



## Department of Transport



Rachel Blackwood  
Assistant Secretary  
Spectrum & Telecommunications Deployment Policy Branch  
Department of Infrastructure, Transport, Regional Development and Communications

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

Dear Ms Blackwood,

Thank you for continuing to engage with the Department of Transport (Victoria) on the Commonwealth plan to improve the telecommunications powers and immunities framework.

The Department of Transport (Victoria) welcomes the opportunity to provide feedback on the exposure drafts of changes to the *Telecommunications Code of Practice 2018* (Code of Practice) and the *Telecommunications (Low-impact Facilities) Determination 2018* (LIFD).

The Department of Transport (Victoria) was supportive of many of the proposed changes to the telecommunications framework which were outlined in the paper "Improving the telecommunications powers and immunities framework" (the paper), and provided a submission on the paper in October 2020. The Department of Transport (Victoria) submission responded to each of the 12 proposals in the paper and is included as an attachment to this submission for your information. The submission made in October 2020, as well as supporting many of the proposals in the paper, outlined additional measures required to effectively balance the needs of road authorities and telecommunications carriers.

Consequently, the Department of Transport (Victoria) is disappointed that the exposure drafts of both the Code of Practice and LIFD implement few of the changes which were proposed in the paper, and which would benefit road authorities and road users. Rather than rebalancing the power between road authorities and telecommunications carriers, the proposed reforms increase the powers of telecommunications carriers, increasing the power imbalance which exists between road authorities and telecommunications carriers.

As a member of Austroads, the Department of Transport (Victoria) continues to be supportive of the issues raised by Austroads on behalf of the States and Territories in the White Paper, "Balancing Powers of Telecommunications and Roads". These issues have not substantially been addressed by the Commonwealth. Again, the Department of Transport (Victoria) strongly encourages the Commonwealth to revisit the white paper and give due consideration to the issues raised.

If you have any questions in relation to the Department of Transport (Victoria) submission please contact 

Kind Regards,

[Redacted]

[Redacted]

[Redacted]

# Department of Transport (Victoria) Formal Submission

## Tranche One – Powers and Immunities framework reforms

**Contact name:** [REDACTED]

**Organisation:** Department of Transport (Victoria)

**Contact details:** Email: [REDACTED]

Phone: [REDACTED]

Address: [REDACTED]

**Submission:** This submission can be published.

### Introduction

The Department of Transport (Victoria) submission which follows below outlines proposals which were put forward by the Commonwealth in the paper “Improving the telecommunications powers and immunities framework” (the paper) and addresses each item in relation to proposed changes to the *Telecommunications Code of Practice 2018* (Code of Practice) and the *Telecommunications (Low-impact Facilities) Determination 2018* (LIFD). The submission outlines proposals which have been omitted, been partially addressed, or which have been included despite stakeholder objections.

As per the submission which was made on the paper by the Department of Transport (Victoria) in October 2020 (attachment A) it is noted that many issues raised by Austroads on behalf of the States and Territories in the White Paper, “Balancing Powers of Telecommunications and Roads”, have still not been addressed. The Department of Transport (Victoria) continues to strongly encourage the Commonwealth to revisit the white paper and give proper consideration to the issues raised within it.

### Safety and notification

#### A. *Creation of a primary safety condition*

**Commonwealth Proposal as outlined in the paper:** A primary safety condition could be added to the Code of Practice to make clear, and reaffirm, that safety of telecommunications installations is paramount.

For example, the proposed primary condition could:

- make more explicit the existing safety obligations carriers must comply with,
- apply to other areas of the Code of Practice, such as in agreements between carriers and public utilities regarding inspection, installation and maintenance activities, and
- reinforce the need for carriers to comply with standards, including industry standards and codes registered by the ACMA under Part 6 of the Act.

**This proposal was supported by the Department of Transport (Victoria).**

**Exposure draft feedback from the Department of Transport (Victoria).** The creation of a primary safety condition has been partially addressed in the exposure draft of proposed changes to the Code of Practice, however is still narrowly focussed on carriers activities, rather than requiring carriers to adhere to standards regarding the environment in which the facilities are located (eg

road safety standards should be included here such that carrier facilities are located to minimise road safety risks).

