

# The Hills Development Control Plan (DCP) 2012

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THE  
HILLS  
Sydney's Garden Shire



**Part C Section 5**  
Telecommunications Facilities

# C5



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## 1. INTRODUCTION

This Section of the Development Control Plan must be read in conjunction with Part A – Introduction of this DCP.

### 1.1. LAND TO WHICH THIS SECTION OF THE PLAN APPLIES

This Section of the DCP applies to land to which The Hills Local Environmental Plan (LEP) 2012 applies.

### 1.2. FACILITIES TO WHICH THIS SECTION OF THE PLAN APPLIES

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

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

This Section of the DCP provides:

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

This Section of the DCP does not apply to temporary emergency services.

For guidance on the nature of facilities classified as “Low Impact” see the Telecommunications (Low-impact Facilities) Determination 1997.

### 1.3. AIMS AND OBJECTIVES OF THIS SECTION OF THE DCP

#### OBJECTIVES

##### Social

- (i) *To apply a precautionary approach to the deployment of radio communications infrastructure.*

- (ii) *To minimise EMR exposure to the public.*
- (iii) *To avoid community sensitive locations.*
- (iv) *To ensure that the general public and local communities have access to telecommunications technology.*
- (v) *To achieve equity for the various stakeholders by endeavouring to balance their various needs.*
- (vi) *To enable members of the public to adequately identify infrastructure and the agencies responsible for them.*
- (vii) *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

- (i) *To help implement principles of urban design in respect to telecommunications and radio communications infrastructure.*
- (ii) *To promote good industrial design of infrastructure.*
- (iii) *To provide infrastructure that is visually compatible with surrounding character and locality/visual context with particular regard to heritage buildings/areas and cultural icons.*
- (iv) *To minimise adverse impacts on the natural environment.*
- (v) *To assess whether the proposed infrastructure is consistent with the amenity of the area.*
- (vi) *To restore the site after discontinuation or removal of infrastructure.*

##### Economic

- (i) *To identify the type of land use areas suitable for infrastructure in a local government area.*
- (ii) *To accommodate the planning requirements of new technology.*
- (iii) *To provide equitable availability of locations to carriers.*
- (iv) *To assess whether the proposed infrastructure is consistent with permitted development in adjacent areas.*
- (v) *To ensure reasonable access to telecommunications technology.*
- (vi) *To provide certainty for stakeholders and a consistent approach to the implementation/*

assessment of telecommunications infrastructure.

### Administrative

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

## 2. TELECOMMUNICATIONS FACILITIES - PLANNING CONTEXT

This Section of the DCP provides:

- Controls for the siting, design and installation of telecommunications and radio communications facilities that require development consent from Council; and
- Guidelines for telecommunications carriers for the siting, design and installation of "low impact" facilities.

### 2.1. WHAT IS THE PURPOSE OF THIS SECTION OF THE PLAN

The purpose of this Section of the plan is:

- (i) To provide a consistent and integrated planning framework that addresses the community's interests in the effective and efficient provision of telecommunications and radio communications infrastructure so that it achieves environmental, economic and social sustainability in the short, medium and long term.
- (ii) To provide a consistency of approach which benefits carriers, community and councils.
- (iii) To balance the needs of different stakeholders, including the community/industry/local, state and federal governments.
- (iv) To provide guidance to carriers about council's requirements for:
- Site selection; and
  - Lodging an application

## 3. OBJECTIVES AND DEVELOPMENT CONTROLS

Objectives and development controls for telecommunication facilities are set out in the following sections.

In addition to those policies, guidelines and documents specified in section 1.4 of Part A - Introduction, this Telecommunications Section is to be read in conjunction with the following:

- State Environmental Planning Policy (Infrastructure) 2007;
- Telecommunications Act 1997;
- Radiocommunications Act 1992;
- Telecommunications Code of Practice 1997;
- Telecommunications (Low-impact Facilities) Determination 1997;
- Code for the Deployment of Radiocommunications Infrastructure (ACIF, 2002);
- Planning NSW Draft Telecommunications Guidelines; and
- Other relevant Sections including:
  - Part C Section 3 – Landscaping;
  - Part C Section 4- Heritage
  - Part C Section 6 – Flood Controlled Land

### 3.1. VISUAL AMENITY

- a) Carriers are to design antennae 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.
- b) Within the local context, the infrastructure design must take account of:
- Colour;
  - Texture;
  - Form;
  - Bulk and scale.
- c) Infrastructure must:
- Be well-designed;
  - Be integrated with the existing building structure unless otherwise justified in writing to council;
  - Have concealed cables where practical and appropriate;
  - Be unobtrusive where possible; and

- Be consistent with the character of the surrounding area.

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

Infrastructure must be removed when no longer being used.

The site must be restored following construction of the infrastructure.

### 3.2. 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.

- a) 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;
  - The required coverage cannot be achieved from the location; and
  - Carriers should demonstrate a precautionary approach and effective measures to minimise the negative impacts of co-location.

### 3.3. LOCATION

- a) Proposals for telecommunications facilities should utilise buildings, structures or other non-residential and non-community based features of the built environment for support of towers, antennae and ground based facilities in the first instance.
- b) 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.
- c) Preferred land uses include:
  - Industrial areas;
  - Rural areas;
  - Passive recreation areas; and
  - Commercial centres.

