

Woollahra Telecommunications and Radiocommunications DCP



MARCH 2004



Repealed by WDCP2015 on 23/05/15

Based on the 'model DCP' prepared by a Local
Government and Community Working Group
- finalised in May 2003

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1. Introduction

1.1 Background

The development of telecommunications and radiocommunications facilities in recent years has produced some significant benefits to the community. Examples of these include: better communications in the emergency services field; better business opportunities and the advent of mobile telephony.

It has also led to the proliferation of base stations and supporting infrastructure in the community. This has resulted in considerable community concern regarding the effects of this infrastructure on the visual amenity of the locality, property values and the potential health risks from electromagnetic radiation (EMR).

Communities concerned about the installation of telecommunications infrastructure have supported local government policies to protect their interests by requesting that infrastructure is sited in a precautionary manner. Consequently, several Councils developed a model Telecommunications and Radiocommunications DCP. This plan has been prepared based on the model DCP in order to offer a consistent approach to the processing and assessment of Development Applications for the location and siting of telecommunications and radiocommunications facilities.

All facilities are required to comply with the mandated Australian Standard for maximum EMR exposure. Local government has requested the Commonwealth Government and industry to adequately protect public health from all potential effects of EMR. Non-heating effects have been reported in a large number of scientific papers but no consensus of proof has been reached. The World Health Organisation notes from its 1996 review that “from the current scientific literature, there is no convincing evidence that exposure to radiofrequency shortens the lifespan to humans, induces or promotes cancer but stressed that “further studies are needed to draw a more complete picture of health risks, especially about possible cancer risk from exposure to low levels of radiofrequency exposure”.

Under Commonwealth legislation, the *Telecommunications (Low-impact Facilities) Determination 1997* (LIF Determination) precludes Councils from having any approval or consent powers for ‘low-impact’ facilities including most mobile telephone base stations. Structures classified as ‘not low-impact’ facilities are subject to obtaining development consent from Council and will be assessed against the provisions of this DCP. This DCP also provides guidelines to telecommunications carriers for the construction and installation of ‘low-impact’ facilities.

1.2 Name and purpose of this DCP

This DCP is called “Woollahra Telecommunications and Radiocommunications Development Control Plan”.

This DCP is Woollahra Municipal Council’s main source document for the regulation of the design and installation of telecommunications and radiocommunications infrastructure.

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.

The purpose of this DCP 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;
- provide a consistent approach which benefits carriers, community and councils;
- balance the needs of different stakeholders, including the community, industry, local, state and federal governments; and
- provide guidance to carriers about council’s requirements for:
 - site selection
 - lodging an application
 - conducting community consultation.

1.3 Land and development to which this DCP applies

This DCP applies to all land within Woollahra Municipality.

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

By law, new infrastructure requires Council consent unless it is exempted by other legislation such as the *LIF Determination* or is classified as exempt or complying development in Council’s DCP for 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 Australian Communications Industry Forum (ACIF) Code and provision of the information listed in Council’s DA Guide.

Councils are the consent authority for facilities that require development consent under the terms of the *Environmental Planning and Assessment Act 1979* and modification to development consents (section 96 applications). These are the facilities that are referred to as “not low-impact facilities”.

Councils do not have regulatory control over “low-impact facilities”. These are facilities described in the *Telecommunications (Low-impact Facilities) Determination 1997* which exempts low-impact facilities from State and Territory planning and environmental laws. Under the provisions of the LIF Determination, consent from Council is required for all low-impact facilities within heritage conservation areas.

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

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

The DCP does not apply to temporary emergency services.

For guidance on the nature of facilities classified as “low-impact” refer to the LIF Determination 1997 (obtainable from the Dept Communications, Information Technology and Arts web-site at www.dcita.gov.au).

The Note attached to this DCP is for advisory purposes only and does not form part of this DCP.

1.4 Objectives of this DCP

The objectives of this DCP are divided into categories relating to social, environmental, economic and administrative objectives described below.

1.4.1 Social

- to apply a precautionary approach to the deployment of radiocommunications infrastructure.
- to minimise the public’s exposure to EMR;
- to avoid the placement of facilities in 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; and
- 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.

1.4.2 Environmental

- to ensure telecommunications and radiocommunications infrastructure adopt principles of good urban design;
- to promote good industrial design of infrastructure;
- to ensure infrastructure is visually compatible with the surrounding character and locality in a visual context and with particular regard to heritage buildings/areas and cultural icons;
- to minimise adverse impacts on the natural environment;
- to allow infrastructure that is consistent with the amenity of the area; and
- to restore the site to its original form after discontinuation or removal of infrastructure.

