

Regulatory Requirements for Mobile Base Stations

Introduction

Mobile phone base stations are constructed and maintained as part of telecommunications carriers' networks. Networks are made up of different types of infrastructure and regulations are in place to ensure that networks are located, constructed, operated and maintained according to certain requirements.

Telecommunications facilities in Australia, such as mobile phone base stations, are regulated at the Federal, State and local government level. These laws facilitate the efficient and cost effective delivery of essential telecommunications infrastructure with environmental considerations and community expectations.

This fact sheet explains the layers of regulation that apply to the development and operation of a network of mobile phone base stations.

Safety

There are many layers of regulation that cover mobile phone base stations and how they are deployed.

The **Radiocommunications Act 1992** requires carriers operating mobile base stations to obtain a licence and comply with all licence conditions.

All mobile phone base stations are required to comply with regulations designed to protect against exposure to electromagnetic radiation. Mobile phone base stations must operate within limits established for radiofrequency workers and the general community. These public and occupational limits have been set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), an agency of the Federal Government, in the **Radiation Protection Standard for Maximum Exposure**



Levels to Radiofrequency Fields – 3kHz to 300 GHz (referred to as the “ARPANSA Standard” or the “Radiation Protection Standard”).

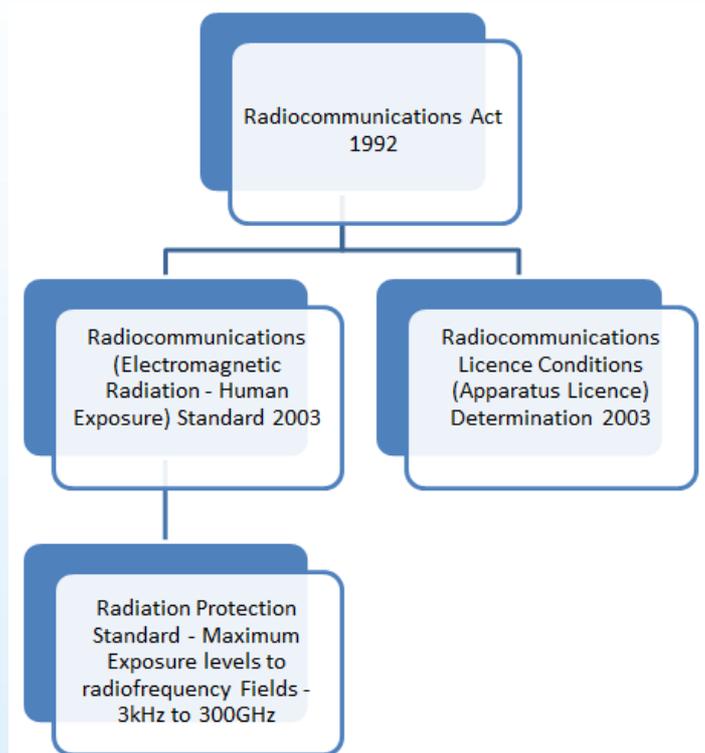
The **Radiocommunications Licence Conditions (Apparatus Licence) Determination 2003** makes compliance with the ARPANSA EME Standard a condition of a carrier's licence. Responsibility for managing compliance with the ARPANSA standard is held with the Australian Communications and Media Authority (ACMA).

The **Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003** applies to portable transmission devices such as mobile phones or wireless modems.

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A copy of the ARPANSA EME standard can be found at <http://www.arpansa.gov.au/Publications/codes/rps3.cfm> and a copy of the Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard can be found at http://www.acma.gov.au/WEB/STANDARD/pc=PC_2798.



Development and operation of mobile phone base stations

The **Telecommunications Act 1997** requires telecommunications carriers to comply with State and Territory laws in relation to the installation of telecommunications facilities, except where the facilities are classified as "Low-impact Facilities".

The **Telecommunications Act 1997** recognises that there are some telecommunications facilities and activities that are considered essential to building and maintaining telecommunications networks, but do not have a high visual impact. These facilities are commonly referred to as "Low-impact Facilities" and are described in the **Telecommunications (Low-impact Facilities) Determination 1997**. Low-impact Facilities are exempt from State and Territory planning laws.

The **Telecommunications Act 1997** sets out carriers' powers and obligations with regards to:

- inspecting land for the purposes of selecting sites;
- accessing land to install a facility; and
- accessing land to conduct maintenance works.

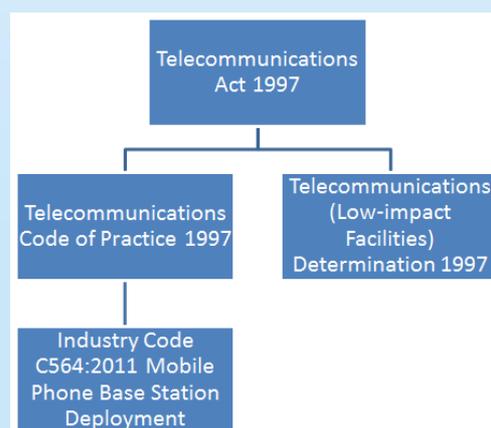
The **Telecommunications Code of Practice 1997** clarifies carriers' obligations when they are exercising powers under the Telecommunications Act 1997.

