



## Telstra Plan Services

Date: **06/04/2017**

Your Ref: **RD.19.1: TP3705**

Our Ref: **PF193246-1**

Level 18, 275 George Street  
Brisbane, QLD 4001

Postal Address:  
Locked Bag 3820  
Brisbane, QLD 4001

Jennifer Ninyette  
Jennifer.Ninyette@swek.wa.gov.au

Email: [F0501488@team.telstra.com](mailto:F0501488@team.telstra.com)

Dear Jennifer,

### **Re: Proposed Road Closure - Old Darwin Road - Kununurra**

Thank you for your communication dated **16/03/2017** in relation to the location specified above.

According to the information we received from you Telstra's plant records indicate that there are **Telstra assets within the area** of the proposal. We note that our plant records merely indicate the approximate location of the Telstra assets and should not be relied upon as depicting a true and accurate reflection of the exact location of the assets. Accordingly, if you have not already done so please contact Dial Before You Dig for a detailed site plan and a list of Telstra Accredited Plant Locators (APL) to establish the exact location of Telstra assets (phone 1100 or visit [www.1100.com.au](http://www.1100.com.au)).

Telstra wishes to retain rights over all of its assets at the above mentioned address. At this stage, Telstra has determined that the existing **Telstra Infrastructure in the existing road reserve will have to be relocated to the new road reserve**. The relocation of Telstra assets would be carried out at your cost, however it would ensure that the land/s and its projected use would not be hindered or restricted by easements.

Please contact **Telstra's Asset Relocation** team to obtain a quote to relocate the assets from the address/es in question, on 1800 810 443 or email [F1102490@team.telstra.com](mailto:F1102490@team.telstra.com).

As these assets comprise an essential component of the Telstra network, we take this opportunity to highlight Telstra's rights and requirements to ensure that they are understood. The following is stated for your information:

- (1) Telstra's existing facilities are grandfathered under the 1997 Telecommunications Act. This enables such facilities to legally occupy land in perpetuity for the duration of that facilities use.
- (2) Part 1 of Schedule 3 of the *Telecommunications Act 1997* (Cth) authorises a carrier to enter land and exercise any of the following powers:

- inspect the land
- install a facility
- maintain a facility

In the case of installation and planned maintenance a notification will be afforded and such work will generally proceed during business hours. However, from time to time, certain activities need to be carried out without delay in order to protect the integrity of the network. Such activities may require vehicular access without notice and at any time of the day or night.

(3) If at any time in the future it becomes necessary, in the opinion of the carrier because of a subdivision of any land to remove, or alter the position of a facility, the carrier may enter the land and do anything necessary or desirable for that purpose. Under clause 53 of Schedule 3 to the Telecommunications Act, the person who proposes to subdivide the land is liable to pay the carrier the reasonable cost of anything reasonably done by the carrier in this regard.

(4) There is a requirement that all access to Telstra's network is facilitated by Telstra, via the normal channels available to all customers Australia wide. Tampering with, or interfering with telecommunications infrastructure or a facility owned or operated by a carrier (being Telstra) is an offence under the *Criminal Code Act 1995* (Cth). Heavy penalties may apply for breach of this prohibition, and any damages suffered, or costs incurred, by Telstra as a result of any such interference may be claimed against you. This means that you are not permitted to interfere with, repair or relocate Telstra's infrastructure, either personally or through a contractor without approval and authorisation from Telstra.

(5) All individuals have a legal "Duty of Care" that must be observed when working in the vicinity of Telstra's communication plant. It is the constructor's/land owner's responsibility to anticipate and request the nominal location of Telstra plant via **Dial Before You Dig "1100" number** in advance of any construction activities in the vicinity of Telstra's assets. **On receipt of plans, notwithstanding the recorded location of Telstra's plant, the constructor/land owner is responsible for obtaining a Telstra accredited Asset Plant Locator to perform a cable location, potholing and physical exposure to confirm the actual location of the plant prior to the commencement of site civil work.** Telstra reserves all rights to recover compensation for loss or damage caused by interference to its cable network or other property.

Telstra would also appreciate due confirmation in the event that the applicant contemplates divesting its interest or control of this land, that the information contained here is passed on to the prospective owners.

If you have any difficulties in meeting the above conditions, or if you have questions relating to them, please do not hesitate to contact us at [F0501488@team.telstra.com](mailto:F0501488@team.telstra.com).

Yours sincerely,



**Megan Smith**  
Telstra Telstra Plan Services

for  
Manager – Adrian Wellington  
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