



WATER SERVICES
ASSOCIATION OF AUSTRALIA



WATER INDUSTRY SUBMISSION

Consultation Paper: Improving the
telecommunications powers and
immunities framework

30 October 2020

Attention: Rachel Blackwood

Assistant Secretary

Spectrum & Telecommunications Deployment Policy Branch

Department of Infrastructure, Transport, Regional Development and Communications

SUBMISSION: Consultation Paper: Improving the telecommunications powers and immunities framework

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I confirm that this submission can be made available in the public domain.

About the submission organisations

WSAA

The Water Services Association of Australia (WSAA) is the peak body that supports the Australian urban water industry. Our members provide water and sewerage services to over 20 million customers in Australia and New Zealand and many of Australia's largest industrial and commercial enterprises. WSAA facilitates collaboration, knowledge sharing, networking and cooperation within the urban and regional water industry. The collegiate approach of its members has led to industry wide advances to national water issues.

NSW Water Directorate

The NSW Water Directorate is an incorporated association representing 89 of 90 local government owned water utilities in regional NSW, serving 1.85 million people. The NSW Water Directorate provides independent technical advice to local water utilities to ensure they deliver high quality water and sewerage services to regional communities in NSW.

NSW Water Directorate works collaboratively with government and non-government organisations to support, advocate for and enable the needs of local water utilities in NSW.

Queensland Water Directorate

The Queensland Water Directorate (qldwater) is a business unit of the Institute of Public Works Engineering Australasia Queensland. Their members include the majority of councils, other local and state government-owned water and sewerage service providers, and affiliates.

As the central advisory and advocacy body within Queensland's urban water industry, qldwater is a collaborative hub, working with its members to provide safe, secure and sustainable urban water services to Queensland communities. Major programs focus on regional alliances, data management and statutory reporting, industry skills, safe drinking water and environmental stewardship.

Summary of the water industry position on the Consultation paper

The water industry endorses the intent and general direction of the proposed improvements to the telecommunications powers and immunities framework. It represents a necessary first step in providing greater equity for all sectors involved in telecommunications equipment roll out. Whilst we recognise the essential nature of the telecommunications industry, the provision of this service should not necessitate an increase in risk or cost to the water industry or other landowners.

In addition, it is the water industry's preference that the proposals in the consultation paper should become amendments to the Telecommunications Code of Practice rather than an informal industry guideline. The sector views the proposed amendments as fundamental gaps in the current Code of Practice. Despite the best intentions of both carriers and landowners there will be occasions where a third party such as Australian Communications and Media Authority (ACMA) or Telecommunication Industry Ombudsman (TIO) is required to make determinations and enforce these amendments. An informal industry guideline does not allow such a mechanism and would therefore provide only minimal improvement from the current situation and would not provide certainty for a landowner.

The water industry also submits that further work is required by the Powers and Immunities Working Group (PIRG) to resolve outstanding issues detailed in the PIRG Terms of Reference but not addressed (or excluded for example, EME emissions and public health) by the consultation paper. These outstanding issues continue to interfere with the ability of water utilities to fulfil their statutory obligations and operating licence requirements due to risks arising to areas of health and safety, asset management, community impact (water quality and public health), and critical infrastructure management. Other associated issues include progressive impact to site (from the increasing number of telecommunication fixtures and attachments) increasing the site hazards to workers safety from overhead hazards, EME etc, increasing the access of unknown third party and vandals, bird and vermin roosting and faecal material build up, increasing the asset owners maintenance and operational costs which all ultimately increases the overall risk to the stored water quality and public safety. Resolution of these issues is required to enable more efficient delivery of telecommunications services at lowest net community cost.

The causes of these issues are:

- Health and Safety - for existing infrastructure, an inability to ensure that telecommunications equipment is:
 - Structurally sound and will not impact the structural integrity of the assets they are attached to.
 - Constructed in such a manner that they don't cause an increase in hazards (from tripping or EME) when using designated access paths, or block existing site access points such as hatch covers.

