

Telecommunications Carriers' Forum

Terms of Reference

For the Development of a Code of Practice for Community Engagement for New Wireless Telecommunications Sites

Date Submitted:

3rd April 2009

A. Issue Identification

Community engagement on new wireless telecommunications sites is governed by the Resource Management Act (RMA) and the relevant district plans of local authorities. However, there is an expectation from some communities and local authorities that additional engagement should be carried out, even when it is not required under the district plan e.g. when a new wireless telecommunications site is a permitted activity. There is clearly a gap between what level of community engagement is prescribed through RMA processes and where the real expectations of communities and local authorities may lie. Bridging that gap would demonstrate responsible corporate behaviour on the part of wireless network operators and a commitment to working proactively with communities as new network infrastructure is deployed.

While some wireless network operators have established practices in relation to community engagement for new wireless telecommunications sites, there is no uniformity in how such engagement is undertaken, or clearly stated standards as to when it is required and what information should be made available. Developing a set of consistent standards will allow the industry to set clear expectations with communities, Councils and Central Government in setting out how wireless operators will approach these issues, notwithstanding any obligations and rights they currently have under the RMA and the relevant district plan rules.

Further, by clarifying and codifying these standards proactively, wireless network operators will be seen as being responsible corporate citizens, and therefore avoiding any potential "knee jerk" reactions from local or national authorities in response to community concerns. Ultimately, this should smooth the processes of building new infrastructure by building stronger relationships with local communities and Local Government, and increasing acceptance of the need for wireless network infrastructure in those communities.

B. Background

With the telecommunications National Environmental Standard (NES) now in place, there are fewer regulated obligations upon wireless network builders to consult with Councils and local communities when building low-impact wireless network infrastructure in the road reserve. This is ultimately beneficial for the

industry, as it allows for speedier and less costly rollout of network infrastructure and a standardisation of approach across the country..

If anything, these changes have increased unease amongst some communities and local authorities and created a belief they are powerless to influence wireless network deployments in their area. The location of wireless network infrastructure is an occasionally contentious issue, due to the perceived health risks associated with proximity to network equipment; and concerns with noise, unsightliness, and location of these facilities. When these concerns are not adequately addressed, wireless network operators can occasionally face strong opposition from local communities who do not want any equipment located in their area, regardless of compliance with all necessary planning regulations.

Many of these concerns and issues can be managed by the wireless network operator concerned proactively and voluntarily engaging with local residents. This allows these communities to understand why this equipment is being located in their area, and encourages access to independent and credible information on the health impacts of Radio Frequency radiation.

C. Proposed Scope of Work

The TCF Local Government working party proposes that a non-regulated Code of Practice for Community Engagement for New Wireless Telecommunications Sites be developed. The intention is to seek endorsement of the Code by the relevant public authorities. The Code will set standards which would standardise the community engagement process for wireless network operators when building new wireless network sites in residential areas. The aim of the Code will be to facilitate the deployment of new wireless network infrastructure through addressing and mitigating community concerns prior to deployment. The Code should not undermine or contradict any of the statutory rights and responsibilities of wireless network operators under the Resource Management Act.

Specifically, this Code will address:

1. In what circumstances wireless operators should engage with those communities within which new equipment will be located;
2. The nature and form of that engagement, bearing in mind that while a degree of uniformity is encouraged, that each operator should still have the ability to undertake such engagement in a manner that suits their business;
3. The timing of such engagement;
4. The nature of the information that will be provided to communities as part of that engagement and;
5. Guidelines for escalation of engagement according to the level of interest expressed by the community concerned.

Following the introduction of the Code, the working party may also consider the development of shared information sources, for the purposes of providing the public with accurate and informative information on wireless equipment.

D. Deliverables

The deliverable from this project would be a non-regulated Code of Practice for Community Engagement for New Wireless Telecommunications Sites.

The TCF Rules of Association require that prior to developing a non-regulated Code the working party will prepare a report as set out under section 7.1.4 of the TCF Handbook. The parties involved in the development of this Terms of Reference are already of the view that a Code is required and have provided, in this document, information to the Board to support this. The working party therefore recommends that no report be provided to the TCF Board prior to the commencement of the Code development.

E. Timeline

The table below sets out the deliverables and timeline.

ACTION	DUE BY	ASSIGNED TO
Lockdown the statement of objectives	23 rd January 2009	All
Review of Australian/UK/France/etc Code of Practices	23 rd January 2009	Telecom
Review of current practices in the NZ Telecommunication industry	30 th January 2009	All
Feedback received and collated from UK/Aus operators as to the "realities" of working under these Code of Practices	30 th January 2009	Vodafone
Prepare a draft Terms of Reference	6 th February 2009	Vodafone
Local Government working party to review and approve draft Terms of Reference	18 th March 2009	All
Submit Terms of Reference to TCF Board for approval	3 rd April 2009	All
Table 'strawman' version of the Code, suitable for initial discussion within the Community Engagement working party	6 th April 2009	Vodafone
Finalise draft version of the Code	21 st April 2009	All
Submit draft Code to TCF Board for approval to go out for consultation	1 st May 2009	All
Consultation period	4 th May 2009 to 19 th June 2009	All
Finalise draft Code	30 th July 2009	All
Final draft Code submitted to the TCF Board for endorsement	7 th August 2009	All

F. Working Party membership

It is recommended that participation be open to all those TCF members who are active in building wireless networks.

The following members have agreed to participate:

- Kordia
- NZ Communications
- Telecom
- Vodafone
- Woosh

G. Options

The only other available option apart from developing a non-regulated Code is to maintain the status quo, whereby each wireless network operator may set their own standards and protocols for community engagement.

This is not recommended. As this paper summarises, there is much to be gained through cooperation and standardisation of processes.

H. Resources

The TCF budget includes an allowance of up to 80 hours of Forum Administrator resource for this scope of work.

I. Recommendation

That the Board agree:

1. To the development of a non-regulated Code for Community Engagement for New Wireless Telecommunications Sites;
2. That it is not necessary for a report to be provided to the TCF Board prior to the commencement of the Code development; and
3. That the working party may also consider, following the introduction of the Code, the development of shared information sources, for the purposes of providing the public with accurate and informative information on wireless equipment.