

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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Date of submission

19 July 2017

Logo of organisation—if an organisation making this submission

<response>

Name and contact details of person/organisation making submission

Glenelg Shire Council.

General comments

The amendments may allow telecommunications providers to inadvertently reduce local government's ability to do low cost and appropriate road/bridge asset management works.

By placing cables, pits or telecommunication structures, especially on bridges, in most instances with NO consultation (i.e. no reply within 14 days) may lead to increased local government maintenance and or works cost.

This proposed additional amendment cost should not be at the road / bridge owner expense when doing expected widening or pavement repairs/compaction and or other normal road asset management works.

- The placement of telecommunication pits at road junctions as “low impact” has future impacts when the road junction is upgraded and telecommunication pit/cable/assets are in the way.
- If fibre optic/sensitive cables are placed in a roadway they need to be able to take the expected road reconstruction vibrations.

The telecommunications providers need to allow for the reasonably foreseeable expansion and maintenance of road assets in a roadway.

It is foreseeable that road/bridge assets will need to expand and be maintained, the costs of road way works MUST NOT be laden with the telecommunication providers restrictive and or additional assets/cables/pits costs.

## 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?

It may allow Telecommunication providers to place say three (3) conduit lines in a road reserve and reduce (choke) the available road reserve for other essential services, it is better to collocate.

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

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

Responsibility for maintaining road assets and or placement of Telecommunication conduits often needs repair of heritage damage.

#### **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?

Radio shrouds be listed as distinct facilities in the Schedule of the LIFD.

- 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 we should all expect the standard minimum criteria for radio shrouds to be set and met for example in terms of screening, blending into surroundings, size and colours.

#### **4. Size of radio communications 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)?

Yes, we should all expect minimum criteria for screening, blending structures into surroundings, size and colours.

- 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)?

Yes, we should all expect minimum criteria for screening, blending structures into surroundings, size and colours.

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

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

No it is not acceptable without minimum criteria for screening, blending structures into surroundings, size and colours.

- 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?

No it is not acceptable without minimum criteria for screening, blending structures into surroundings, size and colours.

## **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?

No it is not acceptable without minimum criteria for screening, blending structures into surroundings, size and colours.

## **7. Radiocommunications facilities**

- 7.1 Does the proposed approach raise any issues?

Yes, we should all expect minimum criteria for screening, blending structures into surroundings, size and colours.

- 7.2 Are the proposed dimensions for these facilities appropriate?

Need to consider relative to area, we should all expect minimum criteria for screening, blending structures into surroundings, size and colours.

## **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?

We expect minimum criteria for any protrusion with regards to screening, blending into surroundings, size and colours.

## **10. Radiocommunications lens antennas**

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

This would be fine with appropriate explanations and dimensions.

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

We expect minimum criteria for any protrusion to still have consideration to screening, blending into surroundings, size and colours.

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

Need to consider relative to area and consultation of options, we should all expect minimum criteria for screening, blending structures into surroundings, size and colours.

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

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

Need to consider relative to area and consultation of options. Responsibility to maintain including graffiti removal needs to remain with asset owner.

## **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?

Need to consider relative to area and consultation of options. We expect minimum criteria for any protrusion with regards to screening, blending into surroundings, size and colours. i.e. use of existing roofs of structures.

## **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?

Works within the Road Reserve (WWRR) application must be provided with a detailed *Plan of works* (plan can be either scaled or dimensioned), heritage/pedestrian safety considerations and a *Traffic management plan* (if works involve stopping or diverting traffic). This WWRR consent is separate and in addition to any other permits (if applicable) and ensures that the proposed facilities are designed in accordance with local laws, and the Road Management Act.

This should also cover the contact responsible for any rectification and/or to minimise mud or other debris being carried onto public roads or footpaths. If works affect Vehicle Crossings the property owner discussion/consent is required prior to works.

The trench length should be consistent with states Cultural Heritage Legislation being 100m.

The trench length (less than 100m) should be limited to what can be properly compact and reinstated (no trench) during day light hour's.

Traffic management and work sites needs to provide a signed 24 hour contact (24/7 mobile details) for safety reasons.

Any damage to Council and or private assets needs to be noted onto assets via a sticker immediately on the asset then followed up by contacting the owner.

- 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?

The trench length should be consistent with states Cultural Heritage Legislation being 100m.

Cable depth and quality needs to be suitability to road asset vibration/compaction/maintenance.

Top of conduit needs to be a minimum of 600mm from the surface (including table drain inverts).

## **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?

At no time and under no circumstances should a carrier drill holes or weld attachments to any part of a structure, and this includes the bridges concrete supports and abutment walls, without written permission from property owner. For example drilling holes/connecting steel into cathodic protected concrete structures can render the protection system useless and cause hundreds of thousands of dollars of damage.

