>(i) colour-matched to its background; or<br>(ii) in a colour agreed in writing between the carrier and the relevant local authority   | Residential<br>Commercial<br>Industrial<br>Rural |
| 1A                           | Subscriber connection deployed by radio or satellite terminal antenna or dish:<br>(a) not more than 1.8 metres in diameter; and<br>(b) either:<br>(i) colour-matched to its background; or<br>(ii) in a colour agreed in writing between the carrier and the relevant local government authority  | Industrial<br>Rural                              |
| 2                            | Panel, yagi or other like antenna:<br>(a) flush mounted to an existing structure; and<br>(b) either:<br>(i) colour-matched to its background; or<br>(ii) in a colour agreed in writing between the carrier and the relevant local authority   | Residential<br>Commercial<br>Industrial<br>Rural |
| 3                            | Panel, yagi or other like antenna:<br>(a) not more than 2.8 metres long; and<br>(b) if the antenna is attached to a structure – protruding from the structure by not more than 3 metres; and<br>(c) either:<br>(i) colour-matched to its background; or<br>(ii) in a colour agreed in writing between the carrier and the relevant local authority      | Residential<br>Commercial<br>Industrial<br>Rural |
| 4                            | An omnidirectional antenna or an array of omnidirectional antennas:<br>(a) not more than 4.5 metres long; and<br>(b) not more than 5 metres apart; and<br>(c) if the array is attached to a structure –protruding from the structure by not more than 2 metres  | Industrial<br>Rural                              |
| 5                            | Radio communications dish:<br>(a) not more than 1.2 metres in diameter; and<br>(b) either:<br>(i) colour-matched to its background; or<br>(ii) in a colour agreed in writing between the carrier and the relevant local authority; and<br>(c) if attached to a supporting structure, the total protrusion from the structure is not more than 2 metres. | Residential<br>Commercial<br>Industrial<br>Rural |
| 5A                           | Radio communications dish:<br>(a)not more than 1.8 metres in diameter; and<br>(b) either:<br>(i) colour-matched to its background; or<br>(ii) in a colour agreed in writing between the carrier and the relevant local government authority   | Industrial<br>Rural                              |

**SCHEDULE**  
**PART 1 RADIO FACILITIES - continued**

| <b>Column 1<br/>Item no.</b> | <b>Column 2<br/>Facility</b>  | <b>Column 3<br/>Areas</b>                        |
|------------------------------|---|--|
| 6                            | Microcell installation with:<br>(a) a cabinet not more than 1 cubic metre in volume; and<br>(b) a separate antenna not more than 1 metre long.                                    | Residential<br>Commercial<br>Industrial<br>Rural |
| 7                            | In-building coverage installation:<br>(a) to improve cellular coverage to mobile phone users operating inside a building; and<br>(b) wholly contained and concealed in a building | Residential<br>Commercial<br>Industrial<br>Rural |
| 8                            | Equipment installed inside a structure, including an antenna concealed in an existing structure.  | Commercial<br>Industrial<br>Rural                |
| 9                            | An extension to a tower if:<br>(a) the height of the extension does not exceed 5 metres; and<br>(b) there have been no previous extensions to the tower                           | Industrial<br>Rural                              |

**SCHEDULE – continued**  
**PART 2 UNDERGROUND HOUSING**

| <b>Column 1<br/>Item No</b> | <b>Column 2<br/>Facility</b>  | <b>Column 3<br/>Areas</b>                        |
|-----------------------------|---|--|
| 1                           | Pit with surface area of not more than 2 square metres                                      | Residential<br>Commercial<br>Industrial<br>Rural |
| 2                           | Manhole with surface area of not more than 2 square metres                                  | Residential<br>Commercial<br>Industrial<br>Rural |
| 3                           | Underground equipment shelter or housing with surface area of not more than 2 square metres | Residential<br>Commercial<br>Industrial<br>Rural |

**SCHEDULE – continued**  
**PART 3 ABOVE GROUND HOUSING**

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

**SCHEDULE – continued**  
**PART 4 – UNDERGROUND CABLE FACILITIES**

| <b>Column 1<br/>Item No</b> | <b>Column 2<br/>Facility</b>   | <b>Column 3<br/>Areas</b>                        |
|-----------------------------|--|--|
| 1                           | Underground conduit or cable deployed by:<br>(a) narrow trench not more than:<br>(i) 450 millimetres wide; or<br>(ii) 650 millimetres wide if intended to be used by more than one carrier; or<br>(b) direct burial; or<br>(c) bore or directional drill hole at least 600 millimetres below the surface;<br>where:<br>(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<br>(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 | Residential<br>Commercial<br>Industrial<br>Rural |
| 2                           | Conduit or cabling to be laid in:<br>(a) an existing trench; or<br>(b) a trench created by a developer, relevant local government authority, public utility or carrier.  | Residential<br>Commercial<br>Industrial<br>Rural |
| 3                           | Cable location marking post or sign  | Residential<br>Commercial<br>Industrial<br>Rural |

