

ITEM 3

PUBLIC EXHIBITION - REVIEW OF WOLLONGONG DEVELOPMENT CONTROL PLAN 2009: CHAPTER C17 TELECOMMUNICATIONS AND RADIOCOMMUNICATION FACILITIES

Wollongong Development Control Plan (WDCP) 2009 Chapter C17 Telecommunications and Radiocommunications Facilities was adopted on 15 December 2009. A review of this chapter has occurred to reflect contemporary legislative and policies amendments and update its currency.

It is recommended that the draft revised Chapter C17 Telecommunications and Radiocommunications Facilities be exhibited for a minimum 28 day period to allow for community consultation in accordance with relevant policy.

RECOMMENDATION

- 1 The draft Wollongong Development Control Plan Chapter C17 Telecommunications and Radiocommunications Facilities be exhibited for a minimum period of 28 days.
- 2 Following the exhibition period, a report outlining the submissions received from the public exhibition process with recommendations regarding progression of the draft DCP amendments be prepared for Council's consideration.

REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

ATTACHMENTS

- 1 Draft Revised Wollongong DCP 2009 Chapter C17 Telecommunications and Radiocommunications Facilities

BACKGROUND

Council prepared, exhibited and adopted the Wollongong Development Control Plan (WDCP) in 2009 to accompany the Wollongong Local Environmental Plan 2009. On 15 December 2009, Council endorsed the WDCP 2 and it came into force on 3 March 2010. Periodic review, update and amendment of WDCP occurs as required, to ensure plans continue to be useful and relevant as a policy of Council.

Telecommunications and radiocommunications facilities are vital infrastructure components of modern communication systems. These include telecommunications towers, masts and antennas, base stations, satellite-based facilities, radiocommunications transmitters and their supporting infrastructure and ancillary development.

The legislation governing telecommunications infrastructure, aims to balance the community's need to access reliable, affordable telecommunications services and ensuring that property owners, local governments and communities have a say in the deployment of infrastructure that affects them. Telecommunications companies (known as carriers) have some powers to enter land and install and maintain specified types of telecommunications facilities, and immunities from some NSW State legislation. In using their powers and immunities, licenced carriers need to meet the requirements in the *Telecommunications Act 1997* and the Telecommunications Code of Practice 2018. As the regulator, the Australian Communications and Media Authority (ACMA) can enforce licence conditions.

Telecommunications carriers deploying infrastructure are exempt from certain planning laws, relating to -

- Facilities that are determined to be low-impact facilities (as specified in the Telecommunications (Low-impact Facilities) Determination 2018).
- Temporary facilities for use by a defence organisation.
- Facilities for which ACMA <https://www.acma.gov.au/> has granted a Facility Installation Permit.

If a facility is not in one of these three groups, then carriers must comply with NSW State laws and planning regulations.

It is important for exempt facilities to be well sited and designed to avoid adverse visual impacts, comply with electromagnetic energy exposure limits and minimise environmental and amenity impacts.

Facilities not identified in the Telecommunications (Low-impact Facilities) Determination 2018 as “low impact facilities”, require development consent under the *Environmental Planning & Assessment Act 1979* for which Council is the consent authority.

The purpose of Wollongong DCP 2009 Chapter C17 Telecommunications and Radiocommunications Facilities is to provide development controls applicable to the design, siting, construction, safety, security and environmental and public health impacts of such facilities, including broadcasting infrastructure covered by the *Commonwealth Telecommunications Act 1997* and the *Commonwealth Radiocommunications Act 1992*.

PROPOSAL

The current Wollongong DCP 2009 Chapter C17 Telecommunications and Radiocommunications Facilities was adopted on 15 December 2009. Since this time there have been updates to the relevant legislation, Industry Code of Practice, State Government Guidelines and Council Policy relevant to the DCP Chapter. Key changes are outlined in Table 1 and further information on the new Policy is provided below.