- d) 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 educational facilities, 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.

### 3.4. HERITAGE AND ENVIRONMENT

- a) 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/DCP; and
  - The applicant to have regard to avoiding or minimising the physical impact of any proposed facility on endemic flora and fauna.

### 3.5. DESIGN OF FACILITY

- a) Infrastructure must be of high quality design and construction.
- b) 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.
- c) The plan for the facility must include measures to restrict public access to the antenna(e). Approaches to the antenna(e) must contain appropriate signs warning of

EMR and providing contact details for the facility's owner/manager.

- d) 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.

### 3.6. HEALTH CONTROLS

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

## 4. INFORMATION REQUIRED FOR A DEVELOPMENT APPLICATION

The following plans and documentation will be required for all telecommunications facilities applications along with the relevant application form.

### SITE AND LOCALITY ANALYSIS

- 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:

#### SITE PLANS

#### ELEVATIONS

#### PHOTO MONTAGE

- Photomontage of the proposed facility in context of the location.

### 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 Section of the 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.

### ADDITIONAL DOCUMENTATION

- The 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 1.5 metres above publicly accessible surfaces within 300 metres 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 – Compliance Checklist of this section of the DCP);
- The results of any community consultation process, consistent with requirements in the ACIF Code for a low impact facility;
- Upon request, the applicant is to provide extra documentation such as a Heritage Impact Statement, should the site be identified as located within an area of environmental significance; and
- The Mobile providers must provide compliance evidence that indicates that exposure details contained in the application are true and accurate, and consistent with the ACIF Code. Other radiocommunication infrastructure providers must provide an EMR compliance certificate as to exposure details in the application.

### 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 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 ethnic communities are 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; and
- 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.

**Note.** Refer to Part A – Introduction section 4.0 for general lodgement requirements.

**APPENDIX 1 – COMPLIANCE CHECKLIST**

	Required	Supplied
<b>Making an application</b>		
Has the proponent provided council with its information on infrastructure in this council's jurisdiction?		
Is the proposal low impact or not low impact?		
<ul style="list-style-type: none"> <li>Has adequate justification been provided for this decision?</li> </ul>		
<ul style="list-style-type: none"> <li>Has the proponent provided a map of predicted exposure levels at 1.5 metres above publicly accessible surfaces within 300m and listed as a likely community sensitive location at 5.1(c) in the ACIF Code?</li> </ul>		
Has the proponent provided cross sectional diagrams?		
Has the proponent provided a photomontage of the facility in context of the location?		
Has the proponent provided a community consultation proposal where required under the ACIF Code?		
Has the proponent provided a heritage report/impact statement in accordance with Council's LEP (if required)?		
Has the proponent provided professional certification that exposure details contained in the application are true and accurate?		
<b>Site analysis</b>		
Has the proponent submitted a scaled site and adjacent locality analysis plan showing: <ul style="list-style-type: none"> <li>Existing vegetation;</li> <li>Site boundaries and dimensions</li> <li>Topography</li> <li>location of existing buildings;</li> <li>views to and from the proposed site;</li> <li>location of sensitive land uses</li> </ul>		
<b>Public notification/consultation</b>		
Has the proponent consulted with affected adjoining councils (where relevant)?		
Has the proponent consulted with council about how best to conduct community consultation?		
Does the application provide for visible permanent signage on site?		
Has the proponent 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?		
<b>Design Controls/Council's requirements</b>		
<b>1. Visual amenity</b>		
Has the facility been designed so as to minimise visual impact from the public domain?		
Does the design minimise or reduce the cumulative visual impact from the public domain?		
Does the design take account of <ul style="list-style-type: none"> <li>colour;</li> <li>texture;</li> <li>form;</li> <li>bulk and scale?</li> </ul>		
Is the infrastructure: <ul style="list-style-type: none"> <li>well designed;</li> <li>integrated with existing building structure;</li> <li>incorporating concealed cables;</li> <li>integrating the shelters with building structure;</li> </ul>		

<ul style="list-style-type: none"> <li>• unobtrusive;</li> <li>• consistent with the character of the surrounding area?</li> </ul>		
Does the plan include removal of the infrastructure when it is redundant?		
Does the plan include restoration of the site following construction of the infrastructure?		
<b>2. Co-location</b>		
Does the plan require co-location? If so,		
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 EMR exposures?		
Is the facility in a preferred land use area?		
If the facility is in a sensitive area has it considered ACIF 5.1.4?		
<b>4. Environment and heritage</b>		
Is the infrastructure in a heritage area/on a heritage building/in the vicinity of heritage items requiring development consent?		
Have measures been implemented to reduce visual impact on the heritage item or conservation area?		
Has the proponent provided a heritage report/impact statement?		
Has the proponent considered minimising physical impact on flora & fauna?		
Are any emissions other than electromagnetic expected?		
<b>5. Facility physical design controls</b>		
Has the carrier demonstrated that the infrastructure is of high quality design and construction?		
Does the plan include measures to restrict public access to the antenna(e)?		
Does the facility comply with the Building Code of Australia (not relevant for facilities covered by the LIF Determination) and other relevant Australian standards?		
<b>6. Facility health controls</b>		
Has the proponent demonstrated the measures it has taken to minimise EMR exposures in the adjacent area?		
Has the proponent provided a statement that the proposed facility complies with the relevant Australian exposure standard?		