The Department of Transport (Victoria) also outlined several items for further consideration in the submission made in October 2020 (Attachment A).

The Department of Transport (Victoria) believe that the items outlined for further consideration in the October 2020 submission need to be addressed in the Powers and Immunities framework reforms.

### *B. Standard notifications across industry*

**Commonwealth Proposal as outlined in the paper:** Would requiring new information to be included in a notice enhance and clarify the existing notification procedures?

For example, the following information, could be specified for inclusion in a notice given by a carrier:

- indicative timeframes for proposed activities, such as when the activity will commence and how long the activity would usually take once commenced,
- for landowners that are public utilities, including road authorities, a statement explaining the proposed activity supplemented with technical drawings or plans, and the standards applicable to the activity, and
- for all other landowners, a plain English explanation of the proposed activity and the equipment to be installed or maintained. Landowners may request information from carriers about the technical plans or standards applicable to a proposed activity, however the provision of this information as part of the notification would only apply if the landowner is a public utility.

**This proposal was supported by the Department of Transport (Victoria).**

**Exposure draft feedback from the Department of Transport (Victoria).** The creation of a standard notice to be used across industry has been partially addressed by the tranche one measure of proposing the creation of a standard notice outside of the regulatory framework. Whilst the intention of this is for the Commonwealth Government to demonstrate what best practice looks like, and therefore what is required of carriers, the voluntary adoption of the notice means that carriers will continue to provide notices with form and content of their choosing. Whilst the standard notice template is welcome as an interim measure to demonstrate best practice to carriers, the Department of Transport (Victoria) requests that longer term a standard notification requirement (including sufficient detail regarding the accuracy, quality and type of information required in notices) is pursued.

The draft notice which is proposed to be developed by the Department, the Australian Communications and Media Authority (ACMA) and the Telecommunications Industry Ombudsman (TIO) needs to be sent to all stakeholder groups for consultation (rather than just industry) prior to implementation.

The Department of Transport (Victoria) also outlined several items for further consideration in the submission made in October 2020 (Attachment A).

The Department of Transport (Victoria) believe that the items outlined for further consideration in the October 2020 submission need to be addressed in the Powers and Immunities framework reforms.

### *C. Withdrawal of notifications*

**Commonwealth Proposal as outlined in the paper:** Carriers be required to withdraw a notice when the proposed activity is cancelled or indefinitely delayed, to provide certainty and transparency for landowners and occupiers. Information about the procedure could include:

- minimum timeframes for the notice to be withdrawn, such as at least two business days before the planned activity is expected to begin,
- reference to the date of the original notice, and
- information explaining why the notice is withdrawn.

**This proposal was supported by the Department of Transport (Victoria).**

**Exposure draft feedback from the Department of Transport (Victoria).** The requirement to withdraw a notice when the proposed activity is cancelled or indefinitely delayed has been partially addressed in the exposure draft of proposed changes to the Code of Practice, however is not prescriptive enough. It is critical that requirements for notification of withdrawal of notice include; a minimum timeframe for withdrawal of a notice, a requirement to contain sufficient detail from the original notice that the sites can be efficiently reconciled, and an explanation as to why the notice has been withdrawn.

### *D. Requirement to provide engineering certification*

**Commonwealth Proposal as outlined in the paper:** Carriers to provide a copy of the engineering certificate to the landowner /occupier after asset installation. Proposing either industry commitment, or additional requirements included in either an industry code registered by the ACMA or the Code of Practice.

**This proposal was supported by the Department of Transport (Victoria).**

**Exposure draft feedback from the Department of Transport (Victoria).** The proposal to provide a copy of the engineering certificate to the landowner / occupier after asset installation is partially addressed in the exposure draft of proposed changes to the Code of Practice. Along with the requirements outlined in the exposure draft there should be a requirement for carriers to keep records of the certificates, as well as as-built information for each installation (technical drawings, survey information, depth of asset when located underground etc). Landowners and occupiers may change from time to time so it is important that this information is retained by the asset owner (carrier), and is able to be provided to the landowner or occupier if requested.

