



# City of Sydney Telecommunications and Radiocommunications Development Control Plan 2006



August 2006

Prepared by City of Sydney

This DCP commenced operation on 14 August 2006

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# 1 Introduction

## 1.1 Introduction

Telecommunication and radiocommunication facilities are a vital component of economic and social development in the 21<sup>st</sup> Century. The future competitiveness of the City and the Local Government Area as a whole increasingly depends on telecommunication and radiocommunication facilities to link it with the rest of Sydney, Australia and the world.

The rapid rollout of telecommunication and radiocommunication facilities has led to community concern over their development on land and buildings as well as the visual impact on the character and amenity of the local area.

In response this Development Control Plan (DCP) addresses telecommunication and radiocommunication facilities including their associated equipment.

It aims to regulate and provide guidance to all service providers so that facilities may be introduced in ways that are considered sensitive to the environment. In addition to this the City understands the needs of the telecommunications industry to expand and diversify without unnecessarily limiting the industries operational or expansion plans which are considered essential to the competitiveness of the Local Government Area.

The purpose of the DCP is to ensure that the infrastructure can be developed in a way which continues to provide the City with world-class telecommunications services while at the same time minimising the environmental impact of new or replacement equipment.

More specifically this DCP provides:

- Controls for the siting, design and installation of telecommunication and radiocommunications facilities that require development consent.

## 1.2 Citation

This Development Control Plan (DCP) is called the *City of Sydney Telecommunications and Radiocommunications Development Control Plan 2006*.

## 1.3 Area to which the plan applies

This DCP applies to all land within the City of Sydney Local Government Area, the boundaries of which may change from time to time. An indicative map of the City of Sydney is shown below in Figure 1.

