December 2024

AMTA

Australian Mobile Telecommunications Association

A submission by AMTA on behalf of the Mobile Carriers Forum

Response to 'Proposed Amendments to the Powers and Immunities Framework - Consultation Paper'

About AMTA and MCF

The Australian Mobile Telecommunications Association (AMTA) is the peak national body representing Australia's mobile telecommunications industry. It aims to promote an environmentally, socially and economically responsible, successful and sustainable mobile telecommunications industry in Australia. Please see www.amta.org.au

The Mobile Carriers Forum (MCF) is a division of AMTA. MCF members include Telstra, Optus and TPG Telecom (Vodafone), which are the three licensed mobile carriers currently deploying mobile network infrastructure across Australia.

Introduction

AMTA welcomes the opportunity to provide this submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts ('DITRDCA' or 'Department') on behalf of the Mobile Carriers Forum (MCF).

The submission is provided in response to the Department's call for submissions on proposed amendments to the Telecommunications (Low-impact Facilities) Determination 2018 (the LIFD) and the Telecommunications Code of Practice 2021 (the Code). Specifically, it responds to the document issued by the Department titled *'Proposed Amendments to the Powers and Immunities Framework - Consultation Paper - Telecommunications (Low-Impact Facilities) Determination 2018 and Telecommunications Code of Practice 2021 - November 2024'* ('2024 Paper').

AMTA notes that the last updates to the LIFD and the Code occurred in 2018 and 2021 respectively, which included changes to the dimensions of low-impact facilities and introduction of new conditions. Since then, there has been continued growth in demand for telecommunications services by Australians, and this has necessitated the upgrade of existing mobile, fixed and emergency services telecommunications networks to cater for increased demand for connectivity, the need for improved redundancy and the provision of new services.

Just like the changes to the LIFD and Code in 2018 and 2021, the proposed changes outlined in the 2024 Paper are sensible and targeted reforms that primarily seek to make improvements to existing telecommunications networks.

Many of the amendments in the 2024 Paper provide for significant streamlining of the deployment process, negating the need to seek and secure council planning approval, noting that many councils across Australia are overburdened with assessment of relatively minor telecommunications infrastructure proposals in 'one size fits all' State and Territory planning approval systems.

The amendments contribute to a nationally consistent approach to telecommunications infrastructure deployment, which accord with the approach outlined in the Mobile Telecommunications Working Group Final Report[1].

In expressing support for the amendments in the 2024 Paper, AMTA highlights the industry's commitment to continuing to notify and consult with landowners, occupiers and other stakeholders in relation to facilities in the LIFD, consistent with the processes in the Mobile Phone Base Station Deployment Code (C564:2020). This commitment has included the delivery by industry of several thousands of notification and consultation processes across Australia each year. We also note the significant progress with the scheduled five-year review of that Code, which will seek to ensure that it remains fit-for-purpose.

[1] https://www.infrastructure.gov.au/sites/default/files/documents/national-principles-to-support-streamlined-telecommunications-planning-arrangements.pdf

Part A - MCF response to proposed amendments to the LIFD

Part A – Increasing Maximum Dimensions of Certain Low Impact Facilities

AMTA supports the proposed changes to Part A of the 2024 Paper that outlines a series of proposed amendments to the LIFD including:

- Increases in dimensions or sizes of some existing low-impact facilities;
- Removing a requirement for a cabinet to be installed on the same structure as a telecommunications facility (e.g. small cell);
- Introducing the installation of cabling on bridges as a low-impact facility.

AMTA has further expanded on these changes below.