The Department of Transport (Victoria) also outlined several items for further consideration in the submission made in October 2020 (Attachment A).

The Department of Transport (Victoria) believe that the items outlined for further consideration in the October 2020 submission need to be addressed in the Powers and Immunities framework reforms.

### *E. Extending notification timeframes*

**Commonwealth Proposal as outlined in the paper:** To extend the current minimum notification timeframe for utilities and road authorities from 10 business days to 20 business days.

Alternative proposal: To include providing greater interaction and engagement from carriers for the following activities in an industry code registered by the ACMA:

- commit to greater engagement with landowners and occupiers in its business practices, and
- initiate or reinstate regular meetings with public utilities and road authorities, in particular, to share information about proposed deployments.

**This proposal was supported by the Department of Transport (Victoria).**

**Exposure draft feedback from the Department of Transport (Victoria).** It is noted that the proposal to extend the minimum statutory notification and objection timeframes has not been included in the tranche one measures, and has been identified to be included in tranche two measures. The Department of Transport (Victoria) is supportive of the inclusion of this proposal and would welcome an opportunity to comment on the proposed legislative amendment during tranche two.

The Department of Transport (Victoria) also outlined several items for inclusion in extending notification timeframes in the submission made in October 2020 (Attachment A).

The Department of Transport (Victoria) believe that the items outlined for inclusion in the October 2020 submission need to be addressed in tranche two of the Powers and Immunities framework reforms.

## Objections and protections

### *A. Clarifying the objections process for landowners*

**Commonwealth Proposal as outlined in the paper:** To develop clearer guidance about the objection process (e.g. factsheets), for carriers to include in the notice given to the landowner/occupier.

**This proposal was supported by the Department of Transport (Victoria).**

**Exposure draft feedback from the Department of Transport (Victoria).** Clarifying the objections process for landowners have been partially addressed by the tranche one measure whereby the Department is preparing a factsheet which will be made available on its website. It is critical that the factsheet adequately summarise the rights, obligations, and timeframes applicable to each party. The inclusion of the relevant link in notices provided by carriers to landowners under Schedule 3 of the Act is welcome.

The Department of Transport (Victoria) also outlined several items for further consideration in the submission made in October 2020 (Attachment A).

The Department of Transport (Victoria) believe that the items outlined for further consideration in the October 2020 submission need to be addressed in the Powers and Immunities framework reforms.

### *B. Allowing carriers to refer objections to the TIO*

**Commonwealth Proposal as outlined in the paper:** allowing carriers to refer objections to the TIO directly, whereas now, carriers can only refer objections to the TIO when the landowner requests the objection to be referred.

**This proposal was supported by the Department of Transport (Victoria).**

**Exposure draft feedback from the Department of Transport (Victoria).** The proposal to allow carriers to refer objections directly to the TIO is partially addressed in the exposure draft of proposed changes to the Code of Practice. Along with the requirements outlined in the exposure draft there should be a reciprocal ability for public utilities (eg road authorities) to directly refer an objection to the TIO, rather than having to rely on a carrier to refer it (sometimes carriers simply refuse to refer objections to the TIO).

The Department of Transport (Victoria) also outlined several items for further consideration in the submission made in October 2020 (Attachment A).

The Department of Transport (Victoria) believe that the items outlined for further consideration in the October 2020 submission need to be addressed in the Powers and Immunities framework reforms.

### *C. Removal of redundant equipment*

**Commonwealth Proposal as outlined in the paper:** Carriers to remove redundant equipment which was part of a telecommunication or radiocommunication network that is no longer used to deliver a service and is not likely to be used to deliver services in the future.

**This proposal was supported by the Department of Transport (Victoria).**

**Exposure draft feedback from the Department of Transport (Victoria).** It is noted that the proposal to require the removal of redundant equipment has not been included in the tranche one measures, with the Department proposing to develop a framework for carriers to remove redundant equipment which is to be consulted on as part of the tranche two measures. The Department of Transport (Victoria) is supportive of the inclusion of this proposal and would welcome an opportunity to comment on the proposed framework during tranche two.

