

To the Department of Communications and the Arts  
GPO Box 2154  
Canberra ACT 2601

## Submission response—Possible amendments to telecommunications powers and immunities

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Yes

Date of submission

21<sup>ST</sup> July 2017

Logo of organisation—if an organisation making this submission



Name and contact details of person/organisation making submission

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General comments

Better consultations between are necessary between Telcos and Distribution Businesses (DB).

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?

No Issues

## **2. Local government heritage overlays**

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

No Issues

## **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?

Need to address concern regarding concealment of RF emitting devices. There is a potential hazard that people working (i.e. non-Telco worker) in the vicinity of these concealed RF devices may not be aware of them and hence be exposed to RF EME. Require that appropriate signage, isolation switches and procedures are provided to identify and isolate the RF concealed device.

- 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?

No response

## **4. Size of radio communications and satellite dishes**

- 4.1 Are there any issues with permitting 2.4 metre subscriber radio communications dishes (or terminal antennas) in rural and industrial areas (LIFD Schedule, Part 1, Item 1A)?

No response

- 4.2 Are there any issues with permitting other 2.4 metre radio communications dishes in rural and industrial areas, including those located on telecommunications structures (LIFD Schedule, Part 1, Item 5A)?

No response

## **5. Maximum heights of antenna protrusions on buildings**

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

Need to note the impact of RF EME to adjacent infrastructure where non-Telco worker may access.

- 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?

Need to note the impact of RF EME to adjacent infrastructure where non-Telco worker may access.

## **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?

Need to note the impact of RF EME to adjacent infrastructure where non-Telco worker may access.

## **7. Radio communications facilities**

- 7.1 Does the proposed approach raise any issues?

We object to Microcell being re-classified as 'low impact'.

Our recommendation is to permit only antennas mounted on poles.

We support ground mounted cabinets. Ground cabinets must be placed at sufficient (min. 2.0m) distance from pole to allow operational access when distribution work is undertaken by ladder.

7.2 Are the proposed dimensions for these facilities appropriate?

No.

In relation to length of Antennas on poles any distance over 1 metre will only compound the congestion that already exists on the pole.

In relation to volumetric increase to 1 cubic metre; anything this size must be ground mounted (see 7.1) and we will not grant permission for this volume on any pole.

**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?

Access should be under agreement of property owner, and entry into any restricted area can only be given for appropriately trained persons.

**9. Tower extensions in commercial areas**

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

Our technical standards and designs need to be met. Don't want non-standard assets (i.e. non-standard poles). However, we are prepared to review Applications on a case-by-case basis.

**10. Radio communications lens antennas**

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

Need to note the impact of RF EME to adjacent infrastructure where non-Telco worker may access.

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

No response.

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

These attachments would not be acceptable to any DB owned mast/tower e.g. AMI/Network communications towers.

**11. Cabinets for tower equipment**

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

No. However, must maintain clearance of min 2.0m from our poles (see 7.1).

**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?

No response.

**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?

Need to ensure that there is no impact or interference to other utility assets, e.g. underground electrical cables being exposed. Need to ensure that NGZ clearances are followed.

- 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?

From our experience, safety may be compromised if trench length is excessive.

#### **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?

Need to raise concerns regarding accessing conduits which may be owned by DBs or others on bridges. Need to ensure permission is requested and granted rather than auto access. 'Electrical' conduits are needed for our future planning of the Network. We do not allow Telco cables to be installed within electricity conduits with live cables.

#### **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?

No response.

- 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?

Congestion and capability of structure must be considered in consultation of the asset owner.

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

No response.

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

No response.

#### **16. Updates to environmental legislation references in the LIFD**

- 16.1 Are there any issues with the proposed updates?

No response.

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

No response.

### **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?

Need to ensure that one is not assuming the other is communicating to the facility owner. All should be notified in correspondence.

#### **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?

Need to raise concerns here. Often notices not specifically issued to a point of contact in a business or that person may be on leave. By the time a notice is received and reviewed by a suitable person within the business the time to object may have expired. We need 20 business days, which is consistent with other notification of works. Suggest that Telco's would be aware of

the proposed site well in advance (during their planning stage) and this is when consultation with asset owner should commence and not be just immediately before planned work. This would minimise the standing down of planned resources etc.

- 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?

No – refer to comment in Clause 18.1 above.

## **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?

No response.

## **20. Updates to references in the Tel Code**

- 20.1 Are there any issues with the proposed changes?

No response.

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

No response.

## **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?

No, any telecommunications and electricity overhead cabling for telecommunications networks needs careful consideration for safety reasons and poles in rural areas should not be classified low impact; this type of work requires design and consideration before make ready work is applied.

Telco must consult and negotiate with the asset owner and not subject them to a LAAN notice.

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

No, refer to comments under clause 21.1 above.

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

No response.

- 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?

No response.

### **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 response.

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?

No response.

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?

No response.

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

No response.

### **23. Replacement mobile towers**

23.1 Is the proposal reasonable?

No response.

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

No response.

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

No response.

### **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?

No not suitable for any areas which may involve a DB pole (refer Definition for 'tower'), the reasoning is the Impact to standard assets, do not allow large extension given the Visual impact, concerns from community and additional engineering required to support height extension.