



New South Wales

# **State Environmental Planning Policy (Infrastructure) Amendment (Telecommunications Facilities) 2010**

under the

Environmental Planning and Assessment Act 1979

The Administrator, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*. (09/01012)

TONY KELLY, MLC  
Minister for Planning

## **State Environmental Planning Policy (Infrastructure) Amendment (Telecommunications Facilities) 2010**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Infrastructure) Amendment (Telecommunications Facilities) 2010*.

### **2 Commencement**

This Policy commences on the day on which it is published on the NSW legislation website.

### **3 Repeal of Policy**

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

## Schedule 1 Amendment of State Environmental Planning Policy (Infrastructure) 2007

**[1] Clause 73 Development for purpose of Port Kembla Coal Terminal**

Omit the clause.

**[2] Part 3, Division 21, note**

Omit the note at the beginning of the Division. Insert instead:

**Note.** Clause 1.8 (2) of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP)* provides that if the Codes SEPP and this Policy specify the same development as either exempt or complying development, the Codes SEPP does not apply to that development if:

- (a) the development is carried out by a person who may carry out the development under this Policy, and
- (b) in the case of development for the purposes of the construction or installation of an aerial or antenna—the aerial or antenna is for use for some purpose other than:
  - (i) receiving television or radio signals, or
  - (ii) in connection with community band or two-way radio (or any combination of these uses), or
  - (iii) any combination of the uses referred to in subparagraphs (i) and (ii), and
- (c) in the case of development for the purposes of the construction or installation of a radio or satellite communications dish—the dish is for use for some purpose other than receiving television or radio signals (or both).

Also, installation of a telecommunications facility of a kind identified as a low-impact facility in the Low-Impact Facilities Determination may be exempt from State laws under Schedule 3 to the *Telecommunications Act 1997* of the Commonwealth.

**[3] Clause 113 Definitions**

Insert “and Schedule 3A” after “In this Division”.

**[4] Clause 113**

Omit the definitions of *ACIF Code* and *subscriber connection*.

Insert in alphabetical order:

*ancillary facilities* to a telecommunications facility means any of the following:

- (a) safety rails, fences or guards,
- (b) staircases or ladders,
- (c) steel walkways,

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- (d) spreader beams supporting shelters,
- (e) screens or shrouds,
- (f) cable trays,
- (g) pole, rail or pedestal mounts,
- (h) electromagnetic energy, safety or operational signage,
- (i) anti climbing devices,
- (j) power supply such as cabling, standby generators or small solar arrays,
- (k) raised platforms on flood liable land.

**array of antennas** means two or more antennas connected and arranged in a regular structure to form a single antenna.

**Cable Networks Code** means the Australian Communications Industry Forum Industry Code entitled ACIF C524:2004 *External Telecommunication Cable Networks*.

**carrier** has the same meaning as in the *Telecommunications Act 1997* of the Commonwealth.

**Civil Aviation Safety Authority** means the Civil Aviation Safety Authority established under the *Civil Aviation Act 1988* of the Commonwealth.

**co-location purpose** means for the purpose of placing the telecommunications facilities of two or more carriers on the same support structure.

**directional antenna** means an antenna that focuses a narrow beam in a single specific direction, and includes an array of such antennas.

**Electromagnetic Radiation Standard** means the *Radiocommunications (Electromagnetic Radiation—Human Exposure) Standard 2003* made under section 162 of the *Radiocommunications Act 1992* of the Commonwealth.

**emergency**, in relation to a telecommunications 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.

**equivalent land use zone**, in relation to a named land use zone, means a land use zone that is equivalent to the named land use zone.

**Note.** Land use zones that are named in this Policy are those set out in the Standard Instrument. See also clause 6 for the meaning of a land use zone that is equivalent to a named land use zone.

**heritage item** means a local heritage item or a State heritage item.

**Low-Impact Facilities Determination** means the *Telecommunications (Low-impact Facilities) Determination 1997* made under clause 6 (3) of Schedule 3 to the *Telecommunications Act 1997* of the Commonwealth.

