



1 July 2024

CITY OF WANNEROO COUNCIL
Email: inform@wanneroo.wa.gov.au

From: [REDACTED]
Telephone: [REDACTED]

LAND ACCESS & ACTIVITY EXTENSION NOTICE (INSTALLATION AND MAINTENANCE)
nbn™ NETWORK CONSTRUCTION

**PROJECT REFERENCE: SD1– ND000125763 – 6YAN-05– ATLANTIS BEACH BREAKWATER PRECINCT,
DISPLAY VILLAGE 1 - VOLUNTEER ST, TWO ROCKS WA 6037**

Dear Sir/Madam

nbn co ltd (**nbn**) is a licensed telecommunications carrier and is currently overseeing the upgrade of Australia's telecommunications network (**the nbn™ network**). The **nbn™ network** provides the infrastructure for affordable, high-speed internet and phone access for all Australians.

The *Telecommunications Act 1997* (Cth) (**Act**) permits carriers, such as **nbn**, and their contractors to inspect land, maintain telecommunications facilities and carry out the installation of low-impact facilities (and do anything necessary or desirable for that purpose, including entering on and occupying any land) provided that they comply with certain conditions, including that they provide notice, as specified by the Act and the *Telecommunications Code of Practice 2021* (Cth) (**Code**), to owners and occupiers of affected land.

Downer EDI Engineering has been engaged by **nbn** to undertake works at **Atlantis Beach Breakwater Precinct, Display Village 1 - Volunteer St, TWO ROCKS WA 6037** as part of the construction of the **nbn™ network**.

This letter constitutes a notice under the Act and the Code to you as owner or occupier (or manager) of the land set out below, that we intend to exercise our powers under Schedule 3 to undertake the following activities during the timeframe specified. There is no requirement that you be present during the course of our activities.

LAND LOCATION:

Area within the attached design documentation for 6YAN-05

- **Atlantis Beach Breakwater Precinct, Display Village 1 - Volunteer St, TWO ROCKS WA 6037**

PROJECT ACTIVITY:

- Installation of 'low-impact' facilities in accordance with Division 3 of Schedule 3 of the *Telecommunications Act 1997* and the *Telecommunications (Low-impact Facilities) Determination 1997*.



- Maintenance of facilities in accordance with Division 4 of Schedule 3 of the *Telecommunications Act 1997*.

DESCRIPTION OF WORK:

Please refer to the attached design documentation (Attachment 4) for location and description work details.

- Cable hauling and joining through existing and new conduits.
- Install P100mm x 460m from Loc P19a to Loc P23 approx. 3m to 5m from kerb.
- Install 3 x P8 pits as per Markup.
- Please note: This is about 18m off the normal alignment. We are requesting change as the ground on that alignment is very undulating and in the middle of bush and will be extremely difficult to drill.

DATES PROPOSED TO ENTER PROPERTY TO START AND FINISH ACTIVITY:

ACCESS START DATE: 9 July 2024

ACCESS FINISH DATE: 9 October 2024

Please refer to Attachment 4 for location and description work details.

nbn's employees and contractors are authorised to carry out **nbn's** activities under clause 43 of Schedule 3 to the Act.

In engaging in these activities, we are committed and obliged to take all reasonable steps to ensure that we cause as little detriment and inconvenience, and do as little damage to your land, as is practicable. We will also take all reasonable steps to ensure that the site is restored to a condition similar to its condition before the activities began.

Set out below are details of the likely impact of the activities on your land and the measures which **nbn** (or its contractors) proposes to minimise disturbance to your land and to restore it after completion of the activities.

ANTICIPATED EFFECT:

- Temporary occupation of road reserve areas by small work crews.
- Minimal disruption to vehicular or pedestrian traffic is anticipated.
- Minor vegetation clearance such as grass removal and tree branch trimming.
- No material effects expected resulting from proposed activities.



PROPOSED REMEDIATION:

- After installation/maintenance activities, all areas will be filled, graded and land surfaces levelled to a condition similar to its condition before the activity began.
- Standard environmental management techniques will be undertaken.

Attached you will find further information regarding **nbn**'s rights and responsibilities with respect to carrying out the activities described in this notice and your rights under the Act, which forms part of this notice (Attachment 2). This information is important, as it deals with things such as how you can object to **nbn**'s proposed activities, and also the circumstances in which you may have a right to claim compensation.

If you are willing to waive the required notification period before works/activities can commence, please sign and date the form at Attachment 1 and return this notice to:



We thank you for your assistance and co-operation. If you have any queries, please do not hesitate to contact this person on 0447458323. Any objections should also be directed to this person.

