

Council's Reference:  
*JS/hs*

Telephone Enquiries to:  
*Johan Schoonwinkel*

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Communications Alliance  
PO Box 444  
MILSONS POINT NSW 1565

Richmond  
Valley  
Council



Dear Sir / Madam

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

Thank you for the opportunity to 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 on Council's reservoirs has and continues to pose a significant and unacceptable risk to the safe and secure provision of water across Richmond Valley with regards to:

- access – location of telecommunications equipment on reservoir roofs restrict roof access for Council staff to undertake operational activities such as chlorine dosing and roof repairs;
- contamination – roof penetrations used in the installation of equipment permit contaminants and wildlife entry to the water supply posing a significant health risk;
- maintenance – telecommunications carriers fail to maintain the roofs or repair any damage despite a requirement stipulated in the respective leases; and
- notification – contractors servicing equipment on behalf of the tele-communications carriers fail to provide access notification thereby disrupting Council staff's work schedules.

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

In addition, 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, in particular to:

- **Section 4.3 Site Operation**

The section does not specify 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 fulfill its statutory requirements.

- **Section 6.1 Development and Evolution of Consultation Plan**

The onus should be placed on the Carrier to assess impacts of any installation with the inclusion of 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. Where the asset owner consider the installation 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**

The onus should be on the Carrier to provide adequate information and prove that the installation won't affect or pose any risks to the facility's primary purpose, operations, maintenance, integrity etc as outlined in the comments relating to Section 6.1. Also, realistic timeframes must be provided to Council to assess the information and object if considered appropriate by Council.

- **Section 6.4 Assessing and Reporting on Outcomes**

The further processes to deal with objections, complaints and issues raised by affected parties, if not satisfied by the Carrier's response, are not defined. There is no indication of timeframes for dealing with objections and what occurs if objections are not dealt with, e.g. "What is the process if the asset owner considers that 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 outline how the cumulative impact of a number of installations added to by a new or modified installation, is assessed with respect to the facility's structural integrity, operation, maintenance, modifications and replacement by the facility owner. The onus should be placed on the Carrier installing a new installation or modifying existing installations to address these issues with the owner.

An independent auditing of combined EME impacts is required after completion of the installation and the independent auditing results of the combine EME impacts of collective installations should be provided to Council and the public to provide/restore confidence in the activities of the Carriers and the industry as a whole.

As stated above, Council has in the past and continues to consider the installation of telecommunications equipment on Council reservoirs to pose an unacceptable risk to the safe and secure provision of water. Council seeks this to be addressed through the proposed Industry Code.

If you have any further enquiries in respect to this submission, please do not hesitate to contact Johan Schoonwinkel, Water and Sewer Engineer on (02) 666 00248 or email [johan.schoonwinkel@richmondvalley.nsw.gov.au](mailto:johan.schoonwinkel@richmondvalley.nsw.gov.au).

Yours faithfully



Angela Jones  
**Acting General Manager**