**maintenance activities**, in relation to a telecommunications facility, means painting, restoration or minor replacement of materials, elements, components, equipment or fixtures that comprise the facility for the purposes of maintaining or ensuring the proper functioning of the facility.

**microcell installation** means an installation that comprises one or more antennas and associated equipment cabinets for use in supplementing a mobile phone network in heavy usage areas by providing localised additional coverage or extra call capacity (or both).

**Mobile Phone Networks Code** means the Australian Communications Industry Forum Industry Code entitled ACIF C564:2004 *Deployment of Mobile Phone Network Infrastructure*.

**omnidirectional antenna** means an antenna that sends or receives signals equally in all directions, and includes:

- (a) an array of such antennas, and
- (b) such an antenna for repeater installations, global positioning systems and the like.

**panel antenna** means a directional antenna that is flat and has a panel-like appearance.

**Radiation Protection Standard** means the Radiation Protection Standard entitled *Maximum Exposure Levels to Radiofrequency Fields—3 kHz to 300 GHz* (2002) published by the Australian Radiation Protection and Nuclear Safety Agency.

**subscriber connection** means an installation for the sole purpose of connecting premises to a telecommunications network.

**support mount**, in relation to a telecommunications facility, means a structure to support the facility, but does not include a tower.

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*tower* means a freestanding ground-based structure that supports a telecommunications facility at a height where it can satisfactorily send and receive radio waves, but does not include the facility.

*yagi antenna* means an antenna that radiates in only one direction, consisting of one or two dipoles connected to the transmitting or receiving circuit, and several insulated dipoles all parallel and about equally spaced in a line.

### [5] **Clause 114 Development permitted without consent**

Insert at the end of clause 114 (2) (b):

, and

- (c) take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Director-General for the purposes of this clause and published in the Gazette.

### [6] **Clause 114 (4)**

Omit “clause 116 (1) (a)”. Insert instead “clause 116”.

### [7] **Clause 114 (5)**

Omit “ACIF Code”. Insert instead “Cable Networks Code”.

### [8] **Clause 115 Development permitted with consent**

Insert “or development that is exempt development under clause 20 or 116” after “clause 114” in clause 115 (1).

### [9] **Clause 115 (2)**

Omit “ACIF Code”. Insert instead “Cable Networks Code”.

### [10] **Clause 115 (3)**

Insert after clause 115 (2):

- (3) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Director-General for the purposes of this clause and published in the Gazette.

**[11] Clauses 116–116D**

Omit clause 116. Insert instead:

**116 Exempt development**

Development carried out by or on behalf of any person on land in connection with a telecommunications facility is exempt development if:

- (a) it is for any of the purposes specified in Part 1 of Schedule 3A, and
- (b) it meets the development standards (if any) for the development specified in Part 1 of Schedule 3A, and
- (c) it complies with clause 20 (2), and
- (d) the land on which the development is proposed to be carried out is not located in an environmentally sensitive area within the meaning of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, and
- (e) in the case of development that involves the installation of equipment—it is carried out in accordance with the applicable specifications (if any) of the manufacturer for the installation of such equipment, and
- (f) in the case of development that is development of a kind to which the Mobile Phone Networks Code applies:
  - (i) it complies with that Code, and
  - (ii) it is designed, installed and operated so that the maximum human exposure levels to radio frequency emissions comply with the Radiation Protection Standard, and

**Note.** If the development is for a co-location purpose, then the new telecommunications facility must be designed, installed and operated so that the resultant cumulative levels of radio frequency emissions of the co-located telecommunications facilities are within the maximum human exposure levels set out in the Radiation Protection Standard.

- (g) in the case of development for the purpose of boring or directional drilling in connection with a telecommunications facility or for the purpose of an underground conduit or cable deployed by either trench or direct burial:
  - (i) access to business premises is not restricted between the hours of 7 am and 5 pm, Monday to Friday, or such other hours agreed to by the relevant local

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government authority (ie, any hours within the range of 7 am to 5 pm), and

- (ii) where the development is on land in Zone R1, R2, R3, R4, R5 or RU5 or an equivalent land use zone— not more than 100 metres of excavation is left open at any time and vehicle access to each affected property is not lost for more than 8 hours in total, and

- (h) it complies with any relevant site and height requirements specified by the *Civil Aviation Regulations 1988* and the *Airports (Protection of Airspace) Regulations 1996* of the Commonwealth, and

**Note** See the Advisory Circular 139-08(0) entitled *Reporting of Tall Structures* issued by the Civil Aviation Safety Authority in 2005 concerning these requirements.

