[redacted]

Our ref: B8997 – Skennars Head

10 March 2011

Attention: Mr John Truman -
Group Manager/ Civil Services Group

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

RECORDS SCANNED
14 MAR 2011
Doc No:.....
Batch No:.....

Dear Sirs,

RE: Optus propose to conduct works at the Ballina Water Reservoir located at 2A Basalt Crescent, Lennox Heads NSW 2478 being Lot 47 DP240657 (the land).

Further to the rights outlined in the attached notice, we wish to inform you that Optus Mobile Pty Ltd ABN 65 054 365 696 intend to act upon their powers under the **Telecommunication Act, 1997** at the aforementioned site for placing its antennas, Microwave Dish and Equipment Shelter within the Ballina Water Reservoir at 2A Basalt Crescent, Lennox Heads NSW.

Details of the proposal are outlined in the attached document.

All work will be conducted in an orderly manner with as little disturbance as possible to the occupiers, public and surrounding area.

Optus are proposing to commence works on or after 24 March 2011 and expect to have works completed within 12 weeks.

Should you have any queries or concerns please feel free to contact Douglas Troope, Project Manager on 07 3304 6826 or 0438 207 338.

Yours Faithfully

Ken Roberts
State Manager QLD
Optus Mobile Network Deployment
SingTel Optus Pty Limited

SingTel Optus Pty Limited ABN 90 052 833 208
2 Burke Street, Woolloongabba QLD 4102 Australia • PO Box 1125, Coorparoo DC QLD 4151 Australia. **Telephone:** 61 7 3304 6600 **Facsimile:** 61 7 3304 6740 • optus.com.au

[redacted]

Our ref: B8997 – Skennars Head

10 March 2011

Attention: Mr John Truman -
Group Manager/ Civil Services Group

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Dear Sir,

RE: Optus propose to conduct works at the Ballina Council Water Reservoir located at 2A Basalt Crescent, Lennox Heads NSW 2478 being Lot 47 DP240657 (the land).

NOTICE UNDER CLAUSE 17, SCHEDULE 3 OF THE TELECOMMUNICATIONS ACT 1997 (CTH) ("THE ACT") AND CLAUSE 4.27 OF THE TELECOMMUNICATIONS CODE OF PRACTICES 1997 ("THE CODE")

Optus Mobile Pty Ltd ABN 65 054 365 696 (Optus) is a licensed telecommunications carrier and is in the process of constructing a national mobile telephone network ("the mobile network").

The Low Impact Facility Activity

Optus propose to conduct works at the Ballina Water Reservoir located at 2A Basalt Crescent, Lennox Heads, NSW being Lot 47 DP240657 (the land).

The works involve adding (3) x panel antennas being (3) separate mounts with (1) panel antennas each and (1) parabolic dish on a mount. The Optus equipment shelter will be positioned within the existing Water Reservoir compound.

Under the Act/Code, Optus must notify you, as owner or occupier of the land, that it intends to exercise its powers under clause 6 of Schedule 3 of the Act to enter on the land for the purposes of installing and operating the low impact facility ("the activity").

Description of the Low Impact Facility

The low impact facility will involve the attachment of (3) CNPX310R panel antennas in total. (3) separate mounts will carry (1) panel antennas each. The total height of each mounted installation not to exceed 5.8m and (1) parabolic dish on a mount, with the total height of the installation not exceeding 2m together with associated ancillary works including new cable trays, cabling, safe access, security enclosure, earthing, electrical and air conditioning works to a new Optus Equipment Shelter measuring 3.6m x 1.8m positioned on the ground within the water reservoir compound.

The Facility will be build generally in accordance with the Final For Construction Set B8997-G1, G3, G4, T1, E1.

SingTel Optus Pty Limited ABN 90 052 833 208
2 Burke Street, Woolloongabba QLD 4102 Australia • PO Box 1125, Coorparoo DC QLD 4151 Australia. **Telephone:** 61 7 3304 6600 **Facsimile:** 61 7 3304 6740 • optus.com.au

Estimated Dates for Undertaking the Activity

Optus propose to undertake the activity on or after 24 March 2011 Optus expect to complete the activity within 12 weeks.

Likely Physical Effect of the Activity on the Land

Optus do not expect any significant physical disturbance to occur to the land as a result of the proposed installation and maintenance of the low impact facility. Construction activity will involve appropriately qualified contractors carrying out the works as outlined above, regarding the replacement of cabling and upon completion, commissioning of the equipment. Optus will take all reasonable steps to ensure that the activity causes as little detriment and inconvenience, and does as little damage to the land, as is practicable. In this regard, the following measures are relevant to Optus' activity at this site.

Optus will ensure all construction waste is removed from the property.All construction work will be coordinated with any relevant authorities as can reasonably be arranged.

Should you suffer financial loss or damage in relation to your land as a result of Optus engaging in the activity, compensation may be payable under Clause 42 of Schedule 3 of the Act.

Objections

Should you wish to object to the activity you may do so in writing. A written objection must include reasons for the objection. The reasons for an objection must relate to at least one of the following matters:

the use of your land to engage in the activity;
the location of the low impact facility on the land;
the dates Optus proposes to start the activity, engage in it or stop it;
the likely effect of the activity on your land;
Optus' proposals to minimise any detriment and inconvenience, and to do as little damage as practicable, to your land.

An objection must be given to Optus at least 5 business days before the date that Optus intend to commence the activity.

If you make an objection, Optus will, within 5 business days of receiving that objection, make all reasonable efforts to consult with you about your objection. Optus will also make reasonable efforts to resolve the objection by agreement with you within 20 business days after receiving the objection.

If we cannot reach agreement, Optus must consider whether to change the activity. However, Optus is not required to change the activity in a way that:

is not economically feasible; or
is not technically practicable; or
is likely to have a greater adverse effect on the environment than engaging in the activity originally proposed; or
is inconsistent with a recognised industry standard or practice relevant to the activity.

SingTel Optus Pty Limited ABN 90 052 833 208
2 Burke Street, Woolloongabba QLD 4102 Australia • PO Box 1125, Coorparoo DC QLD 4151 Australia. **Telephone:** 61 7 3304 6600 **Facsimile:** 61 7 3304 6740 • optus.com.au

[redacted]

Within 25 business days after receiving an objection, Optus will tell you in writing whether:

Optus proposes to change the activity, and if so, how; or if it does not propose to change the activity, why Optus will engage in the activity as originally notified.

If you are dissatisfied with Optus' response to an objection, and your objection is within the jurisdiction of the Telecommunications Industry Ombudsman ("TIO"), you may, within 5 business days of receiving Optus' response, request in writing that the objection be referred to the TIO.

