

GUIDELINES FOR LOCAL GOVERNMENT

ACIF Code



Deployment of Mobile Phone Network Infrastructure

JANUARY 2006

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GUIDELINES

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DISCLAIMER

These guidelines have been prepared for the use of Local Governments throughout Australia, based on a national consultation process undertaken with Local Government Associations, Councils and Carriers. The use of these guidelines are voluntary.

The Mobile Carriers Forum Local Government Association Taskforce and its consultants have prepared these guidelines in good faith and they reflect the outcomes of the Local Government and Carriers consultation process.

These guidelines do not replace or supercede the requirements of the ACIF Code. These guidelines have been prepared based on ACIF C564:2004 Deployment of Mobile Phone Network Infrastructure, fourth edition and should be read in conjunction with this Code.

THE ACIF CODE GUIDELINES

What is the purpose of these guidelines and how do they relate to other legislation regarding the deployment of telecommunications facilities?

These guidelines aim to better facilitate Council involvement in the deployment of telecommunications facilities by identifying when and how Councils can get involved in Australian Communication Industry Forum (ACIF) Deployment of Mobile Phone Network Infrastructure Industry Code processes.

The 'ACIF C564: 2004 Deployment of Mobile Phone Network Infrastructure Industry Code' is commonly referred to as the "ACIF Code" and this abbreviated title is used throughout these guidelines.

The ACIF Code fits within an existing regulatory scheme that comprises:

- Telecommunications Act 1997, particularly Schedule 3 of that Act;
- Telecommunications Code of Practice 1997 issued by the Minister which is made under Schedule 3 of the Telecommunications Act 1997;
- Telecommunications (Low-impact Facilities) Determination 1997; and
- Laws and regulations made by State and Territory Local Governments.

These guidelines are not a legislative instrument and the ACIF Code does not replace any existing legislation, codes of practice or state based planning laws regarding telecommunications facilities. Rather, the ACIF Code adds an additional layer of requirements that must be undertaken by Carriers when deploying telecommunications facilities.

The ACIF Code was drafted by a Working Committee which included representation from Local Government, unions, community groups and Carriers and was registered following extensive community consultation across Australia.

The use of these guidelines and associated documentation is not mandatory on Councils, but rather aims to assist Councils to understand the ACIF Code and participate in ACIF Code processes.

The ACIF Code adds an additional layer of requirements that must be undertaken by Carriers when deploying telecommunications facilities.

What other documentation is associated with these guidelines that Council should be aware of?

There are five other supporting documents associated with these guidelines which aim to facilitate Council involvement in ACIF Code processes and include:

- **ACIF Code checklists** to assist Councils to “review” information received from Carriers and guide Councils through the different ACIF Code processes;
- **Pro Forma response letters** to assist Councils to respond and participate in the ACIF Code processes;
- **FAQs to answer frequently asked questions** about a range of issues associated with telecommunications deployment;
- **Definitions and abbreviations** to assist Councils to understand these guidelines; and
- **Sources of information and contact details** to provide a range of sources for Councils and the wider community to gather information about Electromagnetic Emissions (EME) and other issues.

References to these documents are contained within these guidelines with suggestions as to how they can assist Councils with ACIF Code processes.

Why should Councils participate in the ACIF Code processes?

By engaging in the ACIF Code processes, Councils can participate more effectively in the siting, design, installation and operation of telecommunications facilities constructed throughout their Local Government area.

Why did the ACIF Code come about?

The ACIF Code was prepared in response to community and Council concerns regarding the design and operation of telecommunications facilities and in particular, the lack of opportunity for the community and Councils to have a say in the establishment of facilities that do not require Development Approval, and in particular those facilities known as “Low-impact” facilities. Refer to FAQ “What is a Low-impact facility?”

Low-impact facilities do not require Council Development Approval and therefore prior to the introduction of the ACIF Code there was no obligation or requirement for Carriers to engage with Councils nor the wider community about the design, installation and operation of Low-impact facilities. As such, Councils and the wider community had no legislated opportunity to be involved in the establishment of Low-impact facilities, nor was it a requirement of Carriers to engage or consult with Councils. In addition, in some circumstances some telecommunications facilities are neither Low-impact facilities nor require Development Approval under State or Local planning law and therefore do not require a Development Application. The ACIF Code also applies to these facilities.

Prior to the introduction of the ACIF Code there was no obligation or requirement for Carriers to engage with Councils

This situation changed with the preparation of the ACIF Code under Part 6 of the Telecommunications Act 1997 and Carriers’ compliance with the ACIF Code is mandatory under section 112 of the Act. Compliance with the ACIF Code is also mandatory because the conditions of a Carrier’s license require compliance with the Telecommunications Code of Practice 1997, which in turn requires compliance with Industry Codes such as the ACIF Code.

What does the ACIF Code say?

The ACIF Code is underpinned by two key principles relating to:

- the application of a precautionary approach to site selection; and
- informing Councils and the wider community regarding the proposed installation of facilities that do not require a Development Application.

These principles underpin the processes which Carriers must undertake when designing, constructing, maintaining and operating a telecommunications facility. These processes include:

- designing and operating radiocommunications infrastructure to minimise radio frequency electromagnetic emissions (RF EME) exposure;
- developing consultation plans about the deployment of telecommunications infrastructure that is not subject to Development Approval;
- turning off transmitters that are out of service;
- testing their decisions about the deployment of infrastructure against a range of factors;
- documenting their decision making processes about the deployment of telecommunications infrastructure; and
- obligations on Carriers to notify and consult with a broader range of community interests than might have previously been consulted and notified of a proposed facility.

The ACIF Code also provides a complaints handling procedure which must be implemented if a Carrier receives a written expression of dissatisfaction or grievance regarding its obligations under the ACIF Code. [Refer FAQs regarding complaint procedures.](#)

The Australian Communications and Media Authority (ACMA) can warn or direct a Carrier to comply with the ACIF Code. Carriers must comply with the direction or they may face civil (pecuniary/financial) penalties as determined by the Federal Court.

The Australian Communications and Media Authority (ACMA) can warn or direct a Carrier to comply with the ACIF Code.

What type of telecommunications facilities does the ACIF Code apply to?

The ACIF Code is founded on two key principles:

- adopting a precautionary approach to the siting, design, installation, maintenance and operation of telecommunications facilities; and
- notifying and consulting Local Government and the wider community regarding the establishment of new facilities that do not require a Development Application.

The first principle regarding the precautionary approach in terms of the siting, design and operation of base stations applies to any type of telecommunications facility. [Refer to FAQs regarding the precautionary approach.](#)

The second principle requiring Carriers to adopt a broader approach to notification and consultation only applies to certain types of facilities. These facilities include infrastructure known as “Low RF Power Infrastructure” and “Fixed Radio Links as well as facilities which do not require Development Approval to be installed. Facilities which do not require Development Approval to be installed are commonly referred to as “Low-impact facilities”.

It is the second principle regarding notification and consultation that provides opportunity for Councils and wider community involvement and which these Guidelines mainly focus upon.

The ACIF Code also applies to the installation of some wireless broadband* and therefore the relevant notification and/or consultation processes specified under the ACIF Code should be implemented by those affected wireless broadband providers.

Section 4 of the ACIF Code assists Councils in understanding network planning. This section of the ACIF Code states that if requested by Council, a Carrier must provide reasonable assistance to Councils regarding their forward planning for the deployment of radiocommunications infrastructure. This type of assistance could include:

- providing Councils with the Carrier’s plans concerning the deployment of new telecommunications infrastructure. This could include for example, meeting with Council and providing details of site search areas in that Council area;
- providing Councils with an assessment of the opportunities for co-location of telecommunications infrastructure with the facilities of other Carriers; and
- engaging in discussions with other Carriers to explore opportunities for co-location and to investigate opportunities for the coordinated, strategic and efficient deployment of radiocommunications infrastructure.