- (i) it does not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority, and
- (j) it does not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

**Note.** A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the *Native Vegetation Act 2003*.

### 116A Complying development

- (1) Development carried out by or on behalf of any person on land in connection with a telecommunications facility (other than exempt development under clause 20 or 116) is complying development if:
  - (a) it is for any of the purposes specified by Part 2 of Schedule 3A, and
  - (b) it meets the development standards (if any) for the development specified in Part 2 of Schedule 3A, and
  - (c) it complies with the requirements of this clause.



- (2) To be complying development, the development:
- (a) if it is carried out in relation to an existing building—must not cause the building to contravene the *Building Code of Australia*, and
  - (b) must be carried out in accordance with all relevant requirements of the Blue Book, and
  - (c) must not be carried out on land located in an environmentally sensitive area within the meaning of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, and
  - (d) in the case of development that involves the installation of equipment—must be carried out in accordance with the applicable specifications (if any) of the manufacturer for the installation of such equipment, and
  - (e) in the case of development that is development of a kind to which the Mobile Phone Networks Code applies—must:
    - (i) comply with that Code, and
    - (ii) be designed, installed and operated so that the maximum human exposure levels to radio frequency emissions comply with the Radiation Protection Standard, and
- Note.** If the development is for a co-location purpose, then the new telecommunications facility must be designed, installed and operated so that the resultant cumulative levels of radio frequency emissions of the co-located telecommunications facilities are within the maximum human exposure levels set out in the Radiation Protection Standard.
- (f) must comply with any relevant site and height requirements specified by the *Civil Aviation Regulations 1988* and the *Airports (Protection of Airspace) Regulations 1996* of the Commonwealth, and
- Note** See the Advisory Circular 139-08(0) entitled *Reporting of Tall Structures* issued by the Civil Aviation Safety Authority in 2005 concerning these requirements.
- (g) must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority, and
  - (h) must not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is

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undertaken in accordance with a permit or development consent, and

**Note.** A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the *Native Vegetation Act 2003*.

- (i) must not involve land comprising, or on which there is, a heritage item.

**Note.** Section 76A (6) of the Act also provides that certain development cannot be complying development, including development on land that comprises, or on which there is, an item of environmental heritage.

### 116B Complying development certificates

A complying development certificate for development that is complying development under this Division is subject to the following conditions:

- (a) if the development is part of infrastructure for a public mobile phone network—the principal certifying authority must, before work commences, be given:
  - (i) in the case of development that will produce electromagnetic radiation—a report in the format required by the Australian Radiation Protection and Nuclear Safety Agency that shows the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and
  - (ii) a report showing compliance with the Mobile Phone Networks Code,
- (b) if the works are for an extension to a tower, replacement tower or new tower—temporary hoarding or a temporary construction site fence must be erected around the work site before the works commence and must be kept in place until after completion of works,
- (c) work must be carried out only between 7 am and 5 pm, Monday to Saturday,
- (d) work must not be carried out on a Sunday or public holiday,
- (e) run-off and erosion controls must be implemented in accordance with the plans to which the complying development certificate relates (before any disturbance to

the soil at the site) and maintained throughout the period of the works,

- (f) building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held,
- (g) the work site must be left clear of waste and debris at the completion of works and restored, as far as possible, to the original condition.

**116C Relationship of this Division with Telecommunications Act 1997 of Commonwealth**

- (1) If a carrier is authorised to carry out development for a particular purpose by Division 2, 3 or 4 of Part 1 of Schedule 3 to the *Telecommunications Act 1997* of the Commonwealth, this Division does not authorise or permit the carrier to carry out development for that purpose otherwise than in accordance with the authority given by that Act.
- (2) If the development that a carrier proposes to carry out is not authorised by Division 2, 3 or 4 of Part 1 of Schedule 3 to the *Telecommunications Act 1997* of the Commonwealth, nothing in this Division prevents the carrier from carrying out development for that purpose in a manner authorised or permitted by this Division.

