

17 July 2018

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Dear Sir/Madam

**Submission: Industry Code DR C564:2018
Mobile Phone Base Station Deployment**

Thank you for the opportunity to make comment on the draft Industry Code DR C564:2018, Mobile Phone Base Station Deployment. Council has significant concerns with the proposed Code.

The installation of telecommunications equipment of Council reservoirs has and continues to pose a significant and unacceptable risk to the safe and secure provision of water through the Tweed District Water Supply. These risks are due to:

- roof penetrations used in the installation of equipment permit contaminants and some wildlife entry the water supply posing a significant health risk
- location of telecommunications equipment on reservoir rooves prevents Council staff accessing the roof to undertake repairs or operational activities such as chlorine dosing
- telecommunications carriers fail to maintain the rooves or make good any damage despite a requirement stipulated in the respective leases.

It is considered the Draft Industry Code does not address these issues and further may weaken Council's ability to maintain a safe and secure water supply.

Further the Draft Industry Code does not explain how the Code will relate to Schedule 3 of the Telecommunications Act (Cth) 1997 and the service of Land Access and Activity Notices.

Specific points of concern are:

Section 4.3 Site Operation

There is nothing in this section about how a Carrier must operate with the site owner and any installation the owner has on the site. Site Operations must include provision for the site owner to maintain its operations without any impediment and without any increased risk.

Section 5 Small Scale Infrastructure

Although this section refers to advice to Council, there is nothing in the section dealing with the resolution of issues if it is considered by Council that the proposal places a risk to Council's operations and ability to fulfil its statutory requirements.

Section 6.1 Development and Evolution of Consultation Plan

This should include a risk assessment considering the risks posed by the installation on the facility's primary purpose and owner's operations, asset management, WHS of their staff and water quality. The onus should be placed on the Carrier to assess impacts of any installation. Where the installation is considered by the asset owner to pose and unacceptable risk to either the asset (e.g. structural integrity) or the general public served by the owner's asset the proposal should not proceed without a transfer of liability from the asset owner/operator to the Carrier.

Section 6.2 Consultation with Council on the Consultation Plan

Realistic timeframes must be provided to Council to assess the information and object if considered appropriate by Council. Also, the onus should be on the Carrier to provide adequate information and prove that the installation won't affect and poses no risk the facility's primary purpose, operations, maintenance , integrity etc as outlined in comments on Section 6.1

Section 6.4 Assessing and Reporting on Outcomes

There is no description of the further processes required to deal with objections, complaints and issues raised by affected parties if not satisfied by the Carrier's response. There is no indication of timeframes for dealing with objections and what occurs if objections are not dealt with. As an example "What is the process if the asset owner considers the proposed installation poses an unacceptable risk to either the asset or the general public served by the owner's asset?."

Section 7 Notification to Councils and the Public

The Draft does not explain how the cumulative impact of a number of installations, added to by a new or modified installation is assessed with respect to the facilities structural integrity, operation, maintenance, modifications and replacement by the facility owner. Further it does not address how the public will be informed of the cumulative effects. The onus should be placed on the Carrier installing a new installation or modifying existing installations to address these issues. To provide confidence in the activities of the Carriers and the industry as a whole independent auditing of EME, after the completion of the installation, is required to prove combine EME impacts of collective installations and that independent auditing provided to Council and the public.

As stated above Council considers the installation of telecommunications equipment of Council reservoirs has and continues to pose an unacceptable risk to the safe and secure provision of water through the Tweed District Water Supply. Council seeks this addressed through the proposed Industry Code.

If you have any enquiries in respect to this submission please do not hesitate to contact Rob Siebert, Coordinator – Strategy & Business Management on (02) 66702506 or email rsiebert@tweed.nsw.gov.au.

Yours faithfully

Troy Green PSM
GENERAL MANAGER