Report to General Manager

Attachments:
1. Amended Telecommunications and Electrical Network Infrastructure Policy
2. Standard Response from Council for Land Access and Activity Notices

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SUBJECT: Amended Telecommunications and Electrical Network Infrastructure Policy

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ENDORSED BY: Duncan Mitchell, Director Engineering and Property Services

EXECUTIVE SUMMARY:

This report seeks the approval for the public exhibition of the proposed amendments to North Sydney Council's Telecommunications and Electrical Network Infrastructure Policy. See attached.

The purpose of this report and changes to the amended Telecommunications and Electrical Network Infrastructure Policy is to enable Council to effectively manage the installation of any new telecommunication facilities proposed by a Carrier or third party over land or infrastructure owned or under the care and management of Council, including private structures located within public space controlled by Council.

In addition, this Policy has been amended to enable Council to embrace new emerging technologies, while at the same time also establishing a robust framework around the management of the roll out of *"Low Impact Telecommunication Facilities"* (LIFs) to address Community and Council concerns. It also establishes clear parameters around the requirement to enter into commercial and or non-commercial agreements with Council that may arise as a result of the installation of telecommunication facilities in the North Sydney Council LGA.

FINANCIAL IMPLICATIONS:

The amended policy will provide potential lease revenue for Council for each telecommunication installation.

RECOMMENDATION:

1. THAT the draft amended Telecommunications and Electrical Network Infrastructure Policy be placed on public exhibition for 28 days.
2. THAT should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the amended Telecommunications and Electrical Network Infrastructure Policy as adopted at the end of the closing period for submissions.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

Direction:	2. Our Built Infrastructure
Outcome:	2.2 Vibrant centres, public domain, villages and streetscapes
Direction:	3. Our Future Planning
Outcome:	3.3 North Sydney is smart and innovative

BACKGROUND

The Telecommunications and Electrical Network Infrastructure Policy was originally adopted by Council on 18 February 2013 and was last automatically re-adopted by Council on 25 June 2018. The policy has not been formally amended since February 2013. Since 2013, the Telecommunication landscape has dramatically changed as a result of new mobile technologies and companies being introduced into the market.

It has been demonstrated in the last 6 months that there is a high demand for access to Council owned infrastructure and other non-Council owned infrastructure by telecommunication carriers who wish to install 5G technology and its associated enabling infrastructure on or over Council owned assets throughout the North Sydney LGA. Council is being informed that the roll out of this infrastructure is being made under the provisions of the Telecommunication Act 1997. In the last 6 months alone **101** applications and notifications have been received by Council on the roll out of telecommunication facilities which are classified as Low Impact Facilities (LIFs) across the North Sydney Council LGA. Thirty of these applications affect Council's multipurpose street light poles and 71 relate to Ausgrid poles within the public space - refer to Table 1 of this report for a breakdown of applications received.

This Policy has been amended to enable Council to embrace new emerging technologies, while at the same time also establishing a robust framework around the management of the roll out to address Community and Council concerns. It also establishes clear parameters around the requirement to enter into commercial and or non-commercial agreements with Council that may arise as a result of the installation of telecommunication facilities in the North Sydney Council LGA.

Note: This policy also has a direct relationship and interaction with Councils Encroachment Policy – recently re-adopted by Council in August 2018.

CONSULTATION REQUIREMENTS

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol.

SUSTAINABILITY STATEMENT

The sustainability implications are of a minor nature and did not warrant a detailed assessment.

DETAIL

Historically, telecommunication carriers would install large unsightly telecommunication facilities and infrastructure within commercial and residential zones. Such facilities and infrastructure would be deemed as 'macro' cells to provide coverage to large areas. Local residents and the community would oppose such facilities and infrastructure due to the size, visual impact and in some cases the health concerns surrounding electromagnetic emissions.

Due to sustained opposition from the community over the last decade, coupled with high demand for internet usage, many telecommunication companies have been forced to reassess their design and construct strategy of macro telecommunication facilities. This re-design and change in strategic direction has resulted in Telecommunication companies now opting for greater flexibility in site selection and procurement and to be more sympathetic with community concerns. This has led to 'low impact facilities' taking a more prominent role by the telecommunication industry and greater use of the Telecommunications (Low Impact Facilities) Determination 2018 regulation.

The telecommunication landscape is constantly changing and new mobile technologies are rapidly evolving. Telecommunication carriers are beginning to roll out 5G coverage and as new competitors enter the market, there will be a higher demand to install low impact telecommunication facilities and infrastructure on easily and readably available structures within the public domain. This will make local government (NSW Councils) key stakeholders and enablers for the technology roll out in this 'space'. Table 1 below outlines the number of Land Access and Activity Notices (LAAN) received in the past 6 months regarding the proposed deployment and installation of telecommunication facilities which are classified as Low Impact Facilities (LIFs) across the NSC LGA. The table breaks down the number of applications affecting Council owned infrastructure (eg multipurpose poles – MPPS) and privately owned infrastructure which is located within the public space (eg Ausgrid poles within roadway). Photographs 1 and 2 below depicts what a typical 'micro' cell looks like. These types of telecommunication facilities and infrastructure may be deployed on Council owned assets in the near future which highlights the need to have in place a robust policy to help mitigate and or manage the roll out of such infrastructure in the future.

Table 1 – Number of LAAN applications received by Council

TPG Land Access and Activity Statement (LAAN) -received up to 17/09/2018 since February 2018							
Council owned Asset				**Private asset (eg Ausgrid pole)**			
Item	ECM number	# of poles	Location	Item	ECM number	Location	# of poles
1	ECM_7392585	1	CBD	1	ECM_7507202	multiple	7
2	ECM_7464923	1	CBD	2	ECM_7507203	multiple	15
3	ECM_7506158	1	CBD	3	ECM_7508701	multiple	7
4	ECM_7507202	8	CBD	4	ECM_7521031	40 Mount 17 Hume Military rd	3
5	ECM_7511576	1	CBD	5	ECM_7521124	various	9
6	ECM_7513647	1	CBD	6	ECM_7528516	4 Alfred St	1
7	ECM_7516540	1	CBD	7	ECM_7521124	various	9
8	ECM_7516706	1	CBD	8	ECM_7528516	4 Alfred St	1
9	ECM_7517878	1	CBD	9	ECM_7543147	Pacific Hwy and West St	1
10	ECM_7529113	1	CBD	10	ECM_7543148	Pacific Hwy	1
11	ECM_7548460	1	CBD	11	ECM_7543149	Horace & Balls Head	1

TPG Land Access and Activity Statement (LAAN) -received up to 17/09/2018 since February 2018							
Council owned Asset				**Private asset (eg Ausgrid pole)**			
12	ECM_7548461	1	CBD	12	ECM_7547244	19 Bay Rd	1
13	ECM_7548462	1	CBD	13	ECM_7547245	194 Miller	1
14	ECM_7550592	3	CBD	14	ECM_7547246	Walker Lavender st	1
15	ECM_7550997	1	CBD	15	ECM_7547247	Blues Pt Rd	1
16	ECM_7551893	4	CBD	16	ECM_7547248	Macpherson/ Parraween St	1
17	ECM_7552655	1	CBD	17	ECM_7550592	Various	3
18	ECM_7553408	1	CBD	18	ECM_7551893	multiple	8
TOTAL	**18**	**30**			**18**		**71**

Photo 1 – typical image of micro cell telecommunication facility recently installed on a power pole in the Canterbury Bankstown area

Photo 2 – Close up of the "Micro Cell"

Photo 3 – Notification on an NSC owned Multi-Purpose Pole (MPP) about its proposed use as a mobile phone base station. Intersection of Berry and Miller Street – North Sydney Centre – Photo taken 19/9/2018.