**116D Application of amendments made by State Environmental Planning Policy (Infrastructure) Amendment (Telecommunications Facilities) 2010**

A consent authority is not required to have regard to guidelines issued for the purposes of clause 115 (3) (as inserted by *State Environmental Planning Policy (Infrastructure) Amendment (Telecommunications Facilities) 2010*) in relation to development applications made, but not finally determined, before the commencement of that subclause.

**[12] Schedule 1 Exempt development—general**

Omit the matter relating to aerials and antennae (not including satellite dishes).

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### [13] Schedule 3A

Insert after Schedule 3:

## Schedule 3A Exempt and complying development in relation to telecommunications facilities

(Clauses 116 and 116A (1))

### Part 1 Exempt development

	Column 1	Column 2
Item	Development purpose	Development standards
1	Subscriber and non-subscriber connection to a telecommunications network deployed by means of radio or satellite dish (including a radiocommunications dish)	<p>1.1 If the development is carried out on land in Zone R1, R2, R3, R4, R5 or RU5 or an equivalent land use zone or on a dwelling:</p> <p>(a) in the case of a dish located on a roof—the dish must not be more than 1.2 metres in diameter and be no higher than 1.8 metres above the highest point of the roof, or</p> <p>(b) in the case of a ground mounted dish—the dish must:</p> <p>(i) be located in the rear yard, and</p> <p>(ii) be not more than 1.2 metres in diameter, and</p> <p>(iii) be no higher than 1.8 metres above the highest point of the existing ground level on the lot.</p> <p>1.2 If the development is not carried out on land in Zone R1, R2, R3, R4, R5 or RU5 or an equivalent land use zone or on a dwelling, the dish must be no more than 1.8 metres in diameter.</p>

Column 1		Column 2
Item	Development purpose	Development standards
		1.3 The dish must be the same colour as its background or painted a neutral colour such as grey.
		1.4 If the dish is mounted on a heritage item or in a heritage conservation area, the dish must not be visible from the street at ground level from the property boundary.
2	Panel antenna, yagi antenna or other directional antenna	2.1 The antenna: <ul style="list-style-type: none"> <li>(a) must be flush mounted to an existing structure, or</li> <li>(b) if not flush mounted, must not be:               <ul style="list-style-type: none"> <li>(i) more than 2.8 metres long, or</li> <li>(ii) more than 5.8 metres (including support mount) in height above the building or structure to which it is attached.</li> </ul> </li> </ul>
		2.2 If the antenna is flush mounted, it must not project above the height of the structure on which it is mounted.
		2.3 The antenna must be the same colour as its background or painted a neutral colour such as grey.
		2.4 If the antenna is mounted on a heritage item or in a heritage conservation area other than by means of flush mounting, the antenna must not be visible from the street at ground level from the property boundary.

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	<b>Column 1</b>	<b>Column 2</b>
<b>Item</b>	<b>Development purpose</b>	<b>Development standards</b>
3	Omnidirectional antenna	<p>3.1 An antenna must not be:</p> <p>(a) more than 4.5 metres long excluding support mount, or</p> <p>(b) outriggered more than 500 millimetres from the support mount, or</p> <p>(c) more than 6.5 metres in height including support mount unless required for the NSW Government Radio Network in which case must not be more than 8.0 metres in height including support mount.</p> <p>3.2 If an antenna is mounted on a heritage item or in a heritage conservation area, the antenna must not be visible from the street at ground level from the property boundary.</p>
4	Microcell installation	<p>4.1 If the installation includes a cabinet, the cabinet must be not more than 1 cubic metre in volume.</p> <p>4.2 If the installation includes an omnidirectional antenna, the antenna must not be more than 1 metre long.</p> <p>4.3 If the installation includes a directional antenna, the antenna must not be more than 1.2 metres long.</p>
5	In-building coverage installation (picocell installation) for the purposes of improving broadband coverage to wireless technology users or the coverage of mobile phone users operating inside the building	5.1 All elements of the installation must be wholly located within a building, structure or tunnel, or integrated with the building, structure or tunnel in such a way as to have the general appearance of being part of the structure.
6	Equipment installed inside a structure	6.1 Equipment installed inside a structure (including an antenna and fibre-optic cable) must be concealed in the existing structure.