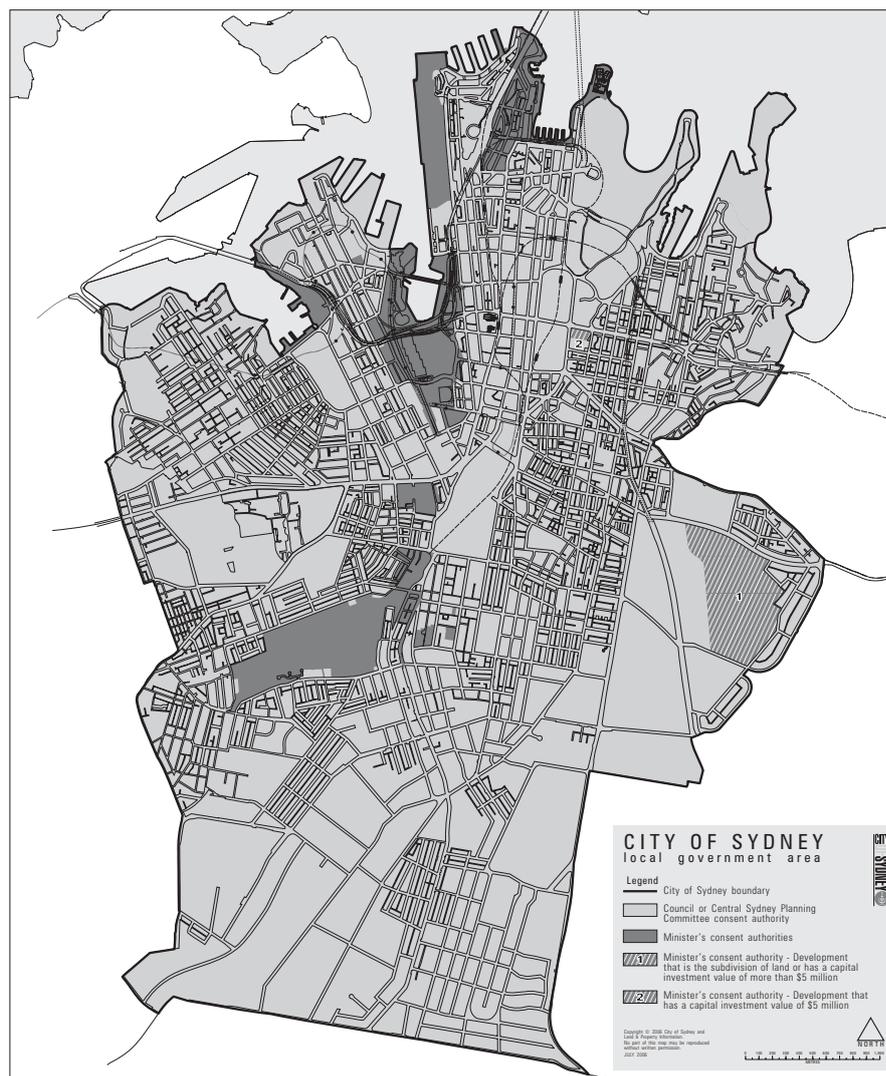


Figure 1 – The City Of Sydney

#### 1.4 Commencement

This DCP was approved by the Council of the City of Sydney on 7 August 2006. The DCP commenced operation on 14 August 2006.

#### 1.5 Relationship to other Environmental Planning Instruments and Development Control Plans

This DCP generally complements the provisions of the relevant environmental planning instruments as they apply to the City of Sydney. Where there is any inconsistency between this DCP and an applicable Local Environmental Plan (LEP), the LEP will prevail.

#### 1.6 Facilities to which this development control plan applies

This DCP applies to telecommunication and radiocommunications facilities, its supporting infrastructure and ancillary development under the following legislation:

- *Telecommunications Act 1997*;
- *Telecommunications Code of Practice 1997*;

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

Development consent is required for facilities under the terms of the *Environmental Planning and Assessment Act 1979*. These facilities are referred to as “non-low impact facilities”.

The City of Sydney does 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. For guidance on the nature of facilities classified as “Low Impact” under the LIF Determination 1997, see **Appendix “A”** of this DCP.

The *Telecommunications Code of Practice 1997* (TCoP 1997) does not directly require a Carrier to notify a Council for low-impact facility unless Council is the landowner or occupier of the land. There is no direct provision for a Council to object to a notice provided under Chapter 4 of the TCoP 1997 unless it is the landowner or occupier. Council is only required to be notified under the relevant clauses of the *ACIF Code 2004*.

While the DCP does not have the authority to override the *Telecommunications (Low-Impact Facilities) Determination 1997*, it is the City’s intention that service providers use the controls within this DCP as guidelines for the siting and construction of any telecommunication and radiocommunication facilities within the City of Sydney.

Telecommunications facilities that are not covered by the *Telecommunications Act 1997* or a determination are likely to require approval under state or territory law, usually at the local government level. The types of facilities that require local council planning approval include broadband overhead cable and all freestanding mobile phone towers.

This DCP does not apply to a number of temporary facilities including but not limited to those for use by, or on behalf of, a defence organisation for defence purposes as described under the *Telecommunications Act 1997*. In addition, other facilities may also be exempt as Division 4 of Part 1.4 of the *Radiocommunications Act 1992* describes matters to which that Act does not apply.

## 1.7 Purpose of the DCP

The purpose of this DCP is to:

- provide controls for the design and siting of telecommunication and radiocommunication facilities that require development consent;
- provide guidance to service providers about the City’s requirements for:
  - site selection;
  - design;
  - lodging an application; and
  - conducting community consultation.

- provide a consistent and integrated planning framework that addresses the community's interests in the effective and efficient provision of telecommunications and radiocommunications facilities, so that it achieves environmental, economic and social sustainability in the short, medium and long term; and
- provide a consistency of approach which balances the needs and benefits all stakeholders including the community / industry / carriers / Local, State and Federal Governments.

## 1.8 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.

**Service Provider** – applies to all providers of telecommunication and radiocommunication facilities under the relevant Commonwealth, State and Local legislation (see Part 3 of this DCP) and includes Carriers.

**Carrier[s]** – has the same meaning as in the *Telecommunications Act 1997*.

**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 service providers, in one location.

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

**Electromagnetic Radiation (EMR)** – refers to the radiofrequency portion of the electromagnetic spectrum. Energy transmission over the entire spectrum is technically known as electromagnetic radiation (EMR) and includes commonly experienced emissions such as visible light, TV transmission, and AM and FM radio signals. A number of other terms are commonly used for the whole spectrum which include EME (electromagnetic energy), EMF (electromagnetic fields) which are often used interchangeably with EMR.