Table 1. Key changes to Telecommunications policy since 2009

| Repealed | Established |
|--|--|
| <ul style="list-style-type: none"> • Telecommunications Code of Practice 1997 • Telecommunications (Low-impact Facilities) Determination 1997 • Mobile Phone Base Station Deployment Industry Code 2004 | <ul style="list-style-type: none"> • Telecommunications Code of Practice 2018 • Telecommunications (Low-impact Facilities) Determination 2018 • Mobile Phone Base Station Deployment Industry Code 2020 • NSW Telecommunications Facilities Guideline, Including Broadband 2010 • Illawarra Escarpment Strategic Management Plan 2015 |

Telecommunications Code of Practice 2018

The Telecommunications Code of Practice 2018 is made under Schedule 3 to the *Telecommunications Act 1997*. The 2018 revision of the Telecommunications Code of Practice 1997 (‘Code’) aims to simplify and update the requirements on carriers relating to access for inspection, installations and maintenance of telecommunications facilities on land.

Compliance with the Telecommunications Code is a carrier licence condition. The *Telecommunications Act* and Telecommunications Code require carriers to notify landowners and occupiers of intended activities, and to make reasonable efforts to resolve valid objections from landowners or occupiers. The Telecommunications Code of Practice 2018 sets out further obligations on carriers. For example, carriers, and their contractors, must comply with good engineering practice and consider noise limits, the environment, and obstruction of essential services when installing or maintaining facilities.

Telecommunications (Low-impact Facilities) Determination 2018

The Telecommunications (Low-impact Facilities) Determination 2018 lists low impact facilities (generally phone and internet network structures) that are less conspicuous such as some radiocommunications facilities, underground and above-ground housing, underground and some aerial cables, public payphones, emergency and co-located facilities.

Carriers must comply with the *Telecommunications Act 1997* when they install these facilities in order to enter onto land to -

- Inspect the land.
- Install a low-impact facility.
- Maintain a facility.

Facilities cannot be low-impact facilities if they are to be installed in areas of environmental significance, which includes places listed on a Commonwealth, State or Territory Heritage Register. These facilities must meet the requirements of the usual Commonwealth, State or Territory approval processes, such as the *Environment Protection and Biodiversity Conservation Act 1999* or the broader telecommunications regime, including the *Radiocommunications Act 1992*.

Carriers installing low-impact facilities for mobile phone networks must also comply with the additional requirements in the Industry Code for Mobile Phone Base Station Deployment C564:2020.

Mobile Phone Base Station Deployment Industry Code 2020

The Mobile Phone Base Station Deployment Code is designed to -

- Provide greater transparency to local community and councils when a carrier is planning, selecting sites for, installing and operating mobile phone radiocommunications infrastructure.
- Allow the community and councils to have greater participation in the decision-making process of carriers when deploying mobile phone base stations.

The revised Code includes a new public notification obligation that requires mobile carriers to inform local councils and local communities before they deploy temporary mobile phone radiocommunications infrastructure (temporary facilities).

NSW Telecommunications Facilities Guideline, Including Broadband (2010)

In 2010, the NSW Department of Planning published the NSW Telecommunications Facilities Guideline. The Guideline includes principles for the design, siting, construction and operation of proposed telecommunications facilities in NSW. The principles encourage the provision of telecommunications facilities with minimal impact on the amenity of an area. The principles are as follows -

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

When assessing a development application for a telecommunications facility, the consent authority is to consider the principles set out in these guidelines, the SEPP (Infrastructure) 2007 and, any relevant Commonwealth legislation. All carriers must comply with the Radiation Protection Standard entitled Maximum Exposure Levels to Radiofrequency Fields – 3 kHz to 300 GHz (2002) in relation to health and wireless telecommunications facilities. The guideline provides an example set of standard conditions of consent as an Appendix to assist the consent authority in approving the development.

Illawarra Escarpment Strategic Management Plan 2015

The Illawarra Escarpment is an outstanding feature of the Illawarra region providing a natural backdrop to the City as well as encompassing areas of high conservation value and rich cultural heritage. The Illawarra Escarpment is one of the most important landscape and cultural features of the region and has high aesthetic and environmental value to the community.

One of the primary objectives of the Illawarra Escarpment Strategic Management Plan 2015 is to ensure proposed land uses do not adversely impact -

- The visual quality of the Illawarra Escarpment and its precincts.
- Heritage values.

- Bush fire hazard and associated vegetation management.
- Biodiversity.

