

Submission response—Possible amendments to telecommunications powers and immunities

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Yes

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Logo of organisation—if an organisation making this submission



Name and contact details of person/organisation making submission

Brad James

National Planning and Community Consultation Manager
Huawei Technologies (Australia) Pty Ltd
E: brad.james@huawei.com

General comments

The LIFD currently assists in facilitating the timely deployment of telecommunications infrastructure in Australia. The proposed amendments respond to emerging technologies and advancements in equipment in the telecommunications industry. These changes will allow Carriers to cater for the growing demand for mobile services by delivering improved and reliable telecommunications networks to the Australian public.

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?

2. Local government heritage overlays

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

The proposed amendment is supported. This amendment will remove any ambiguity in relation to the permissibility of Low Impact Facilities within Heritage Conservation Areas. This amendment will assist in the expedited delivery of much needed infrastructure in key areas throughout Australia.

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?

The proposal to including radio shrouds as distinct facilities in the LIFD is supported. Implementing these changes will provide Carriers with the opportunity to consider sympathetic design solutions to assist in minimising the visual impact of Low Impact Facilities on the amenity of an area. Having shrouding listed as a distinct item in the LIFD Schedule will provide Carriers with the flexibility to install shrouding as a standalone item for an existing facility rather than only as an ancillary item to new Low Impact works.

- 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?

To remove the potential for radio shrouding installations that are not in character with the scale of a facility and will detract from the amenity of the surrounding area, it is recommended to include development criteria for radio shrouds in relation to size and dimension. Given the scale and layout of facilities can vary significantly per site, it is recommended that the development standards allow for the installation of radio shrouds that are relative to the size of a facility and sympathetic to the surrounding area.

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)?

The proposed amendments are supported. It is considered that 2.4m dishes are suitable for sites in rural and industrial areas.

- 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)?

5. Maximum heights of antenna protrusions on buildings

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

5 metres is an appropriate height and will achieve a balance between the technical requirements of a carrier and the visual considerations of deploying a roof top facility. The combination of the above factors will in cases reduce the need for standalone structures, allowing for the deployment of rooftop facilities that are more sympathetic of the area they are servicing.

- 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?

Higher protrusions up to 6m is more appropriate for sites in an industrial and rural setting. However, an increase of 3m to 5m is at this stage considered sufficient.

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?

7. Radiocommunications facilities

- 7.1 Does the proposed approach raise any issues?

The proposed amendment is supported. The development of mobile technology has seen greater emphasis placed on small cell solutions to provide high quality coverage in high traffic areas. The proposed amendment will remove uncertainty regarding the appropriate application of the term microcell and will provide a mechanism to deploy products with Wi-Fi capabilities.

- 7.2 Are the proposed dimensions for these facilities appropriate?

The proposed dimensions establish a suitable balance of technical requirements and impact on amenity.

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?

9. Tower extensions in commercial areas

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

The proposed amendments are supported. The visual form of commercial areas typically allow for the extensions of towers that will not have a significant impact. Permitting tower extensions in commercial areas will promote co-location and reduce cases where additional towers are required.

10. Radiocommunications lens antennas

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

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

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

11. Cabinets for tower equipment

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

This cabinet type will be smaller than the larger equipment shelter which are currently permissible under the LIFD. This amendment will provide a mechanism to install larger cabinets which in some cases will replace the need for equipment shelters.

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?

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?
- 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?

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?

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?

There are no foreseeable issues with the proposed amendment to co-location volumes in commercial areas. The amendment is supported as it will provide more opportunities for carriers to utilise existing infrastructure and reduce the need for new standalone structures. This amendment will also assist in facilitating the deployment of small cell facilities which utilise existing street and utility infrastructure.

- 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?

The proposed amendment will further promote co-location. The proposed amendment is supported as it will allow for the timely delivery of solutions that respond to the sensitivities of residential areas e.g. small cells. The proposed amendments will also assist in alleviating the need for additional standalone towers in residential areas. In terms of volume and size constraints, equipment will still be subject to the structural constraints of facilities or public utility structures.

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

The proposed volume limits are considered appropriate.

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

The proposed arrangements are considered appropriate.

16. Updates to environmental legislation references in the LIFD

16.1 Are there any issues with the proposed updates?

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

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?

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?

The proposed amendment to end the objection period according to when the notice was issued is supported. The proposed amendment will align the notification period for all LAAN notices ensuring a consistent approach by Carriers.

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?

A 5 business day notice period is considered sufficient when Carriers have given more than 10 day's notice of a planned activity.

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?

20. Updates to references in the Tel Code

20.1 Are there any issues with the proposed changes?

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

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?

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

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

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?

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 issues have been identified and the possible amendments are supported. Temporary facilities are a critical component of mobile carrier infrastructure during special events, coverage outages and during maintenance. Temporary facilities are typically only deployed for short durations and have a negligible permanent impact on the site where they are deployed. The possible amendments will assist carriers deploying temporary facilities in a timely manner and will assist in ensuring coverage can be provided where needed on short notice.

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?

Recommendations for appropriate conditions include:

- Allow for temporary facilities in Areas of Environmental Significance – Previous installations have required COWs in state heritage conservation zones or biodiversity protection areas. The rationale behind allowing this is that they are temporary and will have no lasting impact of the significance of an area.
- Ensure the site is not substantially altered as a result of a temporary installation – To ensure that temporary facilities do not have permanent impacts on a site this condition should be implemented as to restrict impacts such as clearing of vegetation or alterations to buildings and structures.
- Do not specify circumstances in which temporary facilities can be deployed – Previous temporary facility installation have been required for circumstances not covered by the SEPP(Infrastructure)2007 in NSW (including network/technology testing, minor festivities, school holidays, seasonal population fluctuations etc.)

- Remove the facility within 28 days of the end of the need facility

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?

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

23. Replacement mobile towers

23.1 Is the proposal reasonable?

The proposal is considered reasonable and is supported as it will minimise network disruptions when replacing poles. The proposal will make tower replacements for co-location a more viable option and will reduce the need for new standalone towers.

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

20m is considered suitable for the purposes of a replacement tower.

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

12 weeks is suitable timeframe.

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?

Height extensions up to 10m in industrial and rural areas considered appropriate. Industrial areas are known for their economic contribution rather than their contributions to the visual amenity of a region. Rural areas are less dense and have more capacity to absorb the visual impacts of development. It is considered that a 5m tower height is more appropriate for commercial areas for visual reasons due to their higher density and traffic.