Provision in LIFD	Proposed Amendment	AMTA Response
Item 1, Part 1, and Item 2, Part 1	Increase satellite dish provisions from maximum 1.2m to 1.8m diameter (Residential and Commercial); and Increase satellite dish provisions from maximum 1.8m to 2.4m diameter (Industrial and Rural areas)	These amendments are supported. It is noteworthy that in some States' planning processes, satellite dishes with a diameter equivalent to what is proposed can be exempt from the need for a permit to be obtained. With the Satellite dish provisions proposed to increase from a maximum of 1.8m to 2.4m, it is noted that item 2 is only applicable in Rural and Industrial land uses. It is therefore reasonable to assume that removal of satellite dishes from needing development approval in State and Territory planning systems will not have a significant impact in terms of the need to assess a proposal to mitigate visual or environmental impact. In summary, AMTA points to the significant benefits of this proposed amendment including: • Greater resilience in inclement weather • Access to higher speeds • Allows deployment in extremely remote locations such as Norfolk Island
Item 5, Part 1	Increase maximum allowable height of omnidirectional antennas from 4.5m to 6m (all areas)	This amendment is supported. Omnidirectional antennas have a very small visual profile compared with other kinds of antennas. AMTA considers that their form means that they pose no greater impact than for example antennas used for television reception in a residential context. Also, the structures the antennas are attached to are usually pre-existing, and the addition of the antennas does not substantially increase the overall 'bulk' of the structure. We therefore submit that it is not unreasonable for these antennas to be allowed for at a greater length in all land use categories in the LIFD. We expect this amendment will be particularly beneficial for government and emergency services organisations,

		who utilise these kinds of antennas when upgrading government and emergency services networks (e.g., Tasmanian Government Radio Network).
Item 7A, Part 1	Increase maximum radiocommunications dish diameter from 2.4m to 3.8m (Rural areas)	This amendment is supported. Carriers have started deploying larger format microwave dishes up to 3.8 metres in remote and rural areas in Australia to facilitate long range mobile and data backhaul communications. No adverse impact on the community is expected considering this change is confined to 'Rural' sites outside 'Areas of Environmental Significance'. The Council Development application process can often become the 'critical path' to a project and can lead to significant uncertainty about project delivery. Without this change, the industry would continue to be confronted with delays associated with development applications pursuant to State and Territory legislation that take a considerable time to be processed by councils, and many rural councils across Australia are often under-resourced which can add to delays. To assist in facilitating long range mobile and data backhaul communications,
Item 8, Part 1	Remove requirement for small cell radiocommunications facility to be deployed with a cabinet (all areas)	This amendment is welcomed by AMTA, and the amendment to Item 8 of Part 1 of the Schedule to the LIFD represents a commonsense approach to allow carriers the option to deploy certain radiocommunications facilities without a cabinet. AMTA notes that the design of small cells has evolved considerably since the Federal Government amended the LIFD in 2018 to declare small cells as 'low impact'. The contemporary small cell design that some carriers have adopted in their networks no longer require an external cabinet or adjacent equipment shelter to provide mobile telecommunications services to customers. This has resulted in better visual and deployment outcomes as small cells can be deployed more discreetly and in other settings (like mounted on the side of a building), while still delivering on coverage and quality objectives.
Item 4A, Part 3	Increase maximum dimensions for equipment shelters (Industrial and Rural areas)	This amendment is supported by AMTA. The revised dimensions will accommodate the deployment of shelters for nationally important projects such as Telstra's intercity fibre network and Optus' satellite program. In addition, they could store temporary facilities and equipment.

		At present, a shelter of the size proposed typically requires Council development approval under relevant State or Territory planning laws. The mitigating factors to consider when taking this out of State and Territory planning arrangements include the fact that this proposed inclusion in the LIFD will only be in the 'Rural' and 'Industrial' land use category. We note that modest sized farm sheds in rural areas will be the same size or larger and these are a common feature in the rural landscape. Typically, the planning arrangements are concerned with avoiding negative impact of development in built up areas or areas of environmental significance and it is in these scenarios that the planning arrangements and 'guardrails' of the States and Territories will still be applied to large shelters.
Item 7, Part 3	Increase dimensions of solar panel arrays from 12.5m^2 to 50m^2 (Rural areas)	This proposed amendment is supported. Allowing a larger solar array will: • improve cost efficiencies; • generate more power while minimising the visual impact of the installation; • will help support projects such as Telstra's Inter-City Fibre deployment and improve resiliency and power continuity for remote mobile sites; and, • facilitate deployments of Stand-Alone Power Systems (SAPS) for off grid application. SAPS can be an ideal solution for mobile sites in remote locations at the end of long powerlines, in areas prone to natural disasters and in densely vegetated or difficult to access areas. Whilst there is no standard solar panel size across the industry, an increase to 50m^2 will enable carriers to deploy around 24 panels and generate a peak power output of around 12.0kW. The increase to 50m^2 will also help to future proof developments in solar technology as panel sizes evolve year on year.
Item 2, Part 8	Increase the total co-location volume of facilities (50% in both Residential and Commercial areas)	This proposed amendment is supported. Setting appropriate co-location limits requires a balance to be struck, and AMTA considers that 50% is reasonable in the context of residential land uses. We note in particular that areas identified as having a principal designated use of 'residential' includes large areas of townships. In these areas there is significant upside to increasing the volume threshold to 50% to help overcome the current practical hindrance that 25% presents in a business case when a 2nd or 3rd Carrier wishes to co-locate on an original facility in a township but can't