These objectives are considered when assessing development applications within the escarpment area, including telecommunication facilities.

Review Process

A review of WDCP Chapter C17 has been conducted in the context of the current Legislative and Policy framework. Consequently, a revised draft WDCP 2009 Chapter C17 has been prepared for Council consideration and public consultation (Attachment 1).

The revised draft WDCP Chapter C17 now includes new requirements to comply and more closely align with the updated Telecommunications Code of Practice 2018; Telecommunications (Low-impact Facilities) Determination 2018; Mobile Phone Base Station Deployment Industry Code 2020; NSW Telecommunications Facilities Guidelines Including Broadband 2010, and Council’s Illawarra Escarpment Strategic Management Plan 2015.

The revised draft WDCP Chapter C17 provisions were also benchmarked against other local government areas, including -

- City of Sydney.
- Sutherland.
- Bankstown.
- Woollahra.
- Campbelltown.
- Lane Cove.
- North Sydney.
- Penrith City.
- Blacktown.

Chapter C17 Telecommunications and Radiocommunications Facilities: Proposed Amendments

An overview of the changes recommended for WDCP Chapter C17 is provided in Table 2 below.

Table 2. Overview of proposed amendments to Wollongong DCP 2009 Chapter C17

| Previous Section | Proposed Change | Comment |
|-------------------|---|---------|
| Chapter generally | <ul style="list-style-type: none"> • Updated with current legislation and guidance documents. • Summaries of legislation deleted. • Overall tightening of development controls and new controls added. • Appendices deleted. • Restructured and sections renumbered to suit the new structure. | |

| Previous Section | Proposed Change | Comment |
|-------------------------|---|--|
| <p>Contents</p> | <ul style="list-style-type: none"> • Updated to reflect the new structure • The new structure contains the following additional section headings: <ol style="list-style-type: none"> 2. Purpose 3. Land to which this Chapter Applies 4. Development to which this Chapter Applies 9. Conditions of Development Consent • Definitions moved to last and renamed “Acronyms and Definitions”. • Section heading “Relevant Legislation and Industry Codes of Practice” renamed to “Relevant Legislation, Industry Code of Practice and State Government Guideline”. • Section heading “Siting Guidelines” renamed to “Design and Siting Controls”. • Section heading “Visual Amenity” renamed to “Design and Construction” • Section heading “Facility physical design controls” deleted. • Appendices deleted. | <p>Contents restructured to be more logical and also to be consistent with other WDCP 2009 Chapters recently reviewed and updated.</p> |
| <p>1.1 Introduction</p> | <ul style="list-style-type: none"> • Simplified and updated. • Clause 1.1(6) updated and moved under the new section heading “Development to which this Chapter Applies”. • Information about the purpose of telecommunications and radiocommunications facilities and why they need to be regulated added. | <p>Introduction updated to reference current legislation.</p> |
| <p>1.2 Definitions</p> | <ul style="list-style-type: none"> • Moved to back of chapter and renamed “Acronyms and Definitions”. • Definition of “Community sensitive locations” simplified and renamed to “Sensitive locations”. • Definition of “Telecommunications facility” updated to reflect the definition contained in State Environmental Planning Policy (Infrastructure) 2007. • Reference to Electromagnetic Radiation (EMR) replaced with Electromagnetic Energy (EME). • Definitions added for: <ul style="list-style-type: none"> • ARPANSA: Australian Radiation Protection and Nuclear Safety Agency • Radiation Protection Standard: The ARPANSA (2002) Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields – 3 kHz to 300 GHz | <p>Definitions updated to reference current legislation. Additional definitions added.</p> |

