



Ausgrid Submission

Powers and immunities for the deployment of next generation telecommunication infrastructure

October 2020



30 October 2020

Attn: Rachael Blackwood
A/g Assistant Secretary
Spectrum and Telecommunications Deployment Branch
Department of Infrastructure, Transport, Regional Development and Communications
GPO Box 594
Canberra ACT 2601

Dear Ms Blackwood,

Ausgrid welcomes the opportunity to contribute to the Australian Government's consultation paper *Improving the powers and immunities framework* (the consultation paper) published in September 2020. We support the Government's consultation process and an efficient roll out of 5G that balances community, safety, and environmental concerns.

Ausgrid owns and operates a grid that is shared by 4 million Australians living and working in an area that stretches from southern Sydney to the Upper Hunter Valley, including the Sydney CBD. We recognise the significant benefits that next generation mobile network technology will bring to communities and the Australian economy. Autonomous vehicles, for example, are expected to reduce congestion and transform the way we move around and will require access to small cell mobile technology to operate.

Our infrastructure has a key role in the deployment of small cell technology. We own and maintain around 500,000 poles, most of which are in urban areas, that are being used by carriers to deploy new mobile infrastructure. The users of our shared network rely on us to make decisions that are in their long-term interests, and we are happy to share our assets with carriers to help deliver lower cost network services. This happens through shared asset revenue arrangements with the Australian Energy Regulator (AER).

The consultation paper is seeking views on a number of possible reforms to the framework which regulates how carriers gain access to infrastructure (the powers and immunities framework). Our experience is that the powers and immunities framework is broadly working as intended. We have negotiated commercial outcomes with carriers that have resulted in the rapid approval and deployment of new technology across our network. Some carriers have praised the speed with which we have provided approval for small cells to be deployed on our assets. We have invested in this by having a dedicated team to ensure this process is smooth, efficient, and safe.

It is important to recognise that in facilitating the rollout of advanced telecommunications infrastructure, we do not conduct the actual installation of small cells. In NSW this work is contestable

and undertaken by Accredited Service Providers employed by the carriers. Therefore, while we have full control over the time taken to provide approval for the installation, we do not have control over the time taken to install the new equipment.

We have outlined responses to the consultation paper questions below. Importantly, we question whether smart or slim poles should be considered low impact, under any circumstances. Local Government Authorities (LGAs) have the power to install new poles under current frameworks (as occurred in the Sydney Botanic Gardens). Through our experience in installing poles of our own, in our view there is a significant risk to safety and visual amenity by including smart or slim poles as a low-impact facility.

Should you have any questions in relation to this submission, please contact [REDACTED]
[REDACTED]

Yours sincerely
[REDACTED]
[REDACTED]
[REDACTED]

Table 1 Safety and Notification

Subject	Prompt Questions	Ausgrid Response
A. Creation of a primary safety condition	<ol style="list-style-type: none"> 1. Do the current safety arrangements provide assurance for the safe and effective implementation of telecommunications equipment? 2. If no, what additional regulatory mechanisms may provide that assurance? 3. Would the addition of a primary safety condition to the Code of Practice provide that assurance? 	<p>Ausgrid would welcome an improvement to the current safety arrangements to provide greater assurance in regards to the electrical network.</p> <p>Ausgrid supports the requirement for engineering certification (see point D below).</p> <p>The addition of a primary safety condition to the Code of Practice would provide additional assurance.</p>
B. Standard notifications across industry	<ol style="list-style-type: none"> 1. Is there any other information that could be included on a notice would provide clarity on the installation process and timeframes? 2. What benefits, either financial or non-financial would additional notice and information bring to landowners? 3. If possible, to what extent would the inclusion of a standardised notification process increase or decrease regulatory burden, and at what cost per notification? 	No comment
C. Withdrawal of notifications	<ol style="list-style-type: none"> 1. How often has a lack of withdrawal of notice created a financial, or non-financial burden to a landowner? Please provide context to help explain your response. 2. To what extent would a notice of withdrawal, provided in a timely manner, reduce this burden? 3. What methods have carriers used to notify landowners that a proposed activity would not take place, or was cancelled? How effective are these methods? 4. How often would a withdrawal notice be required, and to what extent would this great an additional regulatory burden? If so, what is the anticipated financial regulatory burden each year? 	No comment
D. Requirement to provide engineering certification	<ol style="list-style-type: none"> 1. What benefits would landowner or occupiers see in the provision of an engineering certificate within 30 business days after the certification has been received? 2. Would the provision of an engineering certificate to landowners increase the regulatory burden on carriers? 	Ausgrid supports the provision of an engineering certificate. In our commercial arrangements with carriers an engineering certificate is issued prior to construction. This ensures structural integrity and that