**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 of this determination document.

**Non-Low impact facility** – a facility that is NOT exempted from state and council local planning under the *Telecommunications (Low-impact Facilities) Determination 1997*.

**Radiocommunication Facility** – has the same meaning as, and includes *radiocommunications device, radiocommunications transmitter, and radiocommunications receiver* as in the *Radiocommunications Act 1992*.

**Telecommunications facility** – any part of the infrastructure of a telecommunications network. It includes any telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna,

tunnel, duct, hole, pit, pole or other structure or thing used, or for use in connection with a Telecommunications Network.

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

## 2 Objectives of this Development Control Plan

The objectives of this DCP are to:

### 2.1 Social

- ensure that telecommunication and radiocommunication facilities are located, designed, installed and operated to comply with current standards relating to human exposure to electromagnetic energy;
- ensure that the general public and local communities have access to telecommunications technology;
- achieve equity for the various stakeholders by endeavouring to balance their various needs;
- enable members of the public to adequately identify facilities and the agencies responsible for them; and
- 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.

### 2.2 Environmental

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

### 2.3 Economic

- identify the type of land use areas desirable for facilities in a local government area;
- accommodate the planning requirements of new technology;
- provide equitable availability of locations to all service providers;
- assess whether the proposed facility is consistent with permitted development in adjacent areas;
- ensure reasonable access to telecommunications technology; and
- provide certainty for stakeholders and a consistent approach to the implementation/ assessment of telecommunication and radiocommunication facilities.

### 2.4 Administrative

- ensure that the City obtains information about existing and proposed facilities to assist with strategic planning; and
- ensure that there is no net financial cost to the City of Sydney.

## **3 How Does This Plan Relate to Other Plans / Legislation**

### **3.1 Commonwealth Legislation**

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

The *Telecommunications Act 1997* establishes a regime for Carriers' rights and responsibilities when inspecting, maintaining or installing telecommunications facilities. Carriers installing 'low impact' facilities must comply with schedule 3 of this Act. In very general terms, Schedule 3 deals with the Carrier's obligations regarding best practice, compliance with relevant industry standards and codes, community consultation and notification.

This DCP clarifies the City's expectations for service providers who operate under the Act.

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

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

This DCP clarifies the expectations of Council for service providers who operate under the Act

### **3.2 Legislative Instruments made under Commonwealth Legislation**

#### **3.2.1 Telecommunications Code of Practice 1997**

The *Telecommunications Code of Practice 1997* reiterates and builds on the obligations that are in Schedule 3 of the Telecommunications Act. 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, while also sets out the procedures for objecting to such types of proposals.

The Code can be accessed at the Department of Communication Information Technology and the Arts website

[http://www.dcita.gov.au/Article/0,,0\\_1-2\\_3-3\\_213-4\\_109476,00.html](http://www.dcita.gov.au/Article/0,,0_1-2_3-3_213-4_109476,00.html) under 'Powers and Immunities'.

This DCP clarifies and standardises the City's expectations in respect to land-access situations.

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

The *Telecommunications (Low-impact Facilities) Determination 1997* as amended (the LIF Determination), defines what is meant by "low-impact facilities". It exempts telecommunication facilities including associated 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.

Aerial cabling and mobile telecommunications towers greater than 5 metres are not listed in the LIF Determination. This means that the installation of these facilities, are regulated under State and Territory laws unless the Carrier obtains a facilities installation permit. Although the installation of low-impact facilities is exempt from local planning laws, Carriers must comply with the relevant requirements in Schedule

3 and the Telecommunications Code of Practice including notification of landowners, occupiers and others. The LIF Determination can be found at **Appendix "A"** at the rear of this DCP.

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 operation.

