Telecommunication facilities

This circular provides information about a recent amendment to *State Environmental Planning Policy (Infrastructure) 2007* associated with telecommunication facilities.

**Introduction**

On 3 December 2010, the State Environmental Planning Policy (Infrastructure) 2007 (the SEPP) was amended to further streamline the planning process related to telecommunications facilities.

**The amendment**

The amendment omits the requirement to comply with the Australian Communications Industry Forum Industry Code, entitled ACIF C524:2004 External Communication Cable Network, (or Cable Networks Code) in erecting aerial cabling. As electricity utilities have different standards to the Cable Networks Code relating to clearances between electricity wires and non-conductive fibre cables, the SEPP provides a more practical approach for ensuring safety in the co-location of cables on electricity poles. This approach requires any person who wishes to co-locate cables on their poles, to enter into a ‘facilities access agreement’ and comply with their standards. Therefore compliance with the Cable Network Code is not required.

The amendment clarifies that if a cable is not colocated on a pole for safety reasons (e.g. where a transformer is located on a pole), then it is still colocated for the purposes of clause 114(3) of the SEPP.

Further, where existing electricity or telecommunications network cables are underground, consent is not required for the co-location of new underground cables. Council notification is required (see clause 114(5 & 6) of the SEPP).

Fibre access nodes are permitted without consent. However, council and occupiers of adjoining and adjacent land must be notified (see clause 114(7 & 8)).

The amendment clarifies that above-ground cables for subscriber connection or fibre-optic cables for broadband are only exempt developments under Schedule 3A Item 12 if they are between the pole and the premises and not for any other location.

Arial cabling under clause 114 of the SEPP does not require consent. For those under clause 115, consent is required.

**Savings and transition**

Savings and transitional provisions apply to works which are under assessment under Part 5 and Part 4 of the Environmental Planning and Assessment Act 1979 but have not been determined.

**Further information**


This and other planning circulars are available from the Department’s website at [www.planning.nsw.gov.au/circulars](http://www.planning.nsw.gov.au/circulars).

**Authorised by:**

Sam Haddad
Director-General
NSW Department of Planning

---

**Important note:** This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.


**Disclaimer:** While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.