		afford to deploy their own freestanding structure. A 50% volume limit can often present a much better business case for a 2nd or 3rd Carrier wishing to provide a choice of service in a small town. Stricter limits on co location, such as the current arrangement (25%) is a disincentive, and can result in the deployment of more stand-alone sites in residential areas, which can increase both visual impact and cost. Conversely, placing no limits on co-location may result in impacts upon visual amenity. In summary, AMTA considers that a limit of 50% in residential land uses strikes the correct balance at present. For noting, a future review of the legislation should investigate the efficacy of totally removing the volume limit on co-located facilities.

Part A – Cabling on Bridges as a Low Impact Facility

MCF members support the proposed additions to the LIFD.

It is unacceptable that Carriers can be required to obtain Council development approval to install cabling and conduit on bridges, due to the high levels of uncertainty in current regulations. The purpose of a development application is to ensure that an appropriate level of assessment is undertaken to make an appropriately informed decision against a planning policy or scheme, and this has no place in determining if the installation of cabling and conduit on bridges is appropriate.

The current uncertainty has resulted in Carriers being required to negotiate separate tenure agreements for every installation, and often having to submit a development application. This has also resulted in timeframes being significantly lengthened and increased costs for Carriers, resulting in deployments either being delayed or not being commercially viable. As is noted in the 2024 Paper, this not only results in poorer connectivity for communities, but can result in perverse outcomes, such as Carriers having to trench under riverbeds to install cabling and conduit.

It is important to note that there are existing conditions in the Code that will apply to the installation of cabling and conduit on bridges, including those that relate to the need to act in accordance with good engineering practice, protect the safety of persons and property and ensure that the activity interferes as little as practicable with operation of traffic (etc).

We note that an example of the cabling and conduit that is installed onto bridges can be found in **Appendix A** and **Appendix B** to this submission.

Appendix A includes several photographs of Larry Storey Bridge, illustrating duct space and pit locations.

Appendix B includes several photographs of Pittwater Road Bridge, including telecommunications ducts in the bridge, optic fibre and copper inter-exchange cable inside ducts, examples of manholes at the end of the bridge, and a nest of ducts within the bridge.

These are representative examples of solutions that are commonplace across Australia.

Part A – Other Amendments to Determination

AMTA supports the proposal to change 'local authority' to 'local government authority', and to amend 'Above Ground Housing' to 'Above ground housing and facilities'. Both changes provide useful clarification.

Part B - MCF response to proposed amendments to the Code of Practice

AMTA supports the proposal to amend section 1A.7 of the Code to allow landowners and occupiers the power to waive the requirement for an installation certificate separately. Additionally, AMTA welcomes changes that would allow either a landowner or occupier to waive the requirement if they have an agreement between themselves that allows them to do so.

The Carriers have developed well established engineering assurance processes with many structure owners including mobile network infrastructure providers, broadcast tower owners, and utility pole owners. At present, however, there is also a need to duplicate the engineering assurance process with the reformatting and with additional certification of material for the provision of an installation certificate to an occupier.

If this duplication was removed, it may free up the Carriers to establish engineering assurance processes with additional structure owners.

In summary, AMTA supports the extension of the exemption provision in clause 1A.7(3) to include 'occupiers', this will avoid duplication and the need for an engineering certificate.

Part C - MCF response to other reforms to the Powers and Immunities Framework

Part C of the 2024 Paper provides an overview of other potential powers and immunities reform opportunities.