### **3.2.3 Industry Code for the Deployment of Mobile Phone Network Infrastructure C564 (Australian Communications Industry Forum, 2004)**

This Code derives its authority from the *Telecommunications Act 1997* and applies only to telecommunications carriers and their infrastructure. Information on access to this code appears within **Appendix "B"** of this DCP. It does not apply to other broadcasters, councils or other agencies. While the City cannot impose enforceable planning controls over low-impact facilities, the Code requires carriers to apply a precautionary approach to site selection and the design and operation of facilities; to consult with councils and communities regarding siting; to provide information to the public; to implement complaints handling procedure and provide guidelines as to the type of information that must be supplied for those low-impact facilities as defined under the *Telecommunications (Low-impact Facilities) Determination 1997*. Councils are encouraged to work cooperatively with carriers so mutually appropriate outcomes may be achieved. 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 facilities, including those operating under the *Radiocommunications Act 1992*.

## **3.3 New South Wales State Government**

### **3.3.1 Environmental Planning and Assessment Act 1979 (as amended)**

This DCP has been prepared in accordance with Section 72 of the *Environmental Planning and Assessment Act 1979* (as amended) and Part 3 of the *Environmental Planning and Assessment Regulation 2000*.

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

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

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

The then Planning NSW introduced guidelines for councils in respect to telecommunications facilities. 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 high-quality urban design outlined in the policies, plans and guidelines of the NSW Government.

### **3.4 New South Wales Local Government**

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

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

## 4 Does Your Proposal Need Council Consent?

By law, new facilities require development consent, unless, it is exempted by other legislation already explained in this DCP, such as the LIF Determination, or is classified as exempt or complying development in a DCP for exempt and complying development.

The applicant is to provide information as requested by Council about the service providers existing infrastructure in the area to assist with consideration of an application.

Development consent is not required for 'low-impact' facilities. However, as part of a carrier's consultation obligations, the carrier must provide the City with a written submission demonstrating compliance with the relevant sections of the ACIF Code and provisions of the information listed in the checklist at **Appendix "C"**.

All facilities within a Heritage Streetscape, Special Area, affecting a Heritage Item as defined in relevant Local Environmental Plans (LEPs), or affecting Aboriginal and Endangered Flora and Fauna are to be considered as non-low impact and require development consent.

Where the facility is not considered to be low impact the *Telecommunications Act 1997* establishes an ability to obtain a *Facility Installation Permit (FIP)* from the *Australian Communications and Media Authority (ACMA)* which effectively provides an exemption under the Commonwealth legislation from complying with State laws for the facility subject to the permit. Schedule 3 of the *Telecommunications Act 1997* allows the ACMA to issue a Facility Installation Permit. If such a permit is issued the proposal can be carried out without development consent.

A written submission in the form of a development application must be made for non-low-impact facilities.

The following relate to all facilities defined as Non-Low Impact facilities and which require a Development Application to be lodged with the City.

## 5 Making an Application

### 5.1 Lodgement Requirements

- The facility provider is to provide information as requested by the City about the applicant's existing facilities in the area to assist with consideration of this application.
- The applicant is to provide the City with:
  - a) the information detailed in the checklist at **Appendix "C"**;
  - b) statement of environmental effects;
  - c) site and locality analysis;

The following controls apply to radiocommunication facilities specifically (that is d, e & f).

- d) an EMR assessment in accordance with the Australian Radiation Protection And Nuclear Safety Agency (ARPANSA) prediction methodology and report format as described in the Australian Communications Industry Forum (ACIF) Code;
  - e) a prediction map of exposure levels at 1.5m above publicly accessible surfaces within 300 metres of the facility for sites listed as likely community sensitive location at Clause 5.1.4(c) in the ACIF Code, or for other sites upon request; and
  - f) photo montage of the proposed facility in context of the location.
- Upon request, the applicant is to provide additional documentation such as a heritage report/ impact statement, should the site be identified as a heritage item or as being located within an area of environmental conservation/ significance.
  - Telecommunication facility (i.e. 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 facility providers must provide an EMR compliance certificate as to exposure details in the application.

### 5.2 Site and Locality Analysis

A site and locality analysis establishes the development context by showing graphically the constraints and opportunities of the proposed site in relation to existing land uses and existing buildings in the immediate surroundings and the environment generally. It should influence the suitability of the proposed location and the design.

