DR MONIQUE
RYAN
KOOYONG'S INDEPENDENT

28 November 2024

To whom it may concern,

**Re: Submission on Amendments to the Telecommunications (Low-Impact Facilities) Determination 2018 and Telecommunications Code of Practice 2021**

I write on behalf of a number of concerned Kooyong residents who have submitted their views regarding the proposed amendments to the 'Telecommunications (Low-Impact Facilities) Determination 2018' and the 'Telecommunications Code of Practice 2021'. Their submission, enclosed with this letter, highlights several critical concerns based on their recent experiences with the installation of low-impact mobile phone base station infrastructure in their neighbourhood.

**Summary of Main Concerns:**

1. **Inappropriate Siting of Infrastructure:** The residents have faced issues with mobile network operators (MNOs) installing low-impact facilities on power poles adjacent to their homes. This has raised significant concerns about continuous, long-term exposure to Radio Frequency Electromagnetic Exposure (EME).
2. **Lack of Proper Consultation:** The current legislation and proposed amendments do not ensure adequate consultation with affected residents and local councils. The residents emphasize the need for improved consultation processes to prevent inappropriate siting of infrastructure.
3. **Health and Safety Risks:** There is a strong concern among these residents about the potential health risks associated with long-term EME exposure from infrastructure placed too close to residential areas. The residents question the responsibility and accountability for any health issues that may arise.
4. **Technological Alternatives:** The submission points out that advancements in satellite technology (e.g., SpaceX/Starlink and Amazon Kuiper) could provide better solutions for improving coverage and capacity without the need for additional low-impact infrastructure near residences.
5. **Regulatory Safeguards:** The residents argue for maintaining and strengthening regulatory safeguards, such as the requirement for installation certificates and sufficient notice periods before installations commence.

The residents' detailed comments and suggestions are provided in the attached submission. They request that their personal details remain confidential but have no objection to the publication of their submission.

Thank you for considering the views of these concerned residents. I trust that their insights will contribute to a more balanced and community-focused approach to the proposed legislative amendments.

Yours sincerely,

[redacted]

Dr Monique Ryan MP

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27 November 2024

**To:** Department of Infrastructure, Transport, Regional Development, Communications and the Arts

## Submission to the consultation on Proposed Amendments to the 'Telecommunications (Low-Impact Facilities) Determination 2018' and 'Telecommunications Code of Practice 2021'

Regarding the proposed amendments to the specified legislation, the enclosed submission in **Attachment 1** represents the views of four concerned residents in the federal electorate of Kooyong.

By way of background, these residents have had the recent experience of being confronted with proposals by TPG and Optus to install low impact mobile phone base station infrastructure (LIF) on power poles adjacent to residences in Riversdale Road, Camberwell (see attached photos 1 and 2). These sites had been chosen by interstate-based town planning consultants with little apparent knowledge of the area, alternative sites, or the potential long-term Electromagnetic Exposure (EME) hazard.

Despite the harshest of Covid lockdown periods in Melbourne, affected residents were able to obtain signatures (138 for the Optus site) opposing these installations, and eventually installation at both sites did not proceed.
However, in July 2024 Optus installed a low impact mobile phone base station on a power pole adjacent to a residence in Riversdale Road, middle Camberwell (see attached photo 3).

The required details of the four authors of this submission are provided below - Confidentiality is requested to not publish these details.
The four authors have no objection to Attachment 1 being published in full.

Sincerely,

[redacted]

[redacted]

[redacted]

[redacted]

**<u>Attachment 1</u>: Comments on the consultation paper 'Proposed Amendments to the Powers and Immunities Framework'**

## 1. Introduction

This is a joint submission from four concerned Camberwell (VIC) residents who have had recent experience with the inadequacy of this existing legislation, when two Mobile Network Operators (MNOs) wanted to install so-called low-impact mobile phone base station infrastructure on power poles too close to residences.