* Installations of wireless broadband facilities with intercell hand-over functionality are required to comply with the ACIF Code. Intercell hand-over functionality means the facility is capable of allowing customers to continuously use the service while moving from the reception area of one wireless broadband facility to another, (similar to mobile phones) such that there is no disruption to the service. The ACIF Code applies to the installation of a facility whether or not the intercell hand-over functionality is intended to be operational.

How is the Precautionary Approach applied when selecting a site?

The ACIF Code is underpinned by the premise that a precautionary approach be applied when any facility is designed and operated. To apply the precautionary approach to site selection Carriers must have regard to the following factors as a minimum:

Under the ACIF Code, Carriers must comply with their written procedures regarding site selection and the application of the precautionary approach.

- the reasonable service objectives of the Carrier including:
 - the area the proposed facility must cover;
 - power levels needed to provide quality service;
 - the amount of usage the proposed facility must handle;
- minimization of EME exposure to the public;
- the objective of avoiding community sensitive locations;
- physical characteristics of the locality including elevation and terrain;
- relevant State and Local Government telecommunications planning policies;
- the outcomes of consultation processes required for non-Development Approval facilities under the ACIF Code;
- the heritage significance of the site (built, cultural and natural);
- the availability of land and public utilities;
- the availability of transmission to connect the radiocommunications infrastructure with the rest of the network eg: line of site for microwave transmission;
- the radiofrequency interference the planned service could experience at that location from other services or sources of radio emissions;
- the radiofrequency interference the planned service may cause to other services;
- any obligations and opportunities to co-locate facilities; and
- cost factors.

All Carriers must have written procedures for site selection and these procedures must address the factors described above. Under the ACIF Code, Carriers must comply with their written procedures regarding site selection and the application of the precautionary approach.

What are the Notification and Consultation Requirements for non-Development Approval Facilities?

There are three main types of facilities that do not require a Development Application that have associated notification and/or consultation processes under the ACIF Code and which Councils should be aware of.

These three types of facilities are described in Sections 5.3 to 5.6 of the ACIF Code and are identified as:

1. Low RF Power Infrastructure and Fixed Radio Links. Refer Table 1;
2. Installation at a New Site without a Development Application. Refer Table 2; and
3. Installation at an Existing Site without a Development Application. Refer Table 3.

Each of these facilities have associated processes under the ACIF Code regarding notification and consultation which Carriers must undertake. These processes involve varying degrees of notification and consultation with Councils and varying degrees of Council involvement in the ACIF Code process.

Given that Low-impact facilities do not require Development Approval as they are exempt from local planning laws under the Commonwealth Telecommunications Act 1997, Councils should maximise the opportunities provided by the ACIF Code to have input into the design and operation of telecommunications base stations that do not require a Development Application.

If Councils do not get involved through the processes offered by the ACIF Code, no other prescribed and obligatory processes exist whereby Carriers are required to engage with Councils regarding facilities that do not require a Development Application, unless the Council is the owner or occupier of the land on which the facility is proposed to be installed.

These opportunities for Council involvement provided by the ACIF Code are described in the tables below. The tables aim to assist Councils to understand:

- Who Carriers must notify and/or consult regarding particular types of facilities;
- When Carriers must notify and/or consult regarding particular types of facilities;
- What information must be provided to Councils by the Carrier;
- When a response is required from Councils;
- What timeframe is available to Councils to respond to correspondence from Carriers; and
- How Councils can be involved in the ACIF Code process.

Councils regarding facilities that do not require a Development Application, unless the Council is the owner or occupier of the land on which the facility is proposed to be installed.

Low RF Power Infrastructure and Fixed Radio Links

TABLE 1

Low RF Power Infrastructure and Fixed Radio Links are those facilities which comprise one or more transmitters which operate at a total maximum power level into the antenna of no greater than 2 watts. Examples of this type of facility include micro cells and pico cells. The picture to the right shows an example of a micro cell attached to a smart pole in the CBD of Sydney. An example of a fixed radio link is the radiocommunications dishes that are attached to sites to enable them to communicate with other telecommunication sites and to enable the telecommunications network to function.

1 WILL COUNCIL BE NOTIFIED ABOUT THIS TYPE OF FACILITY?

Yes (but only about Low RF Power Infrastructure and not Fixed Radio Links unless it is associated with other mobile network infrastructure).

2 HOW MANY TIMES DOES THE ACIF CODE REQUIRE THE CARRIER TO CORRESPOND WITH COUNCIL ABOUT THIS TYPE OF FACILITY?

Once (unless further information is requested by Council).
Note: Unless information identified in Column 4 of this table is missing, or the request falls within Clauses 4, 6 or 7 of the ACIF Code, Carriers are not obligated to respond to requests for further information.

3

WHO ELSE SHOULD THE CARRIER NOTIFY OTHER THAN COUNCIL?

- **Occupier/s of a residence in close proximity** to the proposed site (note: close proximity may be within 10 to 20 metres) where the facility is Low RF Power Infrastructure or Fixed Radio Link
- **Manager, owner and or occupier of the property** on/in which the proposed facility is to be located where the facility is Low RF Power Infrastructure

4

WHAT INFORMATION SHOULD BE PROVIDED BY THE CARRIER? REFER CHECKLIST 1

- **Details** of the proposed location
 - **A description** of the Low RF Power Infrastructure and/or Fixed Radio Link proposal
 - **A statement** that the proposal will be in compliance with the ACMA EME regulatory arrangements
 - The Carrier's **contact details**
- Refer **Pro Forma Response Letter 1** if Council has no comment
Refer **Pro Forma Response Letter 2** if information is missing from notification

5

HOW LONG DOES COUNCIL HAVE TO RESPOND TO THE CORRESPONDENCE RECEIVED FROM CARRIERS?

A notification period is not specified in the ACIF Code. The Mobile Carriers Forum recommends 10 business days are provided by the Carrier for the notification period.
Carriers are obligated to notify Councils about a proposed facility. Councils are not obligated to respond to any of this correspondence. Carriers are not required under the ACIF Code to follow up correspondence from Councils.



Installation at a “New Site” without a Development Application



TABLE 2

Installation of a facility without a Development Application at a site where there is no other radiocommunication infrastructure other than Low Power RF Infrastructure.
An example of a site that may be appropriate for such a facility could be the rooftop of a ten storey building that does not have other telecommunications infrastructure on it.