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

- existing vegetation
- site boundaries and dimensions
- topography
- location of existing buildings
- views to and from the proposed site; and

- location of any sensitive land use within the adjacent area, such as schools, child care centres, parks and recreational areas/reserves.

The site and locality analysis must be to scale.

The City requires that in the circumstance where a facility is proposed within 300 metres of a sensitive land use as highlighted above and including special areas, heritage items, streetscapes and conservation areas within the City of Sydney and including those within adjoining Local Government areas, an alternative location be considered where possible outside a 300m radius from any one of these sites/areas.

### **5.3 Statement of Environment Effects**

A written statement is to be prepared and must explain how the proposed facility has responded to the site analysis and the objectives (in section 2.1 – 2.4) 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.

## 6 Public Consultation

The following public consultation objectives and controls relate to all facilities defined as Non-Low Impact facilities and which require a Development Application.

### 6.1 Objective

- To ensure that public participation is facilitated in an orderly and transparent manner whilst allowing for interactive exchange; and
- To ensure that notification is appropriately carried out and targets the likely affected properties and/or occupiers.

### 6.2 Controls

The following consultation requirements apply:

- 6.2.1** Development applications should comply with the City's requirements on notification and signage;
- 6.2.2** The applicant must make reasonable endeavours to conduct any consultation in such a way that local non-English speaking communities are informed about the proposal and are able to comment on it;
- 6.2.3** Service Providers are to make available all information regarding radiofrequency electromagnetic radiation in accordance with ACIF Code requirements;
- 6.2.4** 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 the site manager. This sign must be in accordance with the City's *Signage and Advertising Structures DCP 2005*;
- 6.2.5** For each facility, a sign must be erected notifying the intention of the service provider to erect infrastructure on site and providing the name and contact details of the service provider, consistent with the ACIF Code.

## 7 Design Controls

The following design objectives and controls relate to all facilities defined as Non-Low Impact facilities and which require a Development Application to be lodged.

### 7.1 Objectives

- To ensure that facilities comply with relevant Australian Standards;
- To assist in minimising visual and physical impacts by encouraging the use of existing or innovative structures and devices to consolidate, conceal and hide telecommunication and radiocommunication facilities from public view;
- To ensure that telecommunication and radiocommunication facilities are located in an appropriate area so as not to have an adverse impact on the character or amenity of the area and neighbouring properties, in particular upon residential and sensitive land uses;
- To minimise the impact of telecommunication and radiocommunication facilities on the form, appearance and fabric of heritage items, streetscapes and conservation areas;
- To ensure that applicants meet all required Building Code of Australia (BCA) regulations and relevant exposure levels as directed by the Australian Communications and Media Authority (ACMA); and
- To encourage the use of shared transmission towers where technically possible and where co-location will deliver a better solution in terms of environmental and visual impacts and the distribution of emissions.

### 7.2 Controls

7.2.1 The City shall refer all applications involving towers and the like over 30 meters to the *Department of Communications Information Technology* and the *Civil Aviation Safety Authority* for comment.

#### Relevant Standards

7.2.2 **Standards Australia** – Facilities including all associated infrastructure should be designed and installed having regard to the requirements of all relevant Australian Standards.

7.2.3 **Australian Communications and Media Authority (ACMA) Guide** – Facilities should be designed and installed in compliance with the requirements of the Australian Communications and Media Authority (ACMA) guide – *“Accessing and Installing Telecommunications Facilities – A Guide October 1999”*.

#### Visual Amenity

7.2.4 Service providers are to design antennas and supporting infrastructure in such a way as to minimise the visual impact from the public domain and adjacent areas.

7.2.5 Where possible the facility must be integrated with the design and appearance of the building or infrastructure on which it is located. The following design features must be taken into account:

- Colour;
- Texture;

- Form;
- Bulk and scale.

Where this is not possible this must be justified in writing.