AMTA and MCF members participated in the Powers and Immunities Reference Group (P&I Reference Group or 'PIRG') as well as three PIRG Working Groups, examining:

- streamlined arrangements for the deployment of Multi-Functional poles, such as the possibility for poles to be specified as a low-impact facility,
- the management of redundant telecommunications facilities, and
- the development of an industry code to improve consultation before carriers' access commercial high-rise buildings to undertake P&I activities.

The PIRG Working Group on redundant facilities reached consensus on some proposed measures to manage redundant telecommunications facilities, and likewise, the PIRG Working Group on Building Access Guidelines reached a similar partial agreement on developing an industry code (on some matters whilst retaining other requirements in a guideline) for accessing commercial high-rise buildings. The PIRG did not reach consensus on streamlined arrangements for the deployment of poles.

We note from the 2024 Paper that the department is considering this matter in the broader context, given the delivery of the Mobile Telecommunications Working Group's Final Report. We also note that discussions are continuing with some stakeholders including in relation to developing guidelines and agreements, as appropriate. AMTA confirms that it continues to be an interested party and is willing to participate in discussions on matters such as:

- Potential changes to the Telecommunications Act 1997 and other existing Commonwealth legislation to establish a redundant facilities framework.
- An Industry Code for high rise buildings - or a 'building access guideline' as it has been known. AMTA/MCF members have consistently indicated a willingness to participate in a working group to address these matters but note that building owner interests have not committed to such a process.

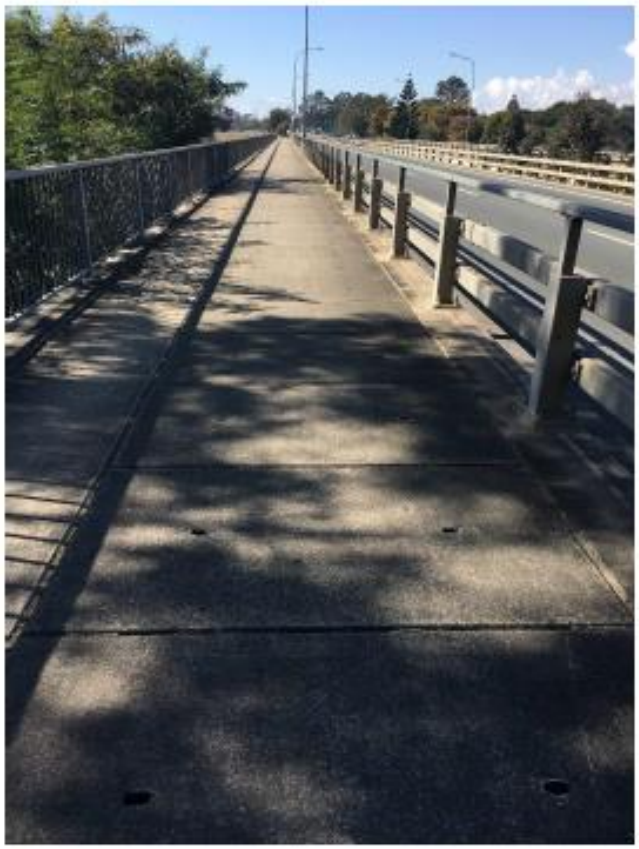
Finally, in relation to improving the P&I framework for the delivery of small cells, potentially though the inclusion of 'Multifunction Poles' ('MFP'), we note the lack of any consensus through the PIRG process, including via a tangential mediation process towards the end of the PIRG's MFP Working Group deliberations.

We welcome the department's deliberation on this matter in the broader context guided by the Mobile Telecommunications Working Group's Final Report, and AMTA and MCF's carrier members are ready to participate in any future process.