- Assets

- issues regarding the accumulative effect of multiple carriers' installation on public utility structures not specifically designed for additional loads (this is considered further below in these submissions).
- An inability to claim compensation for damage caused by inappropriate or poorly designed structures. An example is the accelerated corrosion of assets due to inappropriate use of dissimilar metals in attaching carrier assets to landowner assets. In one case the dispute has resulted in over \$1million in legal fees. Whilst this is not common, it demonstrates the cost to the community when it has not been possible to resolve a dispute. Such transfer distorts real costs and results in poorer community outcomes
- Damage to the roof or access coverings for water storage tanks or reservoirs allowing ingress of faecal or other material which can contaminate a town water supply rendering the water unsuitable for drinking. This can include things as simple as unsealed drill holes at or near the attachment points for carrier assets to landowner assets.
- Inefficient work procedures resulting from the necessity to work around telecommunications equipment
- An inability to effectively maintain the asset because it is not possible to confirm the Carrier owners of telecommunication equipment on the landowner's assets. Under Section 474.6 of the Criminal Code Act 1995, it is a criminal offence for a Landowner to interfere with carrier equipment, hence this unidentified equipment cannot be removed or turned off to undertake asset maintenance
- Other impacts are associated with non-independent power supply and identification of poorly maintained earthing and inability for a public utility landowner to achieve electrical isolation.
- Community
 - Visual amenity impacts from existing structures, with no ability to seek remuneration or changes where there is significant community impact.
- Critical Infrastructure management
 - The Critical Infrastructure Act 2018 requires critical infrastructure asset owners to ensure that they understand and effectively manage access to sensitive or secure sites. Water storages for some water businesses can be considered sensitive sites. The current Powers and Immunities Code of Practice permits site access by carriers and particularly their subcontractors in a manner that the water utility does not have any information or detail on the background or identity of the subcontracting company and their employees. This creates an unacceptable level of risk to sensitive sites in terms of national security and the ability to control and monitor who is accessing sites that can impact the quality of product delivered to large numbers of the population. This includes potential disruption to water utility customers such as defence or power companies. A change is required to the Telecommunications legislative framework to address this.

To address these issues, and avoid cost inequity for the landowner and community we request that the Powers and Immunities Reference Group (PIRG) is reactivated and supported by the DITRDC.

Specific consultation paper questions

Theme 1. Safety and Notification

A. Creation of a primary safety condition

Proposal: to include a new section in Telecommunications Code of Practice 2018 to make clear and re-affirm that safety of telecommunications installations is paramount.

The water industry places a high value on safety and fully supports an amendment to the telecommunications code of practice to include a primary safety condition subject to the consideration of the following:

- the proposal in the consultation paper only focuses on one element of safety, the structural integrity of landowner assets. This focus is too narrow and fails to address key water industry concerns in relation to on-site and worker safety hazards introduced and caused by Carrier installations and the protection of public utility infrastructure¹;
- the removal of consideration of EME emissions from telecommunication installations as part of this consultation paper. No explanation has been provided as to why this has been done. EME emissions are interrelated factor (for example, site and worker safety that needs to be fully considered and is seen as integral to the process of installation of telecommunication facilities on or within public utility infrastructure of a water service provider

The water industry requests that the primary safety condition in the Code of Practice is expanded to include:

- The protection of public utility infrastructure - water utilities operate critical infrastructure and any intended activity needs to be fully considered so that critical infrastructure is not compromised or public health put at risk;
- An obligation for Carriers to be accountable for the operation of their subcontractors in providing a safe installation. The liability associated with failing to effectively implement this obligation cannot be transferred to the contractor.
- Consideration of operational safety concerns for the asset owner as a result of the equipment installation. For water utilities, this includes:
 - the protection of drinking water supply and public health;
 - unfettered access to general roof area - as a routine maintenance requirement. (eg for checking roof sheeting attachment and cleaning of gutters/debris);
 - no effect on the safe operation and maintenance of the facility including cleaning, roof refurbishment, upgrade to safety systems (eg does not affect the means to extract an injured person from inside the reservoir or from the roof.

