[Proposal title]

Review of Environmental Factors for minor telecommunication works in environmentally sensitive areas

Using this template [delete this guidance text from the final document]

This Review of Environmental Factors for minor telecommunication works (REFMTW) template has been developed to assess proposals to undertake ‘minor activities’ on land that is either reserved or acquired under the *National Parks and Wildlife Act 1974* (NPW Act). These lands (referred to as ‘park’) are ‘environmentally sensitive areas’ under the definition given in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Except as provided for under the *Telecommunications Act 1997* (Cth), works in park may not proceed without National Parks and Wildlife Service (NPWS) approval and NPWS has a duty to consider the environmental impacts of proposals before approving those works. This REFMTW template in Section 3 can assist in determining whether a proposal is exempt from NSW legislation.

For works which are not exempt from NSW legislation, Section 4 of this REFMTW includes an assessment of its permissibility under the NPW Act and Section 5 gives a framework to determine the risk of any adverse environmental impacts arising from the proposal.

**To have a negligible risk profile**, proposals must meet certain criteria as outlined in Section 5 of this REFMTW. If proposals meet all these criteria, no further assessment is required.

Under the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport & Infrastructure SEPP), no telecommunication works in ‘environmentally sensitive areas’ may be carried out as ‘exempt development’ under section 2.143 of the Transport & Infrastructure SEPP. This means that such works on park are generally ‘development without consent’ and will require a formal environmental impact assessment before NPWS may authorise the works.

Under Division 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the decision-making process should be preceded by an assessment of the impacts at a level appropriate to the impacts. If the proposals do not meet the negligible risk profile criteria outlined in Section 5 (or are exempt from NSW legislation under the TelecommunicationsAct), a detailed Review of Environmental Factors (REF) **must** be completed. The template and guidelines for the completion of the REF is available on the [Guidelines for preparing a Review of Environmental Factors](http://www.environment.nsw.gov.au/research-and-publications/publications-search/guidelines-for-preparing-a-review-of-environmental-factors) webpage.

If there is any uncertainty, please discuss the proposal with NPWS.

1. Does proposal meet all criteria for negligible risk?

YES

1. Submit REFMTW to NPWS for determination.
2. If NPWS agrees there is no risk of adverse impacts from the proposal, no further assessment is required.

NO

1. Prepare a standard, detailed REF and submit to NPWS for determination.

REFMTW document completion checklist

* All guidance notes and text in green should be either updated (and changed to normal body text) or deleted from the document.
* Ensure the Tables of Contents, Appendices and References are updated.
* For all proposals, include design drawings in the Appendices and an aerial image or GIS mapping of the site location and/or layout in Section 2, Description of proposal.
* If there are additional site-specific safeguards relating to access, parking or storage and stockpiling of equipment, please ensure these are shown on the design drawings or a site layout plan. These should be included in the Construction Environmental Management Plan (CEMP) or an equivalent Site Management Plan, whichever is appropriate.
* Refer to the following style guide for consistency:
* Refer to the proposed works as the ‘proposal’. Avoid using the word ‘project’ as it implies that the proposal has already been determined to proceed.
* Similarly, use the word ‘would’ instead of the word ‘will’ in descriptions of the proposal and potential environmental impacts. The words ‘will’ and ‘must’ should be used when detailing safeguards and mitigation measures.
* For other questions of style, be consistent with the Australian Government [Style Manual](https://www.stylemanual.gov.au/).

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Document control

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| Version | Date | Author/ Modified by | Approved by |
|  | dd/mm/yyyy |  |  |
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1. Introduction

Suggested standard text:

The purpose of this Review of Environmental Factors for minor telecommunication works (REFMTW) is to describe a minor telecommunications installation proposed to take place on land that is reserved or acquired under the *National Parks and Wildlife Act 1974* (NPW Act). These lands (referred to as ‘park’) are ‘environmentally sensitive areas’ under the definition given in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).

Insert a brief two-sentence overview of proposal, such as:

The minor telecommunications proposal covered by this REFMTW involves installation of **XXXX**, at **YYYY**. The proponent is **ZZZZ**.

Suggested standard text:

Under the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport & Infrastructure SEPP), some telecommunication works are listed as exempt development under section 2.143. However, this does not apply in environmentally sensitive areas such as National Parks and Wildlife Service (NPWS) parks. Under section 2.73 of the Transport & Infrastructure SEPP, such works on park are ‘development without consent’ and will generally require a formal environmental impact assessment under Division 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) before NPWS can approve the works. Such an assessment must allow NPWS to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment as a result of the proposal.

The REFMTW is considered an appropriate level of assessment as the proposal meets the criteria for having a negligible risk profile, which is set out in Section 5. Hence, no further assessment is required if NPWS considers a project has a negligible risk profile.