The Department of Transport (Victoria) also outlined several items for consideration in the submission made in October 2020 (Attachment A).

The Department of Transport (Victoria) believe that the items outlined for consideration in the October 2020 submission need to be addressed in tranche two of the Powers and Immunities framework reforms.

## Facilitating services in line with community expectations and to support economic growth

### *A. Improve coverage outcomes through better infrastructure, where safe*

**Commonwealth Proposal as outlined in the paper:** To make *Technical amendments to equipment classified as a low-impact facility in the Telecommunications (Low-impact Facilities) Determination 2018 (LIFD) including:*

- a. *Allow antenna protrusions to be extended to a height of 5 meters (currently 3 meters)*
- b. *Allow satellite dishes of 2.4 meters in diameter to be deployed in industrial and rural areas (currently a maximum diameter 1.8 metres for low impact)*
- c. *Specify radiocommunications lens antennae as a new low-impact facility*

**This proposal was NOT SUPPORTED by the Department of Transport (Victoria).**

**Exposure draft feedback from the Department of Transport (Victoria).** It is noted that the proposal to improve coverage outcomes through better infrastructure, where safe is included in the exposure draft of the LIFD. Despite the Commonwealth assertion that the **safety** of expanded facilities can be addressed by the implementation of other proposals in tranche one this is simply not the case. The requirement that carrier facilities are appropriately engineered and adhere to primary safety conditions within themselves has no regard for the impact that the facilities have on the environment which they are located within. Similarly, acknowledgement of the “visual impact” concerns held by some members of the community do not address the significant issues which road authorities have with the location of these assets. From a road authority point of view the issues of road safety, impact on road authority assets and operation are of significant concern. There is currently no specification anywhere in the tranche one documents of a requirement to



have regard to the **road safety impact** of these “low impact facilities”. The reality is that above ground assets in a road reserve are rarely “low impact”. The LIFD determination should be limited to below ground assets in the context of road reserves. All other items need to be subject to transparency and the scrutiny of proper process under the applicable State and Territory laws. Public safety risks and operational impacts are the issues created by the current LIFD and which urgently need to be addressed. Further expansion of the self-regulation which currently occurs in relation to “low impact facilities” is unacceptable and cannot be supported by the Department of Transport (Victoria).

The Department of Transport (Victoria) also outlined several other concerns with expanding the equipment classified as a low-impact facility in the submission made in October 2020 (Attachment A).

The Department of Transport (Victoria) believe that the significant concerns outlined in the October 2020 submission need to be urgently addressed in tranche two of the Powers and Immunities framework reforms.

#### *B. Improve coverage outcomes through tower extensions*

**Commonwealth Proposal as outlined in the paper:**

- *Tower heights (Item 12 in the Schedule to the LIFD) amended to allow height extensions up to a maximum of 5 metres in commercial areas in the following circumstances:*
- *the height of the extension does not exceed 5 metres (as in current LIFD)*
- *there have been no previous extensions to the tower (as in current LIFD), or*
- *the tower was previously extended by less than 5 metres (new suggestion).*

**This proposal was NOT SUPPORTED by the Department of Transport (Victoria).**

**Exposure draft feedback from the Department of Transport (Victoria).** It is noted that the proposal to improve coverage outcomes through tower extensions is included in the exposure draft of the LIFD. The Department of Transport (Victoria) believes that expansion of the LIFD to include further tower extensions has significant potential to add major costs to future road works and improvements where expanded tower assets require relocation. Carriers should be required to consult with road authorities prior to placement, so that if there is an existing planned road authority project at that location the best solution for both parties (and the taxpayer) can be negotiated. Consequently, the Department of Transport (Victoria) cannot support the inclusion of further tower extensions in the LIFD.