	<b>Column 1</b>		<b>Column 2</b>
<b>Item</b>	<b>Development purpose</b>	<b>Development standards</b>	
7	An extension to a tower on land other than in Zone R1, R2, R3, R4, R5 or RU5 or an equivalent land use zone	7.1	The extension must be: <ul style="list-style-type: none"> <li>(a) no greater than 5 metres in height, and</li> <li>(b) for co-location purposes.</li> </ul>
		7.2	The tower to be extended must not have previously been extended.
8	Replacement of a tower	8.1	If the original tower is located on land in Zone R1, R2, R3, R4, R5 or RU5 or an equivalent land use zone: <ul style="list-style-type: none"> <li>(a) the height of a replacement tower (including telecommunications facilities) must not be greater than the height of the original tower (including telecommunications facilities), and</li> <li>(b) the replacement tower must be located within 10 metres of the position of the original tower.</li> </ul>
		8.2	If the original tower is not located on land in Zone R1, R2, R3, R4, R5 or RU5 or an equivalent land use zone: <ul style="list-style-type: none"> <li>(a) the height of a replacement tower (including telecommunications facilities) must not be greater than the height of the original tower (including telecommunications facilities), and</li> <li>(b) the replacement tower must be located within 20 metres of the position of the original tower but no closer to land in Zone R1, R2, R3, R4, R5 or RU5 or an equivalent land use zone.</li> </ul>
		8.3	The replacement tower must be similar in appearance to the original tower, except that a lattice tower (free standing steel framework tower) may be replaced by a monopole tower (free standing mast or pole like tower).

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<b>Column 1</b>		<b>Column 2</b>
<b>Item</b>	<b>Development purpose</b>	<b>Development standards</b>
		8.4 The original tower must be decommissioned and removed within 12 weeks of the telecommunications equipment on the replacement tower being commissioned.
		8.5 The location of the tower that has been removed must be restored to a condition that is similar to its condition before the original tower was installed and landscaped as appropriate.
9	Underground housing	9.1 If the housing is in the form of a pit, manhole or other underground equipment shelter or housing, the opening area for the pit, manhole, shelter or housing must be not more than 2 square metres.
		9.2 The land on which the housing is located must be restored to a condition that is similar to its condition before the underground housing was constructed.
10	Above ground housing of any of the following kinds: (a) a pillar, cabinet or pedestal installation, (b) an equipment shelter, (c) housing within a building for subscriber connection equipment, (d) if on land in Zone RU1, RU2, RU3, RU4, RU5 or RU6 or an equivalent land use zone—a solar panel used to power telecommunications equipment contained in the above ground housing.	10.1 If the development is a pillar, cabinet or pedestal installation, it must: (a) not be more than 2 metres high, and (b) have a base area of not more than 2 square metres.



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<b>Column 1</b>		<b>Column 2</b>
<b>Item</b>	<b>Development purpose</b>	<b>Development standards</b>
		10.2 If the development is an equipment shelter (other than an equipment shelter used solely to house equipment associated with any antenna, radiocommunications, satellite or microwave dish, or tower or the like), it must: <ul style="list-style-type: none"><li>(a) not be more than 2.5 metres high, and</li><li>(b) have a base area of not more than 5 square metres (excluding minor protrusions such as air conditioning units, steps and cable tray attachments), and</li><li>(c) be the same colour as its background or painted a neutral colour such as grey.</li></ul>
		10.3 If the development is an equipment shelter used solely to house equipment associated with any antenna, radiocommunications, satellite or microwave dish, or tower or the like, it must: <ul style="list-style-type: none"><li>(a) not be more than 3 metres high, and</li><li>(b) have a base area of not more than 7.5 square metres (excluding minor protrusions such as air conditioning units, steps and cable tray attachments), and</li><li>(c) be the same colour as its background or painted a neutral colour such as grey.</li></ul>
		10.4 If the development is a solar panel used to power telecommunications equipment contained in the above ground housing, the base area of the panel must not be more than 7.5 square metres.