This inappropriate siting subjects the occupants of affected residences to continuous low-level, but long-term (24hr/7day/365 days/year) Radio Frequency Electromagnetic Exposure (EME) from the pole mounted antennas.

The fundamental questions that the Department's legislators and politicians need to ask themselves are:

**a.** '*Would I be happy for myself, or my family, to have low-impact mobile phone base station infrastructure located on a power pole close to our residence'*?

**b.** '*Who will be responsible if residents diagnosed with a health problem take legal action that the cause of the health problem is long-term EME from adjacent mobile phone base station infrastructure'*?

This submission is organised as follows:

**Section 2** 'Background' comments.

**Section 3** 'Parts A, B, and C' are further comments.

**Section 4** addresses 'Key questions.

**Section 5** displays photos of proposed inappropriate siting of mobile phone base station infrastructure on power poles too close to residences in Riversdale Road Camberwell.

**Section 6** displays a photo of a very recent example of mobile phone base station infrastructure installed on a power pole in Riversdale Road too close to a residence.

## 2. Consultation Paper 'Background'

In the consultation's 'Background' section, it uncritically accepts the MNO industry push for:

1. Extra capacity, and coverage.
2. Deregulation of the installation of Low-Impact Facilities (LIF).

It does not mention how satellite LEOsat technology (e.g. by SpaceX/Starlink) is already providing broadband data and VOIP services to rural, remote, and urban areas to provide additional coverage and capacity to these areas to mitigate the need for low-impact base station infrastructure.

Further, more coverage, capacity, resilience, and competition will occur when the Amazon Kuiper LEOsat service commences in 2025, and when satellite direct-to-device services are planned for introduction in 2025.

It also ignores the findings in the recent book '*The End of Telecoms History*' by Dr William Webb, June 2024 (Telecommunications. Engineer, former Ofcom UK head of R&D) who argues that technological advancements in fixed and mobile networks have progressed to a point where further improvements in speed and capacity are unnecessary. The two main turning points are that the demand for ever higher speed (primarily driven by video consumption) has diminished, and overall data consumption is approaching a plateau.

## 3. Consultation Paper Parts A, B, and C

### 3.1 Part A - Proposed amendments in the draft LIFD

This part argues that deregulation of LIF is important in rural and regional areas to improve mobile phone coverage and capacity, but in reality LIF will be installed mainly in metropolitan areas on main roads (often near residences) to improve capacity, particularly for peak traffic periods (e.g. morning and afternoon drive time).

No objection to increasing the maximum dimensions of certain low-impact facilities, provided that these items are not installed on power poles too close to residences.

### 3.2 Part B - Proposed amendments to the Code

There should be no option to waive the requirement for a Carrier/MNO to provide an installation certificate. This is an important regulatory safeguard to ensure that the installation complies with the required regulations.

Also, the insufficient minimum 10 business days' notice before the carrier starts any installation remains.

Recent experience in Camberwell has shown that the requirement for MNOs to consult with Council and with affected landowners and occupiers is insufficient.

The requirement that landowners/occupiers can ask the Carrier to refer an objection to proposed LIF is noted and supported if the TIO has the expertise and resources to make a timely determination.

### 3.3 Part C - Other reforms

The statement that the P&I Reference Group did not reach consensus on streamlined arrangements for the deployment of poles is noted. It is also noted that this group has representation from the MNOs, the Local Government Association, but no representation from any Residents Association so where is the balancing of MNOs and residents' interests?

Locating mobile phone base station infrastructure on poles adjacent to residences is opposed on the grounds of potential harmful long-term EME exposure.

## 4. Consultation paper 'Key questions'

Key question four is considered to be the most important question, to ensure that the opportunity to amend the existing legislation is taken to improve proper consultation with Council and residents to ensure appropriate siting that does not subject residences to continuous (24/7/365) EME.

What benefits or difficulties (financial or non-financial) would be incurred as a result of implementing the proposed LIFD and Code changes?