If you would like to discuss the proposed activity or make an objection please contact:

Douglas Troope
Project Manager
SingTel Optus Pty Limited
Mobile Network Deployment
t: +61 7 3304 6863
m: +61 4 3820 7338
e: douglas.troope@optus.com.au

Alternatively, if you do not intend to make an objection and you agree to Optus undertaking the activity prior to the commencement date advised above, please sign below and send this notice back to Optus, addressed to Douglas Troope, SingTel Optus Pty. Ltd.

Yours faithfully

Ken Roberts
SingTel Optus Pty. Ltd.
QLD Manager Mobile Network Deployment

I/We do not wish to make an objection to the activity. Furthermore, I/We agree to Optus undertaking prior to the commencement date advised above should it wish to do so.

....
Name Signed By

for and on behalf of .....

Date: .....

A3

		1	2	3	4	5	6	7
DATE OF ISSUE		17.02.10	31.05.10	22.06.10	02.08.10	12.10.10	26.10.10	01.11.10
DRAWING PACKAGE VERSION		1	2	3	4	5	6	7
GENERAL								
B8997-G1	SITE SPECIFICATIONS	01	02	03	A	A	A	B
B8997-G2	OVERALL SITE PLAN	01	02	03	A	A	A	B
B8997-G3	SITE LAYOUT AND SETOUT PLAN	01	02	03	A	B	C	D
B8997-G4	SITE ELEVATION	01	02	03	A	A	B	C
B8997-G5	ANTENNA CONFIGURATION TABLE	01	02	03	A	A	B	B
B8997-G6	SITE ELEVATION (EASTERN)	-	-	01	A	A	B	C
TRANSMISSION								
B8997-T1	SITE TRANSMISSION DETAILS	-	-	-	A	A	B	B
STRUCTURAL								
B8997-S1	PANEL ANTENNA MOUNTING DETAILS - SHEET 1 OF 5	-	-	-	A	A	A	A
B8997-S2	PANEL ANTENNA MOUNTING DETAILS - SHEET 2 OF 5	-	-	-	A	A	A	A
B8997-S3	PANEL ANTENNA MOUNTING DETAILS - SHEET 3 OF 5	-	-	-	A	A	A	A
B8997-S4	PANEL ANTENNA MOUNTING DETAILS - SHEET 4 OF 5	-	-	-	A	A	A	A
B8997-S5	PANEL ANTENNA MOUNTING DETAILS - SHEET 5 OF 5	-	-	-	A	A	A	A
B8997-S6	PARABOLIC ANTENNA MOUNTING DETAILS	-	-	-	A	A	A	A
B8997-S7	RETAINING WALL DETAILS - SHEET 1 OF 2	-	-	-	A	A	A	A
B8997-S8	RETAINING WALL DETAILS - SHEET 2 OF 2	-	-	-	A	A	A	A
ELECTRICAL								
B8997-E1	ELECTRICAL SPECIFICATIONS	-	-	-	A	B	B	B
B8997-E2	SITE EARTHING PLAN	-	-	-	A	A	A	A
RADHAZ / EXCLUSION ZONES								
B8997-R1	ANTENNA EME EXCLUSION ZONES	01	01	01	A	A	B	B
FITOUT / INSITU SHELTER								
B8997-F1	EQUIPMENT SHELTER LAYOUT	01	02	03	A	A	A	B
LEASE / LICENCE								
B8997-L1	MICROWAVE LICENCE APPLICATION PLAN	-	-	-	A	A	B	B
14444	LEASE PLAN	-	-	-	0	0	0	0
REFERENCE DOCUMENTS								
DALOPT-001	OPTUS SAFETY SIGNAGE REQUIREMENTS	-	-	-	02	02	02	02
OSD-100	STANDARD CONSTRUCTION NOTES	-	-	-	A	A	A	A
OSD-170	SITE SIGNAGE TYPICAL GROUND SITE	-	-	-	A	A	A	A
OSD-510	ELEVATED CABLE LADDER SUPPORT DETAILS SHEET 1	-	-	-	A	A	A	A
OSD-540	CABLE LADDER FIXING TO BUILDINGS AND STRUCTURES	-	-	-	A	A	A	A
OSD-830	EARTH BAR DETAILS	-	-	-	A	A	A	A
DISTRIBUTION								
OPTUS	DOUGLAS TROOPE	1	1	1	1	1	1	1

'yes' OPTUS

OPTUS SITE - B8997

SKENNARS HEAD

BALLINA COUNCIL WATER RESERVOIR
2A BASALT COURT
LENNOX HEAD
NSW 2478

GSM 900 / UMTS 2100 - METRO INFILL

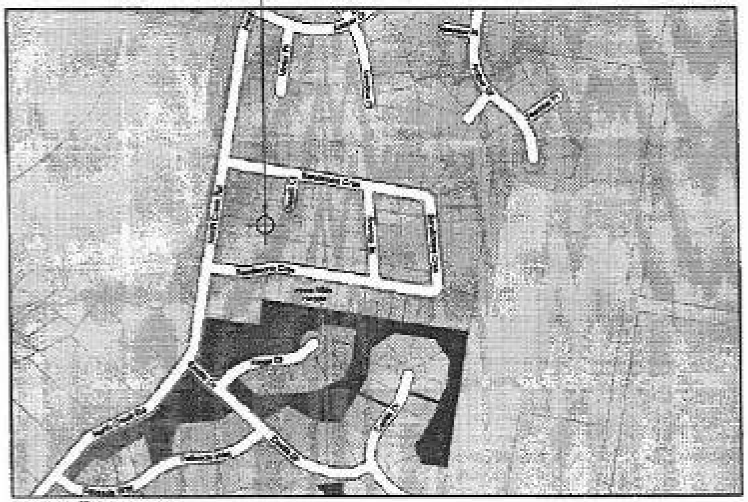
DALY INTERNATIONAL
Level 6 Tower B The Zenith
821-843 Pacific Highway Chatswood NSW 2067
Australia (Ph (02) 9419-2199)
www.dalyinternational.com

FOR CONSTRUCTION

PROJECT	Drawing No.
3G MAMMOTH	B8997-00

A3

OPTUS SITE B8997


Copyright © Google Maps

SITE LOCALITY PLAN

SCALE: NTS

SITE LOCATION DATA		SOURCE: SURVEY
DATUM: MGA (GDA94)		DATUM ZONE: 56
REF LOCATION:	CENTRE OF RESERVOIR	
CO-ORDINATES:	EASTING	557 766
	NORTHING	6 812 630
LAT/LONG:	LATITUDE	-28.812622
	LONGITUDE	153.592013

WGS84 DATUM (USED BY GOOGLE EARTH® AND GPS BASED DEVICES) CAN BE CONSIDERED THE SAME AS GDA94 (SOURCE: "GEOCENTRIC DATUM OF AUSTRALIA TECHNICAL MANUAL" VERSION 2.3)

SITE INFORMATION:

1. SITE ADDRESS
BALLINA COUNCIL WATER RESERVOIR, 2A BASALT CRESCENT, LENNOX HEAD, NSW 2478.

2. GENERAL
THE CONTRACTOR SHALL COMPLY WITH ALL RELEVANT OPTUS CONSTRUCTION STANDARDS AND SPECIFICATIONS.

3. SITE ACCESS
VIA EXISTING RESERVOIR ENTRY.

4. CONSTRUCTION ACCESS
CONSTRUCTION ACCESS AND CRANE LOCATION TO BE CONFIRMED BY SITE VISIT (BY CIVILS CONTRACTOR) PRIOR TO COMMENCEMENT OF WORKS.

