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17 July 2017

Dr Heather Smith PSM  
Secretary of the Department of Communications and the Arts  
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Dear Dr Smith

Brisbane City Council (Council) welcomes the opportunity to provide feedback on the *Possible amendments to telecommunications carrier powers and immunities – Consultation paper* (the consultation paper).

The Australian Government's *Telecommunications Act 1997* (the Act), *Telecommunications (Low-impact Facilities) Determination 1997* (LIFD), the *Telecommunications Code of Practice 1997* (the Code) and *Industry Code for Mobile Phone Base Station Deployment* (MPBSDC) regulate the installation and maintenance of telecommunications network facilities by telecommunications carriers in Australia.

The LIFD identifies the criteria to determine telecommunications infrastructure to be low-impact. Council's submission seeks to highlight that if infrastructure meets the low-impact criteria, the effect is to exempt that development that would, otherwise, have been assessable under the relevant state legislation.

Pursuant to the requirements of section 112 of the *Queensland Heritage Act 1992*, Council identifies places of local cultural heritage significance in its planning scheme or on its local heritage register. The listing of places of local cultural heritage significance on Council's local heritage register is done in a manner similar to the listing of places under the Queensland Heritage Register. Council does not support proposed amendment 2 to the LIFD that would allow telecommunications infrastructure on local heritage listed places to be exempt from assessment. Council does, however, support the broader intent of the change to the LIFD to exempt low-impact facilities from broader local planning instrument mechanisms.

Council raises concerns regarding the objection period of five business days in proposed amendment 18, Land Access and Activity Notification objection periods. Council considers this timeframe to be inadequate for officers to be able to make representations or objections to notices of land entry activities, all low-impact facility installation activities, and all maintenance activities.

Additionally, Council raises the following points in relation to proposed amendment 14, cable and conduit installation on or under bridges.

Proposed amendment 14 relates to the installation of cable and conduit on or under bridges. It is proposed that the current high impact status of this activity, which requires the carrier to seek agreement from the bridge owner, be reduced to low-impact.

This would mean that cable or conduit could be installed without consultation with the bridge owner and that the owner's concerns about the safe operation of the bridge would not be taken into consideration when planning the type of infrastructure, location and fixing methods used.

A bridge's primary function is to allow the safe transport of vehicles and/or pedestrians. For this reason, bridges require regular maintenance to ensure their safety and functionality. The maintenance activities include:

- formal inspections of all structural elements
- cleaning and lubrication
- repairs including emergency works
- replacement of components
- modification of the structure
- replacement of the entire structure.

To ensure these critical activities can be undertaken without hindrance, any services to be installed by an external party must be approved by the bridge owner. This will ensure the location of services, their means of fixture to the bridge and other related factors are not detrimental to the safe operation and maintenance of the bridge and its users over its lifetime.

In addition to the ability of the maintenance crew to safely access and work on all areas of a bridge, there is the possibility of damage to the conduit or cable when personnel are accessing areas or carrying out maintenance activities.

Section 14 of the consultation paper includes the following:

*"Clause 20 of Schedule 3 to the Act requires carriers to ensure that facilities on a bridge are installed in a way that allows passage by people, vehicles and vessels."*

This clause has not proven to be effective in protecting Council from poor installations on bridges in the past. While this clause appears obvious for people and vehicles traversing the bridge, it does not adequately cover the need to work in and on the bridge structure as a whole to perform necessary maintenance activities.

A notable example of this is the installation of cable and conduits that run through Council's Victoria Bridge by various telecommunication carriers. The location, manner of fixing and condition of the installations means that access for inspection and maintenance is severely obstructed making it impossible to access some bearings and creating Workplace Health and Safety issues for personnel working there. There is also real potential for damage to the cables from necessary maintenance activities.



In addition, bridges are often listed on both the local (Council) and state government heritage registers. As such, Council has an obligation to ensure that the bridges are maintained in accordance with the heritage listing and any accompanying requirements. Reducing these works to being low-impact would not be in keeping with that responsibility that Council has in protecting its heritage assets nor in keeping with community expectations.

Thank you once again for the opportunity to have input on the consultation paper. Should there be any queries regarding Council's submission please do not hesitate to contact Mr Marcus Mulholland, A/Manager, City Planning and Economic Development, City Planning and Sustainability, on (07) 3403 9093 or via email at [Marcus.Mulholland@brisbane.qld.gov.au](mailto:Marcus.Mulholland@brisbane.qld.gov.au).

Yours sincerely



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**CHIEF EXECUTIVE OFFICER**