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powersandimmunities@communications.gov.au

RE: Submission regarding improving the telecommunications powers and immunities framework

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Clarence Valley Council has several water reservoirs that are leased by telco's for the installation of telecommunications equipment. The install of equipment can pose a serious risk to the drinking water quality in our reservoirs as well as a safety risk to our staff and contractors.

Examples of the risks are –

- due to the roof penetrations used in the installation of equipment, contaminants and some wildlife may enter the water supply posing a significant health risk. When it comes to drinking water, a very small penetration in the roof can allow contaminants to enter the reservoir during rain. Most of our reservoirs are positioned in highly corrosive locations and a small penetration left unattended can continue to corrode and rust resulting in larger holes that will allow animals to enter the reservoir.
- the location of telecommunications equipment on reservoir roofs can prevent Council staff accessing the roof to undertake repairs or operational activities such as chlorine dosing, cleaning and inspections. Repairs and upgrade to our reservoir roof structures cannot always be completed in an urgent manner due to the location of telecommunication equipment and the dangers of electromagnetic radiation.

The management of Telco installation and leases on reservoirs is very difficult for Council.

Response to some aspects of the issues paper –

Creation of Primary Safety Condition

There is discussion that carriers must do as little damage as practicable and comply with good practice etc but nowhere in the section does it address the issue that the location of telecommunication facilities on other utility's assets poses a risk to that utility being able to fulfil its statutory obligations. The words used are "interfere as little as possible". For example, a telco facility on a road sign could make the sign unsafe or interfere with sight distances. A telco facility on a reservoir places at risk the ability of the utility to provide safe drinking water. The words used "interfere as little as possible" permit the telco's to place at risk other essential services.

The location of telco facilities should not impair or place at risk the ability of the asset owner to deliver its services.

Standard Notifications

While Council may agree with the proposal, included in the proposal should be "stop the clock provisions" which apply to all other development proposals. The provisions would be used where inadequate information has been provided or further clarification on a proposal is required.

Similarly, a sunset or expiry date should apply to notifications. That is, if a notification is made, that notification expires after a period of one year and a withdrawal notice must be provided.

Provision of Engineering Certification

Agree.

Clarifying the Objection Process

While it is agreed that the process should be clarified, it should also be extended to address issues such as removal of equipment at end of lease, where the utility owner now requires land/structures being used by carriers or where the carriers' installation poses a risk to the services provided by the utility.

Removal of Redundant Equipment

Redundant equipment should be removed from utility assets within 3 months of it becoming redundant.

Improve coverage through better infrastructure

Whilst improved coverage will be achieved through better infrastructure, appropriate approvals / community consultation must also be undertaken (where required).

Improve coverage through tower extensions

Although the extension of towers may be seen as a better alternative (as opposed to new towers), appropriate approvals must be obtained (where required) and community consultation undertaken to identify any possible issues associated with the extension of a tower, including (but not limited to): visual impact; removal of native vegetation; erosion and sediment control for the footprint of the facility as well as access provisions; bushfire prone areas; and EME report.

Allowing Deployment on Poles rather than on Utilities

It is agreed that deployment of carrier facilities should be on poles.

Encourage the co-location of facilities

This is agreed.

Yours sincerely,