| Previous Section | Proposed Change | Comment |
|---|--|--|
| 1.3 Objectives | <ul style="list-style-type: none"> Renumbered to section 5 and edited to improve focus and clarity. | Objectives strengthened to reflect Council Policy (Illawarra Escarpment Strategic Management Plan 2015) and remove reference to EMR. |
| 1.4 Relevant Legislation and Industry Codes of Practice | <ul style="list-style-type: none"> Renamed to “Relevant Legislation, Codes and State Government Guideline” and renumbered to section 6. Updated relevant legislation, updated industry code of practice and new state government guideline referenced as relevant to the Chapter - summaries of legislation deleted. | Summaries of legislation, codes and state guideline considered inappropriate in a DCP. |
| 2 Siting Guidelines | <ul style="list-style-type: none"> Renamed to “Design and Siting Controls” and renumbered to section 7. Previous clauses 2.1(7) “The site must be restored following construction of the infrastructure” and 2.1(8) “Infrastructure must be removed when no longer being used” deleted and incorporated into new section 9 “Conditions of Development Consent”. “A proposed facility, including any maintenance access or asset protection zone for a proposed tower is to be designed, sited and constructed to avoid or minimise impacts on indigenous flora and fauna, including threatened biodiversity” added as new clause 7.2(6). “The facility must be designed and constructed to restrict public access to the antenna(s). Approaches to the antenna(s) must contain appropriate signs warning of EME and provide contact details for the owner and / or site manager of the facility” added as new clause 7.2(7) (moved from previous section 2.5 Facility physical design controls). | Content restructured under more appropriate headings. New controls added to reflect Council Policy (IESMP 2015). |
| 2.2 Co-location | <ul style="list-style-type: none"> Renumbered to section 7.3. Rewritten. | Rewritten to incorporate content about co-location from the NSW Telecommunications Facilities Guideline Including Broadband 2010. |

| Previous Section | Proposed Change | Comment |
|---------------------|---|---|
| <p>2.3 Location</p> | <ul style="list-style-type: none"> • Renumbered to section 7.4. • “The siting of facilities in locations of high aesthetic, ecological or cultural value should be avoided” added as new clause 7.4(1). • Previous clause 2.3(1) replaced with “Development applications for facilities should demonstrate that in selecting a site a precautionary approach consistent with the Mobile Phone Base Station Deployment Industry Code (2020) has been adopted in regard to minimising EME exposures” and placed in 7.4(2). • “The applicant must provide justification for the proposed location which sets out why it is the most appropriate having regard to alternative sites, the details of which must also be provided. The statement of environmental effects which accompanies the development application must also explain how potential conflicts with adjoining land uses will be avoided, mitigated and managed” added as new clause 7.4(3). • Previous clause 2.3(1) “Preferred land uses include: Industrial areas; Rural areas; and Low-use open space” deleted and replaced with: • “The land use zone for the siting of a proposed facility must be considered, giving priority to the following zones in descending order of preference by Council: <ul style="list-style-type: none"> a Industrial (IN1, IN2, IN3, IN4) b Business (B1, B2, B3, B4, B6, B7) c Open space/corridor land/drainage reserves (RE1, RE2) d Rural (RU1, RU2, RU4) e Residential (R2, R3, R4, R5) f Special uses containing sensitive land uses, such as schools, child care facilities, hospitals, seniors housing (SP1, SP2, SP3)” and placed in 7.4(4). • “The applicant must provide justification for the proposed location which sets out why it is the most appropriate having regard to alternative sites, the details of which must also be provided. The statement of environmental effects which accompanies the development application must also explain how potential conflicts with adjoining land uses will be avoided, mitigated and managed” added. • Previous clause 2.3(2) replaced with “Residential and special use zones and sensitive locations should be avoided” and placed in clause 7.4(6). Sensitive locations have been defined under Acronyms and Definitions at the back of the Chapter. | <p>New controls added to reflect Council Policy. New controls added that other Councils have adopted in their Telecommunications Facilities DCP Chapter.</p> <p>Reference to EMR replaced with EME.</p> |

