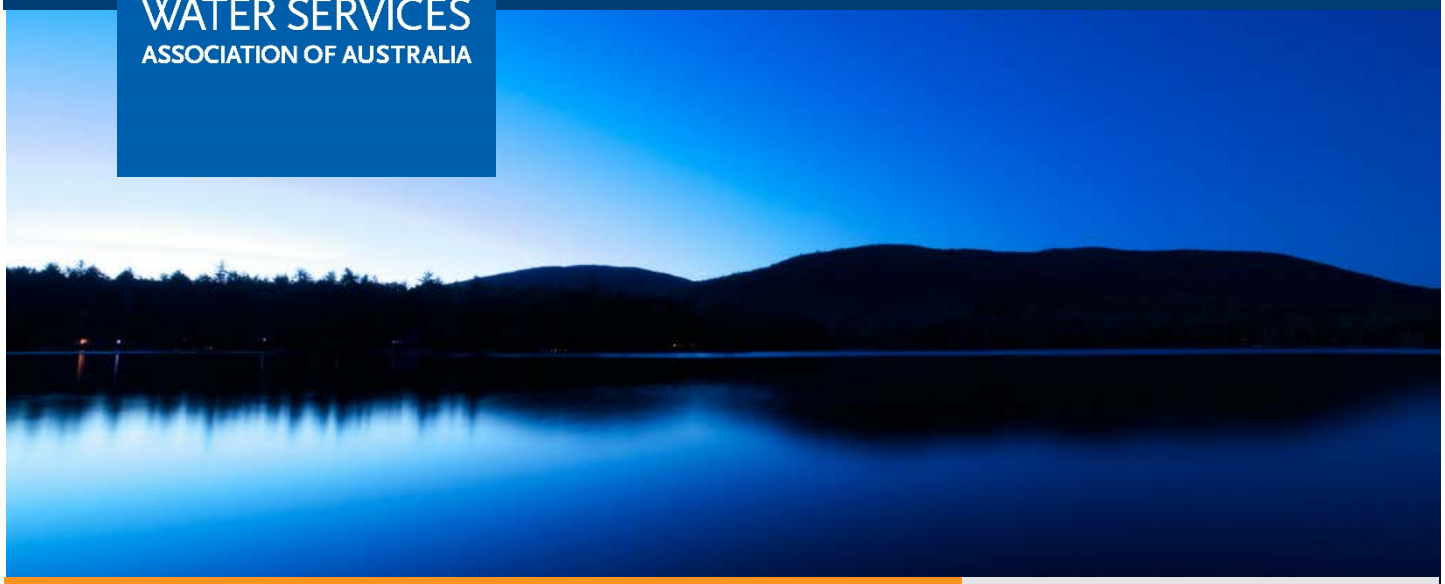
WATER SERVICES
ASSOCIATION OF AUSTRALIA



WSAA SUBMISSION

Industry Code DR C564 Mobile Phone Base Station Deployment Industry Code

3 August 2018

Attention: Mr Craig Purdon

Project Manager

Communications Alliance Ltd

PO Box 444

MILSONS POINT NSW 1565

SUBMISSION: Industry Code DR C564 Mobile Phone Base Station Deployment Industry Code

Adam Lovell

Executive Director

Water Services Association of Australia

Level 9, 420 George Street

SYDNEY NSW 2000

Ph: (02) 9221 0082

Email: adam.lovell@wsaa.asn.au

I confirm that this submission can be made available in the public domain.

About WSAA

The Water Services Association of Australia (WSAA) is the peak body that supports the Australian urban water industry. Our members provide water and sewerage services to over 20 million customers in Australia and New Zealand and many of Australia's largest industrial and commercial enterprises. WSAA facilitates collaboration, knowledge sharing, networking and cooperation within the urban water industry. The collegiate approach of its members has led to industrywide advances to national water issues.

WSAA welcomes the opportunity to provide a submission to the Communications Alliance on DR C564 the Mobile Phone Base Station Deployment Industry Code, June 2018 (The Code).

Summary of the water industry position

We note that although this code was first produced in 2002 the water industry has not historically provided comment. However, because of a changing awareness by water utilities associated with increasing installations on water storage tanks and proposed amendments to the telecommunications carrier powers and immunities, there is a growing awareness of the need to become more involved in changes to telecommunications legislation. We would therefore request to be included in any future consultation rounds for telecommunications codes of practice and to the extent possible to be included as a stakeholder when developing new codes of practice and similar documents.

