

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

24/07/2017

Logo of organisation—if an organisation making this submission



Name and contact details of person/organisation making submission

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General comments

The amendment to the proposed timelines is of significant concern, as it does not allow for sufficient time for a matter to be investigated especially if it has to be referred to Council if the notice is considered a significant detriment to a community facility.

This becomes even more important as postage now is not received on a daily basis. Hence an additional minimum amount of time should be allowed to take account of this change.

The existing timelines are already considered tight and it is Council's view that the community may be better served if the timeline was extended not reduced.

The information provided by the telcos is often not of sufficient detail to make an informed and immediate decision. This is a further concern where there is a belief that the carrier has not

made worthwhile enquiries with the parties where they have proposed to do works under the auspices of the Telecommunications Act.

Consideration also needs to be taken of when notice is served of exclusion zones and the added cost that may be associated with servicing structures where telecommunication facilities are located.

Some of the changes which are also included in the proposed amendments are considered to make it even more important that Council's have greater time to respond, especially the changes where structures are to be made bigger or relocated.

It is not only the structures that need to be considered, it is the additional services that are required to support teleco structures such as earth grids and a supply of power (which sometimes has significant impacts on additional land).

Careful consideration must be given to the impact that telecommunication facilities have on the landscape and streetscape. The visual impact can be significant as can be the impost on Council land or places of heritage significance.

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?

<response>

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?

<response>

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?

No. Refer to general comments.

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?

No. Refer to general comments.

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 MEOWs 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 MEOWs 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>