| | | |
|---------------------------------------|---|---|
| | <ul style="list-style-type: none"> • Previous clause 2.3(3) reworded and moved to clause 7.4(1) – “The siting of facilities in locations of high aesthetic, ecological or cultural value should be avoided”. • “Facilities proposed to occur within the Wollongong Local Environmental Plan 2009 mapped Illawarra Escarpment area must consider clause 7.8 of Wollongong Local Environmental Plan 2009 and the potential impacts on escarpment values as outlined in the Illawarra Escarpment Strategic Management Plan 2015” added as new clause 7.4(7). | |
| 2.4 Heritage | <ul style="list-style-type: none"> • Renumbered to section 7.5. • Clauses reworded, strengthened, reordered and an extra clause about when a Heritage Impact Statement may also be required added. • The term “item of State or local heritage” used instead of “item of environmental heritage”. | Use of the term “item of State or local heritage” instead of “item of environmental heritage” is consistent with the NSW Telecommunications Facilities Guideline Including Broadband. |
| 2.5 Facility physical design controls | <ul style="list-style-type: none"> • Section deleted. • Previous clause 2.5(1) updated and replaced by new section 7.2 Design and Construction. • First sentence of previous clause 2.5(2) updated and replaced by new clause 7.1(1). • Last paragraph of previous clause 2.5(2) slightly edited and moved to new clause 7.2(7). | |
| 2.6 Facility health controls | <ul style="list-style-type: none"> • Moved and renumbered to section 7.1. • Rewritten to align with the NSW Telecommunications Facilities Guideline Including Broadband more closely. • The words “such as likely future sensitive locations/services based on land use zoning” added after the words “The choice of site should also consider likely future adjoining land uses” and this clause moved to new clause 7.4(6). • Previous clause 2.6(5) deleted and incorporated into renumbered section 8 “Development Application Information Requirements”. | Reference to EMR replaced with EME. Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) has a particular methodology that must be followed for determining exposure levels for EME reports and the reports cover out to 500 metres from a proposed facility and provide a map. |

| Previous Section | Proposed Change | Comment |
|--|---|--|
| 3 Development Application Information Requirements | <ul style="list-style-type: none"> • Renumbered to section 8. • Slightly reordered. • References to Appendices 5, 6 and 7 deleted. • “including details of alternative sites considered and details addressing sections 7.1 to 7.5 of this DCP Chapter and the principles contained in the NSW Telecommunications Facilities Including Broadband Guideline” added. • Requirements of clause 7.8 Illawarra Escarpment Area Conservation of WLEP 2009 added. • Previous clauses 3(1)(h) and (i) deleted. • Site/locality analysis plan to show prominent views and vistas added as a new requirement. • The requirement for a visual impact assessment report in certain circumstances added. | <p>Reference to EMR replaced with EME.</p> <p>ARPANSA has a particular methodology that must be followed for determining exposure levels for EME reports and the reports cover out to 500 metres from a proposed facility and provide a map.</p> <p>New requirements added to reflect Council Policy (IESMP 2015).</p> |
| Appendices 1 to 7 | <ul style="list-style-type: none"> • Deleted. | <p>Considered unnecessary in DCP.</p> |
| | <ul style="list-style-type: none"> • New Section 9 “Conditions of Development Consent” added. | <p>Previous clauses 2.1(7) and 2.1(8) incorporated into new section 9.</p> |

It is recommended that Council resolve to exhibit the revised draft WDCP Chapter C17 for a minimum period of 28 days.

CONSULTATION AND COMMUNICATION

Internal consultation was conducted with relevant Council divisions to understand how the WDCP Chapter C17 is referenced, with the aim of incorporating improvements. The Council Teams consulted included: Environment, Landscaping, Development Assessment, Property & Recreation and Development Engineering. Advice was also sought from Council’s Legal Team to check for clarity, legibility and legal correctness of the proposed DCP Chapter amendments.

This report proposes the minimum public exhibition of the revised draft WDCP Chapter C17 for a period of 28 days. All submissions will be reviewed and any post exhibition revised amendments will be reported to a future Council meeting for adoption.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2028 Objective *“The Sustainability of our urban environment is improved”* under the Community Goal *“We value and protect our environment”*. It specifically delivers on the following:

| Community Strategic Plan Strategy | Delivery Program 2018-2022 4 Year Action | Operational Plan 2020-21 Operational Plan Actions |
|---|---|---|
| Manage land uses to strengthen urban areas | 1.3.1 Impacts from development on the environment are assessed, monitored and mitigated | Action 1: Assess new developments and planning proposals for environmental impacts. |
| Manage visual and urban amenity resulting from urban development. | 1.3.2.2 Mitigate the impact of development on the natural environment and visual amenity of our open spaces and urban areas | Action 1: Review and implement planning controls to mitigate the impact of development on the natural environment and visual amenity of our spaces and urban areas. |

CONCLUSION

A review of Wollongong Development Control Plan 2009 Chapter C17 Telecommunications and Radiocommunications Facilities has been conducted and identified the need for minor amendments in line with current legislation, Industry Code of Practice, State Government Guidelines and Council Policy.