B

5. EQUIPMENT SHELTER
NEW OPTUS ICS PREFABRICATED (3.6 x 1.9m) SHELTER AT GROUND LEVEL PAINTED TO MATCH EXISTING FENCE.

6. STRUCTURE
EXISTING 8m HIGH WATER RESERVOIR.

7. ANTENNA ACCESS
ANTENNA ACCESS VIA CHERRY PICKER BY QUALIFIED RIGGER PERSONNEL ONLY.

8. EXISTING SERVICES
THE CONTRACTOR SHALL IDENTIFY AND CONFIRM THE LOCATION OF ALL RELEVANT EXISTING SERVICES AS REQUIRED PRIOR TO THE COMMENCEMENT OF WORKS.

9. SIGNAGE
PROVIDE SIGNAGE AS PER CURRENT OPTUS SPECIFICATIONS, AND AS NOTED ON DRAWINGS.

10. TRANSMISSION LINK
NEW TRANSMISSION VIA ø600 PARABOLIC ANTENNA TO OPTUS SITE B0816 ELLINORA.

11. EXISTING SITE HAZARDS
THE FOLLOWING HAZARDS ARE PRESENT ON SITE:
- WORKING AT HEIGHTS
- UNPROTECTED ROOF EDGES
- MANUAL HANDLING

12. ELECTRICAL INSTALLATION
A 40A THREE PHASE SUPPLY IS TO BE MADE AVAILABLE TO THE NEW OPTUS SITE BY COUNTRY ENERGY. REFER DRGS. B8997-E1 & E2 FOR MORE INFORMATION.

13. LIGHTNING ASSESSMENT
THIS SITE HAS BEEN ASSESSED TO HAVE A LIGHTNING RISK VALUE OF 13 IN ACCORDANCE WITH CURRENT AUSTRALIAN STANDARD AS 1768.

FOR CONSTRUCTION

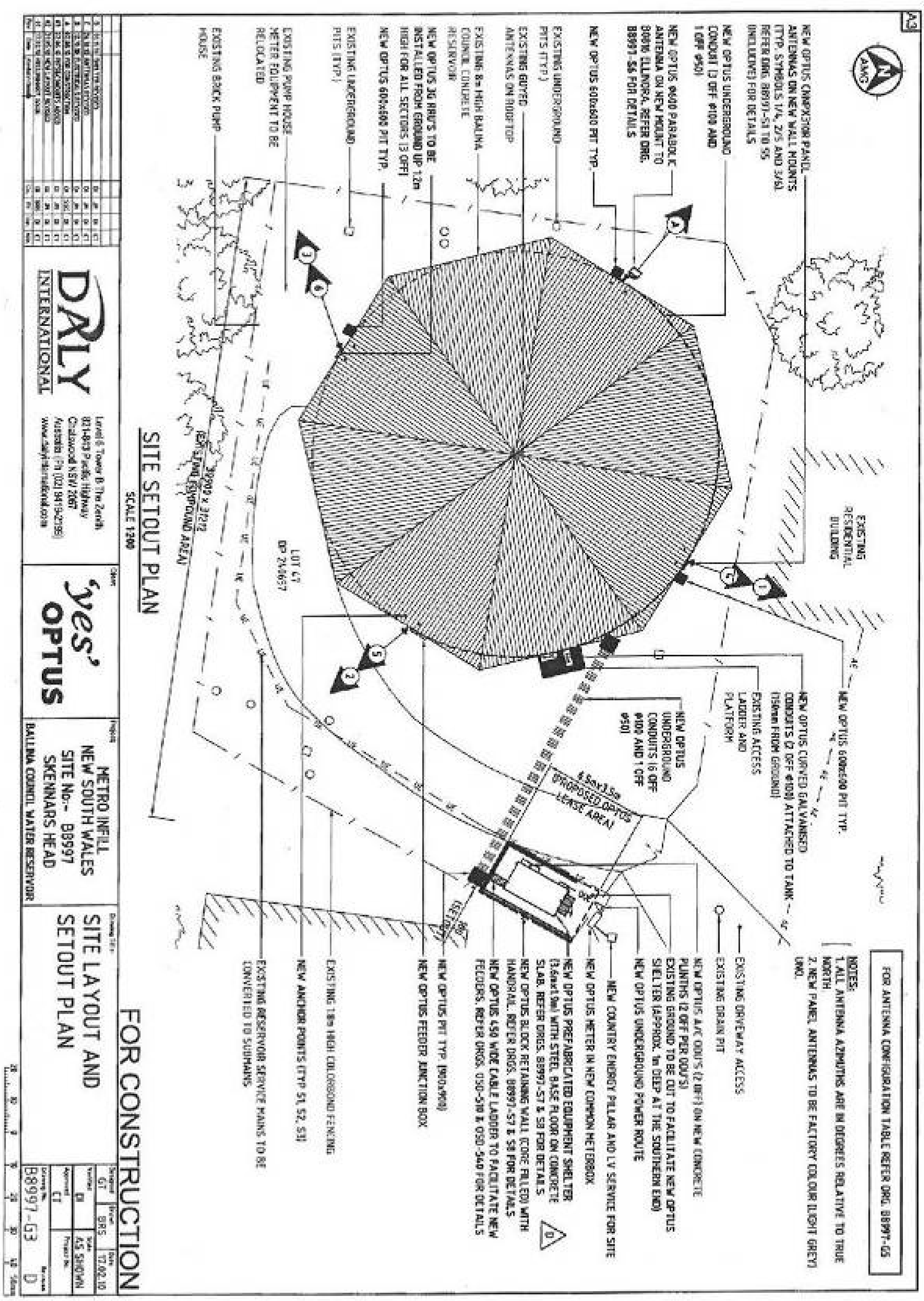
DALY INTERNATIONAL
Level 6 Tower B The Zenith
821-843 Pacific Highway
Chatswood NSW 2067
Australia (Ph (02) 9419-2199)
www.dalyinternational.com