This Policy has been updated to enable Council to embrace new and emerging technologies and effectively manage any future installation of telecommunication facilities and infrastructure on Council assets or private structures located within the public domain deemed under the control of Council made under the Telecommunication Act 1997. It also establishes clear parameters around the requirement to enter into commercial and or non-commercial agreements that may arise as a result of the installation of telecommunication facilities in the North Sydney Council LGA.

Attachment 1 shows the proposed amendments to the Telecommunications and Electrical Network Infrastructure Policy in italics (new/additions). In brief, the Policy captures the following 11 key areas:

- Design considerations for low impact facilities
  - Radio Frequency (RF)
  - Tower Extensions
  - Equipment Housing
- Volume restrictions on co-located facilities
- Radio Facility Site Access, Signage and Notifications
- Radio Frequency Equipment Interference
- Visual Design
- Radiofrequency electromagnetic energy (EME) Considerations
- Build and Installation Considerations
  - Planned installation strategy
  - Structural adequacy of Council assets
  - Power
  - Transmission Equipment
  - Make-ready works
  - Space reservation
  - Removal and decommission
  - Ancillary Equipment
  - Co-location

- Leasing/Licencing/Sub-leasing/Costings
- Visual Considerations
- Servicing/maintenance considerations
- Consultation Process and Documentation

Conclusion

Given the changing dynamics within the telecommunication industry as outlined above, and to enable Council to manage the installation of any telecommunication facility and infrastructure on Council land or asset or on a private structure located within the public space which is controlled by Council, it is recommended Council endorse the draft Amended Telecommunication Policy and Electrical Network Infrastructure Policy.

It is further recommended the draft Amended Telecommunications and Electrical Network Infrastructure Policy be placed on public exhibition for 28 days. Should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the amended Telecommunications and Electrical Network Infrastructure Policy as adopted at the end of the closing period for submissions.

D2-11

TELECOMMUNICATIONS AND ELECTRICAL NETWORK INFRASTRUCTURE POLICY

Policy Owner: **Director Engineering and Property Services**

Category: **2. Our Built Infrastructure**

1. STATEMENT OF INTENT

1.1 Works on the Telecommunications and Electrical Network infrastructure provide essential services to the local community and businesses both in and beyond the boundaries of the North Sydney local government area. *Council discourages the installation of full macro telecommunication facilities and encourages the use of low impact telecommunication facilities.*

1.2 The intent of this Policy is to:

a) *provide a set of guidelines for the installation of full macro and low impact telecommunication infrastructure and facilities within the North Sydney local government area;*

b) *ensure a licence agreement is entered into between Council and the Carrier when the location of telecommunication facilities is on Council owned or managed land or infrastructure where consent is granted;*

c) *ensure a licence agreement is entered into between Council and the Carrier when the location of the telecommunication facilities is on private infrastructure within a public space owned or managed by Council;*

d) ensure ~~that~~ the visual quality of North Sydney's public domain, open space, heritage/conservation and sensitive environmental areas are preserved through the appropriate design, and location of telecommunication~~s~~ facilities and electrical network infrastructure taking into account visual amenity, local neighbourhood character, aesthetic qualities and standards within the public domain of North Sydney, health, access, social, cultural and environmental impacts;

e) ensure effective communication and notification *to all stakeholders affected by* ~~of~~ *any* ~~all~~ aspects of works associated with the upgrading or installation of telecommunication facilities and electrical network infrastructure in the North Sydney local government area;

f) maintain the visual appearance of the North Sydney's public domain, open space, heritage/conservation and sensitive environmental areas where it is not possible to put telecommunication or electrical network infrastructure underground; and

g) provide controls for carriers and non-carriers during installation of telecommunications facilities and electrical network infrastructure; including *full macro* and low impact facilities.

h) *t*~~T~~o ensure ~~that~~ all restoration works ~~that are~~ required to be carried out as a result of Telecommunications and Electrical Network infrastructure

works are done so in accordance with Council's *Public Domain Style Manual and Design Codes* ~~(2013)~~.

1.3 *This Policy has been prepared in consideration of the Mobile Phone Base Station Deployment Industry Code 2018 which fits within an existing regulatory scheme that comprises:*

(a) the Radiocommunications Act 1992;
(b) the Telecommunications Act 1997, particularly Schedule 3 of the Act;
(c) the Telecommunications Code of Practice 2018;
(d) the Telecommunications (Low Impact Facilities) Determination 2018;
(e) laws and regulations at State, Territory and Local Government level; and
(f) the right to access to land to inspect, install or maintain low impact facilities.

The objectives of this Code are to:

(a) encourage collaborative and transparent approach between Carriers, local councils and the community for any proposed deployment of new mobile phone base stations or telecommunication related infrastructure;
(b) enhance the level of information supplied to local councils and the community with respect to mobile phone base stations and or telecommunication related infrastructure;
(c) specify and improve standards, in particular relating to consultation, accessibility and availability of information;
(d) identify at an early stage, community sensitive locations and to apply a Precautionary Approach towards the deployment of mobile phone base stations and or telecommunication related infrastructure; and
(e) ensure appropriate levels of notification and consultation are undertaken by the Carriers to local councils and communities.

The Code supplements the requirements already imposed on Carriers under the existing legislative scheme by requiring them to consult with local communities and to adopt a Precautionary Principle in planning, installing and operating mobile phone base stations.

This Policy has been prepared in consideration of the ~~Telecommunications Act 1997,~~ Electricity Supply Act 1995 and regulations made under the Act, State Environmental Planning Policy (Infrastructure) 2007 (ISEPP), Industry Code for the Deployment of Mobile Phone Network Infrastructure as well as Australian Road Rules and RMS Technical Directions that relate to pedestrian safety and sight lines for motorists.

1.4 *Telecommunications Code of Practice 2018*

Carriers exercising their powers under Schedule 3 of the Telecommunications Act 1997 must do so in accordance with obligations set out in the Telecommunication Code. The Telecommunication Code details the notification and objection procedures for carriers using Schedule 3 powers and immunities.

It also sets out further obligations on carriers when inspecting land and installing and maintaining facilities using their Schedule 3 powers under the Act. Compliance with the Telecommunications Code is a carrier licence condition.

The Telecommunications Act and Telecommunications Code require carriers to notify land owners and occupiers of intended activities, which is in the form of a Land Access and Activity Notice (LAAN). Land owners and occupiers may object to proposed activities under certain circumstances. The Telecommunications Code requires carriers to make reasonable efforts to resolve valid objections from land owners or occupiers. If the land owner or occupier is not satisfied with the carrier's proposed resolution or response to the objection, and/or no agreement can be reached, they may ask the carrier in writing to refer the objection to the Telecommunications Industry Ombudsman (TIO) for resolution if the carrier wishes to continue with the proposed activity. The carrier must comply with the request to refer the matter to the TIO. Carriers must comply with any direction made by the TIO.

2. ELIGIBILITY

2.1 This Policy applies to the installation and or upgrading of all telecommunications facilities and electrical network infrastructure on Council owned *or managed land or infrastructure, including but not limited to, buildings, community centres, footpaths, roadways, street light poles and signs, parks and reserves*, including where the project activities are described as "low impact" facilities.