The Code is unclear in its application. The only groups who are called up by The Code that are to be consulted during the introduction of new installations and changes to existing infrastructure are local councils and the general public. However, public utilities are also mentioned as owning sites which could be used in mobile base station deployment. The Code should be clear that it only applies to Council owned land, or if it is intended to have broader application then this should be clearly stated in the introduction and the affected parties be expanded to include public utilities rather than just Councils.

It should be acknowledged that the addition of mobile phone base stations on or within the shell of existing water utility infrastructure needs to consider the additional costs and risks that these could impose on Australia's water infrastructure providers and the community more generally. It is vital that the Communications Alliance acknowledge that protecting public health and the delivery of safe and reliable drinking water are the paramount objectives for managing drinking water systems and that the proposed changes cannot compromise attainment of those objectives.

The industry is concerned with the provisions in Section 4.1.1. It is acknowledged that water tanks and towers can provide excellent elevation for mobile telecommunications equipment. However, the code should either note, or provide reference to water tanks and towers being a community sensitive location. Those seeking to install mobile phone base stations should be aware that installations on these sites can affect the product being delivered by water utilities if not properly installed and maintained. In addition, poorly designed and installed facilities can present a hazard to water utility workers.

Specific amendments

1. Section 1.4 (Objectives) – The objectives should be amended to note that any deployment will not interfere with the operations of a public utility, and equipment installed will be adequately maintained for its full life cycle. This is to avoid risks to drinking water quality and protect utility worker safety.
2. Section 2 (Definitions):
    a. Add new definition for *"Community sensitive location"* for clarity – the definition appears to be missing from the Proposed Deployment Code and there are inconsistent references to it throughout the document (for example, see clauses 4.1.4(c) and 6.1). The definition should be extended to include *"sites with drinking water reservoirs"* within its ambit. The definition should also reference an associated risk to the owner/occupier or operations of a public utility regarding its proposed deployment.
    b. Definitions for "EME" and "RF" appear to have been deleted for the Proposed Deployment Code and should be reinstated or cross referenced to the appropriate document.
3. Section 3.2.3 – Given the impacts associated with deployment of Mobile Phone Radiocommunication Infrastructure, any notice or document should not *"be left at the premises"* as drafted. Rather such notices or documents should be delivered either to the registered office or personally served to an offer of the public utility. This is to avoid the circumstance where some carriers have left notices on the gate of the proposed installation site, for discovery by the owner.
4. Clause 4.1.4(b) – should include public utility workers and/or Council workers who are required to access and maintain the sites.
5. Section 4.1.4 (e) – Suggest an additional clause, Relevant State legislation and policy applicable to the Council/Public Utility landowners intended use of the land. The liability and costs of installations that fail to consider such impacts to water supply operations are often borne by the public utility due to the associated lack of consideration of state legislation and policy.
6. Add new clause 4.1.4(o) – other risks determined relevant by public utility or council landowners.
7. Clause 4.2.3 - The written procedures for designing Mobile Phone Radio-communications Infrastructure should include at the carrier's cost regular on-site testing during commissioning, and routine independent EME testing thereafter to reduce EME risks to facility operators. Our concern is that there might be significant differences between the theoretical and actual field mapping of EME. New clause 4.2.3(g) should be added to ensure a carrier at its own cost, provides for separate and independent power supply so as not to impact of the operation of public utility or Council landowners unless otherwise agreed.
8. Clauses 4.3.3 and 4.3.5 – It is not appropriate for a carrier to restrict general public access to operational areas of public utilities or councils without agreement. Such

limitations can place landowners in breach of legislative obligations (for example, in the case of water utilities in providing safe drinking water) and inhibit safe access by landowner staff for maintenance and other works.

9. Clause 4.3.6 – The carrier should also ensure that *"technical staff"* are also trained in any other requirements relevant to the activities of the landowner including site operation and access.
10. Add new Clause 4.3.8, 'The carrier must provide and maintain with the Council/utility landowner an up to date shutdown process and a contact register for the utility to be able to advise the carrier when shutdown of equipment is needed due to Council/Utility maintenance or emergency operations and effect such a shutdown.'
11. Add new clause 4.3.9 – The carrier must ensure that that RF transmission equipment no longer in service is removed and the land is restored to the same condition as before the installation at the carrier's cost. A timeframe should also be provided. Suggest the clause read as follows:

    "The carrier must at its cost, removal RF transmission equipment no longer in service within 25 Business Days unless the Interested and Affected Party has agreed otherwise."

Penalties should be imposed for non-compliance with this clause. The landowner/occupier/public utility should also have the right to remove (and if required the right to shut down power supply if equipment is live). This will assist landowners/occupiers/public utilities will cleaning up legacy issues and unknowns.