This report recommends that the revised draft DCP Chapter C17 be endorsed for public exhibition for a minimum period of 28 days.



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Part C – Specific Landuse Controls

Chapter C17: Telecommunications and Radiocommunications Facilities

1 INTRODUCTION

Telecommunications and radiocommunications facilities are vital infrastructure components of modern communication systems.

Telecommunications and radiocommunications facilities include telecommunications towers, masts and antennas, base stations, satellite-based facilities, radiocommunications transmitters and their supporting infrastructure and ancillary development.

It is important for these facilities to be well sited and designed to avoid adverse visual impacts, comply with electromagnetic energy emission exposure limits and minimise environmental and amenity impacts.

Council is the consent authority for telecommunications and radiocommunications facilities that require development consent under the *Environmental Planning and Assessment Act 1979*. These are facilities not identified in the *Telecommunications (Low Impact Facilities) Determination 2018* as 'low impact facilities'.

2 PURPOSE

The purpose of this chapter of the DCP is to provide development controls applicable to the design, siting, construction, safety, security and environmental and public health impacts of telecommunications and radiocommunications facilities, including broadcasting infrastructure covered by the Commonwealth *Telecommunications Act 1997* and the Commonwealth *Radiocommunications Act 1992*.

3 LAND TO WHICH THIS CHAPTER APPLIES

This chapter applies to all lands within the Wollongong Local Government Area (LGA).

4 DEVELOPMENT TO WHICH THIS CHAPTER APPLIES

1 This chapter applies to all proposed new telecommunications and radiocommunications facilities and modifications to existing facilities, which require Council development consent under the *Environmental Planning and Assessment Act 1979*.

2 This chapter does **not** apply to:

- a Low-impact facilities as described in the Commonwealth *Telecommunications (Low-impact Facilities) Determination 2018*; or
- b Aerials, antennae and communication dishes specified as "Exempt Development" under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

5 OBJECTIVES

The objectives of this chapter are to:

- a Minimise the public health risk associated with the operation of telecommunications and radiocommunications facilities, particularly in regards to sensitive locations;
- b Promote good industrial design of infrastructure;
- c Provide infrastructure that is compatible with the surrounding character and visual context of the locality, with particular regard to heritage items, conservation areas and cultural icons;
- d Minimise any adverse local environmental and amenity impacts associated with the installation and operation of telecommunications and radiocommunications facilities.

6 RELEVANT LEGISLATION, CODES AND STATE GOVERNMENT GUIDELINE

The following are relevant to this chapter:

- *Telecommunications Act 1997* (Commonwealth)
- *Radiocommunications Act 1992* (Commonwealth)
- *Telecommunications Code of Practice 2018* (Commonwealth)
- *Telecommunications (Low-impact Facilities) Determination 2018* (Commonwealth)
- *State Environmental Planning Policy (Infrastructure) 2007*
- *Mobile Phone Base Station Deployment Industry Code (2020)*
- *NSW Telecommunications Facilities Guideline Including Broadband (2010)*.

7 DESIGN AND SITING CONTROLS

7.1 Facility Health Controls

- 1 Telecommunications and radiocommunications facilities must be designed, installed and operated so that the maximum human exposure levels to radio frequency EME comply with the exposure standards specified by the Australian Communications and Media Authority.
- 2 Development applications must include an EME assessment in accordance with the ARPANSA prediction methodology and report format (accessible via ARPANSA's website) demonstrating the predicted levels of radio frequency EME surrounding the proposed development comply with exposure standards specified by the Australian Communications and Media Authority.
- 3 The cumulative impact of all existing facilities, combined with the proposed new facility, must be assessed. The development application must be supported by a map which identifies other facilities within a 500 metre radius of the proposed new facility, and an analysis of the cumulative total level of radio frequency EME within the locality, with and without the proposed facility, by reference to the relevant exposure standard.