2.2 This Policy applies to all telecommunications facilities and electrical network infrastructure for which either consent is required or for which the Council is to be notified. It applies to facilities and hardware to be installed by carriers who are licensed under the *Telecommunications Act 1997*and or the *Electricity Supply Act 1995* and regulations made under the Act. It also applies to telecommunications facilities and electrical network infrastructure installed by or on behalf of non-carriers.

3. DEFINITIONS

3.1 Public Domain - is defined as all areas under the care and control of Council that are accessible to the public which generally include streetscapes, roadways, laneways, public thoroughfares, carparks, footpaths, parks/open spaces, playgrounds, plazas, *bus shelters, multipurpose street light poles, way finding, street furniture, way-finding,* marine structures and publicly accessible natural areas.

3.2 Telecommunications facilities - facilities or infrastructure to be installed by carriers who are licensed under the *Telecommunications Act 1997,* such as:

a) the siting of micro cells for mobile phones serving a small area, as part of a telecommunications network operated by the carrier;
b) the siting of macro cells for mobile phones serving a large area, as part of a telecommunications network operate by the carrier;
c) *all ancillary equipment required for the normal functioning and operation of a macro or micro cell*; and
d) a satellite dish installed on a residential building or a commercial building for use by the occupants of that building, work that would normally be considered as ancillary to the primary use of the building.

3.3 Electrical Network Infrastructure - facilities to be installed by carriers or contractors who are licensed under the *Telecommunications Act 1997* and the *Electricity Supply Act 1995* and regulations made under the Act, such as the erection of towers, poles, structures and associated hardware including the installation and maintenance of conductors, cables, pillar boxes, substations and other associated hardware.

Note: the installation of traffic signals, redlight/speed cameras, signal boxes and other associated traffic control devices and structures are not covered by this policy. These items are notified and referred to Council's Traffic Committee.

3.4 Exempt Development under the *ISEPP (State Environmental Planning Policy (Infrastructure) 2007)* - refers to any telecommunication facility that is deemed to be of low impact and therefore exempt development by virtue of clause 116 (ISEPP).

3.5 Macro Telecommunication Facilities - include building structures, free standing towers, monopoles, HV Towers and any other structure not meeting low-impact conditions. These facilities must be authorised through relevant state and territory planning laws, which typically require a development application.

Certain facilities that cannot be low impact facilities and by default are deemed macro facilities include:

- *designated overhead lines*
- *a tower that is not attached to a building*
- *a tower attached to a building and more than 5 metres high*
- *an extension to a tower that has previously been extended*
- *an extension to a tower, if the extension is more than 5 metres high.*

3.6 Low-Impact Telecommunication Facilities - include, but not limited to, rooftops, street poles, utility poles, bridges, road signs, bus shelters, clock towers and any other physical structure that meets low-impact requirements and conditions. Underground and above-ground housing, underground and

some aerial cables, public payphones, emergency and co-located facilities are also designated as being part of a low impact facility.

For a facility to be considered low impact under the Low Impact Facility Determination (LIFD) the land area must be considered. The area types include:

- *areas of environmental significance*
- *residential areas*
- *commercial areas*
- *industrial areas*
- *rural areas*

In this context, certain low-impact facilities/equipment may only be installed in rural or industrial areas, whereas other low-impact facilities may be installed in all areas - depending on size, height and other considerations.

Facilities cannot be low impact facilities if they are to be installed in areas of environmental significance - including those listed under Commonwealth, State or Territory heritage registers. Such facilities are subject to other Commonwealth, State or Territory approval processes. Telecommunications facilities in these areas remain subject to other Commonwealth laws which would ordinarily apply, such as the Environment Protection and Biodiversity Conservation Act 1999 (Cth).

4. PROVISIONS

This Policy has been prepared in consideration of the *Telecommunications Act 1997, Electricity Supply Act 1995* and regulations made under the Act, *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP), Industry Code for the Deployment of Mobile Phone Network Infrastructure* as well as *Australian Road Rules* and *RMS Technical Directions* that relate to pedestrian safety and sight lines for motorists.

4.1 The *Roads Act 1993* (s.97) enables Council to specify the manner and standards to which any person who is entitled to place utility services in, on or over a road can undertake work. It also clearly states that an Act that authorises the provision of services in, on or over a road does not authorise the provision of the services in contravention of this section.

4.2 Telecommunications facilities and or electrical network infrastructure works should be carried out in accordance with Council's *Public Utility Authority Works Conditions.*

4.3 Where telecommunications or electrical network infrastructure facilities are required to be located in the in the public domain it is preferable to have these facilities located where they have the least impact on the visual quality of the

local environment including the character of the local neighbourhood and urban environment including the local streetscapes, buildings, cultural attractions, community facilities, memorials and public art. It is also important to have these facilities and any associated infrastructure located where they have the least impact on the natural environment including natural habitat areas, harbour foreshore areas, community gardens, heritage conservation areas, view corridors or places of special interest.

4.4 Where telecommunications or electrical network infrastructure facilities are required to be located all restoration works to the public domain are to be carried out in accordance with Council's *Public Domain Style Manual and Design Codes*~~(2013)~~.

Other important impacts to be considered include health, public/road safety, access, social and cultural impacts. Refer to Appendix B.

4.5 *Design considerations for low impact facilities*

4.5.1 Radio Frequency (RF)

- *Proposed antennas are panel antennas, yagi antenna and the like that are no larger than 2.8m, protrude from the structure not more than 3m and/or is flush mounted to the structure.*
- *Omnidirectional antenna or an array of omnidirectional antennas not more than 4.5m long; and not more than 5m apart; and if the array is attached to a structure - not protruding from the structure by not more than 2m.*
- *Radiocommunications dish are not more than 1.2m in diameter. If the Radiocommunications dish is attached to a supporting structure, the total protrusion from the structure is not more than 2m.*
- *Colour matching of antennas and dishes to suit its background or as agreed in writing between the carrier and Council.*
- *The radio facility (site) has a cabinet of not more than one cubic metre in volume and a separate antenna not more than 1.2 metres long.*
- *The radio facility (site) has a transmitter unit of not more than 0.03 cubic metre in volume and a separate antenna not more than 1.2 metres long.*
- *Equipment installed inside an existing structure including the radiocommunications antennas concealed inside existing structures. This applies to commercial, industrial and rural areas only.*

4.5.2 Tower Extensions

- *tower height extensions not exceeding 5m and no previous extension has taken place. This applies in rural and industrial areas.*
- *equipment cabinets/housing to be kept to a minimum and hidden/obscured from view as much as possible:*

4.5.3 Equipment Housing

- *Option 1 (preferred): Underground pits with surface area of not more than 2m²*
  - *pits shall be located within the footpath;*
  - *all underground services shall be avoided;*
  - *pit lids shall be paver infill lids with a class D rating if the site is located within the North Sydney CBD, Village areas, or Special areas as defined in Council's Public Domain Style Manual and Design Codes. If the site is located within a residential area, the pit lid shall be a concrete infill lid;*
  - *pits shall be structurally sound to withstand a 4 tonne sweeper driving over it;*
  - *infill material shall match surrounding footpath paving.*

- *Option 2: Roadside cabinet*
  - *not more than 2 metres high; and*
  - *with a base area of not more than 2 square metres*

- *Option 3 (least preferred): Equipment shelter*
  - *not more than 2.5 metres high; and*
  - *with a base area of not more than 5 square metres; and*

4.6 *Volume restrictions on co-located facilities*

- *current volume restriction on adding facilities to an existing facility (e.g. a tower) or public utility structure (e.g. a road sign, street light pole, water tank) in commercial or residential areas is 25% (refer to 4.11.9 below for further detail).*

4.7 *Radio Facility Site Access, Signage and Notifications*

- *Appropriate and distinct signage is required for any/all radio telecommunications facilities;*
- *Direct access by the public must be restricted in certain exclusion zone areas caused by electromagnetic exposure (EME) e.g. no ladders, locked doors, fencing, barricades etc.*

4.8 *Radio Frequency Equipment Interference*

- *Carriers are to ensure all telecommunication radio facilities are operating in their appropriate licence spectrum and have the appropriate levels of protection to ensure interference to equipment outside their designated bands.*
- *In the event of interference, suspected or detected, an appropriate management and resolution plan regarding the carrier's radio spectrum*

interference with Council's existing hardwired or wireless equipment (e.g. metering, lighting or signage etc.) shall be actioned in a timely manner.

4.9 *Visual Design*

- *ensure all designs are in keeping with the areas character and look/feel at all times;*
- *not to become an eye soar;*
- *not to physically obstruct views of the public; and/or*
- *residential/commercial/office workers.*

4.10 *Radiofrequency electromagnetic energy (EME) Considerations*

- *A radiocommunications facility transmit radiofrequency electromagnetic energy (RF EME) to provide users with wireless services.*
- *The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is the government agency responsible for setting the exposure standard for RF EME. The ARPANSA exposure limits are set well below the level at which adverse health effects are known to occur and include a wide safety margin to protect the public.*
- *The ACMA regulates EME from radiocommunications transmitters by imposing conditions on the radiocommunications licences it issues to telecommunications carriers. The ACMA imposes licence conditions through the Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015. Under the conditions, telecommunications carriers must ensure that RF EME exposure from a transmitter does not exceed the levels set in the ARPANSA Standard;*
- *Macro sites (e.g. large towers) - especially collocated sites with multiple carriers - transmit and radiate the most amount of radio power and hence the produce the greatest EME. Care in design needs to be considered to nearby buildings, roadways, homes, elevated grounds, bridges and walkways. The duration of stay within the affected EME zones also needs to be taken into account. For eg an office worker sitting for 8 hours vs a pedestrian or vehicular access path crossing for 10 seconds) may impact EME assessment differently.*
- *Low impact facilities may or may not expel the same amount of power and EME. However, more care in design is needed due to the generally lower placement of such radio equipment and antennas (for them to be deemed Low impact or for their smaller coverage footprint objectives). Street poles, road signs, bus shelter are of a significant design challenge due to their greater proximity to the public and risk of EME exposure;*
- *EME is a challenging field and requires experienced knowledge and understanding of antennas, RF power and modelling; Hence carriers are required to make assessments and, if determined by the engineer of the day, that there is a potential EME risk, then further assessment or modelling predictions is to be undertaken.*

- *An independent audit and/or a secondary EME assessment will be commissioned by Council if initial assessments are a cause for concern.*
- *An EME assessment is highly recommended on all proposed sites.*
- *An EME assessment must be undertaken when the proposed structure is in close proximity to 'sensitive' sites such as nursing homes, childcares, playgrounds etc.*

4.11 *Build and Installation Considerations*

4.11.1 Planned installation strategy

Ensure all works are managed appropriately with Council to minimise down time and outages through proper coordination.

4.11.2 Structural adequacy of Council assets

A structural assessment of each Council's asset shall be undertaken by the Carrier and shall comprise:

- *structural loading and assessment of poles, steel structures, utilities etc. taking into account current equipment proposals and future upgrades.*
- *structural foundation assessment (current equipment proposal and future upgrades).*
- *ensure enough spare capacity for asset owner services and future upgrades is considered.*
- *wind loading calculations.*
- *all proposed ancillary equipment on structure shall be clearly outlined and defined if they will run internal or external to the structure.*

4.11.3 Power

- *the provision of power for the safe and efficient operation of the LIF shall be clearly identified.*
- *all power shall be underground, no overhead wiring shall be permitted.*
- *it is preferable for a carrier to source independent power.*
- *sharing of Council's power may be considered subject to the following conditions:*
    - *a full audit of Council's private electrical grid shall be undertaken to identify if there is sufficient power, load and capacity.*
    - *the cost of any approved upgrade to Council's electricity grid shall be borne by the carrier.*
    - *use of Council's electricity shall be subject to a service level agreement and metered separately where possible.*
    - *power usage for any LIF shall be at the Carrier's expense.*
    - *power shall run internal to the structure fitted with the carrier's RF equipment.*

- *a kill switch shall be installed for servicing and maintenance purposes (refer to 4.14 below).*

4.11.4 Transmission Equipment

The Carrier shall identify the following provisions:

- *will optical underground cabling be used or an alternative nominated?*
- *will existing fibre services be used or will new trenching be required?*
- *is transmission to be run internal to the structure or external (latter will be refused)?*
- *is a transmission dish proposed?*

4.11.5 Make-ready works

- *Any disruption, changes or damage caused as part of the installation of any telecommunication facility shall be reinstated to original or better condition (e.g. footpath paving) in accordance with Council's Public Domain Style Manual and Design Codes and manufacturer's specifications.*
- *Carrier shall be liable for all costs of reinstatement works.*
- *Any damage to Council infrastructure (e.g. streetpole) or equipment (e.g. meter sensors) shall be reported to Council as soon as possible - all damage shall be repaired by Council only and costs passed on to the Carrier.*
- *A full dilapidation report of each Council infrastructure shall be undertaken prior to any telecommunication facility being deployed - a copy of the report shall be submitted to Council.*

4.11.6 Space reservation

Approval to install LIF on Council owned street light poles shall be subject to availability of space inside the pole. Generally, space inside the pole is reserved for Council use once a Smart City Strategy is defined and implemented. Short term use of the space to a carrier may be considered where monetary compensation is mutually agreed to under a licence agreement. Where additional space is available beyond the immediate and future needs of Council, Council may consider entering into a long term licence agreement.

4.11.7 Removal and decommission

At the end of the licence agreement or any time earlier as agreed to, the carrier is responsible to remove all equipment and undertake make-ready works. Any equipment not removed in the agreed timeframes will be removed by Council's nominated contractors and cost passed onto the carrier.

4.11.8 Ancillary Equipment

As per Part 3.1.4 of the Telecommunications (Low-impact Facilities) Determination 2018 - a facility that is ancillary to a facility covered by subsection (1) is also a low impact facility only if it is:

(a) necessary for the operation or proper functioning of the low impact facility; or
(b) a shroud installed over a low-impact facility, where the shroud is intended to minimise the visual amenity impact of the low-impact facility and is colour-matched to its background; or
(c) installed, or to be installed, solely to ensure the protection or safety of:

(i) the low impact facility; or
(ii) a facility covered by paragraph (a); or
(iii) persons or property in close proximity to the low impact facility.

- *Special shrouds which are aesthetically pleasing shall be designed and fitted to LIFs especially in areas defined by Council as having important heritage significance and where the visual impact is of community importance.*
- *Dishes up to 1.2m in diameter is included as part of definition for low impact facilities. Any proposal to use dishes shall be made available upfront in any design proposal.*
- *Any proposal to use solar panels shall be made available upfront in any design proposal.*
- *The use of cable trays running up/down be used to support radio frequency (RF) cables, transmission equipment (TX) and power cables or to connect such cabling between the structure and the equipment housing shall be made available upfront in any design proposal.*

4.11.9 Co-location

Council will generally support co-location subject to meeting the following conditions and considerations:

- *the volumetric expansion of the existing LIF footprint is limited to a maximum of 25% by the new LIF.*
- *visual impact is minimised (preferably the new LIF to be housed within the existing LIF where possible).*
- *structural loading and capacity reservations for Council shall be assessed and weighed by the new Carrier in consultation with Council.*
- *co-locations agreements (licencing/leasing) shall be directly with Council and no subleased/sub-licenced between carriers is permitted (refer to leasing requirements under 4.12 below).*

- *an EME assessment of co-located sites shall be undertaken due to the increased EME as a result of the increased power emanating from a single location, hence the exposure/radiation transmission will be greater.*
- *An assessment shall be undertaken to determine if there is sufficient power/transmission space for a new carrier co-location or even single carrier future upgrade plans.*

4.12 *Leasing/Licencing/Sub-leasing/Costings*

Council will require a Carrier to enter into a licence/lease agreement prior to the deployment and installation of any telecommunication facilities on any Council infrastructure or asset, or a private structure located within a public space owned or managed by Council. The licence will generally incorporate the following provisions:

- *at the discretion of Council, an individual licence agreement per site or Master Level Agreement (MLA) shall be nominated by Council.*
- *any individual carrier/service agreement shall clearly stipulate the nominated spectrum for the provision of the carrier's mobile service. For example, agreement is for LTE on 2600MHz or 1800MHz. Any other future licence/spectrum changes shall be assessed against the current licence agreement.*
- *an independent lease rate assessment shall be commissioned by Council to determine the market value - either per pole or across the network of telecommunication facilities or infrastructure that is proposed to be rolled out.*
- *an annual adjustment of 5% shall be applied over the licence period or as varied by Council.*
- *co-location arrangements - no sub-licencing/leasing to other carriers will be permitted without prior approval from Council.*
- *compensation for loss of further use of the Council infrastructure (e.g. light poles or other asset) if Council wishes to not reserve capacity for itself.*
- *construction/demolition/relocation clauses shall be negotiated for the affected Council assets.*
- *breakout clauses shall be negotiated (e.g. 5/5/5/5-year terms).*
- *Council's external legal costs shall be covered by carrier.*
- *the cost associated with undertaking independent design/EME assessments made at the request of Council shall be covered by the carrier.*
- *the cost associated with undertaking an independent structural assessment of the Council asset made at the request of Council shall be borne by the carrier.*
- *the Carrier shall indemnify (and compensate) Council for any death, injury, loss or damage caused to any person or property (including the*

Council Infrastructure) by or in connection with the Carrier's equipment and/or their contractors.

- *the Carrier must have appropriate public liability and product liability insurance in place for the full duration of the licence agreed and shall nominate Council as an interested party on the insurance certificate.*
- *clauses to indemnify Council from the Carrier's financial loss caused by asset failure/power failure or any other seen/unforeseen event shall be incorporated into the licence agreement.*
- *equipment upgrade and/or swapout clauses shall be incorporated in the licence agreement.*

4.13 *Visual Considerations*

Telecommunication facilities shall meet the following parameters:

- *Facilities shall match the colour of the Council asset (e.g. street light pole).*
- *Shrouding shall match the colour of the Council asset (e.g. street light pole).*
- *Any future Carrier upgrades and or swapouts to bigger/newer technologies shall not be undertaken without the explicit approval of Council.*

4.14 *Servicing/maintenance considerations*

A service and maintenance agreement shall be agreed to and incorporated into any agreed licence agreement. The service and maintenance agreement shall incorporate model clauses to cover areas such as:

- *Carrier shall liaise and work closely with Council to coordinate maintenance of any LIF on Council infrastructure.*
- *Carrier shall schedule all maintenance of LIF around Council's own work timeframes/schedules and maintenance protocols. Due consideration shall be given to any road closures and notice timeframes*
- *Council shall have priority access and shut down of its infrastructure for maintenance purposes.*
- *Service intervals and timeframes shall be negotiated with the carrier to cover proactive and reactive maintenance.*
- *a power 'kill' switch shall be installed on all assets (or) on assets with Council equipment or services (e.g. lights, flags, wireless communication etc.).*

4.15 *Consultation Process and Documentation*

- *the Carrier shall adhere to the Mobile Phone Base Station Deployment Code regarding all consultation processes (timelines and activities) to the public, asset owners and any identified interested party.*

- *the Carrier shall comply with Council's notification policies about sites and schedule of works and any other pertinent information.*
- *the Carrier shall collate all consultation process documents, certification documents, assessment documents, statements of conformity, design documents, as-built documents, CAD drawings etc required throughout the pre-installation stage, the installation stage and the post installation stage and provide copies to Council as part of the handover documentation package.*
- *the Carrier shall put in place a database repository (or system) which captures a full list of the all the equipment installed on Council asset(s), power radiating from the equipment that is onsite and active at any given time - a copy of this information shall be provided to Council on a regular basis.*
- *a Carrier shall put in place a system to allow Council to be notified and approve of any changes to a LIF.*
- *When Council is served a Land Access Activity Statement under the Telecommunications Act, the carrier will receive a standard response from Council depending on the asset classification (ie whether it is a Council asset or private asset which is located within the public space which designated under the care and control of Council. The carrier shall comply with the letter issued by Council. Refer to Appendix D for copies of the standard letters.*

5. RESPONSIBILITY/ACCOUNTABILITY

5.1 Council's Engineering and Property Services Division is responsible for administration of this Policy.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Community Engagement Policy
- Complaints Handling Policy
- Development Control Plan
- Public Domain Style Manual and Design Codes ~~(2013)~~
- Public Utility Authority Works Conditions

The Policy should be read in conjunction with the following documents/legislation:

- Australian Road Rules and RMS Technical Directions
- Electricity Supply Act 1995
- *Environment Protection and Biodiversity Conservation Act 1999*

- ~~Industry Code C564.2011 Mobile Phone Base Station Deployment~~
- *Mobile Phone Base Station Deployment Industry Code 2018*
- *Radiocommunications Act 1992*
- *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015*
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- Telecommunications Act 1997 ~~and relevant planning legislation~~
- Telecommunications (Low-Impact Facilities) Determination ~~1997~~ *2018*
- Telecommunications Code of Practice ~~1997~~ *2018*

Version	Date Approved	Approved by	Resolution No.	Review Date
1	18 February 2013	Council	61	2016/17
2	25 June 2018	Council	214	2020/21
3	##	Council	##	2020/21

APPENDIX A: INSTALLATION OF PUBLIC TELEPHONE GUIDELINES

1. Traffic and Pedestrian Safety

1.1 Telephones are not to be located on kerb blisters. Kerb blisters have generally been installed on intersections, roundabouts or near driveways to improve sight distance for motorists.

1.2 Telephones are not to be located within 10 metres of an unsignalised intersection or 20 metres of a signalised intersection (measured from the intersecting kerb line). This reflects the current *Australian Road Rules* for parking at intersections. These rules have been developed to improve sight distance for motorists and pedestrians at intersections.

1.3 Telephones are not to be located within 20 metres of the approach to a marked pedestrian crossing or pedestrian refuge or 10 metres from the departure side of a marked pedestrian crossing or pedestrian refuge. This reflects the current Australian Road Rules for parking at pedestrian facilities. These rules have been developed to improve sight distance for motorists and pedestrians at pedestrian facilities.