In line with section 153D of the NPW Act, the REFMTW also documents all matters which must be considered before issuing a lease or licence for a telecommunication facility on lands reserved under the NPW Act (see Section 4 of the REFMTW).

1. Description of the proposal
   1. Proponent’s details

**Note**: All correspondence and notices will be sent to the contact person identified this in section.

Contact name

Position

Street address

Postal address (if different to above)

Contact phone number

Email

For proponents external to National Parks and Wildlife Service

Insert the business or company’s registered name, or the name of the Government department or agency, the company’s/agency’s trading name (if relevant) and ACN/ABN.

Organisation/Agency

ACN/ABN

For proponents from within NPWS

The Area or Unit Manager is the proponent and must endorse the REF as the proponent (see Section 14). For these projects, the proponent’s contact would be the project manager (e.g. ranger or team leader ranger).

Manager

* 1. Proposed installation

The proposal involves the installation of XXXX at YYYY.

Describe the proposed installation and refer to the location details in Table 1 and the design and construction details in Table 2.

Table 1 Location of the proposal

| Feature | Description |
| --- | --- |
| NPWS managed land  Identify if it is reserved under Part 4 or Part 4A of the NPW Act, is land acquired under Part 11 of the NPW Act |  |
| Location within the park  Park precinct name, and  Lot & DP if known |  |
| NPWS Park Operations Branch and Area |  |
| Site description  Text description should refer to Figures 1 and 2 |  |
| Site reference  Use MGA coordinates (i.e. Zone, Easting, Northing) |  |
| Site head lessee (tower and hut) if relevant |  |
| Road/vehicular access including proximity to major state roads |  |
| Description of existing environment and topography, including waterways and vegetation type |  |
| Surrounding land use and sensitive receivers (such as residences and campgrounds) |  |
| Local Government Area |  |

[Include a figure illustrating the proposed site location using aerial imagery/GIS mapping].

Figure 1 Proposed site location

[Include a figure indicating proposed site layout].

Figure 2 Proposed site layout

Table 2 Proposal details and construction methodology

| Proposal details | | Description of construction methodology |
| --- | --- | --- |
| Height, dimensions and description of proposed infrastructure | |  |
| Size of proposed activity footprint and description of proposal location within or adjacent to the existing compound  In describing the proposed installation, refer to the design drawings in Appendix A. | |  |
| Proposed construction method, including area and depth of proposed earthworks, scaffolding, footings etc. | |  |
| Materials and equipment including any fill proposed to be imported and used in the proposed activity | |  |
| Site clearing including extent of vegetation to be removed (e.g. for an Asset Protection Zone or sight lines) | |  |
| Solar power requirements | |  |
| Public utility adjustments | |  |
| Road/vehicular access changes |  | | |
| Any adjustment or earthworks or vegetation clearing required for access roads or trails | |  |
| Receipt, storage and on-site management for materials including number of trucks and other vehicles accessing the site | |  |
| Storage and disposal of waste material | |  |
| Description of ancillary activities (signage, generators etc.) | |  |
| Estimated timeframe of works (e.g. commencement and completion date) | |  |
| Construction hours of operation | |  |
| Capital cost of the proposal | |  |

* 1. Need and objectives of the proposal

Briefly describe the primary purpose of the proposal, any alternatives or other options considered, and justification.

1. Telecommunications Act

Certain works by a carrier are exempt from certain state and territory laws under Schedule 3 clause 37 of the [*Telecommunications Act 1997*](https://www.legislation.gov.au/Series/C2004A05145) (Cth). This includes low-impact facilities and maintenance on existing facilities. The criteria for determining whether the works are exempt are summarised in Table 3.

**Note**: Lands reserved or acquired under the NPW Act are considered an ‘area of environmental significance’ under sections 2.5(3) and 2.5(4) of the [Telecommunications (Low-impact Facilities) Determination 2018](https://www.legislation.gov.au/Series/F2018L00170). A facility which would otherwise be considered a low-impact facility in a residential, commercial, industrial or rural zone, is not a low-impact facility in an area of environmental significance (see section 3.1(2) of the Determination). If the installation of a facility does not meet the criteria outlined in Table 3, the installation is subject to NSW legislation and requires the approval of NPWS under the NPW Act following assessment of environmental impacts under the EP&A Act. Proceed to Section 4.

