Department of Infrastructure, Transport, Regional Development and Communication
powersandimmunities@communications.gov.au

Dear Sir or Madam,

Telco powers and immunities framework

Please find attached Council's consultation response regarding the Telco Powers and Immunities Framework.

For further information please contact ▉▉▉▉ ▉▉▉ ▉ ▉▉▉ ▉▉▉ ▉ ▉▉▉ ▉▉▉▉▉▉▉▉▉▉▉▉▉▉▉▉▉▉▉▉▉▉▉

Yours faithfully

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Enc   Consultation response to Telco Powers and Immunities Framework

Telco Powers and Immunities Framework

Consultation Response, Moreton Bay Regional Council, October 2020

1 Safety and Notification

Item	Comment
1A Safety	With the potential densification of equipment in the street, Council is concerned that the location within the street to be appropriate to maintain safety. For example proximity to footpaths and cycleways.
1B Notification	Council agrees that standardisation is required to streamline the process.
1C Withdrawal notifications	Council will contact lease holders such as community groups to arrange telco visits, but often the Telco does not show up, and then submits a subsequent LAAN. A recent example had this happening three times, with council and community group members being stood up three times (and three separate LAANs). This is a common occurrence. • A withdrawal notice provided in a timely manner would improve the situation. • Timeframe of when they should notify withdrawal; within 5 business days.
1D Engineering Certification	• Council agrees that engineering certifications should supplied. • Council seeks supply of the as-builts drawings of equipment installed (in a standard form) • Additionally, Council needs to track all telco equipment in order to audit it regularly (allowing verification that the equipment is still in use)
1E Extending notification timeframes	Council agrees that extending the notification time from 10 to 20 business days will streamline the process

2 Objections and Protections

Item	Comment
2A Clarifying the objections process	Council agrees
2B Allowing carriers to refer objections to the TIO	No Council comment
2C Removal of redundant equipment	This is a significant issue where redundant equipment is rarely (if ever) removed. Additionally, it is very difficult to ascertain whether a specific piece of equipment is redundant or not – often redundant equipment is left powered on. The following areas should be considered; • Make timely removal enforceable with penalties for non-compliance • Create a consistent way to determine what equipment is redundant (which enables enforceability) • Hand-back conditions should stipulate the requirement to make good to the original or similar condition.

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

Item	Comment
3A Improve coverage outcomes through better infrastructure, where safe	• Colour matching is not sufficient. It needs to be on a case by case basis to achieve an outcome that has a low impact. • Need to ensure health standards (ARPANSA) are followed; potentially with a health certification (just like engineering certification). Council needs to do as much due diligence as possible to protect the community. • Ensuring the overall outcome is lessening impact on the public realm. For example, using diagrams to illustrate options for improving the infrastructure (visually & safety). • Understanding offsets and heights where placed in proximity to other infrastructure. • It is understood that 5G small cells will be in abundance; therefore, keep them smaller – not larger.

Item	Comment
	• There should be an onus on the telco to prove to Council that they are safe and as visually unobtrusive as possible. <u>This is the key outcome Council is seeking to achieve</u>. • If deploying at scale, Telcos should propose a standard suite of equipment – which would be nation-wide, and Council can select from a suite of options that is compatible with the local area.
3B Improve coverage outcomes through tower extensions	If height was a concern with the original Development Application, making the tower 5m higher will not have community support. Council does not support – citing previous objections (3A)

3C Allowing deployment on poles rather than on utilities *(comments related to suggestions)*	• *"a pole could only be used to support small cell telecommunications facilities"*
	    o Council does not support. A pole must <u>definitely support all potential uses</u> of a smart pole such as lighting and IoT technology. This will serve to reduce clutter in the streetscape.
	• *"the height of the pole cannot exceed 12 metres"*
	    o Council comment: Make the pole 7 meters if stand-alone, or according to lighting design if it includes a light.
	• *"a pole can only be installed on public land"*
	    o Council comment: Public or commercial areas (as long as it complies with other provisions).
	• *"a pole cannot be installed in close proximity to existing public infrastructure, it must replace that item of public infrastructure"*
	    o Council agrees
	• *"the pole may be supported by an equipment cabinet installed at ground level"*
	    o Council comment: Integrated into Pole base or within a pit. Definitely not a separate box at ground level. If it has to be at ground level, it should be integrated into street furniture.
	• *"the installation of a pole is subject to consultation in accordance with industry codes and standards, as recognised by the ACMA"*
	    o Council agrees

Item	Comment
3C Allowing deployment on poles rather than on utilities *(other comments)*	• Council ownership of smart poles should be considered. So far, Council experience is that Telcos seek to keep ownership and control of poles which blocks other uses of the poles, and adds to street clutter. • Low visual impact should mean the 5G control hardware should fit into the base of the pole rather than needing a second small box beside the pole • The Pole should be modular to allow use by other technologies • Requirement on street light network owners to participate in a national smart pole & LED replacement program for the benefit of all Australians. If the aim is to minimise visual impact and street clutter, government and industry should be seeking to ensure smart poles host multiple technologies, rather than dedicated poles for each carrier or technology. Therefore, the framework should stipulate that poles should be light poles at a minimum, but also have the capability to host other equipment (fewer poles with each providing more capacity for multiple technologies) An alternative is for the Department of Communications to facilitate the roll-out of a neutral host equipment, on standardised pole designs that replace existing sodium streetlight infrastructure. Each Telco can then invest in this shared infrastructure making it cheaper for them, and to an agreed and community acceptable visual standard.
3D Encourage the co-location of facilities	Council comments; co-location should be encouraged, whilst reducing visual clutter.