

To the Department of Communications and the Arts  
GPO Box 2154  
Canberra ACT 2601

## Submission response—Possible amendments to telecommunications powers and immunities

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Yes

Date of submission

18/7/2017

Logo of organisation—if an organisation making this submission



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### General comments

The Telecommunications Act as Federal Legislation provides significant powers to telecommunications providers. The works of telecommunication providers have a significant impact on infrastructure provided by Local Councils for community benefit.

Local Council infrastructure is often damaged by telecommunication companies through works and through poor reinstatement leaving a risk to the community or a poor service outcome. Recent experience in trying to undertake major streetscape development in consultation with all service providers has resulted in telcos particularly Telstra and NBN in not taking up the opportunity to undertake works in a coordinated manner but to undertake excavation and repair not long after the completion of the works.

This not only resulted in additional disruption to CBD traders and their customers, it has resulted in a reduction in the quality of the original streetscape works.

Telstra infrastructure and particularly pits are often located within footpath pavements. The pits are often in poor condition resulting in hazards to pedestrians. Slow response time to rectify defects in pits result in risks to the community. Local Councils also carry the burden of upgrading Telstra pits as part of footpath reconstruction works. This is particularly so with asbestos pits, with Councils have to foot the bill for the significant cost of replacement of the pits, even when only minor alterations are required. As briefly outlined above, cooperation from telecommunications providers in the coordination of works is generally non-existent.

Any amendments that reduce the responsibility of telecommunications providers to notify or appropriately manage their infrastructure and works is not supported.

Specific comments have been provided in a number of areas below

## Responses

The Australian Government seeks views on possible amendments to telecommunications carrier powers and immunities. In particular, the Government seeks views on:

### **Proposed amendments to the Telecommunications (Low-impact Facilities) Determination 1997**

#### **1. Definition of co-located facilities**

1.1 Are there any issues with this proposed clarification to the definition of co-location?

<response>

#### **2. Local government heritage overlays**

2.1 Are there any issues with this clarification in relation to local government heritage overlays?

<response>

#### **3. Radio shrouds as an ancillary facility**

3.1 Should radio shrouds be considered ancillary facilities to low-impact facilities, or should radio shrouds be listed as distinct facilities in the Schedule of the LIFD?

<response>

3.2 If listed as distinct facilities in the Schedule of the LIFD, should there be any criteria for radio shrouds, for example in terms of size and dimensions?

<response>

#### **4. Size of radiocommunications and satellite dishes**

4.1 Are there any issues with permitting 2.4 metre subscriber radiocommunications dishes (or terminal antennas) in rural and industrial areas (LIFD Schedule, Part 1, Item 1A)?

<response>

4.2 Are there any issues with permitting other 2.4 metre radiocommunications dishes in rural and industrial areas, including those located on telecommunications structures (LIFD Schedule, Part 1, Item 5A)?

<response>

## **5. Maximum heights of antenna protrusions on buildings**

5.1 Is a 5 metre protrusion height acceptable, or is there a more appropriate height?

<response>

5.2 Are higher protrusions more acceptable in some areas than others? Could protrusions higher than 5 metres be allowed in industrial and rural areas?

<response>

## **6. Use of omnidirectional antennas in residential and commercial areas**

6.1 Are there any issues with permitting omnidirectional antennas in residential and commercial areas, in addition to industrial and rural areas?

<response>

## **7. Radiocommunications facilities**

7.1 Does the proposed approach raise any issues?

<response>

7.2 Are the proposed dimensions for these facilities appropriate?

<response>

## **8. Equipment installed inside a non-residential structure in residential areas**

8.1 Should carriers be able to enter land (including buildings) to install facilities in existing structures not used for residential purposes in residential areas?

<response>

## **9. Tower extensions in commercial areas**

9.1 Are there any issues permitting tower height extensions of up to five metres in commercial areas?

<response>

## **10. Radiocommunications lens antennas**

10.1 Is lens antenna the best term to describe this type of antenna?

<response>

10.2 Are 4 cubic metres in volume and 5 metres of protrusion from structures appropriate?

<response>

10.3 Should this type of antenna be allowed in all areas, or restricted to only industrial and rural areas?

<response>

## **11. Cabinets for tower equipment**

11.1 Are there any issues with the proposed new cabinet type?

<response>

## **12. Size of solar panels used to power telecommunications facilities**

12.1 Are there any issues with permitting 12.5 square metre solar panels for telecommunications facilities in rural areas?