### *C. Allowing deployment on poles rather than on utilities*

**Commonwealth Proposal as outlined in the paper:** specify smart or slim poles as low-impact facilities.

**This proposal was NOT SUPPORTED by the Department of Transport (Victoria).**

**Exposure draft feedback from the Department of Transport (Victoria).** It is noted that the proposal to specify smart or slim poles as low-impact facilities has not been included in the tranche one measures, with the Department proposing to consider matters previously raised in submissions and undertake further consultation as part of the tranche two measures. The Department of Transport (Victoria) is very strongly of the view that smart or slim poles in the context of road reserves are not low impact facilities, and require a consent process when proposed to be placed within road reserves to ensure that the potential impact on road safety (such as line of sight, clear zone requirements) is appropriately assessed and addressed. It is recognised that carriers have a right to place infrastructure within road reserves, however appropriate placement needs careful assessment by those with the appropriate skills and knowledge. The Department of Transport (Victoria) would welcome an opportunity to comment on the proposal further during tranche two.

The Department of Transport (Victoria) also outlined several items for further consideration in the submission made in October 2020 (Attachment A).

The Department of Transport (Victoria) believe that the items outlined for further consideration in the October 2020 submission need to be addressed in the Powers and Immunities framework reforms.

### *D. Encourage the co-location of facilities*

**Commonwealth Proposal as outlined in the paper:** Should co-location volume limits be updated as per the options outlined below?

- *Option 1: Co-location volume to be lifted to 50 per cent in residential and commercial areas*
- *Option 2: Co-location volume lifted to 50 per cent in residential areas, no limit in commercial areas*

**This proposal was NOT SUPPORTED by the Department of Transport (Victoria).**

**Exposure draft feedback from the Department of Transport (Victoria).** The proposal to increase co-location volume limits is included in the exposure draft of the LIFD. Concerns raised by the Department of Transport (Victoria) regarding the safety of increasing volume limits is partially addressed in the exposure draft of proposed changes to the Code of Practice. The inclusion of a primary safety condition (e.g. to ensure that host poles are structurally adequate for the proposed purpose) is welcome, however is still narrowly focussed on carriers activities. Adequate consideration of the engineering and road safety constraints of the environment where the pole is located needs to occur, consequently the Department of Transport (Victoria) does not support the proposal to increase co-location volume limits in the proposed form.



Rachel Blackwood  
Assistant Secretary  
Spectrum & Telecommunications Deployment Policy Branch  
Department of Infrastructure, Transport, Regional Development and Communications

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

Dear Ms Blackwood,

Thank you for the opportunity to comment on the proposed changes to the telecommunications framework outlined in the paper, "Improving the telecommunications powers and immunities framework".

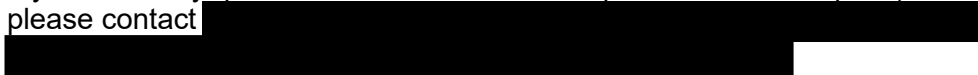
As a member of Austroads, the Department of Transport (Victoria) understands that Austroads has made a submission on the paper on behalf of its member organisations. We confirm that the Department of Transport (Victoria) are a party to and support that submission.

The Victorian specific submission which is attached to this letter outlines items which the Department of Transport (Victoria) would like considered in addition to the Austroads submission.

Many of the proposed changes to the telecommunications framework outlined in the paper are supported by the Department of Transport (Victoria). Where proposed changes are not supported additional aspects have been raised for your consideration.

It is also noted that many issues raised by Austroads on behalf of the States and Territories in the White Paper, "Balancing Powers of Telecommunications and Roads", have not been addressed, or have been only partially addressed by the Commonwealth proposals. The Department of Transport (Victoria) strongly encourages the Commonwealth to revisit the white paper and give due consideration to the issues raised within it.

If you have any questions in relation to the Department of Transport (Victoria) submission please contact



Kind Regards,



# Department of Transport (Victoria) Formal Submission

## Improving the telecommunications powers and immunities framework

**Contact name:** [REDACTED]

**Organisation:** Department of Transport (Victoria)

**Contact details:** Email: [REDACTED]

Phone: [REDACTED]

Address: [REDACTED]

**Submission:** This submission can be published.

### Introduction

As a member of Austroads, the Department of Transport (Victoria) understands that Austroads has made a submission regarding “Improving the telecommunications powers and immunities framework”, on behalf of its member organisations. We confirm that the Department of Transport (Victoria) are a party to and support that submission. The Victorian specific submission which follows below outlines items which the Department of Transport (Victoria) would like considered in addition to the Austroads submission.

