

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

<17July2017>

Logo of organisation—if an organisation making this submission

<response>

Name and contact details of person/organisation making submission

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General comments

<the MOA is allowing Telstra to “rape&pillage” local government and place cables on structures, especially bridges in most instances with NO consultation (no reply within 14days??) requiring major cost, at owner of bridge’s expense, to relocate to allow necessary maintenance and repairs. Also place pits at road junctions as “low impact” but has huge future impacts when junction is upgraded and pit is in the way. If fibre optic can not have vibrations within 5/10/20 metres then these cables must be placed at least 5/10/20 metres (Telstra’s duty of care keeps changing) from the road pavement that requires vibration when periodically reconstructed – and that is the bottom of the pavement not the top. Similarly when running a fibre optic cable parallel to a road it should be at least 5metres/10metres/20metres from the road, including shoulders, especially rural roads that have more periodic reconstruction and cables are not in conduits.>

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?

<why would Telstra rip 3 lines in and choke a road reserve rather than CO-LOCATE?>

2. Local government heritage overlays

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

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?

<yes>

- 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?

<yes>

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?

<not without appropriate permissions>

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?
<they should only open what they can close and properly compact and reinstate the surface properly in any ONE day>
- 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?
<see above, but are they putting it in at a deep enough depth?>

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?
<this NOT a low impact facility and should have written agreement from the owner of the bridge clearly stating conditions on attaching to bridge and tolerances needed for maintenance and repair of bridge components (such a bearing replacements). At no time and under no circumstances should a carrier drill holes or weld attachments to any part of the structure and this includes the concrete supports and abutment walls.>

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?
<if the number of cables/fibres in a single conduit increases to a point it does not allow the conduit to move to acceptable tolerances then that can be a huge problem>

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?

<see above>

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?

<possibly>

16. Updates to environmental legislation references in the LIFD

16.1 Are there any issues with the proposed updates?

<to avoid trees in road reserve they should not utilise the side drain areas along roads in rural areas>

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

<more co-operation with road authorities>

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?

<response>

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?

<response>

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?

<as long as they do not impinge on road safety, therefore NO>

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?

<any size can become a traffic hazard if placed in the wrong location>

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>