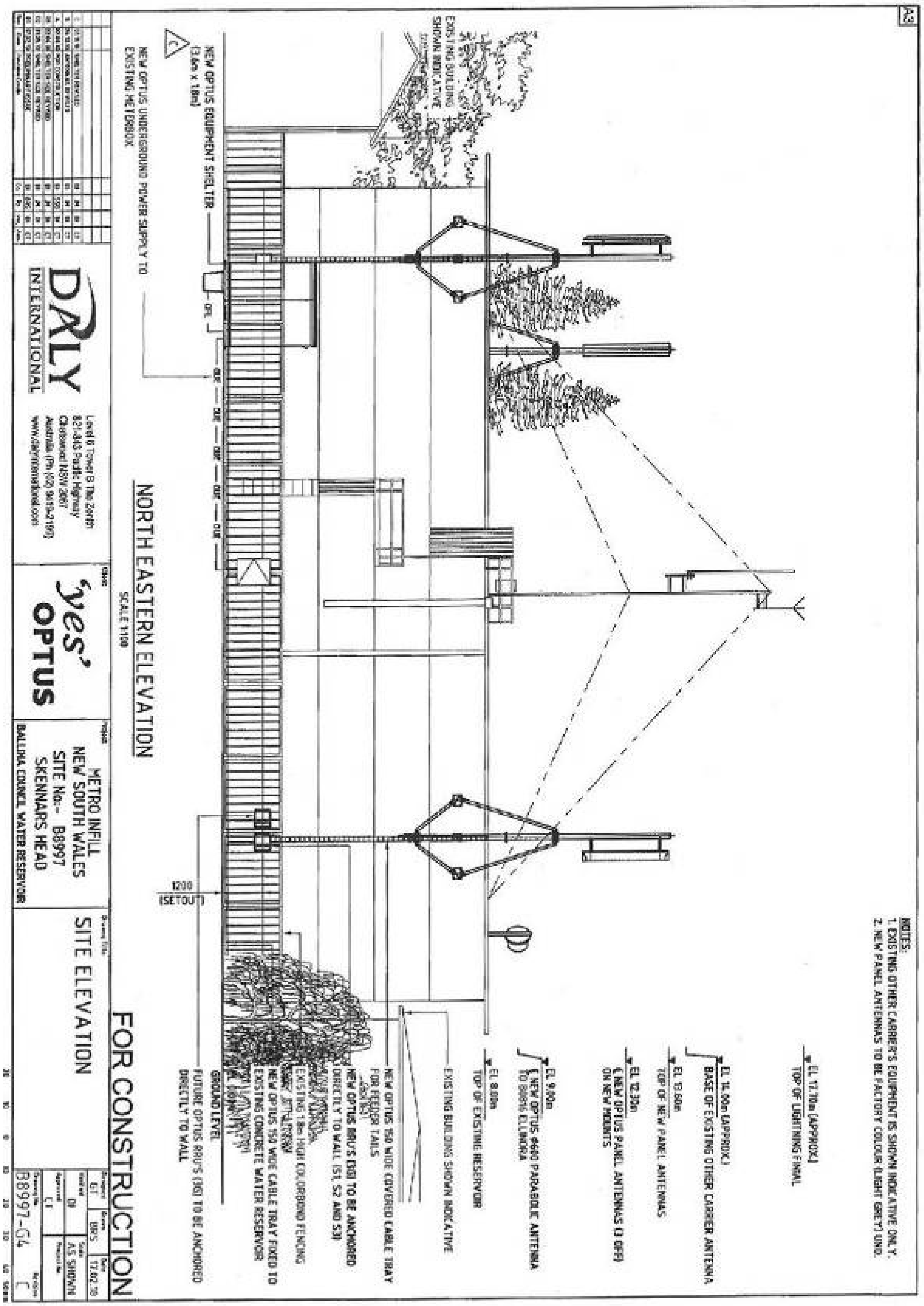
'yes' OPTUS

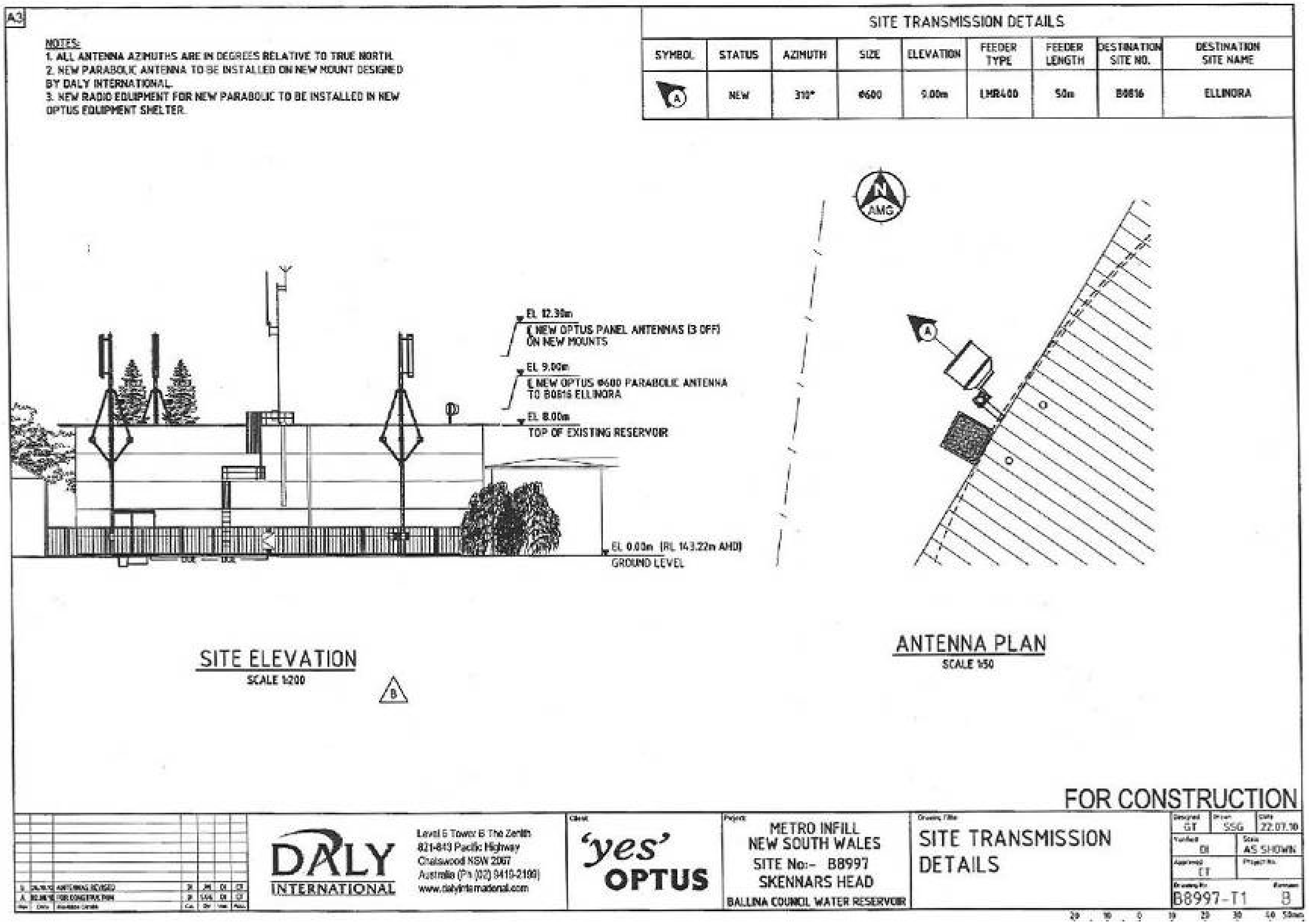
METRO INFILL
NEW SOUTH WALES
SITE No:- B8997
SKENNARS HEAD
BALLINA COUNCIL WATER RESERVOIR

