



NSW GOVERNMENT
Department of Planning

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Draft NSW Telecommunications Facilities Code Including Broadband – Q&A

How do the amended Infrastructure State Environmental Planning Policy (SEPP) and the draft code ensure the health of the community is protected?

While the SEPP amendment and draft code will allow the planning system to work more efficiently, they will, at the same time, still require the strictest of health standards be maintained.

The relevant standards to do with maximum allowable exposure levels for electromagnetic radiation are set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and these health standards are one of the fundamental principles set out in the draft code which MUST be met by all new telecommunications facilities.

If these standards are not met, the facility in question simply won't be allowed, regardless of any exempt or complying provisions that are being introduced to streamline the delivery of broadband throughout the State.

What protection will be afforded to the visual amenity of both regional landscapes and inner city areas?

Minimising visual impact and co-locating facilities where possible are two of the key principles included in the draft code that all new telecommunications facilities will need to be consistent with.

The particular considerations which must be taken into account include:

- New facilities to be mounted on a building or structure should integrate with and be sympathetic to the design, appearance, height, scale and colour of the building or structure, as well as adjacent buildings.
- A new facility should also be located and designed to respond appropriately to its landscape setting, and take into account any heritage items in the vicinity through sympathetic design and scale.

Moreover, to ensure there is not an unnecessary proliferation, any telecommunications facilities that are no longer required are to be removed and the site restored to its original state.

Co-location is also an important principle to minimise clutter and, as such, the draft code states that telecommunications facilities should be co-located wherever practical.

For example, under the provisions of the draft code, new telecommunications lines should be within an existing underground conduit and overhead lines and antennas should be attached to existing structures.

Where a new facility, such as a mobile phone base station, is being proposed, the onus will be on the proponent to demonstrate that co-location is not practical, or that construction of the proposed new base station will actually result in less visual or environmental impact.

How do the new provisions ensure there is not an unsightly proliferation of new cabling?

The Infrastructure SEPP, introduced in early 2008, already contains provisions requiring that, in order to be considered as exempt development, new above ground cabling must be co-located with an existing electricity supply connection.

This type of cabling must also be consistent with the relevant Industry Code issued by the Australian Communications Industry Forum (ACIF) which covers External Communication Cable Networks.

These provisions have been drafted in such a way as to ensure that, by co-locating new above ground cabling, visual amenity is not inappropriately impacted. And, of course, any proposal which does not comply with these provisions, would instead need to go through the full DA process with the local council.

How is the amenity of nearby residents taken into account?

The use of exempt and complying provisions has been a common feature of the way local councils have handled minor development proposals since 1997. This system allows small-scale developments with minimal impact on the surrounding area to proceed quickly without the need to lodge a full development application (DA).

As these types of development do not require a DA, there is also no public exhibition period during which submissions are received, and this is no different under the Draft Telecommunications Facilities Code.

However, the exempt and complying provisions outlined in the Code have been drafted in such a way as to ensure that only those types of development which will not adversely impact on the environment or the amenity of the area, are allowed to proceed without a DA.

If a proposed development does not meet the criteria outlined in the Code, it must be the subject of a full DA to the local council, including the opportunity for public submissions.

How will these changes deliver people in remote areas of the State with the telecommunications infrastructure they need?

The funding and rollout of the National Broadband Network is a Federal Government program.

However the NSW Government has acted to assist in the timely delivery of the necessary infrastructure by streamlining the planning processes that are involved and by establishing a NSW National Broadband Network Taskforce to make the rollout as fast and efficient as possible.

The assurance that people in remote areas of New South Wales can have is that, when it comes time to deliver the infrastructure they need, the NSW planning system will provide an efficient and straightforward approval process.

And by expanding the classes of development which are considered as 'exempt', the planning system will, in many cases, get out of the way altogether.

How will the amended SEPP and draft code interact with existing council provisions?

Some local councils do have exempt and complying provisions relating to some of the facilities covered in the draft Code, however, these vary from one local government area to the next, meaning there are as many different sets of provisions as there are councils in New South Wales.

Preparation of a Statewide Code will create a common set of planning principles for site selection, design, construction and operation of telecommunications facilities, making decisions more consistent and community consultation more effective.

The draft code also clearly establishes the necessary health, visual and other standards which must be met, in order to protect the community, the environment and the local area.

Greater consistency in the provisions covering these facilities will also give greater certainty and clarity to those in the industry responsible for installing the necessary infrastructure.