7.2 Design and Construction

- 1 A proposed facility must avoid and minimise adverse impacts on the landform, vegetation or features of a location that has special aesthetic, architectural, landscape, ecological or conservational value, as identified through Council's public Planning & Environment Map.
- 2 A proposed facility must be well designed to minimise its visual impact. Within the local context, the proposed facility design must take into account colour, texture, form, bulk and scale.
- 3 Actions to minimise visual impact may include:
 - integration with the design and appearance of an existing building or structure,
 - concealed cables,
 - painting and finishes of towers and ground level structures,
 - height and colour of any security fencing around a stand-alone facility; and
 - site landscaping complementary to the surrounds.
- 4 Antennas and mast structures must be located so as to not be visible, or to be as visually unobtrusive as possible from the fronting road at pedestrian eye level.

The location of antennas and mast structures at the rear of buildings should be considered, rather than on street frontages, impacting on the streetscape. Radio transparent materials may allow antennas to be concealed inside structures.

Part C – Specific Landuse Controls

Chapter C17: Telecommunications and Radiocommunications Facilities

- 5 Towers must be of 'slimline monopole' construction.
- 6 A proposed facility, including any maintenance access or asset protection zone for a proposed tower is to be designed, sited and constructed to avoid or minimise impacts on indigenous flora and fauna, including threatened biodiversity.
- 7 The facility must be designed and constructed to restrict public access to the antenna(s). Approaches to the antenna(s) must contain appropriate signs warning of EME and provide contact details for the owner and/or site manager of the facility.

7.3 Co-location

- 1 Telecommunications and radiocommunications facilities are to be co-located with existing facilities where available and feasible. This may include:
 - sharing of existing antennas between providers/carriers;
 - co-location of antennas on an existing tower that has been established by another carrier; or
 - co-location on building rooftops.
- 2 Exemptions to co-location under clause 1 may apply where:
 - adding additional antennas results in radio frequency EME emissions exceeding the maximum human exposure levels set out in the ARPANSA Radiation Protection Standard;
 - a relatively worse visual impact outcome would result from co-location;
 - there are physical and technical limits to the amount of infrastructure that structures are able to support; or
 - no existing facility can provide equivalent site technical specifications including meeting requirements for coverage objectives, radio traffic capacity demands and sufficient call quality.

7.4 Location

- 1 The siting of facilities in locations of high aesthetic, ecological or cultural value should be avoided.
- 2 Development applications for facilities should demonstrate that in selecting a site a precautionary approach consistent with the Mobile Phone Base Station Deployment Industry Code (2020) has been adopted in regards to minimising EME exposures.
- 3 The applicant must provide justification for the proposed location which sets out why it is the most appropriate having regard to alternative sites, the details of which must also be provided. The statement of environmental effects which accompanies the development application must also explain how potential conflicts with adjoining land uses will be avoided, mitigated and managed.
- 4 The land use zone for the siting of a proposed facility must be considered, giving priority to the following zones in descending order of preference by Council:
 - a Industrial (IN1, IN2, IN3, IN4)
 - b Business (B1, B2, B3, B4, B6, B7)
 - c Open space/corridor land/drainage reserves (RE1, RE2)
 - d Rural (RU1, RU2, RU4)
 - e Residential (R2, R3, R4, R5)
 - f Special uses containing sensitive land uses, such as schools, child care facilities, hospitals, seniors housing (SP1, SP2, SP3).
- 5 Residential and special use zones and sensitive locations should be avoided.

- 6 The choice of site should also consider likely future adjoining land uses such as likely future sensitive locations/services, based on land use zoning.
- 7 Facilities proposed to occur within the Wollongong Local Environmental Plan 2009 mapped Illawarra Escarpment area must consider clause 7.8 of Wollongong Local Environmental Plan 2009 and the potential impacts on escarpment values as outlined in the Illawarra Escarpment Strategic Management Plan 2015.