	<p>If so, what is the estimated regulatory financial impact per year?</p>	<p>compulsory electrical clearances are met and the safety of the public is maintained.</p>
<p>E. Tending notification timeframes</p>	<ol style="list-style-type: none"> 1. What are the benefits (financial and non-financial) of a non-regulatory approach in providing a longer notification timeframes? 2. What are the benefits (financial and non-financial) of a regulatory approach in providing a longer notification timeframe? 3. Should longer notification timeframes apply to all landowners, and not be limited to landowners that are public utilities and road authorities? 4. What would be the benefits (financial and non-financial) of providing a longer timeframe for objections to be made to carriers about proposed activities? 5. What other factors should be considered when considering whether to extend notification or objection timeframes? 	<p>Ausgrid supports the Power and Immunities Reference Group suggested notification timeframes for public utilities and road authorities.</p>

Table 2 Objections and protections

Subject	Prompt Questions	Ausgrid Response
A. Clarifying the objections process for landowners	<ol style="list-style-type: none"> 1. Is the objections process as set out in the Code of Practice clear and easily understood by landowners and occupiers? If no, what parts of the process need further explanation? 2. Does the information provided by carriers when giving notice of a proposed activity outline the objections process, or only the first step, that is, to make the objection in writing to the carrier? 3. How could the objection process be better communicated to landowners and occupiers? 	We support the proposal that the objections process includes a link to online fact sheets developed for the different audiences.
4. Allowing carriers to refer objections to the TIO	<ol style="list-style-type: none"> 1. What benefits or disadvantages are there in including a carrier as a party that can initiate dispute resolution with the TIO? 2. To what extent would this inclusion increase, or decrease, the financial and non-financial burden on carriers or landowners during a dispute? 3. What financial or non-financial burden, if any, would the inclusion of a deadline on carriers to lodge an objection with the TIO have? 4. If there is support for the proposal to include a deadline on carriers to lodge an objection with the TIO, what timeframe should apply? 	No comment
5. Removal of redundant equipment	<ol style="list-style-type: none"> 1. What level of enforcement would provide the best solution to the issue of redundant equipment? 2. What regulatory burden (financial or non-financial) would occur if these options were enacted? 3. Are there other non-regulatory ways to better enforce the policy position that equipment is removed if not used? 	No comment

Table 3 Facilitating services in line with community expectations and to support economic growth

Subject	Prompt Questions	Ausgrid Response
A. Improve coverage outcomes through better infrastructure, where safe	<ol style="list-style-type: none"> 1. Are there alternative options that would reduce impacts to visual amenity while providing necessary coverage for a modern telecommunications service? 2. Would these options strike a balance between visual amenity and the need to maintain telecommunications services? 3. What benefits or disadvantages (financial or non-financial) would occur as a result of implementing these options? 	No comment
B. Improve coverage outcomes through tower extensions	<ol style="list-style-type: none"> 1. Would the extension to 5m maintain a balance between visual amenity and the need to maintain telecommunications service? 2. What benefits or disadvantages (financial or non-financial) would occur as a result of implementing this option? 3. Are there any other conditions or issues that should be considered if this proposal was to proceed? 	No comment
C. Allowing deployment on poles rather than on utilities	<ol style="list-style-type: none"> 1. Should smart or slim line poles, under certain conditions, be considered as low visual impact? If so, what should those conditions be? 2. What other suggestions would help to categorise a smart or slim pole as of low visual impact? 3. What alternatives to this option better meet the need for a national approach to telecommunications infrastructure investment that balances the need for visual amenity? 4. What benefits or disadvantages (financial or non-financial) would occur as a result of implementing these options? 	<p>Ausgrid is of the view that suitable options either already exist or there is a current framework in place to install the required pole infrastructure. As such we do not believe it is not necessary for poles to be considered as low impact.</p> <p>In NSW the Local Government Authority (LGA) has the necessary power to install a new pole under current frameworks. The situation in the example provided in the consultation paper has followed the LGA framework in the Sydney Botanic Gardens. The Botanic Garden poles were installed in conjunction with the LGA. The same poles replaced public lighting poles and can include EV charging and security cameras. Ausgrid is of the view that this process ensures that both public safety and visual amenity are balanced and maximised.</p> <p>The potential uses of a 5G pole are generally similar to any other pole. Indeed, 'slim line' poles are usually a larger diameter than regular streetlight poles. In our view, the timeframes for assessing low impact</p>

		<p>facilities are too short compared with other planning consultations for new poles.</p> <p>Other considerations relating to new poles include whether carriers are equipped to manage the obligations in regard to the maintenance of underground electricity distribution infrastructure in the public domain.</p>
<p>D. Encourage the co-location of facilities</p>	<ol style="list-style-type: none"> 1. Would a consistent approach to measuring co-location volume assist or hinder the co-location and visual amenity of equipment? 2. What methodologies could be used by carriers to determine co-location volume? Are any of these methodologies agnostic regarding equipment type? 3. With safety as a primary consideration, which would be a preferred approach to co-location and why? 4. What benefits or disadvantages (financial or non-financial) would occur as a result of implementing these options? 	<p>Ausgrid strongly supports co-location as being in the public interest. We note that the technology trend in telecommunications is moving away from deploying street-side cabinet towards small cell active antennae that are connected via fibre to Macro sites or Edge Data Centres.</p> <p>The technical requirement going forward for small cells and therefore public amenity should be maximised with as little visual obstruction as possible. The current 25% volume limit should remain in residential areas.</p>

Thank you