It is also noted that many issues raised by Austroads on behalf of the States and Territories in the White Paper, “Balancing Powers of Telecommunications and Roads”, have not been addressed, or have been only partially addressed by the Commonwealth proposals. The Department of Transport (Victoria) strongly encourages the Commonwealth to revisit the white paper and give due consideration to the issues raised within it.

Safety and notification
<i>F. Creation of a primary safety condition</i>
<p>Proposal: A primary safety condition could be added to the Code of Practice to make clear, and reaffirm, that safety of telecommunications installations is paramount.</p> <p>For example, the proposed primary condition could:</p> <ul style="list-style-type: none"><li>• make more explicit the existing safety obligations carriers must comply with,</li><li>• apply to other areas of the Code of Practice, such as in agreements between carriers and public utilities regarding inspection, installation and maintenance activities, and</li><li>• reinforce the need for carriers to comply with standards, including industry standards and codes registered by the ACMA under Part 6 of the Act.</li></ul> <p><b>Supported.</b> This proposal is supported as the current Telecommunications legislative framework does not always meet the safety and operational needs of road authorities. This can result in poor outcomes for road authorities, and therefore road users (with associated additional works, costs and increased risks for road authorities).</p> <p>All other public utilities need to actively engage with and comply with a road authorities standards and conditions when installing infrastructure in the road reserve. Imposing a similar requirement</p>

on telecommunications carriers would help minimise road safety risks and the impact of telecommunications installations on road authority assets. Defining safety obligations in the statutory framework would be a positive step forward and ideally should be accompanied by penalties for non-compliance.

#### *G. Standard notifications across industry*

Proposal: Would requiring new information to be included in a notice enhance and clarify the existing notification procedures?

For example, the following information, could be specified for inclusion in a notice given by a carrier:

- indicative timeframes for proposed activities, such as when the activity will commence and how long the activity would usually take once commenced,
- for landowners that are public utilities, including road authorities, a statement explaining the proposed activity supplemented with technical drawings or plans, and the standards applicable to the activity, and
- for all other landowners, a plain English explanation of the proposed activity and the equipment to be installed or maintained. Landowners may request information from carriers about the technical plans or standards applicable to a proposed activity, however the provision of this information as part of the notification would only apply if the landowner is a public utility.

**Supported.** This proposal is supported as Telecommunications carrier notices frequently lack sufficient detail to make an accurate assessment of the works to be undertaken. Notices need to be consistent in the amount, accuracy, quality and type of information required. If notices provided are not timely, contain insufficient detail, inaccurate or misleading information then a road authority should be able to request further information (**and have the notification timeframe clock stop** until such time as complete information is provided) without having to object to the proposal. This would incentivise telecommunications carriers providing appropriate information from the outset.

Notices also need to contain a reasonable indication of when the works will occur and how long they are expected to take. Current practice by some carriers to include as little information as possible as to the technical nature of the works, such that they can then classify everything as “low impact”.

A prescribed and detailed form of notice should be incorporated into the code of practice and would support greater transparency and accountability of telecommunications carrier works in road reserves.

#### *H. Withdrawal of notifications*

Proposal: Carriers be required to withdraw a notice when the proposed activity is cancelled or indefinitely delayed, to provide certainty and transparency for landowners and occupiers.

Information about the procedure could include:

- minimum timeframes for the notice to be withdrawn, such as at least two business days before the planned activity is expected to begin,
- reference to the date of the original notice, and
- information explaining why the notice is withdrawn.

**Supported.** This proposal is supported so that road authorities can appropriately manage both their own and third party works. Formal notification is preferred as then both parties are clear regarding obligations. It is important that the form of withdrawal of notification contain information which corresponds with the notification; therefore, enabling it to be easily associated with the notification. Where a notification is withdrawn, and works are later reprogrammed then a new notification needs to be provided

*I. Requirement to provide engineering certification*

Proposal: carriers to provide a copy of the engineering certificate to the landowner /occupier after asset installation. Proposing either industry commitment, or additional requirements included in either an industry code registered by the ACMA or the Code of Practice.