Yours sincerely,



Land Access Representative
Signed for and on behalf of nbn by its authorised agent

Attachments:

1. Receipt and Commencement Agreement
2. Additional Information
3. Map Showing Land Location in 6YAN-05
4. Attachments 3-(Variation design)



ATTACHMENT 2 – ADDITIONAL INFORMATION

1. Carrier Powers and Obligations

nbn's employees and its authorised contractors are empowered to carry out **nbn's** activities under the *Telecommunications Act 1997* (Cth) (**Act**). Contractors may be engaged on this project by **nbn**, and may be authorised to give statutory notifications or to carry out other activities such as maintenance and/or installation of telecommunications facilities.

nbn is required by law to give you at least 10 business days' notice of its intention to engage in activities on your land before doing so (or at least 2 business days if no part of the land that the activity is going to be carried out on is included in a "sensitive area" and the activity is only inspection and survey which will not involve any material disturbance to the land).

All laws providing for the protection of places or items of significance to the cultural heritage of Aboriginal persons or Torres Strait Islanders will be complied with by **nbn**, its employees and its authorised contractors in undertaking the activities described in this notice.

2. Compensation

If you suffer financial loss or damage in relation to property because of anything done by **nbn** when engaging in the activities outlined in this notice, compensation may be payable under clause 42 of Schedule 3 to the Act. Compensation can only be assessed after **nbn** has undertaken the activities and the financial loss or damage has occurred. Accordingly, **nbn** is not in a position to agree on any amounts of compensation until after the activities described in this notice have occurred.

3. Objection Process

The *Telecommunications Code of Practice 2021* (Cth) (**Code**) provides for a right of objection, and outlines how objections must be managed. Under the Code you have a right to object to the activities described in this notice. However, your objection will only be valid for the purposes of the Code if it includes reasons for your objection, and those reasons relate to one (or more) of the matters listed below:

- (i) using your land to engage in the activities;
- (ii) the location of a facility on your land;
- (iii) the date when **nbn** (or its contractor) proposes to start the activities, engage in them or stop them;
- (iv) the likely effect of the activities on your land; or
- (v) the proposals to minimise detriment and inconvenience, and to do as little damage as practicable, to your land.



In order for any objection to be valid under the Code, it must be provided within the timeframes below. Any objection should be in writing and sent to the contact person nominated on this notice. Those timeframes vary depending on the type of activities **nbn** proposes to undertake. Specifically, if **nbn**'s proposed activities involve:

- (i) **inspection and survey** any objection must be given within 1 business day after this notice is received, except that this will be 9 business days if the inspection or survey activity:
 - involves a registered heritage property;
 - involves an area that is protected from significant environmental disturbance, under Commonwealth law;
 - involves an area that is reserved principally for nature conservations, under Commonwealth law;
 - is inconsistent with Australia's obligations under a listed international agreement;
 - could have an adverse effect on a streetscape or landscape, threatened species of flora or fauna, an endangered ecological community, or a listed migratory species;
 - could damage the habitat of a threatened species of flora or fauna, or an endangered ecological community, or put flora or fauna at risk of becoming a threatened species;
 - could damage the whole or part of a place, or an ecological community, essential to the continuation of a threatened species;
 - could threaten with extinction, or significantly impede the recovery of, a threatened species or an endangered ecological community; or
 - will have or be likely to have a significant impact on the environment in a Commonwealth marine area or on Commonwealth land.

- (ii) **installation and/or maintenance of telecommunications facilities** - any objection must be given at least 5 business days before the Access Start Date set out in the notice above.

If you make an objection on one of the grounds above within the specified timeframes, reasonable efforts will be made to contact you for the purposes of consultation within 5 business days after receiving your objection. Reasonable efforts will also be made to resolve the objection by agreement with you within 20 business days after receiving your objection.

If your objection cannot be resolved by agreement within 25 business days after receiving the objection, a further notice (**Final Response**) will be provided to you advising whether:

- (i) **nbn** proposes to change the activity (and if so, how); or
- (ii) if **nbn** does not propose to change the activity, why **nbn** intends engaging in the activity as originally proposed.

If your objection cannot be resolved by agreement and you are not satisfied with our response to your objection, you may request in writing that your objection be referred to the Telecommunications Industry Ombudsman (**TIO**).



There are time limits for requesting that an objection be referred to the TIO, depending on the type of activities proposed in the notice. Specifically, if the proposed activities involve:

- (i) inspection and survey you must request referral within 9 business days after you receive the Final Response; or
- (ii) installation and/or maintenance of telecommunications facilities - you must request referral within 5 business days after you receive the Final Response.

nbn must comply with your request to refer your objection to the TIO within 10 business days after receiving it.

Separate to your right to request **nbn** to refer an objection to the TIO, **nbn** can self-refer an objection to the TIO (after making reasonable efforts to resolve the objection within 10 business days of commencing consultation on the objection). We will notify you if we decide to self-refer your objection to the TIO.

