

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

21 July 2017

Logo of organisation—if an organisation making this submission



Name and contact details of person/organisation making submission

Hobsons Bay City Council

Bill Millard, Director Infrastructure and City Services

General comments

Comments in response to Question 2 - Council would like to object to a reduction in objection responses from 9 days to 5 days. This reduction will not allow Council adequate time in order to properly assess each proposal. Council recommends that this item remains as is without any change to the current timeline.

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?

The definitions and amended need to then be translated into other documents for example, Planning Schemes to remove any ambiguity.

2. Local government heritage overlays

- 2.1 Are there any issues with this clarification in relation to local government heritage overlays?
No comment

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?
No comment
- 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?
No comment

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)?
No comment
- 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)?
No comment

5. Maximum heights of antenna protrusions on buildings

- 5.1 Is a 5 metre protrusion height acceptable, or is there a more appropriate height?
A 5 metre protrusion may not be acceptable, a more appropriate height would be something that is not visually intrusive, particularly in heritage areas.
- 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?
There is a possibility that 5 metres would be considered in industrial areas, based on current and future development and framework, and where it does not have an interface with a sensitive use.

6. Use of omnidirectional antennas in residential and commercial areas

- 6.1 No comment

7. Radiocommunications facilities

- 7.1 Does the proposed approach raise any issues?
The proposed approach does not raise any issues.
- 7.2 Are the proposed dimensions for these facilities appropriate?
The proposed dimensions for these facilities are considered to be appropriate.

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

- 8.1 No comment

9. Tower extensions in commercial areas

- 9.1 Are there any issues permitting tower height extensions of up to five metres in commercial areas?
See response 5.2

10. Radiocommunications lens antennas

- 10.1 Is lens antenna the best term to describe this type of antenna?
No comment
- 10.2 Are 4 cubic metres in volume and 5 metres of protrusion from structures appropriate?
No comment
- 10.3 Should this type of antenna be allowed in all areas, or restricted to only industrial and rural areas?
No comment

11. Cabinets for tower equipment

- 11.1 Are there any issues with the proposed new cabinet type?
No comment

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?
No comment

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?
Appropriate safety measures would need to be in place.
- 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?
No comment

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, this raises concerns. Future issues could potentially arise in relation to repairs and maintenance to both bridge structure and third party assets.

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?
The proposed approach does not raise any issues.
- 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?
No comment

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

No comment

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

No comment

16. Updates to environmental legislation references in the LIFD

16.1 Are there any issues with the proposed updates?

No comment

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

No comment

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?

No comment

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 comment

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?

We would object to a reduction in time. The proposed reduction would not allow for proper assessment of each proposal.

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 comment

20. Updates to references in the Tel Code

20.1 Are there any issues with the proposed changes?

No comment

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

No comment

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?

Depending on surrounding uses and would need to be carefully planned.

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

No comment

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

No comment

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 comment

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?

No comment

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?

No comment

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?

No comment

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

No comment

23. Replacement mobile towers

23.1 Is the proposal reasonable?

No comment

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

No comment

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

No comment

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?

No comment