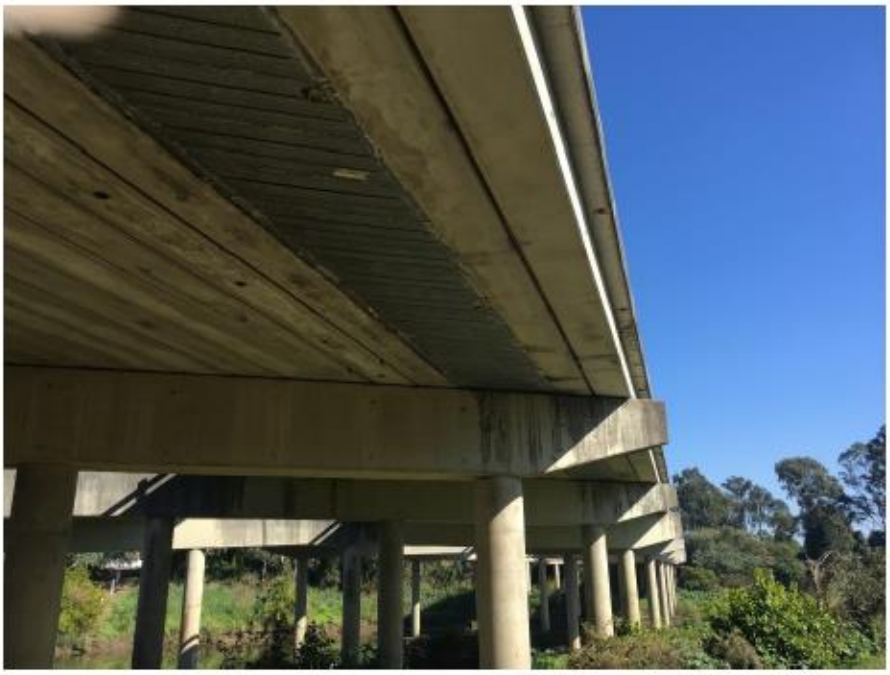
Conclusion

AMTA welcomes these necessary, sensible and targeted reforms outlined in the 2024 Paper.
If implemented, the reforms will encourage infrastructure investment so that national mobile telecommunications networks, fixed line network infrastructure and subscriber connections can be expedited to meet the needs of modern Australia.

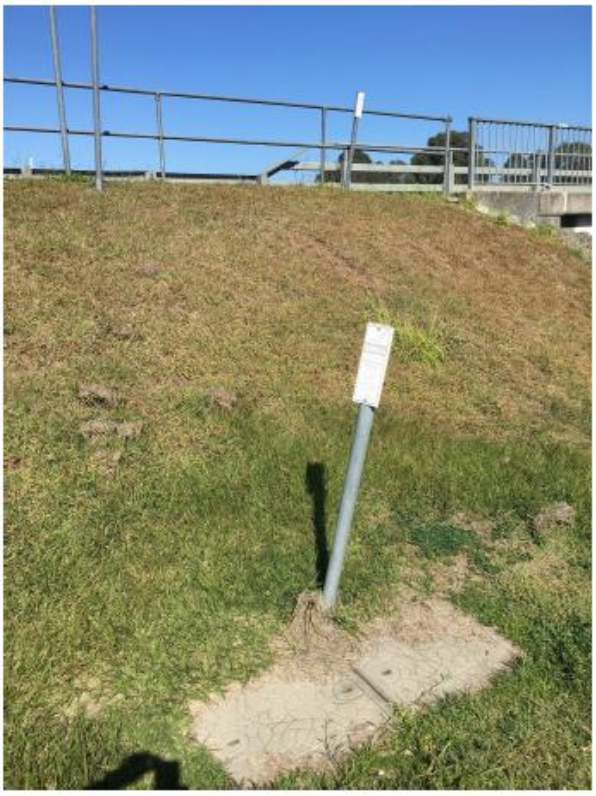
Appendix A - Photographs of Larry Storey Bridge