<p>1 WILL COUNCIL BE NOTIFIED ABOUT THIS TYPE OF FACILITY?</p> <p>Yes</p>				
<p>2 HOW MANY TIMES DOES THE ACIF CODE REQUIRE THE CARRIER TO CORRESPOND WITH COUNCIL ABOUT THIS TYPE OF FACILITY?</p> <p>THREE TIMES (unless further information is requested by Council). Note: Unless information identified in Column 4 of this table is missing, or the request falls within Clauses 4, 6 or 7 of the ACIF Code, Carriers are not obligated to respond to requests for further information.</p>	<p>3 WHO ELSE SHOULD THE CARRIER NOTIFY OTHER THAN COUNCIL?</p>	<p>4 WHAT INFORMATION SHOULD BE PROVIDED BY THE CARRIER? REFER CHECKLIST 2</p>	<p>5 HOW LONG DOES COUNCIL HAVE TO RESPOND TO THE CORRESPONDENCE RECEIVED FROM CARRIERS?</p>	
<p>FIRST CORRESPONDENCE</p> <p>INITIAL NOTIFICATION OF PROPOSED FACILITY AND PROVISION OF CONSULTATION STRATEGY TO COUNCIL</p>				
	<p>Any adjoining Council that can reasonably be expected will be impacted by the proposal</p>	<ul style="list-style-type: none"> Details of the proposed location A written description of the proposal A statement setting out why the Carrier regards the infrastructure as a Low-impact Facility under the Telecommunications (Low-impact Facilities) Determination 1997 and the reasons for that conclusion A statement that the proposal will be in compliance with the ACMA EME regulatory arrangements A statement of estimated EME exposure levels in accordance with ARPANSA prediction methodology and report format References to information on the effects of radio emissions on health The Carrier's contact details The proposed community consultation plan for the site Refer Pro Forma Response Letter 1 if Council has no comment Refer Pro Forma Response Letter 2 if information is missing from notification 	<p>Council has 5 business days from the date of notification to provide comment in writing in relation to the proposed community consultation strategy. Refer Pro Forma Response Letter 3.</p> <p>The Carrier must allow an extension period of an additional five business days to provide comment on the consultation plan if requested in writing by Council in the first 5 days. Refer FAQ regarding how Carriers measure these timeframes.</p> <p>Council should consider whether all the relevant stakeholders have been considered in the consultation strategy and that appropriate methods for consulting are identified.</p> <p>If no response is received within 5 days and no extension is requested the Carrier can proceed and implement the consultation strategy.</p> <p>The Carrier must not proceed with implementing the consultation process before it has considered and responded in writing to all issues raised by Council.</p>	
<p>SECOND CORRESPONDENCE</p> <p>IMPLEMENTATION OF CONSULTATION STRATEGY</p>				
	<ul style="list-style-type: none"> Owner and occupier/s of the site Immediate residential neighbours Interested and affected parties, occupiers of sensitive locations and relevant community stakeholders as determined by the Carrier eg schools, childcare centres etc Relevant community stakeholders as determined by the Carrier including any accepted recommendations made by the Council. Any other people as necessary having regard to Clause 5.5.5 of the ACIF Code 	<ul style="list-style-type: none"> The time within which the Council may comment on the proposed work A statement setting out why the Carrier regards the infrastructure as a Low-impact Facility under the Telecommunications (Low-impact Facilities) Determination 1997 and the reasons for that conclusion At the commencement of the consultation period the Carrier must place a notice of the proposed work on the site in an appropriate location visible from a public place and include on the notice how to register comments with the Carrier and provide the Carrier's contact details and the closing date for comments. 	<p>20 business days for Council to comment on the proposal. Refer Pro Forma Response Letter 4.</p> <p>All others at least 10 business days.</p>	
<p>THIRD CORRESPONDENCE</p> <p>REPLY TO WRITTEN SUBMISSIONS RECEIVED DURING CONSULTATION</p>				
	<p>N/A</p>	<p>Once the consultation strategy has been implemented, the Carrier must provide Council with a written report which describes:</p> <ul style="list-style-type: none"> the comments received from those people notified during the consultation process; and the Carrier's consideration of these comments and the Carrier's intended actions regarding the proposed work. <p>Work must not be commenced on site until Council has been provided with this report.</p>	<p>No response is required from Council regarding this report as the Carrier can commence work on the site once the report has been forwarded to Council.</p> <p>Note: If Council is concerned that the Carrier has not complied with the procedures identified by the ACIF Code then a written complaint can be made to the Carrier. Refer FAQs for more details on making a complaint.</p>	

Installation at an “Existing Site” without a Development Application

TABLE 3

Installation of a facility without a Development Application at an existing site where there is already radiocommunication infrastructure. The picture to the right shows an example of an existing site that may be appropriate for additional telecommunications facilities.



<p>1 WILL COUNCIL BE NOTIFIED ABOUT THIS TYPE OF FACILITY?</p> <p>Yes</p>			
<p>2 HOW MANY TIMES DOES THE ACIF CODE REQUIRE THE CARRIER TO CORRESPOND WITH COUNCIL ABOUT THIS TYPE OF FACILITY?</p> <p>ONCE (unless further information is requested by Council). Note: Unless information identified in Column 4 of this table is missing, or the request falls within Clauses 4, 6 or 7 of the ACIF Code, Carriers are not obligated to respond to requests for further information.</p>			
<p>3 WHO ELSE SHOULD THE CARRIER NOTIFY OTHER THAN COUNCIL?</p> <p>The Carrier must also publish a notice in a newspaper circulated in the area surrounding the location of the proposed work. Note: no consultation strategy is required.</p>			
<p>4 WHAT INFORMATION SHOULD BE PROVIDED BY THE CARRIER? REFER CHECKLIST 3</p> <ul style="list-style-type: none"> • Details of the proposed location • A written description of the proposal • 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 • A statement that the proposal will be in compliance with the ACMA EME regulatory arrangements • If the radiocommunication infrastructure is associated with a base station used for the supply of public mobile telecommunications services, a statement of estimated EME exposure levels in accordance with ARPANSA 			
<p>5 HOW LONG DOES COUNCIL HAVE TO RESPOND TO THE CORRESPONDENCE RECEIVED FROM CARRIERS?</p> <p>Council has 10 days to respond to the notification. Refer Pro Forma Response Letter 5. Note: The ACIF Code does not identify a timeframe to be provided to Council to respond to this notification. However, the ACIF Code provides that those people notified via the newspaper notice be given 10 days to respond and therefore, Council should be given a minimum of 10 days to respond. People notified by the notice in the newspaper also have 10 days to respond. Before the Carrier can commence work on the site, the Carrier must have regard to any submissions received from the public and Council.</p>			
		<p>prediction methodology and report format</p> <ul style="list-style-type: none"> • A statement that Council may obtain further information on the proposed work and contact details for the Carrier’s representative from whom the information may be obtained <p>Refer Pro Forma Response Letter 1 if Council has no comment Refer Pro Forma Response Letter 2 if information is missing from notification The notice placed in a newspaper circulating in the area surrounding the location of the proposed work must:</p> <ul style="list-style-type: none"> • Describe the proposed work and its location • State that members of the public may obtain further information on the proposed work • Provide contact details for further information • Invite written submissions • Specify the closing date for submissions which must be at least 10 business days after the notice is published and the address to which submissions must be sent 	<p>Note: If Council is concerned that the Carrier has not complied with the procedures identified by the ACIF Code then a written complaint can be made to the Carrier. Refer FAQs for more details on making a complaint.</p>

What benefits does the ACIF Code provide Councils?

The ACIF Code provides the following benefits:

- Carriers are now required to notify and/or consult regarding non-Development Application facilities;
- The ACIF Code improves and increases Carriers' consultative and notification obligations;
- The ACIF Code requires Carriers to seek and consider Council's opinion concerning the deployment of non-Development Application facilities; and
- The ACIF Code embodies a precautionary approach in that it seeks to minimise unnecessary and incidental radio emissions from all types of radiocommunications infrastructure.

What does the ACIF Code not do?

The ACIF Code does not provide Council with powers to veto a site, determine what the Carrier can and cannot do at the site or place conditions of approval on the site.

Council has no power of direction regarding facilities that do not require a Development Application. The ACIF Code provides a set of processes that Carriers must undertake when constructing telecommunications facilities including notification and consultation, and these processes provide opportunities for different levels of Council participation.

How is this different to the way it was prior to the introduction of the ACIF Code?

Prior to the introduction of the ACIF Code, Carriers were not required to consult with Councils and the wider community about non-Development Application facilities.

The ACIF Code offers the only process which is mandatory for Carriers to undertake regarding notification and consultation about non-Development Application facilities. Therefore, if Councils want to influence and have input into the design and operation of facilities in their Council area that do not require a Development Application, then Councils should embrace the opportunities provided by the ACIF Code.