Table 3 Assessment against requirements under the Telecommunications Act

|  |  |
| --- | --- |
| Criteria for proposals to be exempt from certain NSW laws | Confirmation |
| **A.** Is the proponent the holder of a carrier licence, granted under section 56 of the Telecommunications Act?  (This is a mandatory requirement for all exempt proposals.) | Choose an item. |
| **B.** Is the proposal a relevant installation listed in Schedule 3 clause 6 of the Telecommunications Act? That is:   * + - * + its installation is authorised by a **facility installation permit**, OR         + it is a temporary facility for use by, or on behalf of, a defence organisation **for defence purposes**. | Choose an item. |
| **C.** The proposal meets the following definitions of **maintenance** of an existing facility (as listed in Schedule 3 clause 7 of the Telecommunications Act):   * + - * + the alteration, removal or repair of an existing facility (other than the extension of a tower)         + the replacement of the whole or part of an existing facility in its original location (as long as the replacement will not have increased noise levels compared to the original facility and, if external to a building or duct, is not larger in volume or height)         + the installation of an additional facility inside a fully enclosed building, or a duct, pit, hole, tunnel or underground conduit and no modifications to that existing structure is required         + installation of a temporary facility in the vicinity of an existing facility to minimise disruption to services during maintenance works         + vegetation management where that vegetation is obstructing or is likely to obstruct the operation of an existing facility. | Choose an item. |

The proposal meets criteria A and B / criteria A and C (delete whichever is not applicable) because of the following:

* The proponent (insert name) is holds carrier licence (insert identification number XXXX) issued under the Telecommunications Act.
* The proposal is an installation listed in Schedule 3 clause 6 of the Telecommunications Act, being: (provide details against the relevant dot point, and delete the other dot point)
  + authorised by a facility installation permit, **or**
  + a temporary facility for use by, or on behalf of, a defence organisation for defence purposes.
* The proposal is considered to be maintenance as: (provide detailed justification)

Further assessment under the EP&A Act and approval by NPWS are therefore not required.

If the proposal meets criteria A and B, or criteria A and C, do not fill in other parts of this form. NPWS would however appreciate a copy for our records and being notified when works are being carried out.

If the proposal does not satisfy criterion A as well as either criterion B or C, proceed with assessment in Section 4 of this template.

1. Permissibility under National Parks and Wildlife Act

Under section 153D, a lease, licence, easement or right of way for a broadcasting or telecommunications facility may not be granted on land reserved under the NPW Act unless the matters in Table 4 are satisfied.

Table 4 Requirements under section 153D of the National Parks and Wildlife Act

|  |  |  |
| --- | --- | --- |
| Principle | Complies? | Comment |
| Have investigations confirmed that there are no feasible alternative sites for the facility on land that is not reserved under the NPW Act? | Choose an item. |  |
| Does the site of any above ground facility cover the minimum area possible? | Choose an item. |  |
| Is the facility to be designed and constructed to minimise risk of damage to the facility from bushfires? | Choose an item. |  |
| Has the site and construction of the facility been selected to, as far as practicable, minimise visual impact? | Choose an item. |  |
| Is it proposed to use an existing means of access to the site? | Choose an item. |  |
| Is the facility essential for the provision of telecommunications services for land reserved under the NPW Act or for surrounding areas to be served by the facility? | Choose an item. |  |
| Will the facility be removed, and the site restored as soon as possible after the facility becomes redundant (e.g. due to changes in technology)? | Choose an item. |  |
| Has the site been selected after taking into account the objectives set out in any plan of management relating to the land? | Choose an item. |  |
| Will the facility be co-located with an existing structure or located at a site that is already disturbed by an existing lease, licence, easement or right of way? | Choose an item. |  |

The proposal meets / does not meet (delete whichever is not applicable) the requirements under s.153D of the NPW Act.

1. Risk assessment and consultation
   1. Preliminary risk assessment

The preliminary risk assessment in Table 5 has been completed. It [identifies / does not identify]\* (\*delete whichever is not applicable) that the proposal has a minimal or negligible risk profile.

If the following questions are all answered with a ‘no’ the proposal meets the criteria for the negligible risk profile. If the proposal doesn’t meet the negligible risk profile, a full REF is required. See [Guidelines for preparing a Review of Environmental Factors](http://www.environment.nsw.gov.au/research-and-publications/publications-search/guidelines-for-preparing-a-review-of-environmental-factors) webpage.

Table 5 Preliminary risk assessment

|  |  |
| --- | --- |
| Criteria for proposals with negligible risk profile | Confirmation |
| Does the proposal increase the overall footprint of existing infrastructure? | Choose an item. |
| Does the proposal involve works below ground? | Choose an item. |
| Are any works required to roads or trails to facilitate access as part of the proposal? | Choose an item. |
| Is any other ground disturbance required? | Choose an item. |
| Is any vegetation management or clearing required? | Choose an item. |
| Will the proposal result in a greater impact to the current visual amenity of the site? | Choose an item. |
| Does the site have any known Aboriginal heritage, historic heritage, or threatened species or ecological communities? | Choose an item. |
| Are any future upgrades to electricity supply or structural strength of the tower required as a consequence of this proposal? | Choose an item. |
| Will there be any environmental risks from the generation of waste or its disposal? | Choose an item. |

The proposal [meets/does not meet]\*(\*delete whichever is not applicable) the criteria to be considered a proposal with a negligible risk profile.