Urgent Works

Pursuant to clause 17(6) of Schedule 3 to the Act, **nbn** does not need to give you notice of its intention to enter your land if access is required to engage in activities which need to be carried out without delay in order to protect any of the following:

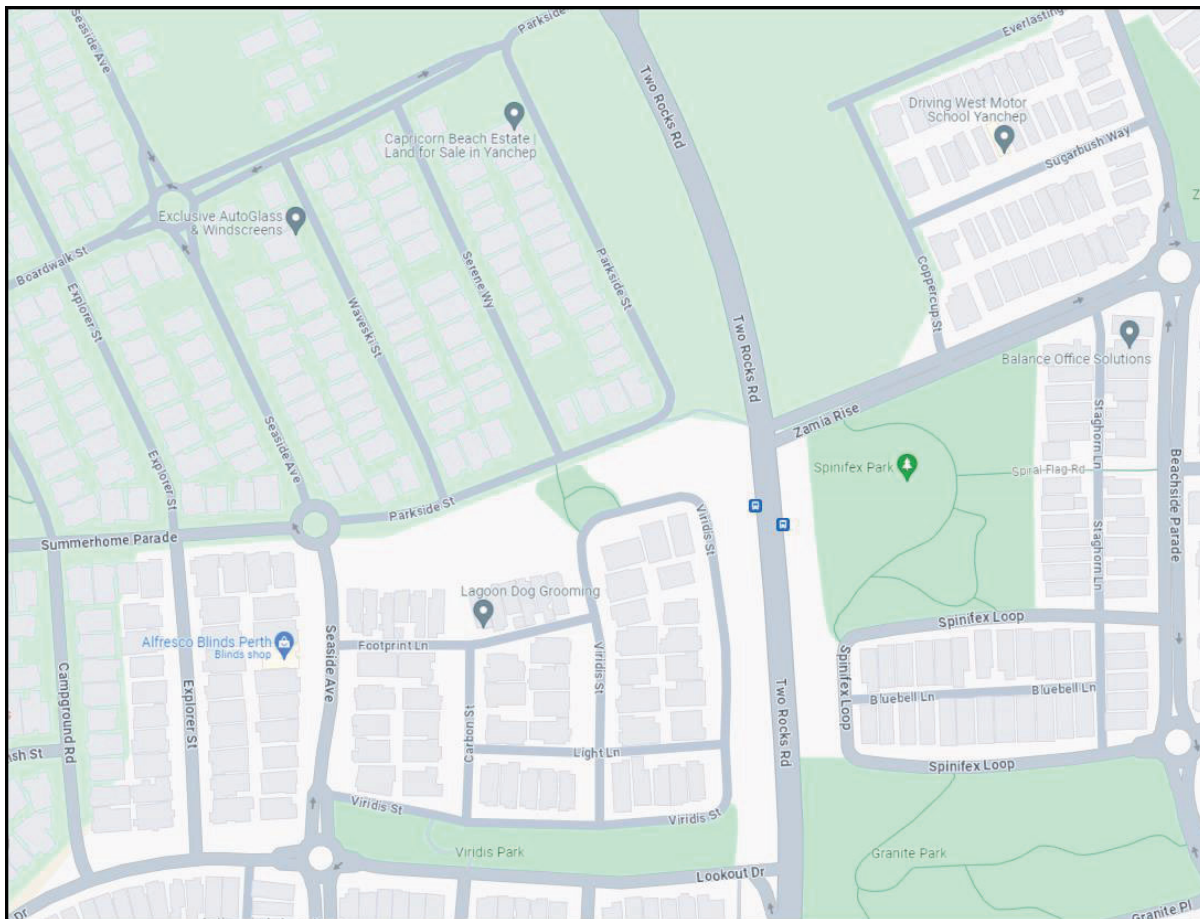
- (i) the integrity of a telecommunications network or a facility;
- (ii) the health or safety of persons;
- (iii) the environment;
- (iv) property; or
- (v) the maintenance of an adequate level of service.

Privacy

nbn, its subsidiaries and contractors collect "personal information" of landowners and individuals within authorities, such as contact details, for the purpose of complying with their obligation to notify owners and occupiers of land in regards to proposed activities on their land under the Act. In doing this, information is usually maintained in a database and may be disclosed to other parties such as contractors engaged by **nbn**.

If we do not collect this information we will not be able to notify you of such proposed activities. You have the right to request access to the personal information that we hold. Any personal information collected by or on behalf of **nbn** will be handled in accordance with **nbn**'s Privacy Statement which you can access at <http://www.nbnco.com.au/privacy.html>

**ATTACHMENT 3 – MAP SHOWING LAND LOCATION IN 6YAN-05 SAM
–ATLANTIS BEACH BREAKWATER PRECINCT, DISPLAY VILLAGE 1 - VOLUNTEER ST, TWO ROCKS WA
6037**



Variation Design:

