

How would a best practice consultation look?



Multinational companies plan years ahead of implementation. Building antennas should be no different. Telcos constantly identify their future market, and where the profit can be made. Our community experience is not alone and many sites are pre-planned, drawings and leases finalised, years ahead of consultation. The real delay in the roll out is the inefficient lag prior to contacting communities, and the results of poor consultation and poor conduct practices that end in long running disputes.

Why aren't communities involved in the planning process earlier?

Ballina Council knew of the proposed build two years before the residents at Lennox Heads. Residents should also know ahead of time, not just in the 9 days from notification to submitting a letter of protest.

The Process

If a Telco decides it wants to put an antenna on a site that would work in conjunction with their existing network, the Telco would also know the requirements of the new law: consultation must cover people's homes within 500 metres and any sensitive sites (e.g. a nearby school, childcare centre, hospital, children's park, aged care facility, health facility).

- If the consultation criteria is not met, then "no", the facility cannot be built
- The Telco can look at its current configuration and change it, rather than existing homes and businesses having to be encroached upon, or worse move, to suit the Telco's previous business decisions.

Carrier site selection protocols:

- Councils are notified about a tower proposal.
- Council prepare a consultation plan telling Telcos who they need to consult with. The Telco has responsibility for who they consult but it must not be less than a 500m radius from a site and must not be less than the plan given by Council. ACMA can fine for failure to meet the plans objectives.
- The final agreed consultation plan must be published on the Council and Telco RFNSA National Archive Site websites.
- The predicted EME emission table for the proposed antennas must be listed on the RFNSA National Archive Site for telecommunications before the consultation begins.
- The Telco carries out its consultation, **before** a Development Application to Council. Letterdrops take place and communities get an EME Report and are offered a face to face meeting with the Telco.

- Telcos must tell communities that no more antennas can be added to the facility without going through the same process (unlike the current legislation).
- Responses are published and sent to Council.
- The Telco provides a Development Application to Council.
- Both the local Federal and State MPs should be contacted, advising of the proposed tower site and the EME emission table.
- The Council check the Telcos 5 year plan and determine if the facility aligns with this and their land use Council forecasts.
- Extremely important: EME reports must be provided to Council as part of the Development Application.
- Council and the Telco should ensure the consultation period is not in school holidays or near public holidays, as is the case with most Council consultations. Consultation of 30 days should exclude school holidays and public holidays.

Notification

Letters need to be delivered to all within a 500 metre radius – a letter, in an envelope with a Telco logo and contact details. There should be a sticker saying “IMPORTANT INFORMATION: Proposed Telecommunications Facility in your local area”.

The 5 page Optus notification distributed at Lennox Head quoted heavily from the *Industry Code for the Deployment of Mobile Phone Network Infrastructure*. The notification read like a legal document. The first 4 pages were daunting. Language should be plain English.

The Public Meeting

If the residents ask for a public meeting, either in the initial conversation with the Telco field officer, or in contact with the Telco Project Officer, the Telco and a representative from the Council must attend.

Both the Federal and the local member of Government must be advised of the meeting.

The community responses to the tower site

All submissions must be published on the RFNSA website, to show transparency of process to both residents and Council.

Penalties

Telco consultation breaches should be reportable to an authority which can investigate and impose financial penalties, e.g. for failure to meet site selection requirements under the Telecommunications Act or a Code of Practice. ACMA should be able to stop the build progress until it has been investigated and a finding made. ACMA should be given legislative powers to do this and enforce these penalties.

Another avenue for residents and to protect the community

If Council give approval for the Telco facility and the community does not agree, another avenue for appeal needs to be available.

- The NSW Ombudsman was professional and thorough in trying to support Lennox Head residents. We ask that the Telecommunications Industry Ombudsman's (TIO) role be revamped to deal with complaints about things ACMA cannot.
- Currently the TIO can only hear objections from the owner of the land where the Telco wants to build the proposed antennas. Optus told us this was the first site nationwide that was built like an industrial site so close to residences. The Telecommunications Ombudsman could not help the residents, but only offer assistance to the landowner (Council), but as a low impact tower, Council had no power to stop Optus even when they said "no". The TIO could become an independent champion for residents.
- Perhaps another body other than ACMA and the TIO could review decisions rather than going to court or being left with nowhere to go.

Longer Term Site Issues

Since the Basalt Court site has been turned on, the site has become a haven for snakes and rats as the grass has not been mown since construction. Prior to Optus acquiring the site, the Council would regularly mow around the water reservoir when they regularly mow the adjacent children's park. Stated in the State environmental Planning Policy (Infrastructure) 2006 116B (g) is "the work site must be left clear of waste and debris at the completion of works and restored, as far as possible, to the original condition". Optus have failed to do this.

One of the authorities, possibly the ACMA, needs powers to ensure that after a facility is built, the Telco responsible ensures the site is kept clean and maintained to protect the safety of the residents. Living near an unkempt industrial site devalues the properties that surround the site and makes our community unsafe.