12. Clause 5 (Small Scale Infrastructure) – a process of objecting by owner/occupier of land should be available for small scale infrastructure, with the landowner able to object if they reasonably believe the installation is likely to affects their operations.
13. Clause 6 (Consultation Requirements for Installation at a new site without development application) – the process contemplated does not provide Interested and Affected Parties (including stakeholders and public utilities) with sufficient time (and consultation is made by the carrier) to consider a carrier's application. *"10 Business Days"* specified in clause 6.2.4 should be amended from *"10 Business Days"* to at least *"20 Business Days"* to be consistent with common council/public utility timeframes.
14. New Section 6.1.2(d) be added requiring a carrier to demonstrate that an installation will not impact of the operations of a public utility (such as operations, asset management, health and safety of the workers and contractors, water quality, future planning/expansion of the site). The onus should be placed on the carrier (and its cost) to assess impacts of any installation in consultation with the public utility. In the case of water utilities, where the installation is considered by the public utility to pose and unacceptable risk then the proposal should not proceed. This will assist local water utilities in meeting their operational and health legislative requirements.
15. Clause 6.3.1 – the information provided by carriers should also include its full risk assessment and risk mitigation strategies. This information should also be contained on the carrier. Where requested by a public utility, a carrier must provide evidence that its holds (and maintains for the life of any installation) sufficient insurance in place to the satisfaction of the public utility.

16. Clause 6.3.6 – in the case of public utilities the process of sending of letters, should be to its authorised officer unless agreed otherwise beforehand.
17. Clause 6.4.3 – the carrier should only be able to proceed where the public utility has consented to the proposed construction.
18. Clause 6.3.22(e) – in some instances pertaining to specific sites *"mutually acceptable outcomes on projects"* are difficult or cannot be achieved (for example, drinking water reservoirs). It is important that any disputes can be referred to ACMA.
19. Clause 7 – *"large physical separation between facilities on a premises"* does not appear sufficiently defined. Clarity is needed.
20. Clause 7.1 - in the case of public water utilities, the provision should be amended to include or an appendix included that requires the following:
    a. an assurance from the carrier that it will not do anything which in any way poses a risk of contamination of the drinking water supply;
    b. full detailed drawings and specification including the location of underground services;
    c. particulars of materials to be used;
    d. any additional information requested by the public utility so that the application can be assessed; and
    e. where a carrier proposes to host equipment onto public utility infrastructure, the carrier must provide to the public utility and to council an engineering assessment of the public utilities infrastructure confirming that the public utility infrastructure will not:
        i. be structurally impacted by the carrier's installation;
        ii. impede a public utility's use of its for operational and business purposes; or
        iii. interfere with the public utility's telemetry equipment.
    f. A carrier should also provide evidence of insurance and if requested, provide written an indemnity and release in favour of the public utility to limit exposure for direct and consequential damages caused by carrier installations.
21. Clause 7.3 – The carrier should also have regard to any comments received from Interested and Affected Parties in particular public utilities and stakeholders.
22. Clause 8 (Radio Emissions and Health and Safety Information) – clause 8.1.2. - should be amended to require a carrier to accurately update the EME Guide for Site Safety for specific sites of public utilities. The clause should also be mandatory for a carrier to provide a copy of the EME Guide for Site Safety to the owner/occupier of the specific site within 10 Business Days of updating.
23. Clause 9 (Complaint handling) – the provision should include a requirement that the installation cannot proceed until the complaint has been resolved. Clause 9.2.5 the making of numerous complaints regarding the same facility by the same complainant is treated as one complaint. This encourages carriers to under report. This could misrepresent the true events.

24. Appendix A - The Precautionary Principal – The sentence ‘There is a need to balance the requirement for the telecommunications industry to provide adequate service with the need of the community to be ensured of living in an environment that will not be a potential threat to health.’ Should be expanded such that it reads, Telecommunications Industry and landowner/council/public utility to provide’. The text doesn’t consider the needs of the landowner to also meet community needs, this is a deficiency.
25. Appendix B - ARPANSA EME Report Format – it is important to note that significant reliance is placed on these reports and onsite verification of their accuracy should be periodically undertaken to confirm they remain accurate.
26. A new provision needs to be added to require proper labelling of any installation with carrier details. Labels should be regularly checked and repaired, update etc. as made by required by carriers. Penalties should be imposed for non-compliance with this clause.

WSAA supports the intent of the Mobile Phone Base Station Deployment Industry Code but believes that addressing the above points would greatly enhance the usability of the document and provide a more effective outcome that equally benefited all stakeholders, particularly the community.

For further information on this submission please contact Greg Ryan, greg.ryan@wsaa.asn.au or (03) 8605 7611.