- Maintaining site security measures required by the landowner during and after each occasion of any Carrier equipment installation, maintenance, operation or removal. Avoiding any measures that could affect site security and increase the risk of third-party access to the landowner site or damage public utility infrastructure.
- That safety concerns raised by a landowner are sufficient justification to object to carrier works proceeding. Carriers should ensure appropriate risk assessments are undertaken in accordance with landowner consultation and process. The water industry submits that upon its construction, the application of clause 8 of Schedule 3 of the Act and sections 2.5, 3.5, 4.5, 5.5 and 6.5 of the Code applies only when the carrier is “undertaking” the activity and cannot be relied on by a land owner/occupier as a means to prevent an unsafe activity (i.e. prior to the carrier undertaking the activity).

Landowners would feel better assured if the above were included in the safety condition.

B. Standard Notifications across the industry

Proposal: A requirement for new information to be included in a notice to enhance and clarify the existing notification procedures.

The water industry supports the proposal for notices (LAANs) to be in a prescribed form. LAANs with deficient or insufficient information prevent landowners from making a proper assessment of a carrier’s proposed activity and potential impacts on public utility infrastructure and its operations (considering both the existing and future requirements of a public utility landowner).

A well documented LAAN submission will streamline and expedite approvals. The current situation has become so difficult for some water utilities that they automatically object to any LAAN that lacks complete information in an effort to attain sufficient time to process the application and the necessary information from the carrier. This is inefficient, time consuming for all parties and results in frustrations and tensions between the parties that need not exist. Though its noted that objecting to a LAAN by the landowner still seems to be the most effective means to initiate proper initial consultation with the carrier.

To ensure rapid and efficient processing of LAAN applications the following additional information should be added to the standard application form:

- Identification of the applicable standards (technical, safety, design, specification or otherwise) relating to the installation subject of the LAAN;
- Detailed drawings and specifications including the location of underground and above ground services along with particulars of materials to be used;
- Pre-installation certification of engineering assessment - please refer to Item D of Theme 1 in this submission 'Requirement to provide Engineering Certification' - in the case of a water utility, the certification should confirm: that the public utility infrastructure is not structurally impacted by the deployment; the deployment does not impede a water utility's infrastructure for its operational and business purpose and to meet its statutory functions; the deployment does not interfere with a water utility's telemetry equipment (an operational requirement for a water service provider);; and mains power supply to the deployed equipment is independent of a water utility's power supply.

- Details and configuration of the proposed independent electrical power source (to be included any time power is to be provided to a device).
- The provision of:
 - i) evidence of insurance;
 - ii) an indemnity and release in favour of the public utility to limit exposure for a public utility caused by proposed carrier installation the subject of the LAAN; and
 - iii) assurance that the carrier will at its own cost and expense maintain the up-keep and good working order of its equipment for its full life-cycle.
- Provision of a risk assessment and risk mitigation strategies undertaken by a carrier pertaining to the proposed installation (and ongoing maintenance) onto public utility infrastructure. This should include “Safety in Design” – a review / risk assessment
- Draft or intended updates to the EME Site Safety report² with respect to RFNSA sites.
- Evidence that the carrier personnel carrying out the activities will be appropriately inducted in the requirement/s relevant to the associated public utility site requirements
- Provide more certainty around dates or range of dates for installation.
- Provision of end of life/decommission strategy for the carrier installation including buried infrastructure.

Currently, there is no obligation on carriers to provide this information to the land owner/occupier (aside the date). This proposal would require new subsections at 2.22, 3.38, 4.23 and 6.22 of the Code of Practice to require a carrier to give written notice in the requisite form.

Installation to occur as documented in the LAAN

The water utilities further submit that the installation must occur as outlined in the LAAN application. Any amendment to information provided in the LAAN needs to be agreed with the landowner prior to any activity related to the amendment proceeding.