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<b>Item</b>	<b>Development purpose</b>	<b>Development standards</b>
		10.5 If the development is on a heritage item or in a heritage conservation area, it must not be visible from the street at ground level from the property boundary.
11	Underground conduit or cable including subscriber connection and fibre-optic cable for broadband	11.1 The conduit or cable may only be: <ul style="list-style-type: none"> <li>(a) laid in an existing trench, or</li> <li>(b) laid in a trench that has been lawfully created for any other purpose, or</li> <li>(c) hauled or otherwise deployed through a duct, pit, hole, tunnel or conduit, or</li> <li>(d) installed in, on or under an existing bridge.</li> </ul> 11.2 A marking post or sign must be erected indicating the location of the conduit or cable.           11.3 After the conduit or cable has been laid, deployed or installed, detectable metallic tracer material or similar material must be installed in or above the conduit or cable to assist with identifying the position of the conduit or cable.           11.4 The land under which the conduit or cable is installed must be restored to a condition that is similar to its condition before the conduit or cable was installed.
12	Above ground cable for subscriber connection or fibre-optic cable for broadband	12.1 The cable must be co-located with an above ground electricity supply connection and installed in a manner that is consistent with the requirements set out in the Cable Networks Code.
13	Conduit or cable within a building for subscriber connection or fibre-optic cable for broadband	

	<b>Column 1</b>		<b>Column 2</b>
<b>Item</b>	<b>Development purpose</b>	<b>Development standards</b>	
14	Boring or directional drilling in connection with a telecommunications facility	14.1	The boring or directional drilling must take place at a minimum depth of 600 millimetres.
		14.2	The land on which the boring or drilling is carried out must be restored to a condition that is similar to its condition before the drilling was carried out.
15	Public payphone	15.1	The public payphone cabinet or booth must: <ul style="list-style-type: none"> <li>(a) be for use solely for carriage and content services, and</li> <li>(b) not be designed for other uses (for example, as a vending machine), and</li> <li>(c) not be fitted with devices or facilities for other uses, and</li> <li>(d) not display commercial advertising other than advertising related to the supply of standard telephone services.</li> </ul>
		15.2	The public payphone instrument must: <ul style="list-style-type: none"> <li>(a) be for use solely for carriage and content services, and</li> <li>(b) not be designed for other uses (for example, as a vending machine), and</li> <li>(c) not be fitted with devices or facilities for other uses, and</li> <li>(d) not be 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.</li> </ul>

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	<b>Column 1</b>	<b>Column 2</b>
<b>Item</b>	<b>Development purpose</b>	<b>Development standards</b>
16	Installation and use of telecommunications facilities: (a) for use in an emergency, or (b) to provide assistance to an emergency services organisation.	
17	Installation and use of temporary telecommunications facilities: (a) to provide service or coverage during either routine or emergency maintenance of an existing telecommunications facility, or (b) to provide service or coverage during the construction or installation of a replacement telecommunications facility, or (c) to provide additional service or coverage at events such as sporting carnivals, cultural festivals, business conventions, or the like.	17.1 The facility must: (a) not permanently alter any building or site so that, upon removal, the building or site is in a substantially different condition than it was before the establishment of the facility, and (b) be removed within 28 days after the need for the facility has ceased.

<b>Column 1</b>		<b>Column 2</b>	
<b>Item</b>	<b>Development purpose</b>	<b>Development standards</b>	
18	Ancillary facilities to a telecommunications facility for any of the following purposes: (a) to ensure the protection or safety of the telecommunications facility, members of the public in close proximity to that facility or persons required to access and maintain that facility, (b) to screen or shroud antennas or telecommunications equipment (or both) to minimise their visibility and improve visual outcomes.	18.1	If located on a heritage item or in a heritage conservation area, the facilities must not be visible from the street at ground level from the property boundary.
		18.2	The facilities must not include a power generator.
19	Maintenance activities in relation to a telecommunications facility for any of the following purposes: (a) the maintenance or repair of the facility, (b) to ensure the proper functioning of the facility.	19.1	The maintenance activities must not result in any more than a minimal increase in size, area occupied by, or noise levels associated with the facility.

