

POLICY TITLE **TELECOMMUNICATIONS AND
RADIOCOMMUNICATIONS**

VERSION I: Adopted 27 May 2004

Last reviewed: -

INTRODUCTION

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

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”.

Council does not have regulatory control over “low impact facilities”. These are facilities described in the *Telecommunications (Low Impact Facilities) Determination 1997* (LIF Determination), which exempts low impact facilities from State and Territory planning and environmental laws. However, these facilities require community consultation as per the ACIF Code.

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

DEFINITIONS

The terms, used in this policy, have the following definitions, which are included here for purposes of clarification only and do not supplant the definitions in relevant legislation:

Applicant	Applies to infrastructure providers and their agents
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
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 facility (LIF)	A facility that is exempted from state and council local planning under the Telecommunications (Low-impact Facilities) Determination 1997. For guidance, see Appendix 1.

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
EMR	Electromagnetic Radiation

TO WHAT FACILITIES DOES THIS POLICY APPLY?

This policy 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*.

The policy does not apply to temporary emergency services.

WHAT IS THE PURPOSE OF THIS POLICY?

The purpose of this policy 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 consistent approach which benefits carriers, community and councils;
- 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, and
 - community consultation.

OBJECTIVES

The objectives of this policy are:

Social

- to apply a precautionary approach to the deployment of radiocommunications infrastructure;

- to minimise EMR exposure to the public;
- to avoid community sensitive locations (as per Section 10.3);
- 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;

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 with appropriate locality/visual context with particular regard to heritage buildings/areas and the natural environment;
- 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;

Economic

- to identify the type of land use areas suitable for infrastructure;
- 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

Administrative

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

HOW DOES THIS POLICY RELATE TO OTHER LEGISLATION?

This Policy clarifies the expectations of Council on carriers who operate under the Act, and standardises the expectations of Council in respect to land-access situations.

This Policy applies to both low impact and not-low-impact facilities, and whilst it 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.

This Policy 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. This Policy also employs the principles of good urban design outlined by the NSW Government.

COMMONWEALTH LEGISLATION

Telecommunications Act 1997

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

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.

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.

Telecommunications Low-impact Facilities Determination 1997

The *Telecommunications Low-impact Facilities (LIF) 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.

Code for the Deployment of Radiocommunications Infrastructure (ACIF Code) 2002.

The ACIF Code 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.

NEW SOUTH WALES STATE GOVERNMENT

Environmental Planning and Assessment Act 1979 (as amended)

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

Local Government Act 1993 (as amended)

This Policy 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.

NSW Draft Telecommunications Guidelines

The Department of Infrastructure, Planning and Natural Resources NSW 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.

NSW LOCAL GOVERNMENT

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

Under Council's planning instruments, codes, policies and statutory requirements, consent for certain types of telecommunications or radiocommunications facilities is required.

Relevant standards

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

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 Council's Local Environmental Plan.
- 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 1.

MAKING AN APPLICATION

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 1);
 - 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 new 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.

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.

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 Policy.

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.

PUBLIC NOTIFICATION/CONSULTATION

- Development applications should 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 community 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 fully informed about the proposal and able to comment on it.
- 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.

DESIGN CONTROLS

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, and where possible;
 - be unobtrusive and consistent with the character of the surrounding area.
- Infrastructure must be removed when no longer being used.
- The site must be restored following construction of the infrastructure.

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 should demonstrate a precautionary approach and effective measures to minimise the negative impacts of co-location.

Location

- The applicant should 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 should demonstrate particular consideration of likely sensitive land uses, as detailed in ACIF Code at Section 5.1.4. Sensitive land uses include areas:
 - Where occupants are located for long periods of time (e.g. residences);
 - that are frequented by children (eg schools, child care centres),
 - where there are people with particular health problems (eg hospitals, aged care facilities), and
 - regional icons.

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 have regard to avoiding or minimising the visual impact of any proposed facility on the heritage significance of adjacent/adjoining/surrounding heritage items and conservation areas;
- the applicant is to provide a heritage report/impact statement in accordance with Council's LEP/ and Heritage DCP, and
- the applicant to have regard to avoiding or minimising the physical impact of any proposed facility on endemic flora and fauna.

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/managers.
- 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.

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 8.0 - Making an Application).

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 to certify that the facility complies with relevant Australian exposure standard as specified by the ACA;
- in the event of emissions other than electromagnetic radiation arising from the installation and operation of the infrastructure, the applicant 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.
- the applicant is responsible for the maintenance and upgrading of infrastructure and the maintenance of the site.

Appendix 3 Compliance checklist

	Required	Supplied
Making an application		
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"> • Has adequate justification been provided for this decision? 		
<ul style="list-style-type: none"> • 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? 		
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?		
Site analysis		
<p>Has the proponent submitted a scaled site and adjacent locality analysis plan showing:</p> <ul style="list-style-type: none"> • Existing vegetation; • Site boundaries and dimensions • Topography • location of existing buildings; • views to and from the proposed site; • location of sensitive land uses? 		
Public notification/consultation		
Has the proponent consulted with affected adjoining councils (where relevant)?		
Has the proponent consulted with council about how best to conduct community consultation?		
Does the application 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?		
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?		

Design Controls/Council's requirements		
1. Visual amenity		
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"> • colour; • texture; • form; • bulk and scale? 		
Is the infrastructure: <ul style="list-style-type: none"> • well designed; • integrated with existing building structure; • incorporating concealed cables; • integrating the shelters with building structure; • unobtrusive; • consistent with the character of the surrounding area? 		
Does the plan include removal of the infrastructure when it is redundant?		
Does the plan include restoration of the site following construction of the infrastructure?		
1. Co-location		
Does the plan require co-location? If so, <ul style="list-style-type: none"> • Does it result in an unacceptable visual impact? • Does it minimise cumulative emissions for neighbouring residents or other sensitive land uses? 		
3. Location		
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?		
4. Environment and heritage		
Is the infrastructure in a heritage area/on a heritage building/in the vicinity of heritage items requiring development consent?		
Have measures been implemented to reduce visual impact on the heritage item or conservation area?		
Has the proponent provided a heritage report/impact statement?		
Has the proponent considered minimising physical impact on flora & fauna?		
Are any emissions other than electromagnetic expected?		
5. Facility physical design controls		
Has the carrier demonstrated that the infrastructure is of high quality design and construction?		
Does the plan include measures to restrict public access to the antenna(s)?		
Does the facility comply with the Building Code of Australia (not		

relevant for facilities covered by the LIF Determination) and other relevant Australian standards?		
6. Facility health controls		
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?		

Date Policy adopted	Minute No	Authority
27 May 2004	31990	Council Resolution