**7.2.6** Facilities and all associated infrastructure must:

- be well-designed;
- be painted in colours selected to match the colour scheme of the building unless otherwise justified in writing to the City;
- be integrated with the existing building structure unless otherwise justified in writing to the City;
- 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)

**7.2.7** Facilities including associated infrastructure must be removed when no longer being used;

**7.2.8** Facilities including associated infrastructure must be suitably proportioned in size in relation to the building to which they are attached or adjoin; and

**7.2.9** The site must be restored following construction of the facility and its associated infrastructure.

**Co-Location**

Co-location is the practice of locating a number of different telecommunication facilities, often owned by different service provider's, on one facility or structure.

Where possible and practicable:

**7.2.10** Telecommunication lines should be located within any existing underground conduit or duct;

**7.2.11** Antennae and similar structures should be attached to existing utility poles, towers, structures, buildings or other telecommunication facilities, so as to minimise visual impact;

**7.2.12** 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; and

**Location**

**7.2.13** 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;

7.2.14 Preferred land uses for location (as determined by the City of Sydney) include:

- Industrial areas; and
- Commercial centres.

7.2.15 Where possible, facilities are to be located away from the street frontage or any public or private property adjacent to the site to reduce visual impact and adequately setback from the perimeter wall or roof edge of buildings;

7.2.16 Facilities should be installed so that they do not encroach upon any easements, right-of-ways, vehicular access or parking spaces required for the property; and

7.2.17 Noise caused by the facility must not result in the transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of habitable use.

#### **Heritage and Environment**

7.2.18 Facilities proposed for areas of environmental significance (as defined in the LIF Determination) require that:

- (i) A development application to be lodged, demonstrating compliance with the relevant Environmental Planning Instruments as they apply to the City of Sydney and the provisions of this DCP;
- (ii) the applicant is to avoid or minimise the visual impact of any proposed facility on the heritage significance of adjacent/ adjoining/ surrounding heritage items and conservation areas;
- (iii) the applicant is to provide a heritage report/ impact statement in accordance with the relevant Environmental Planning Instruments as they apply to the City of Sydney. The required report/ statement is also to address any relevant impacts on heritage conservation areas, heritage items or heritage streetscapes within adjoining Local Government areas;
- (iv) the applicant is to avoid or minimise the physical impact of any proposed facility on endangered flora and fauna;
- (v) if the service provider is required to notify the Environment Secretary of Environment Australia in accordance with s4.18(4) of the *Telecommunications Code of Practice 1997*, the City should be provided with a copy of this document along with any supporting studies accompanying this notification; and
- (vi) The applicant is to employ their utmost care to protect and conserve any possible archaeological relics, places and sites in the path of their activities.

#### **Facility Physical Design Controls**

7.2.19 The facility and all related infrastructure must be of high quality design and construction;

- 7.2.20 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;
- 7.2.21 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;
- 7.2.22 Where relevant, applicant shall adhere to the minimum *Building Code of Australia* (BCA) requirements for facility structural and construction elements and the relevant exposure levels as directed by the Australian Communications and Media Authority (ACMA); and
- 7.2.23 The applicant must provide the City with certification about the relevant building code standards with which the facility will comply.

#### **Facility Health Controls**

- 7.2.24 The applicant is to demonstrate the precautions it has taken to minimise EMR exposures to the public;
- 7.2.25 The applicant is to provide documentation to show that the proposed facility complies with the relevant Australian exposure standard as specified by the ACMA; and
- 7.2.26 The applicant is to provide a mapped analysis of cumulative EMR effect of the proposal as stated at Clause 5.1 (Lodgement Requirements).
- 7.2.27 Telecommunication and radiocommunication facilities are to be designed, installed and operated to comply with current standards relating to human exposure to electromagnetic energy appearing in any applicable code or standard made.

## 8 Conditions of Development Consent

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

- The approved facility and all related infrastructure must be maintained and repaired to an acceptable standard at all times.
- The approved facility and all related infrastructure must be removed if no longer in use.
- Prior to the operation of the approved facility, a permanent and legible weatherproof sign must be publicly visible, in the close proximity of the facility, displaying the name and contact details of the operator or site manager.
- If the approved facility is located on public infrastructure, such as road and rail infrastructure, public buildings and pedestrian footpaths, and the infrastructure requires replacement or removal, the owner and/or operator will be responsible for the cost of removing / replacing their own facility.
- If the approved facility is located on public infrastructure, such as road and rail infrastructure, public buildings and pedestrian footpaths and requires replacement or removal, the owner and/or operator will be responsible for the cost of removing / replacing their own infrastructure.