Lease (50 years max/ assets life cycle in years) of approval needs consideration to fix assets onto 'others' structures including buildings and bridges that have a life cycle and will need renewal / maintenance.

This “*conduit on bridges* “ is NOT a low impact facility and should have written agreement from the owner of the bridge. The written agreement needs to clearly state any conditions on attaching items to a structure / bridge and any needs for maintenance and repair of bridge components.

It may be necessary for telecommunication conduits to be relocated/removed to allow widening or bridge repair works. This cost should not be allowed to be cost shifted onto Local Governments / bridge asset owners. Alternatively, the conduit owners could build their own conduit bridges or under bore a conduit if this is unacceptable.

## **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?

We need volume limits to stop the ridiculous and unsightly continual additions of conduits to conduit lines, sometimes it may be appropriate to remove conduits/cables and refeed new ones. 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 can also be a 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?

Yes, there needs to be a size limit. We expect minimum criteria for any cable protrusion with regards to screening, blending into surroundings, size and colours. We need volume limits to stop the ridiculous and unsightly continual additions of conduits to conduit lines, sometimes it may be appropriate to remove conduits/cables and refeed new ones.

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

There needs to be a size limits. We expect minimum criteria for any cable protrusion with regards to screening, blending into surroundings, size and colours. We need volume limits to stop the ridiculous and unsightly continual additions of conduits to conduit lines, sometimes it may be appropriate to remove conduits/cables and refeed new ones.

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

Yes this should be the first consideration in all cases, there needs to be a size limit. We expect minimum criteria for any cable protrusion with regards to screening, blending into surroundings, size and colours.

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

- 16.1 Are there any issues with the proposed updates?

To avoid trees in road reserves telecommunication conduits should not be placed along the table drain areas along roadways, this is the area(s) where road widenings are proposed within the road formation width.

The removal of vegetation for all essential services/roads is needed ‘as a right’ to reduce costs by many tens of thousands of dollars per Km of road length. The exemption to the native vegetation net gain accounting requirements needs to occur for all essential services including road works.

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

The removal of vegetation for all essential services/roads is needed ‘as a right’ to reduce costs by many tens of thousands of dollars per Km of road length. The exemption to the native vegetation net gain accounting requirements needs to occur for all essential services including road works.

## 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?

Consultation and signoff should confirm the position of all stakeholders.

### 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?

Need to note Consultation and signoff with all stakeholders before work is expected to commence.

- 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 5 BUSINESS DAYS from the receipt of a notice IS NOT REASONABLE.

Need to have property owners sign off. Property owner needs all information/plans and a minimum of 14 days for consideration of issues with rights to ask for further information that restarts the 14 days consideration if reasonable information was not originally provided.

### 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?

No.

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

- 20.1 Are there any issues with the proposed changes?

No response.

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

No 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?

Need to note Consultation and signoff with all stakeholders. The placement of posts/obstructions needs to not impinge on road safety requirements.

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

Need to note Consultation and signoff with all stakeholders. The placement of posts/obstructions needs to not impinge on road safety requirements.

Placement of posts/obstructions needs to be Outside the *Clear Zone* relative to vehicle speed.

21.3 Is the proposed size restriction of up to 12 metres high with a diameter of up to 500mm suitable?  
Need to note Consultation and signoff with all stakeholders . This may become a traffic hazard if placed in the wrong location. Need to place outside the *Clear Zone* relative to vehicle speed.

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?

No 5 BUSINESS DAYS from the receipt of a notice IS NOT REASONABLE OR SUFFICIENT TIME.

Property owner needs all information/plans and a minimum of 14 days for consideration of issues with rights to ask for further information that restarts the 14 days consideration if reasonable information was not originally provided.

Need to have property owners sign off if they are affected by proposed works.

## 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?

Items may become a traffic hazard if placed in the wrong location. Place outside the *Clear Zone* relative to vehicle speed.

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?

Items may become a traffic hazard if placed in the wrong location. Place outside the *Clear Zone* relative to vehicle speed.

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?

Need to review Items as new installations to see what if any issues has arisen and or local changes have occurred. Items may become a traffic hazard if placed in the wrong location.

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

Need to review Items as new installations to see what if any issues has arisen and or local changes have occurred. Items may become a traffic hazard if placed in the wrong location.

## 23. Replacement mobile towers

23.1 Is the proposal reasonable?

Need to note consultation and signoff with all stakeholders. Need to review before installation to see what if any issues has arisen in other areas and or if there are any community / local issues present.

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

Need to review individual sites as concerns and or new intelligence arises with stakeholders in area.

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

Yes.

## **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?

They need to not impinge on safety and community expect minimum criteria for any protrusion with regards to screening, blending into surroundings, size and colours. Heights need to be reviewed as concerns and or new intelligence arises with stakeholders in area.