

Commonwealth of Australia

Telecommunications Act 1997

**Telecommunications (Low-impact Facilities)
Determination 1997 (Amendment No. 1 of 1999)**

I, RICHARD KENNETH ROBERT ALSTON, Minister for Communications, Information Technology and the Arts, make the following determination under subclause 6 (3) of Schedule 3 to the *Telecommunications Act 1997*.

Dated 12 August 1999.

RICHARD ALSTON

Minister for Communications, Information Technology and the Arts

Commencement

1. This determination commences on gazettal.

[NOTE: See *Acts Interpretation Act 1901*, ss. 46A and 48.]

Amendment

2. The Telecommunications (Low-impact Facilities) Determination 1997 is amended as set out in this determination.

[NOTE: The Telecommunications (Low-impact Facilities) Determination 1997 was notified in the Gazette on 30 June 1997.]

Section 1.3 (Definitions)

- 3.1 After the definition of *area of environmental significance*, insert:

“*co-located facilities* means one or more facilities installed on or within:

- (a) an original facility; or
- (b) a public utility structure;”.

3.2 After the definition of *emergency services organisation*, insert:

“*in-building subscriber connection equipment* means a facility installed within a building with the aim of managing and maintaining the supply of carriage services to a customer of a carrier;”.

3.3 After the definition of *Nature Conservation Director*, insert:

“*original facility* means the original structure that is currently used, or intended to be used, for connection to a telecommunications network where the original structure was:

- (a) in place on the date on which the Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 1 of 1999) took effect; or
- (b) installed after that date by means other than in accordance with Part 7 of the Schedule;”.

3.4 After the definition of *public utility*, insert:

“*public utility structure* means a structure used, or for use, by a public utility, for the provision to the public of:

- (a) reticulated products or services, such as electricity, gas, water, sewerage or drainage; or
- (b) carriage services (other than carriage services supplied by a carriage service provider); or
- (c) transport services; or
- (d) a product or service of a kind that is similar to a product or service covered by paragraph (a), (b) or (c);”.

3.5 After the definition of *rural area*, insert:

“*significant environmental disturbance* means significant interference with the relationship between a species or community and its immediate environment or habitat and includes, for example, significant interference with identified flora and fauna, ecological communities, geological features, wilderness values or scientific values within an area;”.

3.6 After the definition of *tower*, insert:

“*volume* means the apparent volume of materials that constitute:

- (a) co-located facilities; or
- (b) an original facility; or
- (c) a public utility structure;

where the materials are visible from a point outside the co-located facilities, original facility or public utility structure.”.

Section 2.5 (Area of environmental significance)

4.1 Omit subsection 2.5(4), substitute:

- “(4) An area is an area of environmental significance if, under a law of the Commonwealth, a State or a Territory:
- (a) it is designated as a reserve for nature conservation purposes; and
 - (b) the principal purpose of the designated reserve is for nature conservation.”.

4.2 Omit subsections 2.5(7) and (8), substitute:

- “(7) An area is an area of environmental significance if, under a law of the Commonwealth, a State or a Territory, it consists of a place, building or thing that is entered in a register relating to heritage conservation.
- (8) An area is an area of environmental significance if, under a law of the Commonwealth, a State or a Territory, it is:
- (a) entered in a register; or
 - (b) otherwise identified;
- as being of significance to Aboriginal persons or Torres Strait Islanders, in accordance with their traditions.”.

Section 3.1 (Facilities)

5. After subsection 3.1(3), insert:

- “(4) A facility that is ancillary to a facility covered by subsection (1) is also a low-impact facility only if it is installed, or to be installed, solely to ensure the protection or safety of:
- (a) the low-impact facility; or
 - (b) persons or property in close proximity to the low-impact facility.”.

Schedule (Part 1—Radio Facilities)

6.1 In column 2 of item 1, insert “or satellite” after “radio”.

6.2 After item 1, insert:

1A	Subscriber connection deployed by radio or satellite terminal antenna or dish: (a) not more than 1.8 metres in diameter; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local government authority	Industrial Rural
----	--	---------------------

6.3 In column 2 of items 2 and 3, omit “Panel antenna”, substitute “Panel, yagi or other like antenna”.

6.4 In column 2 of item 4, omit “Array”, substitute “An omnidirectional antenna or an array”.

6.5 Omit item 5, insert:

5	Radiocommunications dish: (a) not more than 1.2 metres in diameter; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local government authority; and (c) if attached to a supporting structure, the total protrusion from the structure is not more than 2 metres	Residential Commercial Industrial Rural
---	--	--

5A	<p>Radiocommunications dish:</p> <p>(a) not more than 1.8 metres in diameter; and</p> <p>(b) either:</p> <p style="padding-left: 20px;">(i) colour-matched to its background; or</p> <p style="padding-left: 20px;">(ii) in a colour agreed in writing between the carrier and the relevant local government authority</p>	<p>Industrial</p> <p>Rural</p>
----	--	--------------------------------

Schedule (Part 3—Above ground housing)

7.1 In column 2 of items 4 and 5, omit “External”.

7.2 After item 5, insert:

6	In-building subscriber connection equipment	<p>Residential</p> <p>Commercial</p> <p>Industrial</p> <p>Rural</p>
7	Solar panel with a base area of not more than 7.5 square metres	Rural

Schedule (Part 4—Underground cable facilities)

8. Omit items 1, 2, 3 and 4, substitute:

1	<p>Underground conduit or cable deployed by:</p> <p>(a) narrow trench not more than:</p> <p style="padding-left: 20px;">(i) 450 millimetres wide; or</p> <p style="padding-left: 20px;">(ii) 650 millimetres wide if intended to be used by more than one carrier; or</p> <p>(b) direct burial; or</p> <p>(c) bore or directional drill hole at least 600 millimetres below the</p>	<p>Residential</p> <p>Commercial</p> <p>Industrial</p> <p>Rural</p>
---	---	---

	<p>surface; where:</p> <p>(d) access to business premises is not restricted between the hours of 8 am and 6 pm, Monday to Friday, or such other hours agreed to by the relevant local government authority; and</p> <p>(e) in relation to residential areas, not more than 100 metres of excavation is left open at any time and vehicle access to each property is not lost for more than 8 hours in total</p>	
2	<p>Conduit or cabling to be laid in:</p> <p>(a) an existing trench; or</p> <p>(b) a trench created by a developer, relevant local government authority, public utility or carrier.</p>	<p>Residential Commercial Industrial Rural</p>
3	<p>Cable location marking post or sign</p>	<p>Residential Commercial Industrial Rural</p>

Schedule (Part 5—Public payphones)

9. In paragraph (d) in column 2 of item 2, insert “or displayed as part of the supply of a content service” after “services”.

Schedule (Part 7—Co-located facilities)

10. Omit items 1 and 2, substitute:

1	Facility mentioned in: (a) Part 1, 5 or 6; or (b) item 3 of Part 4; installed on or within: (c) an original facility; or (d) a public utility structure	Industrial Rural
2	Facility mentioned in: (a) Part 1, 5 or 6; or (b) item 3 of Part 4; installed on or within: (c) an original facility; or (d) a public utility structure; where: (e) the total volume of the co-located facilities is no more than 25 per cent greater than the volume of the original facility or the original infrastructure; and (f) the levels of noise that are likely to result from the operation of the co-located facilities are less than or equal to the levels of noise that resulted from the operation of the original facility or the public utility structure	Residential Commercial