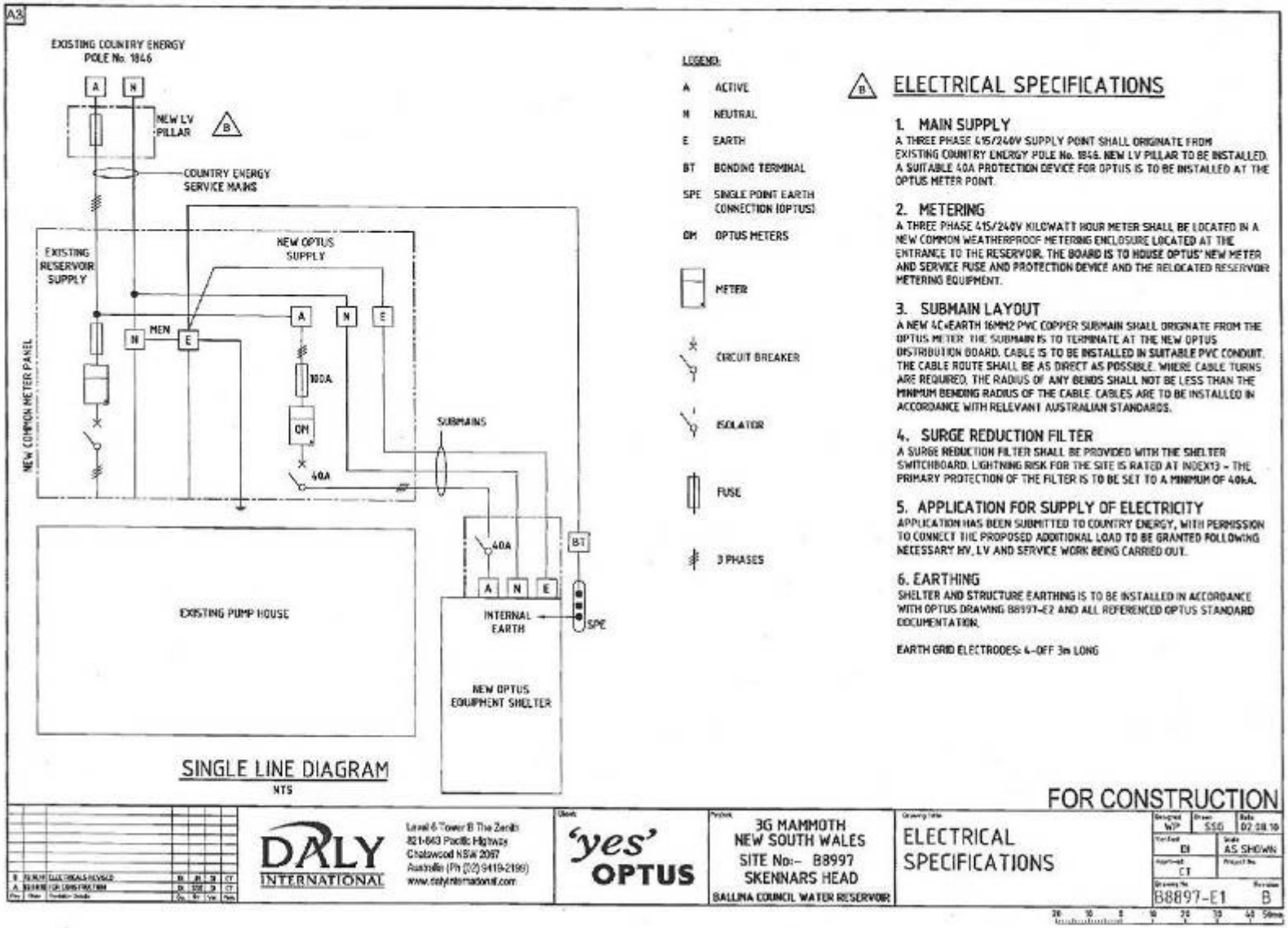
SITE SPECIFICATIONS

Designed	Drawn	Date
GT	BRS	17.02.10
Verified		Scale
DI		NTS
Approved		Project No
CT		
Drawing No		Revision
B8997-G1		B


SITE SETOUT PLAN
SCALE 1:200
FOR CONSTRUCTION
SITE LAYOUT AND SETOUT PLAN
METRO INFILL
NEW SOUTH WALES
SITE No:- B8997
SKENNARS HEAD
BALLINA COUNCIL WATER RESERVOIR
DALY INTERNATIONAL
'yes' OPTUS
B8997-G3
EXISTING RESIDENTIAL BUILDING
LOT 67 DP 241657