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	<b>Column 1</b>	<b>Column 2</b>
<b>Item</b>	<b>Development purpose</b>	<b>Development standards</b>
20	Installation and use of permanent transmission and power cabling (including underground cabling that meets the development standards for underground cable or boring or directional drilling under this Schedule) to enable installation and removal of temporary telecommunications facilities for the purpose of providing additional service or coverage at events such as sporting carnivals, cultural festivals or business conventions, or the like, on the site.	

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**Part 2 Complying development**

	<b>Column 1</b>	<b>Column 2</b>
<b>Item</b>	<b>Development purpose</b>	<b>Development standards</b>
1	Subscriber and non-subscriber connection to a telecommunications network deployed by means of radio or satellite dish (including a radiocommunications dish) on land in Zone R1, R2, R3, R4, R5 or RU5 or an equivalent land use zone	<p>1.1 If the dish is located on a roof, the dish must:</p> <ul style="list-style-type: none"><li>(a) not be more than 1.8 metres in diameter, and</li><li>(b) be no higher than 2.4 metres above the highest point of the roof.</li></ul> <p>1.2 If the dish is ground mounted, the dish must:</p> <ul style="list-style-type: none"><li>(a) be located in the rear yard, and</li><li>(b) not be more than 1.8 metres in diameter, and</li><li>(c) be no higher than 2.4 metres above the highest point of the existing ground level on the lot.</li></ul>

<b>Column 1</b>		<b>Column 2</b>
<b>Item</b>	<b>Development purpose</b>	<b>Development standards</b>
		1.3 The dish must be the same colour as its background or painted a neutral colour such as grey.
		1.4 If located in a heritage conservation area, the dish must not be visible from the street at ground level from the property boundary.
2	A panel antenna, yagi antenna or other directional antenna on land other than in Zone R1, R2, R3, R4, R5 or RU5 or an equivalent land use zone	2.1 If the antenna is not flush mounted to an existing structure: <ul style="list-style-type: none"> <li>(a) the antenna must not be more than 2.8 metres long, and</li> <li>(b) the antenna must not be more than 8 metres (including support mount) in height above the building or structure to which it is attached, and</li> <li>(c) if located in a heritage conservation area—the antenna must not be visible from the street at ground level from the property boundary.</li> </ul>
		2.2 The antenna must be the same colour as its background or painted a neutral colour such as grey.
3	An omnidirectional antenna on land other than in Zone R1, R2, R3, R4, R5 or RU5 or an equivalent land use zone	3.1 An antenna must not be: <ul style="list-style-type: none"> <li>(a) more than 8.5 metres in height, and</li> <li>(b) outriggered more than 500 millimetres from the support mount.</li> </ul>
		3.2 The antenna must be the same colour as its background or painted a neutral colour such as grey.

**2010 No 375**State Environmental Planning Policy (Infrastructure) Amendment  
(Telecommunications Facilities) 2010

Schedule 1 Amendment of State Environmental Planning Policy (Infrastructure) 2007

<b>Column 1</b>		<b>Column 2</b>	
<b>Item</b>	<b>Development purpose</b>	<b>Development standards</b>	
		3.3	If located in a heritage conservation area, the antenna must not be visible from the street at ground level from the property boundary.
4	An extension to a tower on land other than in Zone R1, R2, R3, R4, R5 or RU5 or an equivalent land use zone	4.1	The extension must be: <ul style="list-style-type: none"> <li>(a) no greater than 7.5 metres in height, and</li> <li>(b) for co-location purposes.</li> </ul>
		4.2	The tower to be extended must not have previously been extended.
5	New tower on land in Zone IN1, IN2, IN3, RU1, RU2, RU3 or RU4 or an equivalent land use zone	5.1	If the tower is located on land in Zone IN1, IN2 or IN3 or an equivalent land use zone, the tower must not: <ul style="list-style-type: none"> <li>(a) be located within 100 metres of a Zone R1, R2, R3, R4, R5 or RU5 or equivalent land use zone boundary, or</li> <li>(b) exceed 25 metres in height (including telecommunications facilities) where located between 100 and 150 metres from a Zone R1, R2, R3, R4, R5 or RU5 or equivalent land use zone boundary, or</li> <li>(c) exceed 30 metres in height (including telecommunications facilities), where located more than 150 metres from a Zone R1, R2, R3, R4, R5 or RU5 or equivalent land use zone boundary.</li> </ul>



