



18 July 2018

Reference:
Contact: Greg Mashiah

Communications Alliance
Po Box 444
MILSONS POINT NSW 1565
Via Web Submission form

Dear Sir

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

Thank you for the opportunity for Council to comment on the draft Industry Code *DRC564:2018, Mobile Phone Base Station Deployment*.

First, Council supports the installation of appropriately located mobile phone base stations to improve mobile phone coverage in its area. However, Council has significant concerns with the draft Code and in particular its failure to consider and address the on-going public health impact on drinking water supplies which can result from inappropriate telecommunications equipment installation on Council reservoirs.

Three significant and unacceptable risks to the provision of safe and secure drinking water supplies are:

- roof penetrations used in the installation of equipment permits contaminants and wildlife entry to drinking water reservoirs, which poses a significant public health risk,
- inappropriate location of telecommunications equipment on reservoirs can limit Council staff access to the roof to undertake repairs or operational activities such as chlorine dosing, and
- a reluctance by telecommunications carriers to maintain cable trays and/or roofs and make good any damage despite a requirement stipulated in the respective leases can result in premature deterioration of Council's asset.

The Draft Industry Code does not address the above risks and it is considered would further weaken Council's ability to maintain a safe and secure drinking water supply.

Specific points of concern are:

Section 4.1: Site Selection

There is nothing in this section requiring a carrier to have regard to the public health risk to drinking water supplies posed by the proposed site location. It is acknowledged that Section 4.1.4(g) of the draft code requires the carrier to have regard to the outcome of consultation with interested and affected parties (referencing a non-existent Clause 6.7, which it is presumed means Clauses 6.2 ad 6.3), but it is considered that having regarding to public health risks from drinking water at the consultation stage is too late in the site selection process. Council's concerns

regarding unacceptable drinking water supply risk could, for example, potentially be addressed at the site selection phase by proposing to install the telecommunication equipment on a standalone monopole rather than being attached to the reservoir roof.

Section 4.2: Infrastructure Design

There is nothing in this section requiring a carrier to have regard to the impact of the design on the site owner's operation of their facility. Clause 4.2.3 of the draft code indicates one design objective is "minimising unnecessary or incidental RF emissions and exposure", but the design requirements are based on the carrier's considerations only. To achieve this objective the Code needs to include a design requirement that the design considers, and incorporates, the site owner's operational requirements for their facility. As noted in the comments on Section 4.1, Council's concerns regarding drinking water supply risk could potentially be addressed by appropriate design which incorporates Council's operational requirements such as a standalone monopole rather than the Carrier's infrastructure being attached to the reservoir roof.

Section 4.3 Site Operation

There is nothing in this section requiring a Carrier to integrate with a site owner's existing operations. It is considered the Code must require a Carrier to ensure that a site owner is able to maintain its existing operations without any impediment and without any increased risk.

There is also nothing in this section regarding the carrier removing RF transmission equipment that is no longer in service. It is considered that if equipment is no longer in service then a carrier should be required by the code of practice to both remove the redundant infrastructure from the site and to make good the site.

Section 5 Small Scale Infrastructure

There is nothing in this section regarding how issues will be resolved if it is considered by Council that a proposal poses an unacceptable risk to Council's operations and/or its ability to fulfil its statutory requirements as a drinking water supplier.

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 the site owner's operations, asset management, WHS of their staff and drinking water quality. The onus should be placed on the Carrier to assess impacts of any proposed installation. Where the installation is considered by the asset owner to pose an 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. Even if the ten business days was from receipt of the consultation plan, it is considered too short a timeframe to provide a response given that potentially several sections of the Council may need to have input into commenting on the consultation plan.

The draft code indicates the ten business days starts "from the date of the request" and also indicates that consultation can commence after ten business days have elapsed. A significant concern is that the draft Code currently permits a Carrier to post its consultation plan to Council and then commence consultation within the 10

business days, which takes no account of the postal delivery times. Australia Post's website indicates the delivery time for a standard letter between an interstate location and a country location such as Grafton is 4 to 5 business days and it is frequently longer, so if the commencement date is the date of request the draft Code potentially permits the Carrier to commence consultation prior to its consultation plan even having arrived at Council.

There is currently no provision in the draft code specifying the process to be undertaken where the draft consultation plan submitted under Clause 6.1 is considered to be inadequate, and the code currently permits the Carrier to commence consultation regardless of Council's comments. The onus should be on the Carrier to provide adequate information and prove that the installation won't affect and poses no risk to 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

A significant concern with the draft Code is that it permits a Carrier to commence work as soon as it has submitted the consultation report to Council and updated its website. There is no provision in the draft code regarding the process where a submission considers the carrier has either inadequately addressed or failed to address the affected parties' objection, complaint or issue. It is also noted that there is no requirement for the Carrier's response to Interested and Affected Parties' individual comments to be provided prior to the commencement of work.

For example, what is the process where an asset owner's submission is that the proposed installation poses an unacceptable risk to either the asset or the general public served by the owner's asset and the Carrier's response in the consultation report is that they disagree with the submission and are not proposing any changes?

It is recommended that:

- the Code not permit a Carrier to commence work before a minimum time (suggest 20 working days) has elapsed from when the requirements of Sections 6.4.2 and 6.4.4 in the draft Code are met, and
- the Code provide a process for determining (within the minimum timeframe suggested above) an outcome where an Interested and Affected Party considers their individual submission was inadequately addressed by the Carrier's report.

Section 7 Notification to Councils and the Public

The Draft Code of Practice 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.

Summary:

Council supports the installation of mobile phone telecommunication infrastructure, but considers the draft Code of Practice inadequately addresses unacceptable public

health risks to the safe and secure provision of drinking water supplies. Council considers its concerns can be addressed through changes to the draft Industry Code.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ashley Lindsay', with a small dot at the end.

Ashley Lindsay
General Manager