A3
NOTES:
1. EXISTING OTHER CARRIER'S EQUIPMENT IS SHOWN INDICATIVE ONLY.
2. NEW PANEL ANTENNAS TO BE FACTORY COLOUR (LIGHT GREY) UNO.
EL 17.70m (APPROX) TOP OF LIGHTNING FINIAL
EL 14.00m (APPROX) BASE OF EXISTING OTHER CARRIER ANTENNA
EL 13.60m TOP OF NEW PANEL ANTENNAS
EL 12.30m NEW OPTUS PANEL ANTENNAS (3 OFF) ON NEW MOUNTS
EL 9.10m NEW OPTUS Ø600 PARABOLIC ANTENNA
EL 8.00m TOP OF EXISTING RESERVOIR
EXISTING BUILDING SHOWN INDICATIVE
NEW OPTUS 150 WIDE COVERED CABLE TRAY FOR FEEDER TAILS
NEW OPTUS RRU'S (3) TO BE ANCHORED DIRECTLY TO WALL (S1, S2 AND S3)
NEW OPTUS 150 WIDE CABLE TRAY FIXED TO EXISTING CONCRETE WATER RESERVOIR
EXISTING 1.8m HIGH COLORBOND FENCING
GROUND LEVEL
FUTURE OPTUS RRU'S (6) TO BE ANCHORED DIRECTLY TO WALL
1200 (SETOUT)
NEW OPTUS EQUIPMENT SHELTER (3.6m x 1.8m)
NEW OPTUS UNDERGROUND POWER SUPPLY TO EXISTING METERBOX
EXISTING BUILDING SHOWN INDICATIVE
NORTH EASTERN ELEVATION
SCALE 1:100
FOR CONSTRUCTION
DALY INTERNATIONAL
'yes' OPTUS
METRO INFILL
NEW SOUTH WALES
SITE No:- B8997
SKENNARS HEAD
BALLINA COUNCIL WATER RESERVOIR
SITE ELEVATION
AS SHOWN
B8997-G4
C


A3
NOTES:
1. ALL ANTENNA AZIMUTHS ARE IN DEGREES RELATIVE TO TRUE NORTH.
2. NEW PARABOLIC ANTENNA TO BE INSTALLED ON NEW MOUNT DESIGNED BY DALY INTERNATIONAL.
3. NEW RADIO EQUIPMENT FOR NEW PARABOLIC TO BE INSTALLED IN NEW OPTUS EQUIPMENT SHELTER.
SITE TRANSMISSION DETAILS
SYMBOL | STATUS | AZIMUTH | SIZE | ELEVATION | FEEDER TYPE | FEEDER LENGTH | DESTINATION SITE NO. | DESTINATION SITE NAME
A | NEW | 310° | Ø600 | 9.00m | LMR400 | 50m | B0816 | ELLINORA
EL 12.30m
℄ NEW OPTUS PANEL ANTENNAS (3 OFF) ON NEW MOUNTS
EL 9.00m
℄ NEW OPTUS Ø600 PARABOLIC ANTENNA TO B0816 ELLINORA
EL 8.00m
TOP OF EXISTING RESERVOIR
EL 0.00m (RL 143.22m AHD)
GROUND LEVEL
SITE ELEVATION
SCALE 1:200
ANTENNA PLAN
SCALE 1:50
N
AMG
FOR CONSTRUCTION
DALY INTERNATIONAL
Level 6 Tower B The Zenith
821-843 Pacific Highway
Chatswood NSW 2067
Australia (Ph (02) 9410-2100)
www.dalyinternational.com
'yes' OPTUS
METRO INFILL
NEW SOUTH WALES
SITE No:- B8997
SKENNARS HEAD
BALLINA COUNCIL WATER RESERVOIR
SITE TRANSMISSION DETAILS
GT
SSG
22.07.10
AS SHOWN
B8997-T1
B


A3
EXISTING COUNTRY ENERGY POLE No. 1846
A
N
NEW LV PILLAR
B
COUNTRY ENERGY SERVICE MAINS
EXISTING RESERVOIR SUPPLY
NEW OPTUS SUPPLY
NEW COMMON METER PANEL
MEN
E
100A
OM
40A
SUBMAINS
EXISTING PUMP HOUSE
BT
SPE
INTERNAL EARTH
NEW OPTUS EQUIPMENT SHELTER
SINGLE LINE DIAGRAM
NTS
LEGEND:
A ACTIVE
N NEUTRAL
E EARTH
BT BONDING TERMINAL
SPE SINGLE POINT EARTH CONNECTION (OPTUS)
OM OPTUS METERS
METER
CIRCUIT BREAKER
ISOLATOR
FUSE
3 PHASES
B ELECTRICAL SPECIFICATIONS
1. MAIN SUPPLY
A THREE PHASE 415/240V SUPPLY POINT SHALL ORIGINATE FROM EXISTING COUNTRY ENERGY POLE No. 1846. NEW LV PILLAR TO BE INSTALLED. A SUITABLE 40A PROTECTION DEVICE FOR OPTUS IS TO BE INSTALLED AT THE OPTUS METER POINT.
2. METERING
A THREE PHASE 415/240V KILOWATT HOUR METER SHALL BE LOCATED IN A NEW COMMON WEATHERPROOF METERING ENCLOSURE LOCATED AT THE ENTRANCE TO THE RESERVOIR. THE BOARD IS TO HOUSE OPTUS' NEW METER AND SERVICE FUSE AND PROTECTION DEVICE AND THE RELOCATED RESERVOIR METERING EQUIPMENT.
3. SUBMAIN LAYOUT
A NEW 4C+EARTH 16MM2 PVC COPPER SUBMAIN SHALL ORIGINATE FROM THE OPTUS METER. THE SUBMAIN IS TO TERMINATE AT THE NEW OPTUS DISTRIBUTION BOARD. CABLE IS TO BE INSTALLED IN SUITABLE PVC CONDUIT. THE CABLE ROUTE SHALL BE AS DIRECT AS POSSIBLE. WHERE CABLE TURNS ARE REQUIRED, THE RADIUS OF ANY BENDS SHALL NOT BE LESS THAN THE MINIMUM BENDING RADIUS OF THE CABLE. CABLES ARE TO BE INSTALLED IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS.
4. SURGE REDUCTION FILTER
A SURGE REDUCTION FILTER SHALL BE PROVIDED WITH THE SHELTER SWITCHBOARD. LIGHTNING RISK FOR THE SITE IS RATED AT INDEX13 - THE PRIMARY PROTECTION OF THE FILTER IS TO BE SET TO A MINIMUM OF 40kA.
5. APPLICATION FOR SUPPLY OF ELECTRICITY
APPLICATION HAS BEEN SUBMITTED TO COUNTRY ENERGY, WITH PERMISSION TO CONNECT THE PROPOSED ADDITIONAL LOAD TO BE GRANTED FOLLOWING NECESSARY MV, LV AND SERVICE WORK BEING CARRIED OUT.
6. EARTHING
SHELTER AND STRUCTURE EARTHING IS TO BE INSTALLED IN ACCORDANCE WITH OPTUS DRAWING B8997-E2 AND ALL REFERENCED OPTUS STANDARD DOCUMENTATION.
EARTH GRID ELECTRODES: 4-OFF 3m LONG
FOR CONSTRUCTION
DALY INTERNATIONAL
Level 6 Tower B The Zenith
821-843 Pacific Highway
Chatswood NSW 2067
Australia (Ph (02) 9419-2199)
www.dalyinternational.com
'yes' OPTUS
3G MAMMOTH
NEW SOUTH WALES
SITE No:- B8997
SKENNARS HEAD
BALLINA COUNCIL WATER RESERVOIR
ELECTRICAL SPECIFICATIONS
WP
SSD
02.08.10
E1
AS SHOWN
CT
B8897-E1
B

Australian Government | acma

Australian Communications and Media Authority

communicating | facilitating | regulating

FACTsheet

Installation of telecommunications facilities—A guide for local government

What laws apply to the installation of telecommunications facilities?

