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Via email: [powersandimmunities@communications.gov.au](mailto:powersandimmunities@communications.gov.au)

To whom it may concern

#### **Proposed amendments to the Powers and Immunities Framework – Consultation Paper**

The Far North Queensland Regional Organisation of Councils (FNQROC) represents 12 member councils being Cairns, Cassowary and Tablelands Regional Council, Cook, Croydon, Douglas, Etheridge, Hinchinbrook and Mareeba Shire Councils and Hope Vale, Yarrabah and Wujal Wujal Aboriginal Shire Councils. Member councils cover more than 252,000 square kilometres with a total population of approximately 281,000.

We would like to thank you for the opportunity to provide comments on the consultation paper.

The FNQROC is not in a position to provide a comprehensive response to all the proposed changes, there are organisations more experienced than us to do this however we would like to provide some general comments and focus on bridges as a low impact facility to hopefully portray our position.

#### **Omnidirectional antennas – all areas**

Seeking to increase the current length from 4.5m to 6m with no changes proposed to the distance between antenna (5m) or the protrusion height from a structure (2m). The reasoning is that over 4.5m they need to obtain approval under planning arrangements, and this is having an impact on emergency service organisations.

#### **Comment:**

Each local government will have their own priorities; within our membership we have some councils with a proliferation of towers (many of which are not shared) while others would welcome a tower or two. This not only relates to the towers themselves but also the size of the towers. Industry should work with local governments on the placement of infrastructure to ensure local government strategic

directions are not compromised by private industry wants. Councils in this region are more than willing to work with telecommunication carriers to obtain a mutually beneficial result.

Using emergency services as a reason for a blanket change appears to be a little deceptive. Perhaps this could be refined to only apply if it is for emergency services and provision of this evidence is provided to council prior to commencement.

### **Determining cabling on bridges as a low-impact facility.**

This is strongly not supported.

The proposed wording of Section 1A.3 – *take **all reasonable steps** to ensure that the activity interferes as little as practicable with:*

- *The operations of a public utility; and*
- *Public roads and paths; and*
- *The movement of traffic; and*
- *The use of land*

#### Comment

Who determines what all reasonable steps and as little as practicable means?

Section 1A.11 – *If an installation is likely to affect the operations of a public utility, the carrier must make **reasonable efforts** to enter into an agreement with the utility that makes provision for the manner in which the carrier will engage in the activity.*

#### Comment

Who determines 'reasonable efforts'?

Section 1A.12 – *A carrier must give written notice of its intention to:*

- *Close, divert or narrow a road or bridge;*
- *Install a facility on, over or under a road or bridge;*
- *Alter the position of a water, sewerage or gas main or pipe; and*
- *Alter the position of an electricity cable or wire*

*To the person or authority responsible for the care and management of the thing affected by the activity.*

#### Comment

Will the telecommunication provider take all legal responsibility for the assets they have closed, diverted, narrowed?

Will the telecommunication provider take legal responsibility for any resulting issues as a result of altering the position of a water, sewer or gas main or pipe?

Case study 2 associated with this proposed change says nothing as to why cabling on the bridge across Lane Cover River was not permitted. Where is the other half to this story?

Our position has not changed since July 2017, we object to telecommunication carriers having greater powers to install their infrastructure on existing public infrastructure such as bridges without consultation and permission from the asset owner.

We object to bridges being identified as low impact. The local governments in this region have 963 bridges and major culverts and 17,830 minor culverts. The placement of cables etc. on these assets without consent from the asset owner is not acceptable. As we understand it, if a structure is replaced or works undertaken, it will be at our cost to replace the cables etc. This is an effective cost shift from private industry to local governments and subsequently the ratepayer.

Given the time telecommunication carriers should take to plan their expansion or renewal of assets surely it is not unreasonable that due consultation with the local government is undertaken and the decisions of that council (on behalf of their community) is respected; just like any other private business in a local government area.

Thank you again for the opportunity to provide comment on this important issue. Should you have any queries please do not hesitate to contact myself on [REDACTED].

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[REDACTED]  
[REDACTED]