The original LAAN continues to be valid until the proposed amendments are:

- Accepted due to a lack of response within the 20 business day period
- Agreed by the landowner
- Withdrawn by the Carrier
- Resolved through referring the matter to the TIO.

² For reasons of worker safety, the water industry submits that it be a mandatory requirement for all carriers to update the EME Site Safety report irrespective if they are a member of Communications Alliance Ltd or not.

C. Withdrawal of notifications

Proposal: a withdrawal notice to be achieved by either an industry commitment or a formal requirement in the code of practice

The water industry would support Option 2 - the proposal with the additions dot pointed below. An alternative to the withdrawal of notifications is a proposed date range for installation to be detailed on the initial LAAN.

It is proposed that:

- where multiple LAANs are issued by a carrier for the same activity and the carrier does not formally withdraw the previous LAAN, then the previous LAAN is deemed withdrawn or invalid.
- where a carrier issues a LAAN for activity which is covered under an existing agreement with a public utility, then the LAAN is to be deemed invalid. This is to cover the situation where a carrier or its subcontractor issues a LAAN for which an agreement governs the activity specified in the LAAN.

D. Requirement to provide engineering certification

Proposal: The provision of an engineering certification to be achieved by either an industry commitment or a formal requirement in the code of practice

The water industry supports the proposal subject to the following additional pre installation and post installation requirements. This proposal provides benefits to the carrier in that their assets should fulfil their design life and not cause liability to landowner and/or third parties. The primary benefit to water utilities is that carriers demonstrate there is no increase in risk to water quality, safety, asset operation, asset maintenance and the environment through the installation of telecommunication equipment on water industry assets. The provision of adequate certification will also facilitate processing of telecommunication equipment requests to the advantage of both the carrier and the landowner.

Pre-installation requirements

The water industry submits that a new "Pre-installation arrangements" section should also be added to Sections 2, 3, 4, 5 and 6 of the Code. The 'pre-installation arrangements' section should include the following.

That all installations on landowner assets require that carriers obtain a pre-installation certificate at the cost of the carrier. The certificate should be provided as part of the notification (include consideration of all items listed under the response to Theme 1, Question A). This certificate is to be issued by a registered professional engineer in the relevant discipline and contain statements with respect to the following:

- Specifications of all components of the installation including supporting structures (poles and mounting frames and cabling), approximate weights/load bearing and the configuration of the proposed independent electrical power source (to be included any time power is to be provided to a device).

Engineering certification for the structural impact of each installation including for relevant State registration (e.g. Queensland Registered Professional Engineering Queensland, RPEQ registration) of the certifying engineer. This needs to include an assessment of the corrosion potential.

- Confirmation the design has appropriately considered existing landowner site access, telemetry and operational requirements.
- End of life/decommissioning strategy for all installed equipment including buried infrastructure.
- provision of a risk assessment and risk mitigation strategies that will implemented by the carrier pertaining to the proposed installation onto public utility infrastructure. This should include a “Safety in Design” a review and/or risk assessment consistent with relevant State legislative requirements (e.g. section 22 of the Work Health and Safety Act 2011 (Qld)) addressing risks to persons during construction, operations and decommissioning and how they have been mitigated.

Post-installation arrangements

With regards to the current proposal, the following need to be included in the post-installation, engineering certification:

- that certification is carried out by a (independent) registered professional engineer in the relevant discipline;
- Be in a clear agreed format and template as nominated in the Code. An example of a potential template form is Queensland Department of Housing and Public Works Form 16—Inspection Certificate/Aspect Certificate/QBCC Licensee Aspect Certificate.;
- Include sign off for each separate structure used to attach carrier equipment.
- Confirm equipment has been installed in accordance with drawing and specifications submitted as part of the LAAN application and any variations as determined through the variation process suggested in response to Question A.1, along with pre-installation documentation.
- The revised EME site safety report accurately reflects the installation
- Regulatory burden to carriers should not be seen as a means to dismiss the engineering assessment and certification requirements of public utility landowners operating critical infrastructure. To do so, places the critical infrastructure at risk impacting on public health and worker safety. This also impacts on a public utility landowner’s statutory function.