**SCHEDULE – continued**  
**PART 5 – PUBLIC PAYPHONES**

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

**SCHEDULE – continued**  
**PART 6 – EMERGENCY FACILITIES**

| Column 1<br>Item No | Column 2<br>Facility   | Column 3<br>Areas                                |
|---------------------|--|--|
| 1                   | A temporary facility installed:<br>(a) in an emergency; and<br>(b) to provide assistance to an emergency services organisation | Residential<br>Commercial<br>Industrial<br>Rural |

**SCHEDULE – continued**  
**PART 7 – CO-LOCATED FACILITIES**

| Column 1<br>Item No | Column 2<br>Facility  | Column 3<br>Areas         |
|---------------------|---|---------------------------|
| 1                   | Facility mentioned in:<br>(a) Part 1, 5 or 6; or<br>(b) item 3 of Part 4; installed on or within;<br>(c) an original facility; or<br>(d) a public utility structure   | Industrial<br>Rural       |
| 2                   | Facility mentioned in:<br>(a) Part 1, 5 or 6; or<br>(b) item 3 of Part 4; installed on or within;<br>(c) an original facility; or<br>(d) a public utility structure;<br>where:<br>(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<br>(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<br>Commercial |

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## Appendix 2 ACIF Industry Code for Deployment of Radiocommunications Infrastructure

See following website addresses:

[http://www.aca.gov.au/telcomm/industry\\_codes/codes/abtem20.htm](http://www.aca.gov.au/telcomm/industry_codes/codes/abtem20.htm)

- leads to an abstract of the code and the code itself can be downloaded from this page.

[http://www.aca.gov.au/telcomm/industry\\_codes/codes/c564.pdf](http://www.aca.gov.au/telcomm/industry_codes/codes/c564.pdf)

- leads directly to a PDF version of the code

The code can also be accessed from the Australian Communications Industry Forum website at:

[http://www.acif.org.au/ACIF/files/C564\\_Oct\\_2002.pdf](http://www.acif.org.au/ACIF/files/C564_Oct_2002.pdf)

## Appendix 3 Compliance checklist

|  | Required | Supplied |
|--|----------|----------|
| <b>Making an application</b>   |          |          |
| Has the proponent provided council with its information on infrastructure in this council's jurisdiction?  |          |          |
| Is the proposal low impact or not low impact?  |          |          |
| <ul style="list-style-type: none"> <li>• Has adequate justification been provided for this decision?</li> </ul>  |          |          |
| <ul style="list-style-type: none"> <li>• Has the proponent provided a 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© in the ACIF Code?</li> </ul>   |          |          |
| 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>Site analysis</b>   |          |          |
| Has the proponent submitted a scaled site and adjacent locality analysis plan showing: <ul style="list-style-type: none"> <li>•Existing vegetation;</li> <li>•Site boundaries and dimensions</li> <li>•Topography</li> <li>•location of existing buildings;</li> <li>•views to and from the proposed site;</li> <li>•location of sensitive land uses?</li> </ul> |          |          |
| <b>Public notification/consultation</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 application provide for visible permanent signage on site?  |          |          |
| Has the proponent notified all owners and occupiers within 300m of the proposed facility?  |          |          |
| Has the proponent requested that schools within the notification area inform parents of the proposal? (if appropriate)   |          |          |
| Has the proponent advised relevant community groups?   |          |          |
| Has the proponent placed an advertisement in the local paper?  |          |          |
| Has the proponent conducted a public meeting ?   |          |          |
| Has the proponent provided council with the results of its community consultation process?   |          |          |
| Has the proponent adequately considered the issue of ethnic language?  |          |          |
| 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> <li>• texture;</li> <li>• form;</li> <li>• bulk and scale?</li> </ul>  |  |  |
| Is the infrastructure:   |  |  |
| <ul style="list-style-type: none"> <li>• well designed;</li> <li>• integrated with existing building structure;</li> <li>• incorporating concealed cables;</li> <li>• integrating the shelters with building structure;</li> <li>• unobtrusive;</li> <li>• consistent with the 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> <li>• Does it minimise cumulative emissions for neighbouring residents or other sensitive land uses?</li> </ul>   |  |  |
| <b>3. Location</b>   |  |  |
| Has the proponent demonstrated that, in selecting a site, it has adopted a precautionary approach in regards to minimising EMR exposures?  |  |  |
| Is the facility in a preferred land use area?  |  |  |
| If the facility is in a sensitive area has it considered ACIF 5.1.4?   |  |  |
| <b>4. 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 report/impact statement?   |  |  |
| Has the proponent considered minimising physical impact on flora & fauna?  |  |  |
| Are any emissions other than electromagnetic expected?   |  |  |
| <b>5. 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>6. Facility health controls</b>   |  |  |
| Has the proponent demonstrated the measures it has taken to minimise EMR exposures in the adjacent area?   |  |  |
| Has the proponent provided a statement that the proposed facility complies with the relevant Australian exposure standard?   |  |  |