7.5 Heritage

- 1 A facility must not be located on roof tops or within the curtilage of a site identified as an item of State or local heritage or within a heritage conservation area as identified in Wollongong LEP 2009.
- 2 A facility must not be located in a locality where in the opinion of Council the streetscape character is significantly influenced or defined by heritage items or the heritage significance of adjoining or nearby heritage items and/or heritage conservation areas may be adversely impacted by the proposed facility.
- 3 The applicant is to avoid the visual impact of any proposed facility on the heritage significance of any adjoining or nearby heritage item and/or contributory items within a heritage conservation area.
- 4 A Heritage Impact Statement may be required for any proposed facility within close proximity to or within the visual catchment of a heritage item or heritage conservation area where in the opinion of Council, the proposal has the potential to impact upon the setting of the heritage item or heritage conservation area. It is strongly recommended that prospective applicants arrange a pre-lodgement meeting and request attendance by Council's Heritage Coordinator for advice as to whether a Heritage Impact Statement is necessary for any proposal within proximity to a heritage item or heritage conservation area.

8 DEVELOPMENT APPLICATION INFORMATION REQUIREMENTS

- 1 A Development Application for a telecommunications or radiocommunications facility must include:
 - a Statement of Environmental Effects, including details of alternative sites considered, how potential land use conflicts will be managed and details addressing sections 7.1 to 7.5 of this DCP Chapter and the principles contained in the NSW Telecommunications Facilities Guideline including Broadband (2010);
 - b Where applicable, how the requirements of clause 7.8 'Illawarra Escarpment Area Conservation' of Wollongong Local Environmental Plan 2009 have been addressed;
 - c Site/locality analysis plan showing prominent views and vistas and methods used for minimising any adverse impacts of antennas and masts (and associated equipment and structures);
 - d Site plan;
 - e Elevation plan;
 - f Photomontage of the proposed facility in context of the location;
 - g An EME assessment report prepared in accordance with the ARPANSA prediction methodology and report format;
 - h An assessment of the cumulative impact of all existing and proposed telecommunications or radiocommunications facilities in the locality as outlined in section 7.1(3) above.

Part C – Specific Landuse Controls

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- i For a stand-alone facility – a Landscape Concept Plan;
- j For a proposed facility in the vicinity of a State or local heritage item or heritage conservation area – a Heritage Impact Statement;
- k For a proposed facility in the vicinity of a State or local heritage item or heritage conservation area, including the Illawarra Escarpment State Heritage Conservation Area – a Visual Impact Assessment that considers the impact on significant view corridors to and from the heritage item or heritage conservation area.

9 CONDITIONS OF DEVELOPMENT CONSENT

- 1 In the event that development consent is granted to an application for a telecommunications or radiocommunications facility, conditions of consent relating to the following matters are likely to be imposed:
 - a Restoration of the site following construction of the facility;
 - b Colour requirements for monopoles;
 - c Operation of the facility in accordance with all statutory requirements and the requirements of the Australian Communications and Media Authority and the Australian Radiation Protection and Nuclear Safety Agency;
 - d Maintenance of the site and its facilities in a proper and safe condition at all times throughout its lifespan; and
 - e Removal of the facility when it is no longer required and the site restored to a condition similar to its condition before the facility was constructed.

ACRONYMS AND DEFINITIONS

The meanings of the following acronyms and terms used in this chapter are included here for clarification only and do not replace the definitions contained within the legislation.

ARPANSA: Australian Radiation Protection and Nuclear Safety Agency.

Co-location: The practice of locating a number of different communications facilities, often owned by different carriers, on one facility or structure.

Cumulative impact: The sum of the impacts from a number of different sources or over time.

EME: Electromagnetic energy. The radiation in the microwave and radiofrequency band of the electromagnetic spectrum.

Low-impact facility: A facility that is exempted from state and council local planning laws under the Commonwealth Telecommunications (Low Impact Facilities) Determination 2018.

Radiation Protection Standard: The ARPANSA (2002) Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields - 3 kHz to 300 GHz.

Radiocommunications facility: A base station or radiocommunications link, satellite-based facility or radiocommunications transmitter.

Sensitive locations: Examples of locations that may be considered to be sensitive include residential areas, schools, child care facilities, hospitals and seniors housing.

Telecommunications facility: (a) Any part of the infrastructure of a telecommunications network, or (b) any line, cable, optical fibre, fibre access node, interconnect point, equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or (c) any other thing used in or 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 or unguided electromagnetic energy or both.