

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

20 July 2017

Logo of organisation—if an organisation making this submission

Latrobe City Council

Name and contact details of person/organisation making submission

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General comments

Latrobe City Council is mostly concerned about the following:

- The immunity of low impact facilities being installed in Heritage Overlays.
- The increase in ‘Low Impact Facilities’ definitions including the increase in dimensions and the presence of actual ‘facilities’ within Residential areas.
- Likely impact of increasing the immunities for facilities in Residential Areas in general.
- The reduction in notification requirements and timeframes to respond, mostly due to current postal timeframes making these near impossible.

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, this is very clear.

2. Local government heritage overlays

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

Yes, Heritage Overlays exist to protect significant heritage places.

Unfortunately not all of these places are 'declared World Heritage Property' or registered on a 'Heritage Register'. However this does not mean they should not be protected.

Although this exemption would only apply to 'Low Impact facilities', with the expansion of what is determined a 'Low Impact Facility', the likely impact of these installations without planning consideration is considered inappropriate.

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?

Ancillary facilities are fine with the conditions proposed in relation to amenity.

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?

See above

4. Size of radiocommunications and satellite dishes

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

No issue given the zones proposed

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

No issue given the zones proposed

5. Maximum heights of antenna protrusions on buildings

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

Acceptable in Industrial and Rural Areas but **not acceptable within Residential Areas and maybe not in Commercial Areas.**

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?

As above

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?

Yes, especially in Residential Areas. Commercial not so much

7. Radiocommunications facilities

- 7.1 Does the proposed approach raise any issues?

The wording of 'Facility' is concerning, as it would suggest that an entire Radio Communications facility could be a 'Low Impact Facility'. It is recommended that the definition and limits of what is and isn't considered a LIFD is very clear.

- 7.2 Are the proposed dimensions for these facilities appropriate?

Yes, In relation to the antennas and transmitters. However it would be better if there was an explanation of the entire facility referenced to ensure clarity that this determination is only relevant to antennas and transmitters and not the entire facility/structure.

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?

Yes, this is appropriate given that the works would be limited to inside existing structures.

9. Tower extensions in commercial areas

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

Yes, 5 metres is significant. Council consider 3 metres in commercial areas to be more appropriate and the inclusion of amenity conditions.

10. Radiocommunications lens antennas

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

Seems fine, however would encourage visual examples to assist with definition if possible.

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

No issue given the zones proposed

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

Not without further consideration to the volume and protrusion extent.

11. Cabinets for tower equipment

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

3 metres is excessive. The height of the cabinets should be consistent with the current roadside cabinet at 2 metres.

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 Issues

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?

No issues, however suggest the introduction of a timeframe the trench can be open.

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?

Would suggest some consideration needs to be given to the more efficient way of doing things, with the main consideration given to safety and the amenity of the neighbourhood.

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?

No issues

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 issues given the introduction of the new item relating to commercial zones

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?

Yes, 50% is significant. 25% should remain given the Residential area.

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

25% limit is appropriate, being more than 25% does not mean a new structure is required. Simply means it cannot be a LIFD.

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

No

16. Updates to environmental legislation references in the LIFD

16.1 Are there any issues with the proposed updates?

None

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

No

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?

None

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?

No

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, depending on the method of notice the date of receipt is unknown. Given the timeframes for postal notice, 5 business days is not enough.

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?

None

20. Updates to references in the Tel Code

20.1 Are there any issues with the proposed changes?

No

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

No

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

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

None

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

No

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?

All adjoining land owners and occupiers should be directly notified. In some instances this should include land owners and occupiers within a likely impact area not just adjoining.

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?

Temporary would need to have a timeframe limitation and location limitations.

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?

As above, location and timeframe limitations are important. Suggested time: 30 days, Suggested location: anywhere but residential areas.

22.3 - Should the Act be amended to remove any doubt that MEOWs can be installed using the maintenance powers or another power under Schedule 3 of the Act?

No

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

Same as the COW and SatCOW

23. Replacement mobile towers

23.1 Is the proposal reasonable?

If there was also setbacks from sensitive uses (dwellings etc) introduced. If the location was to be further away than may be considered reasonable.

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

Would suggest 10 metres in more appropriate without further zone/area limitations

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

Yes

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?

Never suitable