

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

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Logo of organisation—if an organisation making this submission



Name and contact details of person/organisation making submission

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General comments

N/A

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 issue.

2. Local government heritage overlays

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

The current provisions exempt a buildings and works trigger under **62.02-1** if it meets the requirements of Clause 52.19 even in a Heritage Overlay therefore, I cannot see how this will impact. We had always interpreted that the Heritage Overlay is not the same as a heritage register therefore this does alter how we apply this exemption. I do wonder however whether some limitations/conditions should be applied to areas within a Heritage Overlay to ensure Contributory or Individually Significant buildings are protected and facilities perhaps some parameters around siting to the rear of buildings?

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?

Distinct.

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?

Criteria in relation to size and dimensions to ensure only minimum required to shroud and some limitation on type of structure and materials (no- reflective and colour to match background)

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.

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.

5. Maximum heights of antenna protrusions on buildings

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

5 metres acceptable but no higher in a residential area.

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?

Higher may be acceptable in a rural area but a maximum still needs to be set (max 10 metres?)

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?

No concern with commercial area however not in a residential area.

7. Radiocommunications facilities

7.1 Does the proposed approach raise any issues?

No issue as long as consent from relevant authority obtained prior to installation.

7.2 Are the proposed dimensions for these facilities appropriate?

Dimensions are appropriate.

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?

Only with the prior written consent of the relevant land owner.

9. Tower extensions in commercial areas

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

No issue.

10. Radiocommunications lens antennas

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

Based on the image, it is recommended these be referred to as “Dome” antennas. It better describes in laypersons terms the general appearance. A “Lens Antenna” is more like a telescope or cone shape.

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

Appropriate.

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

Restrict to industrial and rural areas.

11. Cabinets for tower equipment

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

In addition to the requirement for the cabinet to be painted in neutral/background colours there should be some additional requirement to provide screening if readily visible from public/high amenity areas.

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 issue and could perhaps expand to some other commercial and industrial areas.

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?

As long as it does not remain open and is filled that day then 200m would be appropriate. In addition appropriate notice to residences that may have their access affected must be given prior to commencement of works.

- 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?

200m is sufficient.

There is scope to further define areas where it may be suitable to allow greater than 200m. For instance it is reasonable about 200m be applied in neighbourhoods with a high degree of public interface e.g. where trenching could be expected within a road reserve along property frontages and directly adjacent a footpath but there may also be occasions where a location is still deemed “residential” for purposes of the exemption but trenching will be of little imposition or risk to the public, e.g. parks, reserves, etc, and increasing the exemption beyond 200m would be feasible.

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 issue with being on bridges as long as consent from relevant authority is obtained first. Consent must be obtained to be considered low impact.

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?

How is “volume” calculated in this context?

No issue with increase on existing facilities but public utility structures only with the prior consent of the relevant authority.

- 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?

Unsure.

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

Unsure.

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

Unsure.

16. Updates to environmental legislation references in the LIFD

- 16.1 Are there any issues with the proposed updates?

No issue.

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

No issue.

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?

No issue.

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?

If this were to be considered then it would be essential that at least 15 business days' notice to compensate for delays in delivery of notices.

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 it is not sufficient. Given the issue with Australia Post deliveries and the reduction in delivery days to many regional areas, additional notice time should be built in to compensate for delays.

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 issue.

20. Updates to references in the Tel Code

20.1 Are there any issues with the proposed changes?

No issue.

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 issue with poles in rural areas being low impact.

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

May be suitable in industrial areas as well but definitely not commercial or residential. Should only be considered low impact if existing overhead services are present. In newer areas (including industrial) other infrastructure has been installed underground irrespective of the additional costs involved.

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

This is suitable.

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?

As stated previously, additional time particularly for regional/rural areas should be given due to postage issues.

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 issue.

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?

Conditions similar to NSW – area located to be reinstated and facility to be removed within 28 days (perhaps even 21 days).

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 issue.

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

As with 22.2 above.

23. Replacement mobile towers

23.1 Is the proposal reasonable?

If changes as per 22.1 are implemented then there is no reason towers cannot be replaced in same location. The replacement towers should also be the same height and type as that being replaced?

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

Recommend current provisions within 22.1 being amended to enable use of COWs and SatCOWs during construction, however, if this were to be implemented then parameters as above need to be met as well as no native vegetation removal.

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

Reasonable.

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 issue but definitely not in residential areas.