Telecommunications carriers must comply with the **Industry Code C564:2011 Mobile Phone Base Station Deployment Code**. This Code, commonly referred to as the "Deployment Code", outlines the steps carriers must take when deciding the location and design of new mobile phone base stations. The Code complements other regulatory and legislative requirements by ensuring greater community consultation and participation in the installation of new facilities (particularly in relation to those new facilities that do not require planning approval) and requires carriers to apply a precautionary approach during the site selection, design and operation of communications facilities.

A copy of the Deployment Code can be found at <http://www.mcf.amta.org.au/pages/Useful.links>

State and Territory Planning Policies

Some States and Territories have adopted policies that facilitate the development of certain types of mobile phone network facilities. The Victorian and New South Wales Governments have been proactive in adopting policies to encourage the establishment of mobile phone networks in their states. In these circumstances, specific processes are followed within the framework set out under the Telecommunications Act 1997 and the Telecommunications Code of Practice 1997



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On a site specific level, there are many layers of Federal, State and local government laws that apply. The chart below summarises the general process that is undertaken to acquire, build and operate a mobile phone base station. Some of the relevant laws are included.

Identify possible location	Preliminary site design	Notification/seek approval	Build	Operate
<p>Activity:</p> <p>Inspection of land</p> <p>Classification of site:</p> <ul style="list-style-type: none"> • Low-impact, or • Non Low-impact • Area of environmental significance 	<p>Activity:</p> <p>Initial site design layout prepared</p> <p>Preparation of ARPANSA EME Environmental Report</p>	<p>Activity:</p> <p>Low-impact Facility:</p> <ul style="list-style-type: none"> • Notification to land owner • Notification to relevant authority • Consultation with land owners and occupiers <p>Non Low-impact Facility</p> <ul style="list-style-type: none"> • Consultation and approval process in accordance with State and Territory planning laws 	<p>Activity:</p> <p>Construction of mobile phone base station</p>	<p>Activity:</p> <p>Operation of mobile phone base station</p>
<p>Regulation:</p> <p>Telecommunications Act 1997:</p> <ul style="list-style-type: none"> • Outlines requirements when carriers inspect land (e.g. notification) <p>Industry Code C564:2011 Mobile Phone Base Station Deployment:</p> <ul style="list-style-type: none"> • Requires carriers to consider co-location opportunities • Requires the application of a precautionary approach to site selection <p>Telecommunications (Low-impact Facilities) Determination 1997:</p> <ul style="list-style-type: none"> • Determines whether a facility can be classified as 'Low-impact' and therefore exempt from State and Territory planning laws <p>State/Territory planning laws:</p> <ul style="list-style-type: none"> • Set out planning controls and overlays 	<p>Regulation:</p> <p>Deployment Code:</p> <ul style="list-style-type: none"> • Requires the application of a precautionary approach to site design • Requires carriers to prepare an EME Environmental Report <p>Occupational Health and Safety regulations</p> <ul style="list-style-type: none"> • Requires design to comply with OH&S regulations <p>ARPANSA Standard</p> <ul style="list-style-type: none"> • Provides limits for exposure to electromagnetic energy (EME), in relation to placement of equipment and access to equipment. <p>AS/NZS 5070.1:2008 "Siting and operation of Radiocommunications Facilities" and other relevant Australian Standards</p>	<p>Regulation:</p> <p>Telecommunications Code of Practice:</p> <ul style="list-style-type: none"> • Outlines notification and consultation requirements <p>State/Territory planning laws:</p> <ul style="list-style-type: none"> • Provides an application process for new installations, consultation requirements, prescribed approvals process, process for appealing decisions • Heritage controls <p>Deployment Code:</p> <ul style="list-style-type: none"> • Outlines minimum notification and consultation procedures for Low-impact sites <p>Areas of Environmental Significance:</p> <ul style="list-style-type: none"> • Requires referrals to other relevant authorities such as the Environment Secretary • Consider any protected species under the Environment Protection and Biodiversity Conservation Act 1999 	<p>Regulation:</p> <p>National and State Occupational Health and Safety</p> <p>Traffic Control measures</p> <p>Compliance with Building Regulations e.g. Building Code of Australia</p> <p>Relevant Australian Standards</p> <p>Telecommunications Act:</p> <ul style="list-style-type: none"> • Outlines powers and conditions for accessing land to install facilities 	<p>Regulation:</p> <p>Deployment Code:</p> <ul style="list-style-type: none"> • Requires the application of a precautionary approach to site operation • Requires prescribed signage at certain locations <p>Environmental laws:</p> <ul style="list-style-type: none"> • Noise pollution • Storage of hazardous materials <p>ARPANSA Standard:</p> <ul style="list-style-type: none"> • Provides limits for occupational and non-occupational exposure to EME <p>Telecommunications Act:</p> <ul style="list-style-type: none"> • Outlines powers and conditions for accessing land to conduct maintenance of a facility

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More information

For more information, please contact:

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<http://www.mcf.amta.org.au>

Additional independent information can be obtained from

Australian Communications and Media Authority (ACMA)

Ph: (03) 9963 6800

<http://acma.gov.au>

Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)

Ph: (03) 9433 2211

www.arpansa.gov.au

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