1.4 Telephones are to be located so as not to become an impediment to passengers waiting at the bus stop and also to other pedestrians trying to walk through the bus stop.

1.5 Telephones are to be located a minimum 20 metres away from the entrance to a train station. This is to ensure that the telephone does not become an impediment to passengers entering and exiting the train station, but also other pedestrians trying to walk past the train station entrance.

1.6 Telephones are not to be located in a location that may cause distraction to motorists, create a safety hazard for motorists, or cause a motorist to concentrate on the telephone signage rather than traffic, directional or road safety signage. For example, a telephone is not to be located on the approach to a busy intersection where a motorist may be expected to give consideration to numerous pieces of information.

1.7 Telephones are not to be located in a location where there has been more than one reported pedestrian accident in a five-year period within 20 metres of the proposed location. This is to ensure that there is sufficient sight distance for motorists and pedestrians at this location.

1.8 Telephones must be located a minimum 600 mm off the face of the kerb (to the outer extremity of the telephone). This is to minimise the risk of a car or car door causing damage to the telephone. It is also to minimise the risk of a non-frangible telephone becoming a hazard to motorists.

1.9 Where possible, telephones should not be located near to the kerb on main roads with clearways.

1.10 Telephones must provide a minimum clearance between obstacles, boundaries and kerb lines. This is to ensure that fire safety conditions are always met and to enable the convenient movement of people through the public domain, including people who have mobility impairment. Any application must address the following issues in order to define the available area:

a) Pedestrian way clearance
b) Clearance from objects

2. Pedestrian Way Clearance

2.1 The minimum clearance allowed for pedestrian movements varies for safety reasons and risk management purposes. The following table outlines the minimum pedestrian clearance required between the telephone and any obstacle, boundary or kerb line:

	High Traffic Risk	Medium Traffic Risk	Low Traffic Risk
High Pedestrian Traffic	3.0 m	2.5 m	2.5 m
Medium Pedestrian Traffic	2.5 m	2.0 m	2.0 m
Low Pedestrian Traffic	2.0 m	1.5 m	1.2 m

2.2 High traffic risk may encompass one or more of these factors:

a) High volumes of vehicles;
b) High speed of vehicles;
c) Travel lane adjacent to the kerb (during any part of the day, including Clearways and No Stopping restrictions).

2.3 Medium traffic risk may encompass one or more of these factors:

a) Medium volume of vehicles;
b) Medium speed of vehicles;
c) Parking adjacent to the kerb.

2.4 Low traffic risk may encompass one or more of these factors:

a) Low volume of vehicles;
b) Low speed of vehicles;
c) Parking adjacent to the kerb.

3. Clearance from objects

3.1 Council is trying to reduce the amount of "clutter" found on footpaths. This is to create an attractive and accessible environment for pedestrians, particularly those with mobility issues. It is also to ensure that appropriate maintenance can be undertaken on these various objects. A minimum 900mm clearance is to be provided between the telephone and the following objects:

a) Trees and garden plots
b) Public seating
c) Rubbish bins
d) Bicycle hoops
e) Parking signs
f) Parking meters
g) Power poles
h) Essential services:
   - Fire hydrants
   - Hose reel cupboards
   - Fire exit doors
   - Fire equipment stores
   - Substations
   - Switchboards

- Communication pole

i) Adjacent to Outdoor Dining Areas

4. Streetscape design and proximity to adjacent businesses

4.1 Telephones are not to be located in close proximity to any public artwork, major landscape element or historic feature.

4.2 Telephones are not to be located in a visually prominent position; they should not dominate the visual landscape.

4.3 Telephones are not to be located directly in front of a retail shop store front.

4.4 Heritage; telephone booths in the vicinity of heritage items require development consent from Council.

4.5 Advertising; any proposal for advertising signs on telephone booths requires development consent from Council.

4.6 Where a telephone booth is replaced and the new booth is moved more than two metres it is considered to be a new telephone booth.

APPENDIX B: TELECOMMUNICATION AND ELECTRICAL INFRASTRUCTURE FACILITIES

1.Impacts of telecommunications facilities

Telecommunications or electrical network infrastructure facilities can have a substantial impact on the physical environment as well as the health and well being of the community. A sensitive approach to the location and design of these facilities can reduce these impacts to some extent.

The controls in this section (taken from Section 18 of the *North Sydney Development Control Plan*) aim to reduce the likelihood of harm associated with Telecommunications or electrical network infrastructure facilities to the community and to regulate their presence in the built environment. These facilities can have significant impacts on the public domain through visual clutter.

This Appendix generally covers the installation of telecommunication facilities on non Council owned or managed land or infrastructure. For installation of telecommunication facilities on Council owned or managed land or infrastructure, refer to the Policy.

1.1 Community health and amenity

a) Reduction and minimisation of human exposure to emissions:

i. Locate telecommunications or electrical network infrastructure facilities away from sensitive activities such as schools and child care centres;
ii. Install telecommunications or electrical network infrastructure facilities as far as possible utilising:
- undergrounding;
- camouflage and concealment *(shrouding)*;
- colour consistency with background;
- contrast in scale (significance); and
- co-location.
iii. Locate telecommunications or electrical network infrastructure facilities in commercial/mixed use zones in preference to residential areas;
iv. Site telecommunications to meet the Australian Standards on electromagnetic radiation emissions;
v. Avoid interruption to views; and
vi. Avoid interruption to pedestrian and vehicle movement.

1.2 Visual or physical impacts

a) Telecommunications or electrical network infrastructure facilities should be concealed from public view where ever possible:

i. Locate telecommunications or electrical network infrastructure facilities underground or concealed within buildings wherever possible;
ii. Match surface opening and access covers, with existing pavement, either Council's specified pavers or concrete;
iii. Locate air vents for underground facilities so that they are not visually intrusive.
iv. Use overhead cabling and support structures that are grey, or a subdued colour that blends with background;

v. Use building features such as false panels, clock towers, disused chimneys to conceal telecommunications facilities, but avoid use of fake vegetation and other novelty effects.

b) Visual impact of equipment boxes is minimised:

i. Locate equipment boxes underground where possible, avoiding rooftops and power poles;
ii. Set back equipment boxes on roof tops from the edge of the roof and where possible build into an existing structure;
iii. Where equipment boxes are located on rooftops do not increase the overall height of the building, or increase shadowing of open spaces around that building or adjoining properties;
iv. Place equipment boxes on the ground so that they are not visible from a public place, such as the street or parks, or adjoining properties.

c) Surface mounted facilities are integrated with building or structure:

i. Match colour with background material;
ii. Provide non-reflective surface materials and finishes;
iii. Mount flush with wall, with minimal horizontal or vertical protrusion from the surface; and
iv. Position high on the wall or structure to which facilities are attached.

1.3 Sensitive environments

a) Minimise impact on sensitive environments, flora and fauna habitats, areas of heritage significance or archaeological sites:

i. Avoid suspending cables in front of heritage items on the same side of the street;
ii. Where power poles are only on the same side of the street as heritage items, then underground cabling or place against the heritage building in an unobtrusive manner e.g. behind parapets or against the buildings above awnings or verandah roofs;
iii. Group and run together subscriber cables wherever possible eg behind parapets, under verandahs or along rear lanes;
iv. Take all reasonable steps to protect the environment;
v. Protect significant landscape elements and vegetation.