1.4.3 Economic

- to identify the type of land use areas suitable for infrastructure in a local government area;
- to construct infrastructure that is able to accommodate the requirements of new technology;
- to provide equitable availability of locations to carriers;
- to ensure reasonable access to telecommunications technology; and
- to provide certainty for stakeholders and a consistent approach to the implementation/assessment of telecommunications infrastructure.

1.4.4 Administrative

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

1.5 Relationship with other documents

1.5.1 Commonwealth legislation

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 upon the various carriers who operate under the Act.

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 upon the various carriers who operate under the Act.

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.

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.

Code for the Deployment of Radiocommunications Infrastructure (Australian Communications Industry Forum (ACIF) 2002)

This 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.

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.

1.5.2 NSW State Government legislation

This DCP has been prepared pursuant to Section 72 of the *Environmental Planning and Assessment Act 1979* (the Act) and Part 3 of the *Environmental Planning and Assessment Regulation 2000*.

Draft Telecommunications Guidelines

The Department of Infrastructure, Planning and Natural Resources (previously known as Planning NSW) has introduced guidelines for councils in respect to telecommunications infrastructure. The purpose of these guidelines are 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

1.5.3 Australian Standards

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

1.5.4 Woollahra LEP 1995

Woollahra LEP 1995 applies to the land to which this plan applies. Woollahra LEP 1995 is a statutory instrument that sets out the land use zones and broad development controls for development within the municipality, including controls for height, floor space ratio (for certain development), special sites and areas, heritage conservation areas and heritage items.

This DCP supplements the provisions of Woollahra LEP 1995. The provisions of Woollahra LEP 1995 prevail over this DCP.

1.5.5 Other Woollahra DCPs, policies and codes

In the event of any other inconsistency between this plan and other development control plans, policies and codes, this plan prevails unless otherwise specified in this DCP or in other DCPs, policies and codes.

1.6 Definitions

Some terms used in this DCP have a particular meaning which is set out in Part 3.

1.7 Lodging a development application

The requirements for lodging development applications are located in Council's Development Application Guide.

1.8 Approval and commencement of this plan

This DCP was approved on 22 March 2004 and came into effect on 31 March 2004.

2. Design controls

2.1 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

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

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

2.3 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:
 - low-use open space, and
 - commercial centres.
- The applicant should 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.

2.4 Heritage and environment

Infrastructure proposed for areas of environmental significance (as defined in LIF Determination including heritage conservation areas) require:

- development consent under the LIF Determination and Woollahra LEP 1995;
- the carrier 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; and
- the carrier to have regard to avoiding or minimising the physical impact of any proposed facility on endemic flora and fauna.

2.5 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.

2.6 Facility health controls

- The applicant is to demonstrate the precautions taken to minimise the public's exposure to EMR.
- 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 the submission requirements in Council's DA guide*).

3. 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.

Applicant	applies to infrastructure providers and their agents
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 which is exempted from State and local planning law in accordance with the <i>Telecommunications (Low-impact Facilities) Determination 1997</i> .
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, 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

4. Conditions of DA approval

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

- the applicant being 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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Note: Useful contact details

Organisation	Phone	Address	Web
Australian Radiation Protection and Nuclear Safety Agency	02 9545 8333	PO Box 655 Miranda NSW 1490	www.arpansa.gov.au
Australian Communications Authority	02 6219 5555	Central Office Purple Building, Benjamin Offices Chan Street Belconnen ACT 2616	www.aca.gov.au
Dept Communications, Information Technology and Arts	02 6271 2603	38 Sydney Avenue Forrest ACT 2603	www.dcita.gov.au
EMR Association of Australia	02 9501 3932	PO Box 589 Sutherland NSW 1499	www.emraa.org.au
Lgov NSW (formerly Local Government and Shires Association)	02 9242 4000	215 Clarence Street Sydney 2000 GPO Box 7003 Sydney NSW 2001	www.lgsa.org.au
Mobile Carriers Forum	02 9334 8957	Level 42 MLC Centre 19-29 Martin Place Sydney NSW 2000	www.mcf.amta.org.au
NSW Dept of Urban & Transport Planning	02 9762 8000	20 Lee Street Sydney 2000 GPO Box 3927 Sydney NSW 2001	www.dipnr.nsw.gov.au
Telecommunications Industry Ombudsman	03 8600 8700	PO Box 276 Collins Street West Melbourne VIC 8007	www.tio.com.au

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