## APPENDIX A

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

as amended

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

#### *Telecommunications Act 1997*

This compilation was prepared on 14 July 2004

taking into account amendments up to Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 1 of 1999)

Prepared by the Office of Legislative Drafting,  
Attorney-General's Department, Canberra

### Part 1 Preliminary

#### 1.1 Citation [see Note 1]

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

#### 1.2 Commencement

This determination commences on 1 July 1997.

#### Background to determination

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

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

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

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

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

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

- area of environmental significance

- residential areas
- commercial areas
- industrial areas
- rural areas.

One effect of this determination is that a facility in an area of environmental significance cannot be a low-impact facility.

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

#### Simplified outline of determination

The determination has 3 Parts.

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

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

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

### 1.3 Definitions

In this determination:

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

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

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

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

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

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

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

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

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

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

- a police force or service
- a fire service
- an ambulance service
- a service specified in the numbering plan (see Act, 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 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 s 7), including 'carrier' and 'facility'.

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

- (a) co-located facilities; or
- (b) an original facility; or
- (c) a public utility structure;

where the materials are visible from a point outside the co-located facilities, original facility or public utility structure.

#### 1.4 Principal designated use

- (1) If an area is described, under a planning law, as having a sole or principal use, the use is the principal designated use of the area.
- (2) If an area is described, under a planning law, as having 2 or more uses, in terms that show that 1 of the uses is the predominant, preferred or most likely use, the use is the principal designated use of the area.
- (3) If an area is described, under a planning law, as having 2 or more principal uses, without any indication of the predominant, preferred or most likely use, the principal designated use of the area is determined on the following basis:
  - (a) if the uses include residential purposes, the principal designated use is for residential purposes;

- (b) if the uses include commercial purposes, but not residential purposes, the principal designated use is for commercial purposes;
  - (c) if the uses include industrial purposes, but neither residential nor commercial purposes, the principal designated use is for industrial purposes.
- (4) If a carrier proposes to engage in a low-impact facility activity in an area under Chapter 4 of the *Telecommunications Code of Practice 1997*, the principal designated use of the area is to be determined by reference to the time when the carrier proposes to issue the first notice to the owner or occupier of land in the area under Part 5 of that Chapter.

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

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

## Part 2 Areas

### 2.1 Commercial area

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

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

### 2.2 Industrial area

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

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

### 2.3 Residential area

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

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

### 2.4 Rural area

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

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

## Part 3 Low-impact facilities

### 3.1 Facilities

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

## Schedule Facilities and areas

(section 3.1)

### Part 1 Radio facilities

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

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

## Part 2 Underground housing

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

## Part 3 Above ground housing

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

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

#### Part 4 Underground cable facilities

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

Column 1 Item no.	Column 2 Facility	Column 3 Areas
3	Cable location marking post or sign	Residential Commercial Industrial Rural

#### Part 5 Public payphones

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

#### Part 6 Emergency facilities

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

#### Part 7 Co-located facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Facility mentioned in: (a) Part 1, 5 or 6; or (b) item 3 of Part 4; installed on or within: (c) an original facility; or (d) a public utility structure	Residential Commercial Industrial Rural

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

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

### Note 1

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

### Table of Instruments

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

### Table of Amendments

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

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

## APPENDIX B

### Access to Codes, Acts and Further Information

#### 1. ACIF Industry Code for the Deployment of Mobile Phone Network Infrastructure

See following website addresses:

[http://www.acma.gov.au/ACMAINTER.131456:STANDARD:572881194:pc=PC\\_2122](http://www.acma.gov.au/ACMAINTER.131456:STANDARD:572881194:pc=PC_2122)

- leads to an abstract of the Code. The Code itself can be downloaded from this page.