The introduction of the ACIF Code has also ensured that Carriers have a written process that is underpinned by the application of a precautionary approach to site design and construction.

What are the opportunities for involvement provided by the ACIF Code?

The opportunities for Council involvement provided by the ACIF Code include:

- Engaging with Carriers regarding their network planning to identify where Carriers may be requiring additional facilities in their Council area;
- Responding to a proposed consultation plan within a 10 business day timeframe (5 business days where Council does not request in writing an extension from the Carrier) regarding the construction of a facility that does not require a Development Application at a site where there are no other facilities that do not require a Development Application;
- Ensuring that the consultation plan proposed by the Carrier is appropriate given the particular circumstances of the proposed site including whether all the relevant stakeholders have been considered and that appropriate methods for consulting are identified by the Carrier;
- Reviewing the Carrier's summary of submissions report to ensure that the Carrier has addressed any concerns raised by the submissions;
- Ensuring that Carriers provide all the necessary information when notifying Council.

[Pro Forma Response Letter 6](#) can be used by Councils to respond to enquiries from the wider community regarding the opportunities provided by the ACIF Code for Council involvement.

FAQs



Q What is a Low-impact Facility?

The *Telecommunications (Low-impact Facilities) Determination 1997* defines those telecommunications facilities that are “Low-impact” and can therefore be installed without Development Approval. Facilities that are Low-impact are defined by what type of facility is proposed and where it is proposed to be installed.

The Low-impact Determination identifies five land use areas which must be used to identify where a facility is to be installed. The area in which a facility is proposed must be determined based on an assessment of the zoning policy applicable to that location as provided by State or Territory planning policy. Therefore, even though Low-impact facilities are exempt from State and Territory planning policies, Carriers must still have regard to local zone policies in determining the Low-impact status of a facility. Examples of Low-impact facilities are pictured above.



Q *Are all telecommunications facilities low-impact?*

Not all telecommunications facilities are Low-impact, and where this is the case, a Development Application must be made to the relevant Local Government unless exempt by State, Territory or local legislation. Examples of telecommunications facilities which are not Low-impact include new towers, (which include lattice towers, poles and masts not attached to a building) and telecommunications facilities which are located in environmentally significant areas (the Low-impact Determination sets out what is defined as an area of environmental significance). However, an extension to a tower or a base station on a building may be treated as a Low-impact facility, provided certain conditions are met. Examples of telecommunications facilities that are not Low-impact (since 01.07.1997) are pictured above.

Q *What happens if the consultation process proposed by a Carrier is different to the consultation process preferred by Council?*

Under the ACIF Code, Carriers are only required to have regard to Council's response regarding the proposed consultation process. Therefore, Carriers are not required to amend their consultation strategy according to a Council's response. If a Carrier does not amend their proposed strategy to reflect a Council's preferred consultation process, the Carrier must be able to justify that they have had regard to the issues and objectives set out under Part 5.5 of the ACIF Code and have met their obligations regarding consultation set out under the Code. It should be noted that the ACIF Code requires that Carriers have regard to "community sensitive sites", "Council's view on consultation", "relevant community stakeholders", the objective of "identifying and attempting to resolve potential issues early in the site planning process" and a range of other factors. Even if a Carrier decides not to adopt Council's preferred consultation strategy, the Carrier must still apply a precautionary approach to site selection and design.

Q *What happens if Council disagrees with a Carrier's assessment of a proposed facility as Low-impact?*

In the first instance the Council should write to the Carrier explaining why they consider that the facility is not Low-impact.

If the Carrier does not respond, or responds such that they still consider the facility is Low-impact despite Council's assessment, the Council may obtain its own legal advice and determine if they wish to challenge the Carrier's interpretation in Court. Only a court of law can make a determinative ruling on the interpretation of the legislation. Councils could visit the ACMA website www.acma.gov.au for more information on the parameters of what constitutes a Low impact site.

Q *How do Carriers obtain contact information for people they need to consult with when implementing the ACIF Code processes?*

Carriers use a variety of means to obtain contact information for property owners and occupiers including title searches and liaising with Council staff where permissible, having regard to relevant privacy legislation in each State and Territory.

Q *What happens if Council has an alternative design approach or alternative location for a site than that proposed by a Carrier?*

Council can suggest alternative sites locations or design approaches when notified and consulted with by a Carrier. However, Carriers are only required to have regard to Council's comments received as a result of notification and/ or consultation. It should be noted that Carriers scope out the local area in detail before proposing a particular site and must have regard to a range of factors including:

- the reasonable service objectives of the Carrier including:
 - the area the proposed facility must cover;
 - power levels needed to provide quality service;
 - the amount of usage the proposed facility must handle;
- minimization of EME exposure to the public;
- the objective of avoiding community sensitive locations;
- physical characteristics of the locality including elevation and terrain;
- relevant State and Local Government telecommunications planning policies;
- the outcomes of consultation processes required for non-Development Approval facilities under the ACIF Code;
- the heritage significance of the site (built, cultural and natural);
- the availability of land and public utilities;
- the availability of transmission to connect the radiocommunications infrastructure with the rest of the network eg: line of site for microwave transmission;
- the radiofrequency interference the planned service could experience at that location from other services or sources of radio emissions;
- the radiofrequency interference the planned service may cause to other services;
- any obligations and opportunities to co-locate facilities; and
- cost factors.

The ACIF Code does not provide Council with powers to veto a site, determine what the Carrier can and can not do at the site or place conditions of approval on the site. Council has no power of direction regarding Low-impact facilities.

Q *How do Carriers determine “community sensitive locations”?*

The ACIF Code specifies that when applying the precautionary approach to site selection, Carriers must have regard to “the likelihood of an area being a community sensitive location” and “the objective of avoiding community sensitive locations”. Carriers must also have regard to “community sensitive locations” when preparing a consultation plan. It should be noted that “community sensitive sites” are those sites that the community considers to be sensitive.

When identifying sites for telecommunications facilities, Carriers undertake a thorough analysis of the surrounding area and identify those areas which may be perceived as sensitive. Factors that are taken into consideration by Carriers include community views on particular locations. Carriers must then balance “community sensitive sites” with thirteen other factors such as minimising EME exposure to the public and the physical terrain of the area.

Q *Are Carrier’s required to provide plans of the proposed facility to Council?*

The ACIF Code objective specifies that the Carrier must provide details of the proposed location of the facility and a written description of the proposal.

Q *Do Carriers have to implement the ACIF Code processes when they change an existing site?*

Carriers are required to implement the relevant ACIF Code processes when the EME envelope of a site is changed (that is when the direction of existing antennas is changed).

Q *When a Council requests further information from a Carrier does the “clock stop” on the ACIF Code timeframes?*

The clock may only stop if the Carrier has not provided something that they are required to provide as specified in the ACIF Code. Checklists 1 to 3 identify the information that Carriers are obligated to provide regarding different types of facilities. The clock will only stop if the information identified in Checklists 1 to 3 associated with the ‘ACIF Code Guidelines for Local Government’ is not provided by the Carrier.

Q *What is the process for Council and other concerned people if they wish to make a complaint in relation to a Carrier’s performance under the ACIF Code?*

Section 7 of the ACIF Code details how Carriers must handle complaints. Complaints can only be made in relation to the Carrier’s performance of any mandatory obligation set out under the Code.

A complaint is not considered to include a request for information or any comments received during the consultation process described under Section 5.5 of the ACIF Code. A valid complaint against the Code would not include dissatisfaction with the particular location chosen for the site.

The ACIF Code requires that Carriers have a complaints handling procedure.