E. Extending notification timeframes

Proposal: A legislative amendment to Schedule 3 of the Telecommunications Act to extend the minimum notification timeframe for landowners from 10 to 20 business days

The water industry supports increasing the notification time to 20 business days. This period is consistent with the notification time common for most government approvals. The code should also permit an extension of time for complex or unusual notifications and there should also be an option to “stop the clock” if additional information has been requested but not forthcoming.

This will avoid the need for water utilities to use the objection process as means to allow sufficient time to assess the notification.

The onus should be on a carrier to demonstrate that it has made reasonable efforts to engage with the land owner/occupier such as a water utility. Notifications should be permitted to be sent electronically to the landowner. All notifications should be to the head office of the landowner or their general enquires email address. Carriers are encouraged to contact the water utility in advance to discuss their intentions before issuing a LAAN. They are also encouraged to contact the water utility to confirm whether the landowner has received the LAAN.

In relation to the prompt questions:

- The water industry is concerned that there will be limited enforcement ability with a non-regulatory approach.
- A key benefit of extending the minimum notification timeframes enables more time for the public utility landowner to assess the proposed notification and seek clarification from the carrier and to inspect assets/land.
- Longer timeframes should apply to all landowners. Non-public utility landowners may be disadvantaged and may not be resourced to deal with carrier installation – they may also need to seek legal advice etc. Having consistent timeframes would reduce confusion.

2. Objections and protections

A. Clarifying the objection process for landowners

Proposal: Development of factsheets about the powers and immunities framework could be developed including information about the objections process

The water industry supports this proposal. The telecommunications legislative framework describing the rights of both carriers and landowner's and the role of agencies and departments (Both State and Federal) is complex. The development of factsheets to clarify the rights and obligations of both parties would increase the efficiency of the process and reduce the adversarial nature of the interaction.

The water industry is of the opinion that the prompt questions provided would be addressed by the development and inclusion into the same prescribed form as per response to 1 Safety and notification, B. Standard notification across industry - see above.

B. Allowing carriers to refer objections to the TIO

The water industry supports the proposal. However, we submit that the process should allow for lodgement by landowners in addition to Carriers. There have been cases where a dispute has arisen but the Carrier has not lodged the objection with the TIO. In this circumstance the landowner does not appear to have any recourse for rectification. It should be noted that the option for direct lodgement is available to private individuals and small businesses. The industry finds it difficult to understand why this same mechanism is not available to utility landowners. Landowners need a suitable platform to deal with disputes and in a cost effective and timely manner.

Our first preference is to amend the lodgement process with the TIO to allow water utilities to directly refer an objection regarding a Carrier, the power of the TIO should be expanded to deal with this.

In the absence of an amendment to the TIO lodgement requirements we request the Code should be amended to:

- Require a carrier to refer all objections made by a public utility to the TIO within a prescribed timeframe (20 Business Days), even where the carrier does not agree the objection. This is to avoid the situation where a carrier refuses to refer an objection to the TIO; and
- A carrier cannot commence court proceedings in any other jurisdiction if the TIO has not made a determination regarding the objection of a public utility. The basis for this request is to prevent a carrier from lodging an application for injunctive relief in the Federal Court of Australia (or other jurisdiction) against a public utility without a determination by TIO in the first instance. There are instances where carriers have not referred objections of public utilities to the TIO (despite requests) but rather sought Federal Court injunction. Proceedings commenced outside of the jurisdiction of the TIO, requires the public utility to fund the costs of litigation in defending its objection at the expense at the public purse for which costs are likely to be unbudgeted, whereas the carrier is responsible for funding the determination of the objection within the jurisdiction of the TIO.

C. Removal of redundant equipment

Proposal: Including the requirement to remove redundant equipment in a registered code or in the telecommunications code of practice.