<response>

## **13. Amount of trench that can be open to install a conduit or cable**

13.1 Are there reasons not to increase the length of trench that can be open at any time from 100m to 200m in residential areas?

<response>

13.2 Is 200m an appropriate length, or should the length be higher if more than 200m of conduit or cabling can be laid per day and the trench closed?

IF the works are conducted in a safe manner and the trench closed at the end of the day there is no need to limit the length of trenching. This only appears to define how much work can be done at a time, not the overall length of work itself.

## **14. Cable & conduit installation on or under bridges**

14.1 Are there any issues with allowing cable and conduit on bridges to be low-impact facilities?

YES. Cost responsibility if and when the structure is to be replaced. Whilst there are benefit to carriers regarding speeding up the installation of conduit and cable however if this amendment was to be passed, it should specify that the costs to relocate the telecommunications infrastructure in the future shall be borne by the owner of the telecommunications infrastructure, not the owner of the bridge infrastructure.

## **15. Volume restrictions on co-located facilities**

15.1 Are there any issues with removing volume limits for adding co-located facilities to existing facilities and public utility structures in commercial areas?

<response>

15.2 Are there any issues with permitting new co-located facilities that are up to 50 per cent of the volume of the original facility or public utility structure in residential areas?

<response>

15.3 Is another volume limit more appropriate in commercial or residential areas?

<response>

15.4 Should alternative arrangements for co-located facilities be developed in the LIFD?

<response>

## **16. Updates to environmental legislation references in the LIFD**

16.1 Are there any issues with the proposed updates?

<response>

16.2 Are there any further suggestions for updates to terms and references in the LIFD?

<response>

## **Proposed amendments to the Telecommunications Code of Practice 1997**

### **17. Clarify requirements for joint venture arrangements**

- 17.1 Are there any issues with making it clear in the Tel Code that only one carrier's signature is required on documents for facilities being installed as part of a carrier joint venture arrangement?

<response>

### **18. LAAN objection periods**

- 18.1 Is it reasonable to end the objection period for low-impact facility activities and maintenance work according to when the notice was issued, rather than the date work is expected to commence?

This amendment is supported

- 18.2 Is 5 business days from the receipt of a notice a sufficient time period for land owners and occupiers to object to carrier activities where carriers have given more than 10 days' notice about planned activities?

10 business days is a more appropriate timeframe given other commitments that experienced by Local Governments and coordination and planning of works by the carrier should be undertaken to enable allow a minimum of 10 days for land owners to object.

### **19. Allow carriers to refer land owner and occupier objections to the TIO**

- 19.1 Are there any issues with allowing carriers to refer objections to the TIO before land owners and occupiers have requested them to?

<response>

### **20. Updates to references in the Tel Code**

- 20.1 Are there any issues with the proposed changes?

<response>

- 20.2 Are there any further suggestions for updates to the Tel Code?

<response>

## **Possible amendments to the *Telecommunications Act 1997***

### **21. Allowing some types of poles to be low-impact facilities**

- 21.1 Is it reasonable for poles in rural areas for telecommunications and electricity cabling for telecommunications networks to be low-impact facilities?

<response>

- 21.2 Should low-impact facility poles be allowed in other areas, or be restricted to rural areas?

<response>

- 21.3 Is the proposed size restriction of up to 12 metres high with a diameter of up to 500mm suitable?

<response>

- 21.4 Would the existing notification and objection processes for land owners and occupiers in the Tel Code be sufficient, or should there be additional consultation requirements?

<response>

## **22. Portable temporary communications facilities**

22.1 - Are there any issues with making portable temporary communications equipment exempt from state and territory planning approvals under certain conditions?

<response>

22.2 - Are there any suggestions for appropriate conditions for the installation of COWs and SatCOWs, such as circumstances in which they can be used and timeframes for their removal?

<response>

22.3 - Should the Act be amended to remove any doubt that MEOs can be installed using the maintenance powers or another power under Schedule 3 of the Act?

<response>

22.4 - Are there any suggestions for appropriate conditions for the installation of MEOs if the maintenance powers are amended?

<response>

## **23. Replacement mobile towers**

23.1 Is the proposal reasonable?

<response>

23.2 Is 20 metres a suitable distance restriction for replacement towers?

<response>

23.3 Is 12 weeks a reasonable maximum time period for installation of replacement towers?

<response>

## **24. Tower height extensions**

24.1 Are one-off 10 metre tower height extensions suitable in commercial, industrial and rural areas, or only some of these areas? If they are only suitable in some areas, which are they and why?

<response>