

20 July 2018

Communications Alliance Ltd
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Via <http://www.commsalliance.com.au>

Comment on Proposed 2018 Amendments to C564:2011 Mobile Base Station Deployment Code

Catalyst One is a leading provider of specialist project management and site acquisition services for the Australian telecommunications industry.

Catalyst welcome the opportunity to comment on proposed updates to the Deployment Code.

Section 3: General Obligations on Carriers

Section 3.2 Timeframes

We welcome the increased clarity over calculation of timeframes. However:

- We have concerns over reliance on Australia Post published timeframes. Compliance with the Deployment Code becomes reliant on information provided by an external party, which may change without notice. We acknowledge the current two business day timeframe for postage is no longer realistic, particularly in rural areas, but prefer the Deployment Code nominate postage timeframes to remove ambiguity.
- Sections 3.2.1(b) and 3.2.3 appear to overlap and conflict. We recommend the wording of 3.2.1 be clarified.
 - Section 3.2.1 covers delivery of documents/notices being sent to the community (by mail, email or courier). 3.2.1(b) refers to a letter being taken as 'given' the next business day after it was left at a premises.
 - Section 3.2.3 refers to documents/notices being taken as 'given' the second business day after being left at a premises. This section is taken to mean letterbox drops undertaken by the carrier directly.
 - These two items are very similarly worded and may confuse members of the public. It is recommended that sections 3.2.1(a) and (b) be clarified – ie for letters / notices sent by mail, the notice is taken to be given one business day after mail delivery is expected.

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Section 4: Mobile Phone Radiocommunications Infrastructure Site Selection, Design and Operation

Section 4.3 Site Operation

Section 4.3 replaces the existing Section 8. We have no comment concerning the content of section 4.3.

However, this change will have implications for documentation uploaded to the RFNSA website – specifically the Precautionary Approach F8 checklist. The RFNSA Deployment Code tab will need to be updated accordingly.

Section 5: Small Scale Infrastructure

Section 5.1 Notification for Low RF Power Mobile Phone Radiocommunications Infrastructure and Fixed Radio Links

5.1.3 requires that landowners and occupiers of residences in the ‘immediate vicinity’ be notified. The current code prescribes a distance of 10-20m for notification. There is no definition of ‘immediate vicinity’ in the updated code – further clarity is sought.

5.2 Notification for Small Radiocommunications Facilities

We support inclusion of small radiocommunications facilities (ie small cell base stations) under section 5. Given increasing demand for mobile services in urban areas, such infrastructure is becoming increasingly commonplace and we welcome its addition to the Deployment Code.

Clarification of ‘immediate vicinity’ and ‘close proximity’ (in relation to community sensitive uses) is sought. Given very low power levels of small cell infrastructure, it is expected a smaller distance for public notification would be required than that for a macro-cell site under section 6 of the Code.

No minimum consultation period is specified under 5.2. Given this type of infrastructure is likely to be installed in residential areas, a prescribed consultation period should be specified for interested and affected parties. A period of 10 business days is suggested.

Section 6: Consultation Requirements for Installation at a New Site without Development Application

Letters

Section 6.3.6(d) requires emailed notifications include the Communications Alliance consultation symbol. Appendix D3 provides an example of the emailed notice. We do not support this change.

The Code acknowledges there may be technical issues resulting from use of the symbol. Additionally, the image takes the most prominent position in the email, pushing information on the project (arguably of more concern to the IAP) out of sight.

We do not consider public recognition of the symbol is high enough to warrant its inclusion in the email; if it must be included, it would be more appropriate to include it in the notification letter.

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Signage

- Section 6.3.12(c) provides that consultation signage must not be removed by the carrier until construction is completed.

Maintenance of signage until construction is not practical – signage is placed and maintained during the DC6 notification process, but there may be a time lag between its conclusion and build. While all care is taken, signage can be removed by community members of public authorities, outside the control of the carrier.

We recommend amending clause (c) to read *“is durable and is not removed by the Carrier until completion of the Deployment Code section 6 process”*.

- We suggest an addendum to 6.3.11. In many cases, especially in rural areas, onsite signage is not practical – for example, the site may not be on a public road, is in a rarely visited area, or is in a location where the sign would not be visible to passing traffic. It is acceptable for signage not to be placed under this clause as it would be ‘impractical’ to do so.

In these cases, the planner will generally implement additional consultation measures, including a wider mailout or a newspaper advertisement, to ensure consultation is fit for purpose and reaches those most affected. These additional activities are not prescribed by the Code.

It is suggested an additional clause be added, stating that where signage is impractical alternate methods of consultation should be utilized. It would also be useful for the Code to specify the kinds of consultation that should be undertaken.

Section 7: Notification to Councils and the Public – Installation at an Existing Site without Development Application

Section 7.2 Public Notification

- Section 7.2 now requires notification be undertaken to the ‘surrounding area’. Clarification over ‘surrounding area’ is requested.
- Per 7.2.2 and notes, consultation requirements are much less clearly defined than the current DC7 regime. This potentially opens the door for conflict between the community and carriers over the appropriate degree of consultation. It also raises the possibility that DC7 processes will differ significantly between various carriers, based on what is considered ‘appropriate’.
- It would be useful for the Code to provide a minimum, ‘baseline’ consultation requirement (potentially as per current section 7 requirements).

- It would be useful if the Code provided a methodology on the types of consultation activity required and when they should be used, to ensure that consultation activities are consistent across all carriers and their respective SAED providers. It would also help the consultation process to be more transparent for members of the community.
- For ease of reference, this methodology could be linked to and guided by the TLM assessment process. That is, the Code specify the types of consultation that would be expected for green, amber and red rated sites. A green site may require only a Council letter and newspaper advert; an amber site adding community letterbox drop within a certain radius; a red rating triggering a wider letterbox drop than amber, plus additional activities as per 7.2.2.
- Section 7.2(g) should be reworded as it is a direct copy from the current Code (referencing publication of a newspaper notice). In recognition that consultation activities are being expanded, this section should be reworded similar to sections 6.3.15 and 6.3.16 of the amended Code – ie *“The Carrier must give Councils and Interested and Affected Parties 10 Business Days to provide comments”*
- 7.2.1 provides information that must be given to the community during the consultation period. It is impractical for all of the information to be included in a newspaper notice given space and cost constraints. Newspaper advertisement requirements should be separated from 7.2.1 and remain generally consistent with current Code requirements.
- The ‘Note’ in 7.2.2 provides that an Interested and Affected Party may subscribe their ongoing interest in an existing facility via the RFNSA website. The RFNSA website does not appear to have this functionality. This section of the Code should either be amended or removed if there are no imminent plans for this functionality to be added.

We thank you for the opportunity to comment on the proposed Code amendment. Should you require any further information or clarification, please feel free to contact me.

Yours sincerely,



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