The Australian Government is responsible for regulating telecommunications matters. Telecommunications facilities specified in the *Telecommunications Act 1997*, or in a ministerial determination made under the Act, are exempt from local planning laws and can be installed with authorisation under Commonwealth law. The types of facilities covered by the Act and the determination include smaller radiocommunications antennas and dishes, and underground cabling.

Telecommunications facilities that are not covered by the Telecommunications Act or a determination are likely to require approval under state or territory law, usually at the local government level. The types of facilities that require local council planning approval include broadband overhead cable and all freestanding mobile phone towers. Accordingly, telecommunications facilities are governed by legislation at the local, state and federal government levels, depending on the type of facility and the zoning of the site.

Low-impact facilities

Licensed telecommunications carriers are authorised by the Telecommunications Act to install a limited range of facilities without seeking state, territory or local government planning approval. The most common of these are known as 'low-impact' facilities which are specified in the *Telecommunications (Low-impact Facilities) Determination 1997* and its amendment of 1999.

Low-impact facilities are generally small radiocommunications antennae and dishes erected on existing towers or buildings that are designed to be unobtrusive. Other types of low-impact facility include underground cables, public telephones, telecommunications pits in footpaths and co-located facilities. The maximum height of a low-impact facility is 6.5 metres, but only when sited in a rural or industrial zone and the facility must have an omnidirectional antenna or an array of these. One commonly installed low-impact facility is 5.8 metres high. By contrast, mobile phone towers are generally 25 to 30 metres high.

The Low-impact Facilities Determination defines where these facilities may be installed based on zoning considerations. For example, a facility that is deemed low-impact in a rural or industrial zone may not be low-impact if it is installed in a residential area. A facility in an area of environmental significance, such as a World Heritage area or an area on the Register of the National Estate, cannot be designated a low-impact facility.

In some cases, the colour of a low-impact facility is required to be matched to its background, or in a colour agreed by the carrier and the local authority. See Table 1 for what is designated a 'low-impact' facility.

Exemption from state and territory planning laws

A carrier who complies with the Telecommunications Act when installing a low-impact facility is immune from some state and territory laws, including town planning, use of land, tenancy and commercial and domestic power supply laws. The Act also offers immunity from environmental assessment and protection laws, with the exception of laws pertaining to the protection of places or items of significance to the cultural heritage of Aboriginal persons or Torres Strait Islanders, for installation or maintenance of facilities.

What rights do carriers have?

Under the Telecommunications Act, carriers have the following rights.

Right to inspect land

Carriers may enter onto and inspect any land, and do anything on the land that is necessary or desirable for the purpose of determining whether the land is suitable for their purposes.

Right to install low-impact facilities

Carriers have the right to install a low-impact facility.

CANBERRA
Purple Building Benjamin Offices
Chan Street
Belconnen ACT 2617
PO Box 78
Belconnen ACT 2616
T: 02 6219 5555
F: 02 6219 5353

MELBOURNE
Level 44, Melbourne Central Tower
360 Elizabeth Street
Melbourne VIC 3000
PO Box 13112 Law Courts
Melbourne VIC 8010
T: 03 9963 6800
F: 03 9963 6899

SYDNEY
Level 15, Tower 1 Darling Park
201 Sussex Street
Sydney NSW 2000
PO Box Q500
Queen Victoria Building NSW 1230
T: 02 9334 7700
F: 02 9334 7799

FACTsheet

Right to maintain telecommunications facilities

Carriers have the right to maintain a telecommunications facility and may do anything necessary for the purpose of maintaining a facility including an alteration, removal or repair of a facility.

What are carriers' responsibilities?

The *Telecommunications Code of Practice 1997* (amended in 2002) sets out in detail carriers' rights and responsibilities when inspecting land; installing low-impact facilities, subscriber connections and temporary defence facilities; and maintaining facilities. The Code of Practice requires that, when undertaking these activities, carriers must take all reasonable steps to:

- cause as little detriment, damage and inconvenience as practicable
- ensure that land is restored to a condition similar to its condition before the activity began
- protect the environment
- minimise interference with public utilities, roads and paths, traffic and land use
- act in accordance with good engineering practice and ensure that the design, planning and installation of the facilities is in accordance with best practice and complies with the ACMA or industry codes or standards
- protect the safety of persons and property
- co-locate facilities with the existing facilities of other carriers or public utilities or use public easements
- co-operate with other carriers and public utilities who are undertaking similar activities on the same land to minimise inconvenience and damage.

The Code of Practice makes it mandatory for carriers to:

- where relevant, notify the Director of National Parks, the Heritage Chairperson and the Environment Secretary at least 10 business days before the start of the proposed activity
- comply with the noise limits set out in the relevant state or territory law between 7:00 am and 10:00 pm (mandatory).

How do landowners and occupiers find out about plans to install low-impact facilities?

Before installing a low-impact facility, carriers have obligations under the Telecommunications Act and the Code of Practice to provide written notice to landowners and occupiers at least 10 business days before the activity is to take place. The notice must specify the purpose of the activity; contain a statement advising that compensation may be payable if a person suffers financial loss or damage to the property; and provide an explanation of the arrangements for making an objection to the activity.

The Code of Practice also sets out timeframes and processes for landowners and occupiers to lodge objections to proposed activities. If such objections are not resolved between the carrier and the landowner or occupier, the objection can be referred to the Telecommunications Industry Ombudsman (TIO) for resolution.

The ACMA is responsible for ensuring that low-impact facilities are installed according to the Code of Practice. Where a carrier has breached the Code of Practice, the ACMA may take enforcement action, which may include formal warnings or directions to comply with the code.

How do councils and communities find out about plans to install low-impact facilities?