**Supported.** This proposal is supported. Further, carriers should be required by the Code of Practice to keep records of as-built plans (including as constructed survey information for underground assets) and engineering certificates, and to make them available upon request by road authorities. Record keeping requirements should also be explicitly defined to ensure consistency between carriers. In Victoria, reinstatement work required due to other utility works within a road reserve is warrantied for a period of one-year. If the reinstatement does not meet the road authority's standard or has quality issues within the warranty period, the works manager is required to rectify the reinstatement when requested by the road authority. It is requested a similar requirement be included in the Code of Practice thereby incentivising adequate reinstatement rather than current practice which is whatever suits telecommunications carriers (this currently leads to shoddy reinstatement works and public safety risks which then have to be rectified by road authorities).

*J. Extending notification timeframes*

Proposal: To extend the current minimum notification timeframe for utilities and road authorities from 10 business days to 20 business days.

Alternative proposal: To include providing greater interaction and engagement from carriers for the following activities in an industry code registered by the ACMA:  
commit to greater engagement with landowners and occupiers in its business practices, and initiate or reinstate regular meetings with public utilities and road authorities, in particular, to share information about proposed deployments.

**Supported.** The proposal to extend the minimum statutory notification and objection timeframes is supported. Additionally, it should be specified that when utilities and road authorities need to request more information regarding the proposed works due to insufficient information having been provided by the carrier in the notification, the 20 days notification period should pause, until sufficient information has been provided by the carrier for the purpose of consultation.

The alternative proposal is also supported - in addition to not instead of legislative amendment of minimum statutory notification period.

Whilst a minimum notification timeframe is regulatorily required, an industry code registered by the ACMA or Code of Practice should also encourage carriers to notify road authorities as soon as they have the works planned, despite the minimum timeframe for notification.

## Objections and protections

### *D. Clarifying the objections process for landowners*

Proposal: To develop clearer guidance about the objection process (e.g. factsheets), for carriers to include in the notice given to the landowner/occupier.

**Supported.** This proposal is supported as clearer guidance about the objection process would be beneficial to all parties. A document summarising the rights, obligations and timeframes for each party would ensure both parties are clear about their rights. Additionally, the grounds for objection need to be expanded – particularly in circumstances where carriers have not even attempted to reach agreement with a road authority's request for reasonable terms and conditions.

### *E. Allowing carriers to refer objections to the TIO*

Proposal: allowing carriers to refer objections to the TIO directly, whereas now, carriers can only refer objections to the TIO when the landowner requests the objection to be referred.

**Supported.** This proposal is supported subject to some qualifications. If carriers are to be able to refer objections to the TIO directly there must be:

A) A requirement to prove significant efforts have been made to resolve the objection with the road authority directly prior to referral to TIO. This will ensure that there is no temptation for carriers to refer matters to the TIO rather than entering into a genuine discussion to try and resolve the issue with road authorities.

B) A reciprocal ability for a road authority to directly refer an objection to the TIO (at the moment if a carrier refuses to refer an objection to the TIO road authorities do not have the ability to refer the matter themselves)

C) TIO needs to have technical road engineering input to ensure that both sides of the objection argument are adequately assessed (the TIO does not currently have enough road engineering expertise to make these decisions).

### *F. Removal of redundant equipment*

Proposal: Carriers to remove redundant equipment which was part of a telecommunication or radiocommunication network that is no longer used to deliver a service and is not likely to be used to deliver services in the future.

**Supported.** This proposal is supported as the proactive removal of redundant equipment by carriers would reduce red tape and costs for landholders (e.g. road authorities) when carrying out works. Currently when redundant equipment in the road reserve is left by carriers, road authorities incur unnecessary costs when undertaking works. This is because the equipment must be treated as live, and its removal paid for by road authorities. This impacts publicly funded project timelines and costs and benefits commercial entities (carriers). The onus of identification and removal of redundant assets needs to be on carriers as it is near impossible for road authorities to identify if equipment is redundant, and road authorities have no authority to remove equipment even when it has been identified as redundant. Providing landholders with the ability to remove equipment which has been identified as redundant would be a welcome

addition (with the associated costs to be borne by carriers). Further, it needs to be clearly stated that where a carrier chooses to leave redundant equipment, they remain responsible for the ongoing inspection and maintenance of the equipment. Removal of redundant equipment needs to be subject to the same notification process as installation and maintenance of equipment.

