

Chapter F4 Telecommunications

Part F ► Land Use Specific Controls

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Chapter F4 ▶ Telecommunications

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F4.1 Introduction

F4.1.1 Background

The regulation of telecommunications infrastructure is primarily the responsibility of the Commonwealth and State Government, leaving little scope for Council to include additional requirements.

The key provisions are established in:

- ▶ *Commonwealth Telecommunications (Low-impact Facilities) Determination 1997* (LIF Determination); and
- ▶ *New South Wales (NSW) State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP).

Between the LIF Determination and the Infrastructure SEPP, most types of telecommunication facilities are identified as development that does not require approval from Council. Generally the telecommunications carrier is only required to notify Council of the proposal and invite Council's comment.

For development that requires Council's consent, the State Government has published the *NSW Telecommunication Facilities Guideline including Broadband 2010* (NSW Telecommunications Guideline). This Guideline is the main control document for ensuring that telecommunications infrastructure is suitably located and designed in NSW, and its consideration in the assessment process is mandatory.

The Guideline addresses matters that Council would ordinarily consider for including in a DCP. To that end, this chapter of the DCP calls up the Guideline as Council's control document.

F4.1.2 Land where this chapter applies

This chapter applies to all land within the Woollahra Municipality.

F4.1.3 Development to which this chapter applies

Development requiring consent

This chapter applies to development for telecommunications facilities that require consent under clause 115 of *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP). Development under this clause must address the NSW Telecommunications Guideline as well as the objectives and controls in this chapter of the DCP.

Note: Under the Infrastructure SEPP telecommunication facilities are permitted in any zone. Woollahra Local Environmental Plan 2014 does not specifically list "telecommunications facilities" in the land use tables to avoid duplicating the Commonwealth and State planning controls.

Other development for which Council is notified

Most telecommunications infrastructure can be undertaken without Council's consent. Notwithstanding, the telecommunications carrier is generally required to notify Council of its intention to undertake the development, and to seek Council's comment. The provisions in this chapter will inform Council's response to these notices.

Under the LIF Determination, Council will be notified of mobile phone base station development¹.

Under the Infrastructure SEPP, Council will be notified of the following types of development:

- ▶ development that does not require consent under clause 114, which Council is notified of under subclause 114(2);
- ▶ exempt development under clause 116¹; and
- ▶ complying development under clause 116A¹.

F4.1.4 Objectives

The provisions in this part of the DCP recognise that the NSW Telecommunications Guideline is Council's policy for assessing telecommunications facilities that require consent.

F4.1.5 Relationship to other parts of the DCP

This chapter is to be read in conjunction with the other parts of the DCP that are relevant to the development proposal, including:

- ▶ If located in a residential area—the controls in Part B: General Residential, or Part C: Heritage Conservation Areas that apply to the land.
- ▶ If located in a business centre—the controls in Part D: Business Centres that apply to the land.

F4.1.6 Relationship with other documents

The following documents should be read in conjunction with this chapter of the DCP.

Telecommunications Act 1997 and Radiocommunications Act 1992

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

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

¹ This is a requirement to notify in relation to mobile phone base station development, and is established under clauses 5.1.1 and 6.4 of the Industry Code.

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 LIF Determination applies to many types of telecommunications infrastructure, and allows these to be constructed without Council's approval.

These low-impact facilities are restricted to certain sizes, structures and locations. For example, a mobile phone antenna is not to protrude from a structure by more than 3m, and the diameter of a satellite dish is to be a maximum of 1.2m.

Development on a site containing a heritage item, or located in a heritage conservation area, cannot be a low-impact facility. Low-impact facilities also do not include development that is a tower that is not attached to a building, a tower attached to a building and more than 5m high, or an extension to a tower that has previously been extended.

State Environmental Planning Policy (Infrastructure) SEPP 2007 and the NSW Telecommunications Facilities Guideline including Broadband 2010

The Infrastructure SEPP provides a planning regime for infrastructure and the provision of services across NSW. Division 21 of the Infrastructure SEPP addresses telecommunications facilities development.

Depending on the location and scope of works, the Infrastructure SEPP permits telecommunications facilities within NSW as:

- ▶ exempt development;
- ▶ complying development;
- ▶ development with consent; and
- ▶ development that does not require consent.

To support the SEPP, the Department of Planning and Infrastructure introduced the NSW Telecommunications Guideline in 2010. The NSW Telecommunications Guideline establishes the planning controls for telecommunications facilities permitted under the Infrastructure SEPP.

In particular, Part 2.2 of the Guideline contains principles regarding the site selection, design, construction and operation of telecommunications facilities. Development that requires consent under clause 115 of the Infrastructure SEPP must have regard to these principles, therefore these have not been duplicated in this chapter.

Industry Code C564:2011 Mobile Phone Base Station Deployment 2011

The Industry Code adopts a precautionary approach to the location and design of telecommunications facilities. It also outlines telecommunications carriers' responsibilities regarding consultation; this includes requirements for notifying Council and relevant parties of any proposed mobile phone telecommunications facilities that do not require Council consent, such as low-impact facilities permissible under the LIF Determination.

For development that Council is notified of, this DCP is to be considered by the telecommunications carriers as it will form the basis of Council's comments on the proposed development.

F4.2 Location and design of telecommunication facilities

The site selection, design, construction and operation of telecommunication facilities in NSW if carried out under clause 114 or 115 of the Infrastructure SEPP must be consistent with the principles set out in the NSW Telecommunications Guideline.

The principles are:

- ▶ Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact.
- ▶ Principle 2: Telecommunications facilities should be co-located wherever practical.
- ▶ Principle 3: Health standards for exposure to radio emissions will be met.
- ▶ Principle 4: Minimise disturbance and risk, and maximise compliance.

Objectives		Controls	
O1	To ensure that telecommunications facilities have minimal impact on the amenity of an area.	C1	The provisions in the NSW Telecommunications Guideline apply.