Redundant equipment is a major long-term issue for water industry landowners. Under the Criminal Code Act 1995, it is a criminal offence to interfere with Carrier equipment. Any redundant equipment that remains on land or assets owned by water businesses is still Carrier equipment and therefore cannot be moved and switched off by the landowner. The

Criminal code only defines three groups of people able to remove this equipment, none of these groups includes a water business landowner.

Redundant carrier equipment on landowner assets creates a legacy issue with the potential for significant cost. Possibly the worst cases is for a water storage tank where unidentified or redundant telecommunications equipment is left on site, requiring the asset owner to essentially leave the equipment intact whilst trying to maintain or replace the asset. The cost to do this is up to several 100's of thousands of dollars.

In addition, redundant equipment that is not removed from site can impact on a public utility's ability to perform its legislative obligations and ongoing asset maintenance. For example:

- Corroding carrier assets on water tank roofs can contribute to water contamination and compromise the provision of safe drinking water.
- Corroding of redundant equipment over time can present a crushing hazard which can endanger life and the condition of other assets on which the carrier equipment has been placed.

To address this particular issue we see three options, listed in order of preference:

1. All redundant equipment should be removed irrespective if the "removal would be uneconomic or impractical" to a carrier, unless a land owner/occupier has expressly agreed that the redundant equipment can remain in place. Redundant equipment should include underground/buried equipment (for example cables) laid by a carrier. Removal should occur within a defined time period (e.g. 25 business days). Penalties should be introduced for non-compliance by carriers and enforced by ACMA, including issuing an enforceable undertaking to the carrier.
2. The redundant equipment is registered as such and notified both to ACMA and the asset owner, clearly and in writing, providing photos and a location map of the equipment. A record must also be maintained by ACMA and the Carrier until the equipment has been disposed of and the public utility infrastructure has been made good.
3. The Criminal Code is altered to decriminalise interference with carrier equipment by utility service landowners.

The provision should provide a right to the landowner to remove redundant equipment at the expiration or termination of lease if required by a landowner.

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

A. Improve coverage outcomes through better infrastructure where safe

Proposal: Amendment to equipment classified as "Low Impact Facilities" to include antenna protrusion with height up to 5 metres (increased from 3 metres), satellite dish 2.4m in diameter (increased from 1.8m) and radiocommunications lens antennae in rural or industrial areas.

The water industry does not support for antenna protrusions to be extended to a height of 5 metres where equipment is being deployed directly onto public utility infrastructure (for example, on to the roof of drinking water reservoir) under current Schedule 3 provisions for the reasons set out below.

The water industry understands the need for increased tower heights for enhancing telecommunications. However, we are concerned with not only the visual impacts but also the safety of the proposed structure. In particular we are concerned that:

- Safe access to the existing infrastructure is maintained.
- The overall safety of the asset to the surrounding landowners is not compromised or made worse.
- That the infrastructure has appropriate structural design for high winds and adverse weather, taking into consideration the design constraints of the structure on which the extended tower is built.
- Increasing the height of antennae would need to include a review of the structural design and how this impacts the asset to which the antenna is attached. i.e. each extension would require a new LAAN or revision to an existing lease to ensure the installation did not pose a direct structural risk and that the combination of all equipment on the existing asset did not overload or compromise the structure to which the antennae are attached.
- Asset and site maintenance cost could be increased and added to the burden of the asset owners due to the need to implement higher and more complicated access to sites where ongoing operational and urgent maintenance is required, in cases where access is already impeded by existing antenna infrastructure.

It is noted that a water utility could have long-term impacts associated with tower extensions on its infrastructure as described above.

We believe that these issues can be addressed through appropriate design considerations, as noted under Section 1.D in this submission.

The consultation paper states that visual amenity issues could be addressed through an agreement in writing. We would expect that visual amenity would be part of the information provided in the Standard notification requirements in 1.A and that unsuitable visual amenity would be grounds for a TIO objection.

