

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

Submission response—Possible amendments to telecommunications powers and immunities

This submission can be published on the World Wide Web

Yes

Date of submission

21 July 2017

Logo of organisation—if an organisation making this submission



General comments

Mackay Regional Council ('MRC') endorses the separate submissions made by:

1. The Local Government Association of Queensland ('LGAQ') as the peak body on behalf of local government authorities; and
2. The Queensland Water Directorate ('QWD') as the central advisory and advocacy body within Queensland's urban water and sewerage services industry

and raises additional submissions as outlined below.

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?

Refer to the LGAQ & QWD submissions.

2. Local government heritage overlays

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

The Queensland *Heritage Act 1992 (Qld)* ('the QH Act'), allows a Council to identify places in its local government area that are of cultural heritage significant in either:

- a planning scheme; or
- a local heritage register established under the QH Act.

MRC currently protects its region's local heritage through a *Heritage and Neighbourhood Character Overlay Code* and associated maps in its planning scheme that nominates specific local heritage places. MRC's local heritage places are not otherwise listed in the heritage register under the QH Act.

MRC appreciates the intention of the proposed amendments, to address the situation where local government heritage overlays cover an entire neighbourhood/designated area including land/buildings not capable of being recognised as local heritage. However, specific local heritage places listed in a planning scheme heritage overlay should be protected in Queensland to the same extent as local heritage places included on a local heritage register established under the QH Act.

The proposed amendment to the definition of LIFD Part 2 clause 2.5 (7A) should be revised to recognise local heritage places that are protected under the planning scheme rather than under a State heritage register, for instance, by including an additional clause as that marked in red below:

A heritage overlay or other kind of heritage map list, schedule or other document (however described) relating to heritage under a local government by-law, rule or planning instrument or scheme is not a register relating to a heritage or conservation for the purposes of subsection (7), except to the extent that the local government heritage overlay or other kind of heritage map list, schedule or other document identifies local heritage places as an alternative to establishing a local heritage register under the Queensland Heritage Act 1992.

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?

Refer to the LGAQ & QWD submissions.

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?

Refer to the LGAQ & QWD submissions.

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)?

Refer to the LGAQ & QWD submissions.

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)?

Refer to the LGAQ & QWD submissions.

5. Maximum heights of antenna protrusions on buildings

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

Refer to the LGAQ & QWD submissions.

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?

Refer to the LGAQ & QWD submissions.

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?

Refer to the LGAQ & QWD submissions.

7. Radiocommunications facilities

7.1 Does the proposed approach raise any issues?

Refer to the LGAQ & QWD submissions.

7.2 Are the proposed dimensions for these facilities appropriate?

Refer to the LGAQ & QWD submissions.

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?

Refer to the LGAQ & QWD submissions.

9. Tower extensions in commercial areas

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

Refer to the LGAQ & QWD submissions.

10. Radiocommunications lens antennas

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

Refer to the LGAQ & QWD submissions.

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

Refer to the LGAQ & QWD submissions.

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

Refer to the LGAQ & QWD submissions.

11. Cabinets for tower equipment

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

Refer to the LGAQ & QWD submissions.

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?

Refer to the LGAQ & QWD submissions.

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?

Refer to the LGAQ & QWD submissions.

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?

Refer to the LGAQ & QWD submissions.

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?

Refer to the LGAQ & QWD submissions.

The installation of cabling and conduit on bridges could potentially affect the structural stability of the bridge. Local governments must be provided with detailed plans and adequate notice periods to allow appropriate consultation about the potential impact on the bridge.

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?

Refer to the LGAQ & QWD submissions.

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?

Refer to the LGAQ & QWD submissions.

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

Refer to the LGAQ & QWD submissions.

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

Refer to the LGAQ & QWD submissions.

16. Updates to environmental legislation references in the LIFD

16.1 Are there any issues with the proposed updates?

Refer to the LGAQ & QWD submissions.

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

Refer to the LGAQ & QWD submissions.

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?

Refer to the LGAQ & QWD submissions.

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?

Refer to the LGAQ & QWD submissions.

The period of two (2) business days' notice in section 2.23(4)(b) and one (1) day in section 2.31(2) of the Telecommunications Code of Practice is completely inadequate.

- 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?

Refer to the LGAQ & QWD submissions.

A five (5) day processing period is inadequate, particularly when:

- The notice can be served by post and may not reach the intended recipient for a number of days after postage; and
- Local government authorities are managing critical public infrastructure, often with limited resources, and require adequate time to consider service delivery and public interest factors.

The period of two (2) business days' notice in section 2.23(4)(b) and one (1) day in section 2.31(2) of the Telecommunications Code of Practice is completely inadequate.

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?

Refer to the LGAQ & QWD submissions.

20. Updates to references in the Tel Code

- 20.1 Are there any issues with the proposed changes?

Refer to the LGAQ & QWD submissions.

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

Refer to the LGAQ & QWD submissions.

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?

Refer to the LGAQ & QWD submissions.

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

Refer to the LGAQ & QWD submissions.

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

Refer to the LGAQ & QWD submissions.

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?

Refer to the LGAQ & QWD submissions.

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?

Refer to the LGAQ & QWD submissions.

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?

Refer to the LGAQ & QWD submissions.

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?

Refer to the LGAQ & QWD submissions.

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

Refer to the LGAQ & QWD submissions.

23. Replacement mobile towers

23.1 Is the proposal reasonable?

Refer to the LGAQ & QWD submissions.

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

Refer to the LGAQ & QWD submissions.

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

Refer to the LGAQ & QWD submissions.

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?

Refer to the LGAQ & QWD submissions.