1.4 Co-location

a) Telecommunications or electrical network infrastructure is co-located to minimise disturbance and visual impact:

i. Utilise existing underground conduits or towers; and
ii. Consider adverse visual impacts of co-location, for example clustering of poles.

1.5 Short term and long term impacts of works

a) Damage and inconvenience caused by telecommunications or electrical network infrastructure facilities or activities is minimised:

i. Restore land and buildings as close as possible to conditions found on site prior to installation;

ii. Protect the safety of persons and property;
iii. Minimise interference with the operation of public utilities, traffic, roads and paths, traffic, and the use of land; and
iv. Restore any vegetation that is disturbed or destroyed during construction immediately after construction.

1.6 Clearances

a) Telecommunications or electrical network infrastructure works and facilities must provide a minimum clearance between obstacles, boundaries and kerb lines. This is to ensure that fire safety conditions are always met and to enable the convenient movement of people through the public domain, including people who have mobility impairment. Any application must address the following issues in order to define the available area:

- Pedestrian way clearance; and
- Clearance from objects.

b) Pedestrian Way Clearance - The minimum clearance allowed for pedestrian movements varies for safety reasons and risk management purposes. The following table outlines the minimum pedestrian clearance required between the electricity works and any obstacle, boundary or kerb line:

	High Traffic Risk	Medium Traffic Risk	Low Traffic Risk
High Pedestrian Traffic	3.0 m	2.5 m	2.5 m
Medium Pedestrian Traffic	2.5 m	2.0 m	2.0 m
Low Pedestrian Traffic	2.0 m	1.5 m	1.2 m

c) High traffic risk may encompass one or more of these factors:

- High volumes of vehicles, cyclists and pedestrians;
- High speed of vehicles; or
- Travel lane adjacent to the kerb (during any part of the day, including Clearways and No Stopping restrictions).

d) Medium traffic risk may encompass one or more of these factors:

- Medium volume of vehicles , cyclists and pedestrians;
- Medium speed of vehicles; or
- Parking adjacent to the kerb.

e) Low traffic risk may encompass one or more of these factors:

- Low volume of vehicles , cyclists and pedestrians;
- Low speed of vehicles; or
- Parking adjacent to the kerb.

f) Council's aim is to reduce the amount of visual and physical "clutter" in the Public Domain. This is to create an attractive and accessible environment for pedestrians and residents, particularly those with mobility issues. It is also to ensure that appropriate maintenance can be undertaken on these various objects. A minimum 900mm clearance is to be provided between telecommunication facilities and electricity works and the following objects:

- Trees and garden plots;
- Other streestscape furniture elements such as bins, bollards, bubblers, bicycle hoops, seats, fences, parking signs, parking meters, Power poles
- Essential services;
- Fire hydrants;
- Hose reel cupboards;
- Fire exit doors;
- Fire equipment stores;
- Substations;
- Switchboards;
- Communication pole;
- Adjacent to Outdoor Dining Areas

g) In areas that have a specific or unique purpose such as playgrounds, cultural attractions, community facilities, memorials, public art, natural habitat areas, community gardens, heritage conservation areas, view corridors or places of special interest - particular consideration needs to be given to the placement of telecommunications or electrical network infrastructure facilities. These considerations must satisfy the requirements of the *ISEPP (State Environmental Planning Policy (Infrastructure) 2007) and* if the works are deemed not "Exempt" they must satisfy Council's own Planning Controls.

h) Pedestrian Trip Hazards - this section applies to those telecommunications or electrical network infrastructure works which are less than 0.5m above the footpath. Electricity works which are less than 0.5m high may create a trip hazard for pedestrians if they are not suitably marked or shielded from through pedestrian traffic.

Telecommunications or electrical network infrastructure works less than 0.5m high must be located adjacent, along the line of through pedestrian travel, to an existing object which is more than 1.0m high. For example, the electricity works may be located adjacent to a garbage bin or a public seat.

i) Traffic and Pedestrian Safety - this section applies to those telecommunications or electrical network infrastructure works which are more than 0.8m above the footpath. Works which are more than 0.8m high may block sight distance to pedestrians, motorists or both.

i. Telecommunications or electrical network infrastructure facilities are not to be located on kerb blisters. Kerb blisters have generally been installed on intersections, roundabouts or near driveways to improve sight distance for motorists;
ii. Telecommunications or electrical network infrastructure facilities, located at the kerb, are not to be located within 10 metres of an unsignalised intersection or 20 metres of a signalised intersection (measured from the intersecting kerb line). This reflects the current *Australian Road Rules* for parking at intersections. These rules have been developed to improve sight distance for motorists and pedestrians at intersections; and
iii. Telecommunications or electrical network infrastructure facilities should be located a minimum 600 mm off the face of kerb (to the outer extremity of the object). This is to minimise the risk of a car or car door causing damage to the object. It is also to minimise the risk of a non-frangible object becoming a hazard to motorists.

j) Public telephone booths are to be installed in accordance with Appendix A.

k) Telecommunications facilities and Electrical Network Infrastructure that are not "exempt development" are to be sited and installed in accordance with Appendix B, i.e. the relevant provisions of the *North Sydney Development Control Plan*.

l) Council's consultation requirements are consistent with the Communication Alliance Ltd. *Industry Code C564.2011 Mobile Phone Base Station Deployment.* Carriers must notify both Council and the public of intent to install telecommunication facilities in accordance with Appendix C.

APPENDIX C: CONSULTATION REQUIREMENTS

The following information is extracted from the Communication Alliance Ltd. ~~*Industry Code C564.2011*~~ *Mobile Phone Base Station Deployment Industry Code 2018*. For more information, refer to http://www.commsalliance.com.au/__data/assets/pdf_file/0018/32634/C564_2011.pdf

Note: The consultation requirements of the Industry Code do not apply to telecommunications facilities that require Development Approval. In such cases public consultation will occur though Council's Development Application process.

1. Installation at an existing site without Development Application

Applicable if:

a) a carrier proposes to carry out any work at premises in relation to the installation of telecommunications facilities that is not Low Power RF telecommunications facilities;
b) there is already telecommunications facilities at the premises, other than Low Power RF telecommunications facilities or Exempt telecommunications facilities and;
c) the work does not require Development Approval.

1.1 Council Notification

The carrier must give Council notice of the proposed work which must include:

a) the proposed location;
b) a written description of the proposed work;
c) a statement setting out whether the carrier regards the infrastructure as a Low Impact Facility under the *Telecommunications (Low-impact Facilities) Determination 1997* and the reasons for that conclusion;
d) a statement that the proposed infrastructure will be in compliance with the Australian Communications and Media Authority (ACMA) electromagnetic radiation (EMR) regulatory arrangements;
e) a statement of estimated EMR exposure levels; and
f) a statement that Council may obtain further information on the proposed work, including contact details for the carrier's representative from whom the information may be obtained.

1.2 Newspaper Notification

The carrier must publish a notice in a newspaper circulating the location surrounding the proposed work as prescribed in Section 7.3 of the *Industry Code C564.2011 Mobile Phone Base Station Deployment.*

1.3 Council and Public Submissions

Before commencing the work, the carrier must have regard to any submissions received from the public and Council.

2. Installation at a new site without Development Application

Applicable if:

a) a carrier proposes to carry out any work at premises in relation to the installation of telecommunications facilities that is not Low Power RF telecommunications facilities;
b) there are no telecommunications facilities at the premises, other than Low Power RF Infrastructure; and
c) the work does not require Development Approval.

The consultation process must involve the development of the consultation plan and its delivery, implementation, analysis and responses.