<b>Column 1</b>		<b>Column 2</b>
<b>Item</b>	<b>Development purpose</b>	<b>Development standards</b>
		<p>5.2 If the tower is located on land in Zone RU1, RU2, RU3 or RU4 or an equivalent land use zone, the tower must not:</p> <ul style="list-style-type: none"> <li>(a) be located within 100 metres of a Zone R1, R2, R3, R4, R5 or RU5 or equivalent land use zone boundary, and</li> <li>(b) exceed 25 metres in height (including telecommunications facilities) where located between 100 and 150 metres from a Zone R1, R2, R3, R4, R5 or RU5 or equivalent land use zone boundary, and</li> <li>(c) exceed 50 metres in height (including telecommunications facilities), where located more than 150 metres from a Zone R1, R2, R3, R4, R5 or RU5 or equivalent land use zone boundary.</li> </ul>
6	Ancillary facilities to a telecommunications facility	<p>6.1 If located in a heritage conservation area, the facilities must not be visible from the street at ground level from the property boundary.</p> <p>6.2 If the facilities include a standby power generator, it must be insulated to ensure noise levels do not exceed 35dB(A) from outside the generator housing.</p>

## 2010 No 375

State Environmental Planning Policy (Infrastructure) Amendment  
(Telecommunications Facilities) 2010

Schedule 2 Consequential amendment of other State environmental planning policies

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## Schedule 2 Consequential amendment of other State environmental planning policies

### 2.1 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

#### [1] Clause 1.8 Relationship with other State environmental planning policies

Omit clause 1.8 (2). Insert instead:

- (2) If this Policy and *State Environmental Planning Policy (Infrastructure) 2007* specify the same development as either exempt or complying development, this Policy does not apply to that development if:
  - (a) the development is carried out by a person who may carry out the development under *State Environmental Planning Policy (Infrastructure) 2007*, and
  - (b) in the case of development for the purposes of the construction or installation of an aerial or antenna—the aerial or antenna is for use for some purpose other than:
    - (i) receiving television or radio signals, or
    - (ii) in connection with community band or two-way radio (or any combination of these uses), or
    - (iii) any combination of the uses referred to in subparagraphs (i) and (ii), and
  - (c) in the case of development for the purposes of the construction or installation of a radio or satellite communications dish—the dish is for use for some purpose other than receiving television or radio signals (or both).

#### [2] Clause 2.3

Omit the clause. Insert instead:

#### 2.3 Specified development

The construction or installation of an aerial or antenna, including a microwave antennae, is development specified for this code if:

- (a) it is only for the purpose of receiving television or radio signals or for use in connection with community band or two-way radio (or any combination of these uses), and
- (b) it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item.

**Note.** See separate entry for communication dishes.

**[3] Clause 2.4 Development standards**

Omit clause 2.4 (1) (a).

**[4] Clause 2.23**

Omit the clause. Insert instead:

**2.23 Specified development**

The construction or installation of a radio or satellite communications dish is development specified for this code if:

- (a) it is only for the purpose of receiving television or radio signals (or both), and
- (b) it is not constructed or installed on or in, or in relation to, a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area.

**2.2 State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development**

**[1] Clause 2 Definitions**

Omit the definition of *satellite TV dish* from clause 2 (1).

**[2] Clause 3 Aims, objectives etc**

Omit clause 3 (3) (c).

**[3] Clause 17 When satellite dishes (other than for domestic purposes) are exempt development**

Omit the clause.