[http://www.acma.gov.au/acmainterwr/telcomm/industry\\_codes/codes/deployment%20of%20mobile%20phone%20infrastructure%20code%20c564\\_2004.pdf](http://www.acma.gov.au/acmainterwr/telcomm/industry_codes/codes/deployment%20of%20mobile%20phone%20infrastructure%20code%20c564_2004.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/documents\\_and\\_lists/codes/C564](http://www.acif.org.au/documents_and_lists/codes/C564)

#### 2. Telecommunications Act

This can be found on the ComLaw (Commonwealth of Australia Law) website at:

<http://www.comlaw.gov.au/ComLaw/Management.nsf/current/bytitle/FD553C6572E6E759CA256F7100071171?OpenDocument&mostrecent=1>

#### 3. Mobile Carriers Forum Publication “Low-impact Mobile Facilities – Guidelines for better Visual Outcomes”

The Mobile Carriers Forum has prepared guidelines to assist in the siting and design of new low-impact mobile telecommunication facilities, with the aim of minimising visual impact and achieving appropriate and acceptable outcomes. The guidelines include photographs of a range of radiocommunications infrastructure and are available from the Australian Mobile Telecommunications Association website.

[www.amta.org.au](http://www.amta.org.au) – go to Network Deployment and click on Low Impact Guidelines.

#### 4. Australian Radiation Protection and Nuclear Safety Agency

The following Australian Radiation Protection and Nuclear Safety Agency web address has a detailed discussion regarding the health implications of the mobile phone system.

<http://www.arpansa.gov.au/mph1.htm>

## APPENDIX C

### Compliance Checklist

To be completed by the Planning Officer

<b>Making an application</b>	<b>Required</b>	<b>Supplied</b>
Has the proponent provided Council with its information on facilities and infrastructure in this council's jurisdiction?	Yes / No	Yes / No
Is the proposal low impact or not low impact?		
Has adequate justification been provided for this decision?		
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 clause 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 professional certification that exposure details contained in the application are true and accurate?		
<b>Site analysis</b>	<b>Yes / No</b>	<b>Yes / No</b>
Is the proposed site within 300m of a school, adjacent to a playground, Child Care Centre or on a listed heritage item?		
Has the proponent submitted a scaled site and adjacent locality analysis plan showing:		
• Existing vegetation;		
• Site boundaries and dimensions;		
• Topography;		
• Location of existing buildings;		
• Views to and from the proposed site; and		
• Location of sensitive land uses?		
<b>Public Consultation</b>	<b>Yes / No</b>	<b>Yes / No</b>
Has the proponent consulted with affected adjoining councils (where relevant)?		
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 any community consultation process (if appropriate)?		
Has the proponent adequately considered the issue of non-English speaking communities?		
Has the proponent erected a sign on site notifying of its intention to construct that provides its contact details for facilities covered by the LIF Determination?		

Design Controls/Council's requirements	Yes / No	Yes / No
<b>1. Visual amenity</b>		
Has the facility been designed so as to minimise visual impact from the public domain?		
Does the design take account of		
• colour;		
• texture;		
• form;		
• bulk and scale?		
Is the facility:		
• well designed;		
• integrated with existing building structure;		
• incorporating concealed cables;		
• integrating the shelters with building structure;		
• unobtrusive; and		
• 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 facility?		
<b>2. Co-location</b>		
Does the plan require co-location? If so,		
• Does it result in an unacceptable visual impact?		
• Does it minimise cumulative emissions for neighbouring residents or		
other sensitive land uses?		
<b>3. Location</b>		
Has the proponent demonstrated that, in selecting a site, it has adopted a precautionary approach in regards to minimising Electromagnetic Radiation exposures?		
Is the facility in a preferred land use area?		
If the facility is in a sensitive area has it considered Australian Communications Industry Forum 5.1.4?		
<b>4. Environment and heritage</b>		
Is the facility in a heritage area/on a heritage building/in the vicinity of heritage items requiring development consent?		
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 facility including all associated 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 Electromagnetic Radiation exposures in the adjacent area?		
Has the proponent provided a statement that the proposed facility complies with the relevant Australian exposure standard?		