The Communications Alliance Ltd *Industry Code ACIF C564:2004 Deployment of Mobile Phone Network Infrastructure* is registered under the Telecommunications Act and places obligations on carriers to notify and consult with councils and communities about proposals to install low-impact radiocommunications facilities such as mobile phone network antennas and dishes.

The industry code places general obligations on carriers to provide to councils on request:

- information to assist councils to develop their forward plans
- carrier plans concerning deployment of radiocommunications infrastructure
- radiocommunications service level targets
- information regarding facility co-location opportunities.

The industry code places specific requirements on carriers to notify councils, in writing, of the proposed location of a new facility, a written

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description of that facility and a written statement setting out whether the carrier regards the infrastructure as a low-impact facility under the Low-impact Facilities Determination. The industry code also requires carriers to provide councils with information about electromagnetic energy (EME) regulation compliance and exposure limits at the site and the carrier's proposed community consultation strategy for installations at new sites.

The carrier must allow five business days from the date of notification for the council to provide written comment about the proposed community consultation plan. If a council believes they will not be able to provide comment to a carrier regarding the consultation plan within the allocated notification period, the council should write to the carrier and request an extension of time in which to provide comment. Carriers must provide an additional five days comment period if council requests it during the initial five-day notification period. The carrier must not proceed with the consultation before it has considered and responded in writing to all issues raised in the council's comments. If no correspondence is received from Council by the carrier within five business days, the carrier may begin the consultation process in accordance with its plan.

The industry code supplements the regulatory regimes provided by the Commonwealth and by states and territories. It applies a 'precautionary principle' and other obligations on all telecommunications carriers with respect to facilities that are installed as low-impact under Commonwealth law and to facilities that are not low-impact and installed with local government development approval.

What action can be taken if a carrier does not consult councils and communities in line with the industry code?

If a carrier has not met its mandatory obligations under the industry code, any complaints should be made in writing and directed to the carrier in the first instance. The industry code specifies mandatory processes for complaint-handling by carriers.

The ACMA has the power to issue formal warnings and directions to carriers to comply with the industry code. There are penalties for failing to comply with an ACMA direction.

How do councils and communities know whether a facility is really low-impact or not?

The ACMA does not have powers under the Telecommunications Act to make a ruling about whether a facility is low-impact or not. Similarly, the ACMA cannot rule or make a recommendation about whether a carrier should place a facility on an alternative site or install a facility in a particular way.

Where a council does not agree with a carrier that a telecommunications facility is low-impact, the council should seek legal advice from a qualified legal practitioner. Only a court of law can make a ruling on the interpretation of legislation.

Do carriers have to co-locate facilities?

Under the Telecommunications Act, carriers are encouraged to share sites or co-locate new mobile phone facilities in order to minimise the proliferation of facilities across multiple sites. The Code of Practice requires a carrier to take all reasonable steps to use existing facilities when installing a low-impact facility and the Low-impact Facilities Determination similarly encourages co-location.

The Communications Alliance Ltd industry code further requires carriers to have regard to any obligations and opportunities to co-locate facilities.

Part 5 of Schedule 1 of the Act also gives a carrier the right to access telecommunications towers and the underground facilities of other carriers. Carriers must comply with the conditions set out in the Facilities Access Code issued by the Australian Competition and Consumer Commission (ACCC). Generally, a carrier can only refuse access to another carrier for technical reasons.

In August 2000, mobile phone carriers established the Mobile Carriers' Forum (MCF) to deal with social and environmental issues associated with mobile telecommunications networks. The MCF, a committee of the Australian Mobile Telecommunications Association (AMTA), the peak mobile telecommunications industry body, encourages mobile carriers to share future infrastructure rollout plans to identify co-location and joint development application opportunities.

How many radiocommunications facilities are within a council boundary?

All radiocommunications facilities including mobile phone antennas must be licensed by the ACMA. The ACMA maintains a Register of Radiocommunications Licences, which lists operational facilities. If a facility is currently being installed then it is unlikely to appear on the register. Most carriers forward their registrations to the ACMA in batches at regular intervals, which means that the register may not list all radiocommunications facilities current at any

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particular time. For large searches, it may be easier to purchase the register database on CD-ROM.

The MCF maintains an electronic Radio Frequency National Site Archive, which lists new mobile base station facilities built or upgraded since April 2003.

How do councils and communities find out about emission of electromagnetic energy (EME) from radiocommunications facilities?

Community concerns about possible adverse health effects associated with the use of radiocommunications devices are taken into account by the ACMA's EME regulatory arrangements. The arrangements comprise technical limits for human exposure to EME and the industry code that covers the steps carriers must take when designing, siting and operating mobile telecommunications base stations. The limits are based on exposure rather than emission, and public exposure to transmitters is a key issue in determining compliance.

The limits set out in a standard developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) are made mandatory by the ACMA's regulatory arrangements. This standard, which was adopted by the ACMA under its powers, is based on recent global scientific research in this field and incorporates EME limits that are well below the level at which health effects are known to occur.

The ACMA imposes EME regulation on all radiocommunications devices with integral antennas through the *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003* and its amendment, and the *Radiocommunications (Compliance Labelling – Electromagnetic Radiation) Notice 2003*.

More information

More information about the installation of telecommunications facilities is on the ACMA website or contact the ACMA's Radiocommunications Licensing and Telcommunications Deployment Section on telephone (02) 6219 5555 or fax (02) 6219 5288 or email infrastructure@acma.gov.au.

The Telecommunications (Low-impact Facilities) Determination 1997, as amended, is available from the ACMA website (www.acma.gov.au) or Comlaw website. The consolidated *Telecommunications Code of Practice 1997* (as amended) is also on the ACMA website or Comlaw website (www.comlaw.gov.au).

The Industry Code *ACIF C564:2004 Deployment of Mobile Phone Network Infrastructure* is on the ACMA website.

For more information about the industry code, refer to the following the ACMA fact sheets:

- *Placement of mobile phone towers*
- *The mobile phone network infrastructure code and local government*
- *Installation of telecommunications facilities—A guide for consumers.*

FAQs about the industry code and about mobile telephones, health and the regulation of EME are on the ACMA website (www.acma.gov.au).

Information about EME, including fact sheets, is on the ACMA website and on the ARPANSA website. The MCF's Radio Frequency National Site Archive is at www.rfnsa.com.au/nsa/index.cgi.

For information about the TIO's role in dealing with low-impact facilities, contact the TIO on 1800 062 058 or see the TIO website and enter 'low-impact' in the search facility box on the home page.

Please note: this document is intended as a guide only and should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases.

The electronic version of this fact sheet is available at www.acma.gov.au/WEB/STANDARD/pc=PC_1753 and contains links to all referenced documents and websites.