## Facilitating services in line with community expectations and to support economic growth

### *E. Improve coverage outcomes through better infrastructure, where safe*

Proposal: To make *Technical amendments to equipment classified as a low-impact facility in the Telecommunications (Low-impact Facilities) Determination 2018 (LIFD) including:*

- d. Allow antenna protrusions to be extended to a height of 5 meters (currently 3 meters)*
- e. Allow satellite dishes of 2.4 meters in diameter to be deployed in industrial and rural areas (currently a maximum diameter 1.8 metres for low impact)*
- f. Specify radiocommunications lens antennae as a new low-impact facility*

**NOT SUPPORTED.** This proposal is strongly rejected as it would further erode road authority powers in relation to telecommunications equipment in the road reserve. Expansion of the self-regulation which currently occurs in relation to “low impact facilities” is unacceptable. The nature of telecommunications carrier equipment has changed significantly. Initially much of the equipment was installed below ground, in recent times however there has been significantly greater proliferation of above ground equipment including poles, antennae, cabinets and satellite dishes. Deployment of these above ground assets in the road reserve is rarely “low impact” from a road safety perspective. Rather than expansion of the definition of what constitutes a “low impact facility” there needs to be a reduction such that only those items which are genuinely low impact on road reserve land are included. All other items need to be subject to transparency and the scrutiny of proper process under the applicable State and Territory laws. Whilst visual amenity is an important issue to the community, this is not the primary concern of road authorities in relation to carrier equipment. Public safety risks and operational impacts are the issues created by the current LIFD and which urgently need to be addressed. The current LIFD includes equipment which has significant impact from a road authority perspective and does not adequately consider impacts on road safety, road authority assets or operations. Many assets currently installed by carriers under the guise of “low impact facility” (through the failure of carriers to provide sufficient information to enable proper assessment of the proposal by the road authority) should be dealt with under a commercial arrangement with the road authority to occupy road reserve (public land).

### *F. Improve coverage outcomes through tower extensions*

Proposal:

*Tower heights (Item 12 in the Schedule to the LIFD) amended to allow height extensions up to a maximum of 5 metres in commercial areas in the following circumstances:*

- the height of the extension does not exceed 5 metres (as in current LIFD)*
- there have been no previous extensions to the tower (as in current LIFD), or*



- *the tower was previously extended by less than 5 metres (new suggestion).*

**NOT SUPPORTED.** This proposal is not supported as the location and placement of infrastructure of this nature in the road reserve must be subject to road authority consent. There are potentially significant cost impacts on future road works due to the need to relocate substantial equipment.

*G. Allowing deployment on poles rather than on utilities*

Proposal: specify smart or slim poles as low-impact facilities.

**NOT SUPPORTED.** This proposal is not supported as the location and placement of infrastructure of this nature in the road reserve must be subject to road authority consent. Poles in the road reserve provide significant potential to compromise road safety due to line of sight impacts or placement within the clear zone of a road reserve, consequently road authority consent to the placement is critical. The primary consideration here cannot be visual impact – safety must be the first consideration. Allowing the installation of poles as part of LIFD (and therefore not requiring road authority approval) is not appropriate from a road safety perspective.

*H. Encourage the co-location of facilities*

Proposal: Should co-location volume limits be updated as per the options outlined below?

- *Option 1: Co-location volume to be lifted to 50 per cent in residential and commercial areas*
- *Option 2: Co-location volume lifted to 50 per cent in residential areas, no limit in commercial areas*

**NOT SUPPORTED.** This proposal is not supported as installation of this type of equipment as LIFD is not appropriate. Again, visual amenity cannot be the primary consideration – engineering, road safety and structural engineering must be the first consideration to ensure that host poles are adequate for the proposed purpose. Consequently, road authority / other utility approval (as each particular case requires) needs to be mandatory.