Proposals with a negligible risk profile are considered to have, at most, a minor and temporary impact to the following environmental factors as listed in [s 171(2) of the Environmental Planning and Assessment Regulation 2021](https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0759#sec.171) and confirmed under [Guidelines for Division 5.1 Assessments](https://www.planning.nsw.gov.au/policy-and-legislation/environmental-planning-and-assessment-act-updated/guide-to-the-updated-environmental-planning-and-assessment-act-1979/part-5-infrastructure-delivery):

* + - * 1. the environmental impact on the community
        2. the transformation of the locality
        3. the environmental impact on the ecosystems of the locality
        4. reduction of the aesthetic, recreational, scientific or other environmental quality or value of the locality
        5. the effects on any locality, place or building that has—

aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance, or

other special value for present or future generations

* + - * 1. the impact on the habitat of protected animals, within the meaning of the *Biodiversity Conservation Act 2016*
        2. the endangering of a species of animal, plant or other form of life, whether living on land, in water or in the air
        3. long-term effects on the environment
        4. degradation of the quality of the environment
        5. risk to the safety of the environment
        6. reduction in the range of beneficial uses of the environment
        7. pollution of the environment
        8. environmental problems associated with the disposal of waste
        9. increased demands on natural or other resources that are, or are likely to become, in short supply
        10. the cumulative environmental effect with other existing or likely future activities
        11. the impact on coastal processes and coastal hazards, including those under projected climate change conditions
        12. applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1
        13. other relevant environmental factors.
  1. Consultation

Despite the proposal having a minimal or negligible risk profile, some statutory consultation is required in certain specified circumstances under the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (TISEPP) or other legislation. These are outlined in Table 6.

Table 6 Statutory consultation

| 1. Authority  (reference) | 1. Trigger | 1. Applicable to proposal? |
| --- | --- | --- |
| Director of the Siding Spring Observatory (TISEPP s 2.15(2)(d)) | Development that may increase the amount of artificial light in the night sky and that is on land within the mapped dark sky region | Choose an item. |
| Cth Department of Defence  (TISEPP s 2.15(2)(e)) | Development located within the buffer around the defence communications facility near Morundah as mapped under the Lockhart, Narrandera or Urana LEPs | Choose an item. |
| Subsidence Advisory NSW  (TISEPP s 2.15(2)(f)) | Development on land in a mine subsidence district. | Choose an item. |
| Willandra Lakes Region World Heritage Advisory Committee and Heritage NSW (TISEPP s 2.15(2)(g)) | Development on, or reasonably likely to have an impact on, a part of the Willandra Lakes Region World Heritage Property | Choose an item. |
| Add rows, as necessary, for other required consultation (e.g. under the Cth Defence Act if the facility is within a Defence Aviation Area) |  |  |

If relevant, provide details of the consultation completed.

Identify if the consultation identified in the table has occurred, with whom and when, and discuss any matters raised by the relevant authority. The written correspondence should be included as an attachment to the REF.

1. Declaration by proponent

Example text below, to be amended/updated as appropriate.

The purpose of this Review of Environmental Factors for Minor Telecommunication Works (REFMTW) is to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment as a result of [briefly describe proposal] (the proposal). The proposal is located in the [insert name of park, and the distance and direction from nearby town(s)].

* 1. Conclusion

Provide a brief conclusion regarding the proposal’s risk profile. Example text:

The proposal was found to have a negligible risk profile with, at most, minor and temporary impacts associated with [outline sources of potential impacts: e.g. noise generated during construction].

This REFMTW concludes that the proposal is not likely to have a significant impact on the environment and accordingly, an Environmental Impact Statement (EIS) is not required for the proposal. The proposal is not likely to significantly impact a matter of national environmental significance or the environment of Commonwealth land and a referral to the Australian Government is therefore not required under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

This REFMTW has been prepared and is submitted to the NSW National Parks and Wildlife Service (NPWS) for consideration and approval for the works to commence.

I certify that I have reviewed the contents of this REF document and, to the best of my knowledge, it is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under section 170 of the EP&A Regulation, and the information it contains is neither false nor misleading.

I also acknowledge that the proposed activity cannot commence until written authorisation has been obtained from NPWS.

The REF must be certified by the **proponent** – not the consultant(s) preparing the REFMTW. By signing the REF, the proponent confirms that the information in the REFMTW is accurate and adequate to ensure that all potential impacts of the activity can be identified.

|  |  |
| --- | --- |
| Signature |  |
| Name (printed) |  |
| Position |  |
| Date |  |

Seal (if signing under seal):

Appendix A. Site plan and design drawings