B. Improve coverage outcomes through tower extensions

Proposal: Amend equipment classified as Low Impact Facilities to allow the extension of tower heights to a maximum of 5m in commercial areas

The response to Theme 3 proposal A applies.

The use of land/infrastructure belonging public utility should be subject to the landowner having the right of first refusal. For reasons identified above, the safety conditions qualification referred to are unlikely to provide sufficient safeguards for a public utility landowner operating critical infrastructure.

Unless agreement has been given by a public utility, a carrier should deploy their own towers (including their own electrical supply) independent of public utility infrastructure or co-locate onto existing telecommunication towers.

Prompt 2 - In the event that this proposal was to proceed, a public utility landowner would be disadvantaged (financial/non-financial) by:

- Costs attributed to further engineering and EME assessments.
- Costs attributed to business interruption,
- Delays in attempting to perform electrical isolations or inspections/repairs to water reservoirs.
- Increased compliance costs, for example, ensuring safety requirements are met due to potential of exposure to radiation hazards.
- Increased operational maintenance requirements due to increased quantity of infrastructure, bird roosting and asset impact areas.
- It is also noted that the public utility landowner would have long terms impacts associated with tower extensions.

C. Allowing deployment on poles rather than on utilities

Proposal: Specify smart or slim poles as a low impact facility

Subject to landowners having the first right of refusal, then the water industry is not opposed to the concept of slim poles or the inclusions of slim poles as low impact facilities provided concerns in our 2019 submission on 5G deployment are addressed. The major requests detailed in this submission are:

- redundant assets are removed and the water industry's existing issues with low impact facilities are resolved;
- for Schedule 3 installations on co-location sites, where the water utility so requests, that deployment is made onto monopoles/towers instead of infrastructure such as water tanks. This would better ensure that drinking water quality and worker safety risks are able to be well maintained and managed;

- sufficient labelling of all deployed equipment should be undertaken by carriers so that owners of equipment can be easily located/identified in the event of an emergency etc. in a timely and safe manner;
- A mechanism for ensuring carrier compliance such as ACMA undertaking regular audits in the field;
- Carriers to be required to accurately update the EME Guide for Site Safety.

Costs should not be the only consideration for making decision for the roll out of 5G. The water industry is of the view that this type of deployment should remain within current planning scheme processes and public consultation and key stakeholder engagement has occurred

D. Encourage the co-location of facilities

The water industry previously made submissions for co-location sites, deployment is made directly onto telecommunication monopoles/towers instead of public utility infrastructure – this would be our preference (for example, ensure water quality and workers safety risks are maintained and minimised).

The water industry would not support for co-location limits be updated in residential areas from 25% to 50% for installation on public utility infrastructure³. This may cause overcrowding and noise issues, water utilities would ordinarily have to comply with noise requirements in residential areas. However, the water industry would support the increase if that is applied to existing carrier telecommunication towers subject to safety, EME and engineering assessments and landowner requirements/considerations etc.

It would be useful, when constructing new telecommunication towers/poles, for a carrier to specify the additional capacity allocated to cater for potential co-locations⁴.

If an existing telecommunication tower/pole is within close proximity to proposed low impact on a water utility asset the Carrier must demonstrate that co-location onto the telecommunication tower/pole is not physically or technically possible. This report should be produced by an independent third party.

³ The Water industry understands that the co-location limits operate in conjunction with noise limits. This does not appear to be mentioned in the Consultation Paper.

⁴ It would also be useful for this information to be set out in the EME Safety Guide.

Submission conclusion

The location of telecommunication equipment facilities should not impair or place at risk the ability of the asset owner to deliver its services. Overall, the water industry seeks to have stronger governance to reduce risks from existing legislative gaps, genuine collaboration, community benefit, safety broadly defined but fundamentally including drinking water safety.

WSAA along with the NSW and Queensland Water Directorates support the intent of the Consultation paper but believe that addressing the above points is required to maintain the efficient and equitable delivery of both telecommunications and water services. For further information on this submission please contact [REDACTED].