Implementing the proposed changes will have no benefit to residents whose health may be affected by inappropriate siting of so-called low impact mobile phone base station infrastructure by MNOs, on power poles adjacent to residences. The proposed changes do not make any amendment/s to the existing siting and consultation requirements, which allow the MNOs to override Council and residents' objections to inappropriate siting of mobile phone base stations on power poles, too close to residents. MNOs use this legislation to avoid the cost and delay of obtaining town planning permits to co-site new mobile phone base station infrastructure on existing base station sites.

In what ways would these amendments improve connectivity, energy consumption and resiliency of telecommunications facilities?

There are many technical ways to improve connectivity, energy consumption and resilience of telecommunications facilities. Firstly, by properly co-siting mobile phone base station infrastructure at existing macro mobile base stations, rather than adding additional base station infrastructure near residences.

Also, satellite LEOsat technology (e.g. by SpaceX/Starlink) is already improving broadband data and VOIP services to rural, remote, and urban areas, by providing additional coverage and capacity to these areas to mitigate the need for more low-impact base station infrastructure. Further, more coverage, capacity, resilience, and competition will occur when the Amazon Kuiper LEOsat service commences in 2025, and when satellite direct-to-device services are planned for introduction in 2025.

Do these changes raise any concerns for landowners and occupiers? Can these issues be quantified and how could they be addressed?

The current legislation and the proposed changes raise the following concerns for landowners and occupiers:

1. MNOs need to provide a technical statement signed by a professional RF Engineer as to why they need additional mobile base station infrastructure, what alternative sites have been considered, and why it might need to be mounted on power poles adjacent to residences.
2. Consultation with affected residents needs to be vastly improved, as placing a notice on a power pole is inadequate consultation.
3. Period of 10 business days for objection to the start of any activity is insufficient.
4. The related "Industry Code for Mobile Phone Base Station Deployment C564:2020" should also be updated and amended to address the issues of concern for residents discussed in this submission.

What other factors should be taken into account when considering the proposed amendments to the LIFD and the Code? Are there alternative arrangements that could deliver the same outcome?

This opportunity to amend the current legislation should also be used to strengthen the requirement for timely and proper consultation with residents. The first choice for new mobile base station infrastructure should be co-siting with existing macro mobile base station infrastructure.

As per the response to Question 2, there are current and planned LEOsat services that will provide additional coverage and capacity to rural, remote, and urban areas that will mitigate the need for new low-impact mobile phone base station infrastructure. Technological advancements in fixed and mobile networks have progressed to a point where further improvements in speed and capacity are unnecessary. The two main turning points are that the demand for ever higher speed (primarily

driven by video consumption) has diminished, and overall data consumption is approaching a plateau (refer '*The End of Telecoms History*' by Dr William Webb, June 2024).

## 5. Photos of proposed new mobile phone LIF in Riversdale Road, Camberwell

Photos 1 and 2 below are two recent inappropriate sites on which TPG and Optus wanted to install power pole mounted mobile phone base station infrastructure.

**Photo 1:** Proposed TPG pole mounted base station installation

**Photo 2:** Proposed Optus pole mounted base station installation

## 6. Photo of a new mobile phone LIF installed in Riversdale Road, Camberwell

Photo 3 below is of a very recently installed (July 2024) Optus power pole mounted mobile phone base station infrastructure, inappropriately sited too close to a residence.
Note that there is an existing large macro mobile phone base station, diagonally opposite which could have accommodated the additional base station equipment.

Note also that the transmitting antenna arrays are mounted at window height on the power pole, and that the residence will be subject to continuous low-level side-lobe transmitted RF radiation.
It is not known if the landowner/occupier was consulted, understood the potential EME hazard, and did not object to this installation.

Other examples of inappropriate siting on power poles near residences in Boroondara can be provided.

**Photo 3**: Recently installed Optus pole mounted base station, inappropriately sited too close to a residence