Complaints regarding a Carrier’s performance of ACIF Code obligations must be made in writing to the Carrier. If a person making a complaint requires assistance to express the complaint in writing, the Carrier must take reasonable steps to provide appropriate assistance to that person. The Carrier must acknowledge the complaint in writing within ten working days of receiving the complaint and must investigate the matters raised by the complaint unless the Carrier believes that the complaint is frivolous or vexatious, or is not made in good faith. If a Carrier decides not to investigate the complaint, the complainant must be given written notice of the decision and the reasons for it.

If an investigation is undertaken then the complainant must be provided with advice regarding the outcome of the investigation and any action to be taken.

If a complainant is dissatisfied with the Carrier’s response then the Carrier will advise of the external options which include making a complaint to the ACMA. This complaint must be in writing, by email, post or fax. The complaint should clearly set out the sections of the ACIF Code that are considered to have been breached and the reasons for this conclusion. Details of any relevant incidents or correspondence that may support this complaint should also be provided.

Q *What happens if Councils can not respond to ACIF Code correspondence within the prescribed timeframes specified under the ACIF Code?*

The ACIF Code does not require that Councils respond to Carrier correspondence regarding the implementation of ACIF Code obligations.

The ACIF Code identifies timeframes that are to be provided to Councils regarding notification and/or consultation and these are mandatory on all Carriers. If Councils can not respond within these timeframes as specified by the ACIF Code, consideration should be given by the Council to provide Council staff with the delegated authority to address ACIF Code correspondence.

At all times, Councils are encouraged to engage with the Carrier. Carriers sometimes provide a few days grace to Councils in certain circumstances, although they are not obligated to do so.

Q Are Councils obligated to respond to ACIF Code correspondence received from Carriers?

The implementation of the ACIF Code is only mandatory for Carriers. There is no prescribed requirement for Councils to participate in the ACIF Code processes. Pro Forma Response Letter 6 provides a description of how and when Councils can participate in ACIF Code processes if desired. This letter can be used to inform community members and other stakeholders regarding Council's obligations and possibilities for involvement under the ACIF Code.

Q How do Carriers interpret the 5 business day timeframe (10 business days where an extension is requested in writing) provided to Councils to respond to a Carrier's proposed consultation plan?

The following figure indicates how Carriers interpret the timeframes provided under the ACIF Code for Councils to respond to a Carrier's proposed consultation plan.

Public holidays and weekends are not counted as business days.

BUSINESS DAY TIMEFRAME

0 MON	1 TUE	2 WED	3 THU	4 FRI	SAT	SUN	5 MON	6 TUE	7 WED C.O.B.	8 THU	9 FRI	SAT	SUN	10 MON	11 TUE	12 WED C.O.B.		
CARRIER SENDS CONSULTATION PLANS TO COUNCIL		PLAN IS TAKEN TO HAVE ARRIVED	TIME FOR COUNCIL COMMENTS ON PLANS STARTS							EXTENSION PERIOD (IF REQUESTED)								CLOSE OF PERIOD FOR COUNCIL COMMENTS ON CONSULTATION PLAN WITH EXTENSION

Q What is ARPANSA?

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a Federal Government agency incorporated under the Health portfolio. ARPANSA is charged with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of radiation (ionizing and non-ionizing).

Q What is the ACMA?

The Australian Communications and Media Authority regulates telecommunications, radiocommunications and broadcasting, including licensing, compliance with codes and standards, spectrum management and consumer safeguards.

Q What is the relevant Australian standard for exposure limits to EME?

In Australia, the EME safety standard is set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), and regulated by the Australian Communications and Media Authority (ACMA) – the independent regulator of the nation's telecommunications industry. It is based on a careful analysis of the scientific literature (both thermal and non-thermal effects) and is designed to offer protection against identified health effects of EME with a large in-built safety margin. The standard covers EME emissions from all antennas on a single facility, tower or group of towers.

On 7 May 2002, ARPANSA published the Radiation Protection Standard – Maximum Exposure Levels to Radiofrequency Fields - 3 kHz to 300 GHz. The Standard sets limits for human exposure to RF fields in the frequency range 3 kHz to 300 GHz. The Standard also includes requirements for protection of the general public and the management of risk in occupational exposure, together with additional information on measurement and assessment of compliance.

The ARPANSA Standard is relevant to RF emissions from all devices that produce and radiate RF electromagnetic energy (EME) fields either deliberately or incidentally during their operation - this includes mobile phone handsets and base stations as well as radio and television transmitters and industrial sources.

The ARPANSA Standard specifies exposure limits to RF EME at the frequencies used for mobile phone handsets that regulate the rate at which the user absorbs energy from the handset. The absorption of RF radiation energy is measured by the quantity 'specific absorption rate' (SAR) in units of Watts per kilogram (W/kg). It is defined as - the rate at which RF energy is absorbed per unit mass of a biological body. In the ARPANSA Standard the SAR limit for mobile phone handsets is 2 watts per kilogram of tissue (averaged over 10 grams). This resulting limit includes a significant safety factor, with the maximum temperature rise in the side of the head tissue being less than 0.1°C.

Measurements of RF EME around typical mobile phone base station sites accessible to the general public show that exposure levels are generally less than one percent of the exposure limits recommended by the Standard.

Q Do other EME standards apply in Australia?

The Australian EME safety standard is the recognised mandatory standard in Australia.

Q Do Local and State Governments have the authority to establish separate or additional EME standards?

ARPANSA is the recognised agency under the Commonwealth Government Health Portfolio and the only agency with the authority to set a mandatory standard regarding EME in Australia.

Q How often is the ACIF Code reviewed?

The ACIF C564:2004 Deployment of Mobile Phone Network Infrastructure was reviewed in late 2004 and re-registered. This review process involved clarifying different parts of the ACIF Code rather than making major changes to the intent or content of the ACIF Code. An example of the types of changes that were made include the insertion of a figure which shows how Carriers determine the timeframe in relation to the 5 business days (10 business days where an extension is requested in writing) provided to Councils to respond to a Carrier's proposed consultation plan.

Q Are mobile phone base stations safe?

In Australia, the safety standard for electromagnetic emissions (EME) is set by the Australian Communications and Media Authority (ACMA). These regulations cover all common radio services including AM and FM radio, police, fire and ambulance services, mobile phones and mobile phone base stations. These regulations are based on careful analysis of all related national and international scientific literature. Australia recently harmonised its safety guidelines with the International Commission on Non-ionizing Radiation Protection (ICNIRP). The Australian standard is consistent with about 25 countries around the world (including the United Kingdom, European Union, Japan, Singapore and Hong Kong).

The World Health Organisation (WHO) supports this safety standard saying:

"International guidelines developed by the International Commission on Non-ionizing Radiation Protection (ICNIRP) are based on a careful analysis of all scientific literature (both thermal and non-thermal effects) and offer protection against all identified hazards of RF energy with large safety margins."

Levels of RF EME from mobile phone base stations are well below the limits specified by the ACMA. In fact, a nationwide study published in 2000 by the Department of Health's Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) found the typical exposure level from mobile phone base stations is hundreds and sometimes thousands of times below the regulated limit.

To put this in perspective it should be noted that the standard itself already has a fifty-fold safety margin built into it, which is a significant precautionary measure. The ARPANSA survey also measured the levels of EME from other radio facilities and found that in comparison, the levels of EME from mobile phone base stations were extremely low. Based on this information, ARPANSA and the ACMA have stated in their fact sheet 'Mobile base stations and EMR' that:

"Evidence gathered by ARPANSA suggests that exposure levels in public areas are so far below the exposure limit set by the ACMA that EME emissions from mobile phone base stations have no implications for health."

For information on mobile phone health and safety issues see the World Health Organisation's website: <http://www.who.int/mediacentre/factsheets/fact193/en>

Q What is the impact of exclusion zones for mobile phone base stations?

There has been significant debate in the community over the siting of mobile phone base stations and whether there should be exclusion zones within certain distances of residential areas, schools, hospitals and nursing homes. However, there is no science-based reason to establish exclusion zones around such areas.

Mobile phone base stations are designed, built and tested to comply with strict science based guidelines which are recognised by national and international health agencies around the world as providing ample protection for all users, including the elderly and children. A nationwide study published in 2000 by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) found the average exposure level from GSM base stations is 100,000 times less than the level permitted by Australia's safety standard. The worse case scenario is still 1,000 times less.

To put this in perspective it should be noted that the standard itself already has a fifty-fold safety margin built into it.

The ACIF Code already requires mobile phone carriers to take a precautionary approach and to consider 'community sensitive' locations such as schools, and balance this with other factors such as coverage objectives and engineering requirements when deciding on a base station site. However, the Code does not specify distances at which base stations must be constructed away from locations, because there is no science-based reason to do so. For example, a base station sited further from a school may need to operate at a higher power level to operate effectively, and this could result in higher exposures at the school, which would be inconsistent with a precautionary approach which aims to minimise emissions (albeit these emissions are still well below the Australian standard).

Exclusion zones could be extremely problematic for the community. Exclusion zones could create reception black spots or network congestion, which would deny Australians access to the safety, business and personal benefits of mobile communications when there is no substantiated scientific evidence of adverse health effects from living, working or studying near a mobile phone base station. Creating exclusion zones for base stations may severely restrict community development. The logical implication of an exclusion zone is that new facilities cannot be built within the area covered by the exclusion zone surrounding a base station. This then severely restricts where new schools, pre-schools, hospitals and nursing homes can be built, and adversely impacts on community development.

CHECKLISTS



Low RF Power Infrastructure and Fixed Radio Links

CHECKLIST 1

✓ X DATE RECEIVED /REQUESTED

NOTIFICATION

Has Council received notification regarding the construction of a Low RF Power Infrastructure and/or Fixed Radio Link?

Note: The Mobile Carriers Forum recommends that Carriers provide Council with 10 business days from the date of letter of notification to respond. This timeframe is not specified in the ACIF Code.

INFORMATION TO BE PROVIDED TO COUNCIL BY THE CARRIER

Details of the location of the proposed facility

A description of the Low RF Power Infrastructure and/ or Fixed Radio Link

A statement that the Carrier's proposed infrastructure will be in compliance with the ACMA EME regulatory arrangements

How to contact the Carrier

ACIF CODE COMPLIANCE

Has the Carrier met their ACIF Code obligations?

Note: If all of the information identified above has been provided then tick box and no further action is required by Council. If information is missing then cross box and complete the following

REQUEST FOR INFORMATION

The following information has been requested from the Carrier as it was missing from the original notification
Use [Pro Forma Response Letter 1](#)

Details of the location of the proposed facility

A description of the Low RF Power Infrastructure and/ or Fixed Radio Link

A statement that the Carrier's proposed infrastructure will be in compliance with the ACMA EME regulatory arrangements

How to contact the Carrier

REQUEST FOR INFORMATION RECEIVED

ACIF CODE COMPLIANCE

Has the Carrier now met their ACIF Code obligations for this site ?

NOTES

CHECKLIST 2

This checklist applies to the installation of a facility at a site without a Development Application where there is no other radiocommunications infrastructure other than Low Power RF infrastructure

✓ X DATE RECEIVED /REQUESTED

FIRST NOTIFICATION

Has Council received notification regarding the construction of a facility that does not require a Development Application at a new site?

NOTE: Council has 5 business days from the date of letter of notification to respond or up to 10 business days if an extension is requested in writing from the carrier.

INFORMATION TO BE PROVIDED TO COUNCIL BY THE CARRIER

Details of the location of the proposed facility

A written description of the proposal

A statement that the Carrier regards the proposal as a Low-impact Facility and the reasons for this conclusion

A statement that the Carrier's proposed infrastructure will be in compliance with the ACMA EME regulatory arrangements

A statement of the estimated EME exposure levels in accordance with the ARPANSA prediction methodology and report format

References to information that Council can source regarding the effects of radio emissions on health

How to contact the Carrier

The Carrier's proposed consultation plan for the proposal

Note: If all of the information identified above has been provided then proceed to next section. If information is missing then cross box and complete the following.

REQUEST FOR INFORMATION

The following information has been requested from the Carrier as it was missing from the original notification. Use Pro Forma Response Letter 1.

COUNCIL'S RESPONSE TO FIRST NOTIFICATION (CONSIDERATION OF PROPOSED CONSULTATION PLAN)

The first notification under the ACIF Code specifically provides for Councils to provide comment on the Carrier's proposed consultation plan.

Given the particular circumstances of the site, has the Carrier identified all of the relevant stakeholders that should be consulted regarding the proposal?

If no, who else should be consulted and why?

Installation of a facility at a "new site" without a Development Application

✓ X DATE RECEIVED /REQUESTED

Given the particular circumstances of the site, has the Carrier identified appropriate methods for consultation?

If no, what methods does Council propose and why?

Has Council responded to the Carrier regarding the consultation plan and addressed the issues above? (use Pro Forma Response Letter 2)

Has the Carrier responded to the issues raised by Council in writing?

NOTE: The Carrier must consider and respond to Council's comments in writing before proceeding with the consultation plan, indicating acceptance or otherwise of Council's views.

SECOND NOTIFICATION TO COUNCIL

Has Council received a second notification regarding the proposal?

NOTE: Council has 20 business days from the date of notification to respond.

INFORMATION TO BE PROVIDED TO COUNCIL BY THE CARRIER

The time within which the Council may comment on the proposed work

A statement that the Carrier regards the proposal as a Low-impact Facility and the reasons for this conclusion

Does Council have any comments to make regarding the proposal? If yes, use Pro Forma Response Letter 3. If no, await Carrier's summary of submission report.

SUMMARY OF SUBMISSIONS REPORT FROM CARRIER

Has the Carrier provided a written report summarising any comments received during the consultation process, the Carrier's consideration of these comments and the Carrier's intended actions regarding the proposed work?

NOTE: if everyone notified in accordance with the Carrier's consultation plan agrees then the Carrier may immediately report to Council.

ACIF CODE COMPLIANCE

Has the Carrier met their ACIF Code obligations for this site?

Note: If all of the information identified above has been provided then tick box and no further action is required by Council.

NOTES

Installation of a facility at an “existing site” without a Development Application

CHECKLIST 3

This checklist applies to the installation of a facility that does not require a Development Application at an existing site where there is other radiocommunications infrastructure.

DATE RECEIVED
/REQUESTED

FIRST NOTIFICATION

Has Council been notified of the construction of a Low-impact facility at an existing site?

NOTE: Council has 10 business days from the date of letter of notification to respond. The ACIF Code does not identify a timeframe to be provided to Council to respond to this notification. However, the ACIF Code provides that those people notified via the newspaper notice be given 10 days to respond and therefore, Council should be given a minimum of 10 days to respond.

INFORMATION TO BE PROVIDED TO COUNCIL BY THE CARRIER

Information to be provided to Council by the Carrier

Details of the location of the proposed facility

A written description of the proposal

A statement that the Carrier regards the proposal as a Low-impact Facility and the reasons for this conclusion

A statement that the Carrier’s proposed infrastructure will be in compliance with the ACMA EME regulatory arrangements

A statement of the estimated EME exposure levels in accordance with the ARPANSA prediction methodology and report format

A statement that Council may obtain further information on the proposed work and contact details for the Carrier’s representative from whom information may be obtained

NOTE: If all of the information identified above has been provided then proceed to next section. If information is missing then cross box and complete the following.

REQUEST FOR INFORMATION

The following information has been requested from the Carrier as it was missing from the original notification.
Use Pro Forma Response Letter 1.

COUNCIL'S RESPONSE TO NOTIFICATION

Does Council have any comments to make regarding the proposal?
If yes, use Pro Forma Response Letter 4. If no, no further action required.

NOTE: Council has 10 business days from the date of notification to respond.

NOTES

OTHER NOTIFICATION REQUIREMENTS The Carrier is also required to publish a notice in a newspaper circulating in the surrounding area regarding the proposed work and inviting submissions. The wider public is provided 10 days to respond to the notification.

REGARD TO SUBMISSIONS The Carrier is not required to provide a written report summarising submissions received during the notification process to Council for a proposal where other radiocommunications infrastructure already exists, but under the ACIF Code “must have regard to any submissions received from the public and Council”.

ACIF CODE COMPLIANCE

Has the Carrier met their ACIF Code obligations for this site?

NOTE: If all of the information identified above has been provided then tick box and no further action is required by Council.

PROFORMAS



Pro Forma Response Letter 1

Standard response letter to a Carrier regarding notification of a facility where Council acknowledges receipt of correspondence and has no comment

Name
Address
Date
Council Reference

Dear [insert Carrier contact]

RESPONSE TO ACIF CODE NOTIFICATION

Thank you for your letter dated [insert date of correspondence] notifying [insert name of Council] of the proposal to establish a [insert type of facility proposed] telecommunications facility at [insert address of proposed facility].

Council wishes to advise it has no comment to make in respect to this matter.

If you would like to discuss the contents of this letter further please do not hesitate to contact [insert contact name and contact details at Council].

Yours sincerely

[insert Council contact]

This letter may be found as a Microsoft Word® document on the CD Rom, with the file name Proforma1.doc

Pro Forma Response Letter 2

Standard response letter to a Carrier regarding notification of a facility where all necessary information has not been provided.

Name
Address
Date
Council Reference

Dear [insert Carrier contact]

RESPONSE TO ACIF CODE NOTIFICATION

Thank you for your letter dated [insert date of correspondence] notifying [insert name of Council] of the proposal to establish a [insert type of facility proposed] telecommunications facility at [insert address of proposed facility].

Council notes that the following information required under the ACIF Code has not been provided:

[delete information that is not required]

- Details of the location of the proposed facility
- A written description of the proposal
- A statement that the Carrier regards the proposal as a Low-impact Facility and the reasons for this conclusion
- A statement that the Carrier's proposed infrastructure will be in compliance with the ACMA EME regulatory arrangements
- A statement of the estimated EME exposure levels in accordance with the ARPANSA prediction methodology and report format
- References to information that Council can source regarding the effects of radio emissions
- Details regarding how to contact the Carrier

Please forward this information with a new notification to Council. Until this information has been provided to Council, it is not considered that Council has been properly notified as per ACIF Code requirements.

If you would like to discuss the contents of this letter further please do not hesitate to contact [insert contact name and contact details at Council].

Yours sincerely

[insert Council contact]

This letter may be found as a Microsoft Word® document on the CD Rom, with the file name Proforma2.doc

Pro Forma Response Letter 3

Standard response letter to a Carrier regarding first notification and proposed consultation plan for installation of a facility at a “new site” without a Development Application

NOTE: If Council has no comments regarding the proposed consultation plan then no return correspondence is required from Council to the Carrier. If Council wishes to provide a response, then remove irrelevant references and insert statement that Council notes the consultation plan provided by the Carrier and does not have any comments.

Name
Address
Date
Council Reference

Dear [insert Carrier contact]

ACIF CODE NOTIFICATION AND PROPOSED CONSULTATION PLAN

Thank you for your letter dated [insert date of correspondence] notifying [insert name of Council] of the proposal to establish a new [insert type of facility proposed] telecommunications facility at [insert address of proposed facility].

Council notes that all of the necessary information specified under the ACIF Code has been provided [refer checklist for information that should have been provided].

Council provides the following comments regarding the proposed consultation plan:

[insert comments regarding the proposed consultation plan. In making any comments Council should consider whether the Carrier has identified all the relevant stakeholders considering the particular circumstances of the site as well as the methods of consultation proposed].

Council notes that prior to proceeding with the consultation plan, [insert Carrier’s name] must consider all of the issues raised by Council and respond in writing to Council.

If you would like to discuss any of these comments further please do not hesitate to contact [insert contact name and contact details at Council].

Yours sincerely

[insert Council contact]

This letter may be found as a Microsoft Word® document on the CD Rom, with the file name Proforma3.doc

Pro Forma Response Letter 4

Standard response letter to second notification from a Carrier regarding the installation of a facility at a “new site” without a Development Application

Name
Address
Date
Council Reference

Dear [insert Carrier contact]

ACIF CODE NOTIFICATION FOR FACILITY AT A NEW SITE WITHOUT A DEVELOPMENT APPLICATION

Thank you for your letter dated [insert date of correspondence] notifying [insert name of Council] of the proposal to establish a new [insert type of facility proposed] telecommunications facility at [insert address of proposed facility].

Council provides the following comments regarding the proposal.

[insert comments regarding the proposal]

Council notes that once the consultation plan has been implemented that a written report will be provided to Council summarising any submissions received, [insert Carrier’s name] consideration of these submissions and a statement about the intended actions regarding the proposed work.

If you would like to discuss any of these comments further please do not hesitate to contact [insert contact name and contact details at Council].

Yours sincerely

[insert Council contact]

This letter may be found as a Microsoft Word® document on the CD Rom, with the file name Proforma4.doc

Pro Forma Response Letter 5

Standard response letter to a Carrier regarding notification of the installation of a facility at an “existing site” without a Development Application where all necessary information has been provided.

Name
Address
Date
Council Reference

Dear [insert Carrier contact]

RESPONSE TO ACIF CODE NOTIFICATION

Thank you for your letter dated [insert date of correspondence] notifying [insert name of Council] of the proposal to establish a [insert type of facility proposed] telecommunications facility at [insert address of proposed facility].

Council notes that all of the necessary information specified under the ACIF Code has been provided [refer checklist for information that should have been provided].

In response to the notification [insert name of Council] provides the following comments with the view to ensuring that the best outcome is achieved for both [insert Carrier’s name] and the wider community. In making these comments, [insert name of Council] understands that [insert Carrier’s name eg Optus, Vodafone, Telstra etc] are required under the ACIF Code to have regard to [insert name of Council] comments on the proposal prior to commencing work on site.

[insert comments regarding proposal]

If you would like to discuss any of these comments further please do not hesitate to contact [insert contact name and contact details at Council].

Yours sincerely

[insert Council contact]

This letter may be found as a Microsoft Word® document on the CD Rom, with the file name Proforma5.doc

Pro Forma Response Letter 6

Standard response letter to an enquiry regarding Council’s obligations under the ACIF Code and the opportunities provided by the ACIF Code for Council involvement

Name
Address
Date
Council Reference

Dear [insert contact]

RESPONSE TO ENQUIRY REGARDING COUNCIL’S ROLE IN ACIF CODE PROCESSES

Thank you for your enquiry dated [insert date and method of contact] regarding the role of Council in ACIF Code processes. The following information is provided in response to your enquiry.

The ACIF Code is mandatory for telecommunications Carriers to implement and prescribes a number of processes regarding notification and/ or consultation with Councils and the wider community regarding telecommunications facilities which do not require Development Approval. The ACIF Code also requires Carriers to adopt a precautionary approach to site selection design, installation and operation and requires that Carriers give consideration to a range of key factors when establishing telecommunications facilities that do not require Development Approval.

Council is provided with a prescribed scope for involvement and influence under the ACIF Code and these opportunities are summarised below:

- Engaging with Carriers regarding their network planning to identify where Carriers may be requiring additional facilities in their Council area;
- Responding to a proposed consultation plan provided by a Carrier within a 10 business day timeframe (5 business days where Council does not request in writing an extension from the Carrier) regarding the construction of a facility that does not require a Development Application at a site where there are no other facilities that do not require a Development Application;
- Ensuring that the consultation plan proposed by the Carrier is appropriate given the particular circumstances of the proposed site including whether all the relevant stakeholders have been considered and that appropriate methods for consulting are identified by the Carrier;
- Reviewing the summary of submission report prepared by Carriers to ensure that the Carrier has addressed any concerns raised by the submissions (this summary of submission report is only required to be provided by Carriers for certain types of sites);
- Ensuring that Carriers provide all the necessary information when notifying Council.

The ACIF Code does not provide Council with powers to veto a site, determine what the Carrier can and cannot do at the site or place conditions of approval on the site. Council has no power of direction regarding facilities that do not require a Development Application. The ACIF Code provides a set of processes that Carriers must undertake when constructing telecommunications facilities including notification and consultation, and these processes provide opportunities for different levels of Council participation.

If you would like further information regarding the ACIF Code and its requirements please refer to the ‘ACIF Code Guidelines for Local Government’ located at www.mcf.amta.org.au. For a copy of the ACIF Code refer to www.acif.org.au/_data/page/3232/C564_2005.pdf.

If you would like to discuss any of this information further please do not hesitate to contact [insert contact name and contact details at Council].

Yours sincerely

[insert Council contact]

This letter may be found as a Microsoft Word® document on the CD Rom, with the file name Proforma6.doc

DEFINITIONS

For the purposes of the ACIF Code and these Guidelines the following definitions and abbreviations apply.

ACMA

means the Australian Communications and Media Authority formerly known as the Australian Communications Authority.

ACIF

means the Australian Communications Industry Forum.

ARPANSA

means the Australian Radiation Protection and Nuclear Safety Agency for the Department of Health.

Base station

means a radiocommunications transmitter and its associated infrastructure including any antennas, housings and other equipment.

Business day

means a day that is not a Saturday, Sunday or a public holiday in the place where the Carrier intends to deploy radiocommunications infrastructure.

Carrier

means the holder of a Carrier License as granted under Section 56 of the Telecommunications Act 1997.

Consultation

means a process whereby Carriers seek to inform other parties about a proposed project at a particular premises with the intention of giving those parties an opportunity to respond to the proposal and to have their responses considered.

Council for an activity in a State or Territory

means an authority of the State or Territory responsible for the local government of the area where the activity happens or is to happen and/or the authority in a local area responsible for land use planning decisions. This is usually the Local Government Authority although this may vary in places such as Territories.

Development Application/ Approval

means approval in accordance with State or Local planning laws.

EME

in the context of the ACIF Code refers to the radiofrequency portion of the electromagnetic spectrum. Energy transmission over the entire spectrum is technically known as electromagnetic emission (EME) and includes commonly experienced emissions such as visible light, TV transmission, and AM and FM radio signals. A number of other terms are commonly used for the whole spectrum which include EMR (electromagnetic radiation fields), EMF (electromagnetic fields) which are often used interchangeably with EME.

Fixed radio links

comprise point-to-point and point-to-multipoint services, fixed at both ends. An example of a fixed radio link is a micro cell.

Interested and Affected Parties

include persons who reside within the immediate vicinity of the facility and may have an interest in the proposed facility.

Low Impact Facility

means a facility as determined in the Telecommunications (Low-impact Facilities) Determination 1997 and does not require Council Development Approval.

Low RF Power Infrastructure

means one or more transmitters operating at a total maximum power into the antenna of no greater than 2 watts which is similar to the level of power of a handheld mobile telephone. Examples include micro-cells and pico-cells.

Precautionary Approach

is described in detail in Appendix A of the ACIF Code. The precautionary principle was first developed in the field of environment protection. The 1992 Rio Declaration on Environment and Development states:

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

Radiocommunications Infrastructure

means a base station used for communications and includes both Low-impact facilities and facilities that are not Low-impact.

Radio waves

means electromagnetic waves of frequencies less than 420 THz that are propagated in space without an artificial guide. (Source: Australian Radiofrequency Spectrum Plan)

Radio Emission

for the purpose of the Radiocommunications Act 1992, a radio emission is any emission of electromagnetic energy of frequencies less than 420 terahertz without continuous artificial guide, whether or not any person intended the emission to occur. (Radiocommunications Act 1992)

RF

means radiofrequency.



Use these contacts to
find out more information

AUSTRALIA

CONTACT	ISSUE /ROLE OF ORGANISATION	INFORMATION
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)	EME exposure standard How EME standard has been developed Health concerns regarding the impact of EME ie base stations and health	www.arpansa.gov.au eme.committee@health.gov.au Telephone 03 9433 2211 Fax 03 9432 1835
Department of Communications, Information Technology and the Arts	The Department provides policy advice and program support to the Australian Government, on arts, information technology, communications and sport portfolio issues.	www.dcita.gov.au Telephone 02 6277 7480 Fax 02 6273 4154
Australian Communications and Media Authority	Complaints about ACIF Code compliance Carrier regulatory compliance	www.acma.gov.au Telephone 02 6219 5451 Fax 02 6219 5133 ACIF Code Compliance Projects Team Telephone 02 6219 5555 Fax 02 6219 5288 Carriers Powers and Immunities-Community and National Interests Team Telephone 02 6219 5555 Fax 02 9963 6979
Australian Mobile Telecommunications Association (AMTA)	AMTA is the peak industry body representing Australia's mobile telecommunications industry Health and safety issues Electromagnetic energy Lost and stolen phones Marketing practices Credit practices Privacy Security	www.amta.org.au Telephone 02 6239 6555 Fax 02 6239 6577

Use these contacts to
find out more information

AUSTRALIA

CONTACT	ISSUE /ROLE OF ORGANISATION	INFORMATION
Mobile Carriers Forum (MCF)	The Mobile Carriers Forum (MCF) is an industry group comprising the four mobile phone carriers in Australia: Hutchison, Optus, Telstra and Vodafone The MCF's agenda is to deal specifically with social and environmental issues within the policy, regulatory and operational environment associated with the deployment and operation of mobile phone networks. The MCF aims to ensure that the mobile carrier's industry as a whole, addresses community and Government expectations. The MCF has Regional Forums in each State which can be contacted via the MCF web-site.	www.mcf.amta.org.au Telephone 02 9279 0533 Fax 02 9279 3566
Telecommunications Industry Ombudsmen	The Telecommunications Industry Ombudsmen (TIO) is independent of the government and consumer organisations. The TIO is authorised to investigate complaints about the provision or supply telephone or internet services. The role and powers of the TIO are included in the Telecommunications (Consumer Protection and Service Standards) Act 1999.	www.tio.com.au Freecall 1800 062 058 Free fax 1800 630 614

INTERNATIONAL

World Health Organisation	Health Communications and Public Relations Provides fact sheets and independent information on mobile phones, base stations and health.	www.who.int email info@who.int
International Commission on Non-Ionising Radiation Protection (ICNIRP)	ICNIRP is the International Commission on Non-Ionizing Radiation Protection and addresses the issues of possible adverse effects on human health of exposure to non-ionising radiation.	www.icnirp.de