In developing a consultation plan for a site the carrier must endeavour to meet the objectives of:

a) identifying and informing interested and affected parties (refer to Industry Code of definition) of the proposed project;
b) maximising the level of accurate and accessible information about the project to interested and affected parties;
c) using its reasonable endeavours to identify community sensitive locations (refer to Industry Code of definition); and
d) meeting the reasonable needs and expectations of the community.

2.1 Council Notification

2.1.1 The carrier must invite Council to comment on:

a) the suitability of the draft consultation plan for this community;
b) whether there are there any additional key stakeholders who should be included as interested and affected parties; and
c) whether there are any significant events within the community that the carrier should be aware of in developing the draft consultation plan.

2.1.2 The information provided to Council and interested and affected parties must include:

a) the proposed location;
b) a written description of the proposal;
c) a statement setting out whether the carrier regards the infrastructure as a Low Impact Facility under the *Telecommunications (Low-impact Facilities) Determination 1997* and the reasons for that conclusion;
d) a statement that the proposed infrastructure will be in compliance with the ACMA EMR regulatory arrangements;
e) an Australia Radiation Protection and Nuclear Safety Agency (ARPANSA)electromagnetic energy (EME) report for the proposal;
f) the contact details of the Carrier's representative;
g) an invitation to make submissions; and
h) the timeframe to make the submission.

2.1.3 Information on the carrier's website must include:

a) the address of the proposed site;
b) a description of the proposal;
c) the rationale for the proposal;
d) whether or not the Carrier considers the proposal is low impact;
e) alternate options and opportunities for co-location considered;
f) any key dates (e.g. submission dates, construction dates);
g) an ARPANSA EME report for the proposal;
h) a link to the Communications Alliance information portal; and
i) phone and email address for more information or making a submission.

2.1.4 On-site signage - the carrier must place a sign about the proposal at the site proposed in a manner that ensures that it is clearly visible and legible from a public road or footpath, unless Council approval is required for the sign, Council instructs otherwise, or it is not practical to do so.

a) the sign must comply with the format in Appendix E3.
b) the sign must be weatherproof if installed externally.
c) the sign must not be removed by the carrier until construction is complete.

2.2 Council and Public Submissions

2.2.1 The minimum submission period for Council must be 20 working days and for interested and affected parties (i.e. the public) must be at least 15 working days.

2.2.2 The carrier must allow interested and affected parties an extension period of an additional five working days to provide comment if requested in writing.

2.2.3 Assessing submissions received - at the end of the consultation process the carrier must assess all submissions:

2.2.3.1 The carrier must respond to interested and affected parties who provided it with individual submissions in the consultation process.

2.2.3.2 The carrier must prepare a report which is sent to Council and published on its website. The report must include:

a) summary of submissions received during the consultation process;
b) the carrier's consideration and assessment of these submissions;
c) a statement about the carrier's intended actions regarding the proposed work; and
d) where construction is intended, the carrier must include a range of likely dates for commencement of construction.

[first line of name & address]

E:

[type in date here]

Dear addressee's name

RE: Proposal to Install Telecommunication Equipment on Council Owned Infrastructure

Thank you for your email regarding Land Access Activity Notice (LAANs) reference: (# INSERT from Cover Email) on behalf of Pipe Networks Pty Ltd part of the TPG Group.

A review of the proposal has resulted in a number of significant issues being raised about Council owned infrastructure being used for this purpose.

Council would like to work with your company to resolve the issues and cannot make any final decision or grant any approvals to use Council owned infrastructure for this purpose until all issues have been resolved.

A summary of some of the issues concerning Council at this stage are:

1. The visual presentation is aesthetically poor particularly in the streetscape of neighbourhood streets;

2. Electricity / Power Supply. Council will need details from your company on how this is proposed to be achieved as Councils Multi-Function Poles are on a separately metered network. Council will need to understand in detail ongoing power supply and payment arrangements between your company and Council.

3. Terms and conditions around how any damage to Council owned infrastructure will be repaired as a result of any works undertaken by your company on Council owned infrastructure including installation of wiring, conduits and any associated ground works will need to be resolved.

4. The offer of a lease or licence indemnifying Council over its Multi-Purpose Poles and the offer of a market-based rental for each affected pole based on the type of infrastructure installed is absent from your proposal.

5. Any proposal to install telecommunication equipment including all wiring/conduits to be installed within Council owned infrastructure (Multi-Purpose Poles) would be subject to the availability of space within or attached to Council Owned Infrastructure.

6. Any installed infrastructure on Council owned property including its Multi-Purpose Poles cannot be subleased to other Telco's or third parties without the explicit approval of Council and negotiation of compensation (whether the sublessee houses their infrastructure within the TPG infrastructure or as an external attachment)

7. Maintenance requirements. No information on your company's proposal was supplied to Council on what maintenance regimes the proposed equipment from your company requires. Council must have priority access at all times to its poles and must understand the maintenance requirements of your proposal.

8. Outage ramifications – council cannot be held liable for any commercial losses or damage to infrastructure as a result of any fault in the electrical supply systems that power Council owned infrastructure.

9. Effects of electromagnetism energy – verification by an independent source or expert is an issue that will need to be addressed along with the cumulative effect of other proposed cells and telecommunication equipment that may be proposed and or already exist within the North Sydney Centre and across the North Sydney Local Government Area.

10. No information has been provided by your company on what the structural impacts on Council owned infrastructure would be through the installation of the proposed telecommunication equipment. Council would need to have on its records a structural assessment and suitability report on the structural requirements of your proposal for each piece of Council owned infrastructure that is impacted. Council also requires written confirmation from the manufacturers of its Multi-Purpose Poles that the proposal would comply with the manufacturer's specifications and structural requirements of the pole.

11. Council would also like to see what Community consultation process will be undertaken as part of your company's proposal and how your company will address community concerns about the proliferation of Telecommunication equipment being installed in the Public domain and general environment around North Sydney.

Based on the above issues and lack of information provided about your proposal, Council objects to the Land Access & Activity Notices and cannot consent to the proposed works at this stage. Council requires an extension of time to discuss these matters with your company and requests a written response on how each of the issues identified in this letter will be addressed.

Yours sincerely

Name
TITLE

Attachments:
#LIST AND ATTACH - TPG LAAN Referrals in PDF Format

NAME/ADDRESS

E: INSERT

DATE

Dear SALUTATION

RE: Proposal to Install Telecommunication Equipment Over Council Owned Land

I refer to your letter of DATE.

I note your letter seeks feedback from the Council as part of your consultation process about the proposed installation of small cell mobile base station equipment on various existing Ausgrid street light poles located in Council's road reserves in the North Sydney area (the **Proposal**).

Council objects to the Proposal on the following grounds:

1. The visual presentation is aesthetically poor particularly in the streetscape of neighbourhood streets;

2. The Proposal encroaches into Council's road reserve (and air space) causing a trespass and as such Council does not give consent to the installation of the Proposal;

3. By failing to seek any consent for the encroachment of the small cell installation, Council reserves its position for compensation for the encroachments of the Proposal if the installations proceed;

4. There is no explanation as to how the ancillary equipment, if any, will be installed and whether the Council road reserve will be further encroached by the ancillary equipment; and

5. Council does not consent to the installation of any ancillary equipment in, on or over its road reserve and reserves its position to seek compensation.

I look forward to your response.

Yours sincerely

Name
TITLE

Attachments:

LIST AND ATTACH- #TPG LAAN Referrals in PDF Format