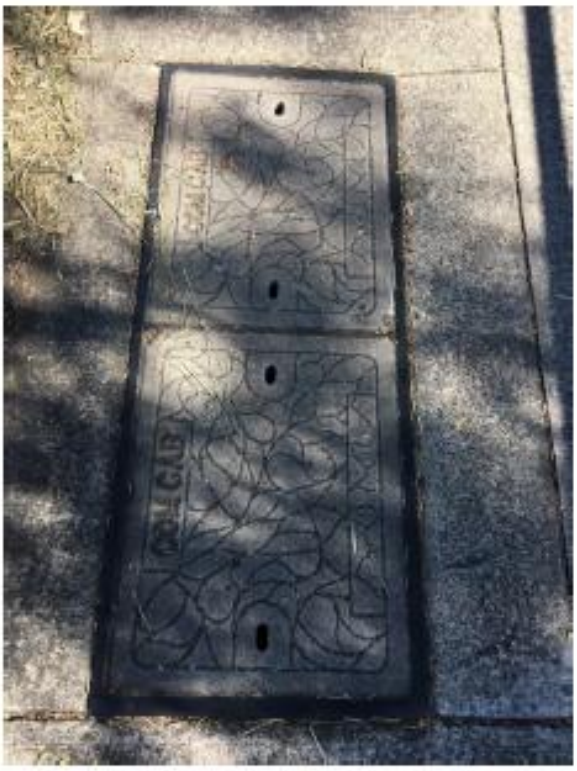
Footpath above duct space on Larry Storey Bridge



Duct space underneath Larry Storey Bridge



Pit location at the end of Larry Storey Bridge



Pit location at the end of Larry Storey Bridge

Appendix B - Photographs of Pittwater Road Bridge

Photo 1 - *Nest of telecommunications ducts located in bridge.*

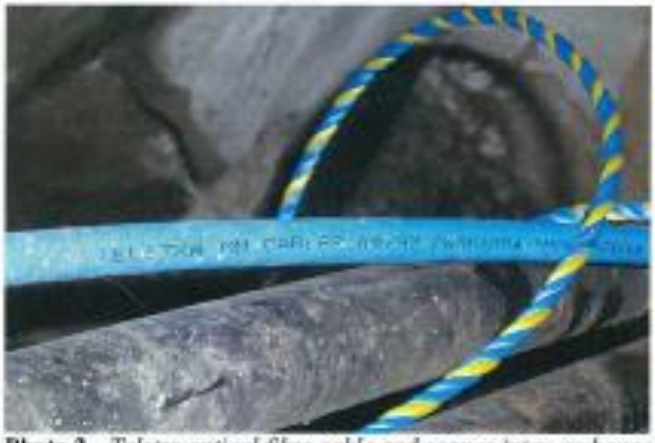


Photo 2 - *Telstra optical fibre cable and copper inter-exchange cable located within the Narrabeen duct.*

Photo 3 - *Large copper inter-exchange cables within the Narrabeen duct.*

Photo 4 - *Access manhole at southern end of Bridge*

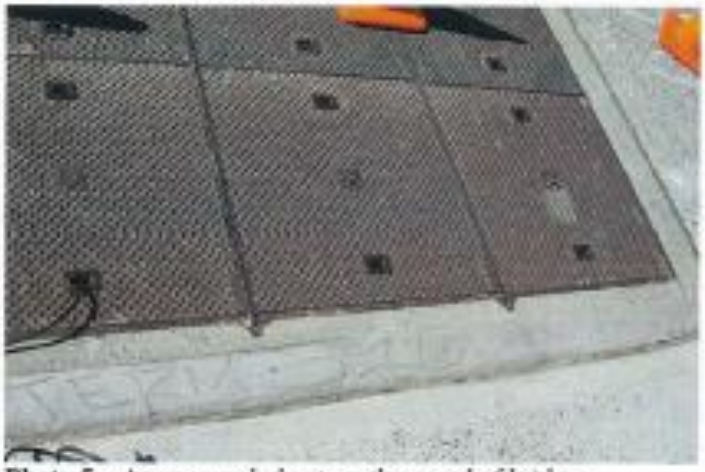


Photo 5 - *Access manhole at northern end of bridge*

Photo 6 - *Manhole 'A' looking south across bridge – 8 way nest of ducts with new cable to be hauled through Duct which already contains blue optic fibre cable*

Photo 7- *Manhole 'B' looking north across RTA bridge (manhole 'B' to be bypassed)*

Photo 8 - *Manhole 'B' looking south towards Pittwater Road, Narrabeen (manhole 'B' to be bypassed)*

Photo 9 - *Manhole 'C' looking north towards the Bridge –8 way nest of ducts with new cable to be hauled through Duct which already contains blue optic fibre cable*