

30 October 2020

powersandimmunities@communications.com.au

Department of Infrastructure, Transport, Regional Development and Communications

Dear Sir/Madam,

Public submission in response to the consultation paper on *Improving the telecommunications powers and immunities framework*

Axicom welcomes the opportunity to make this public submission in response to the Department of Infrastructure, Transport, Regional Development and Communications consultation paper on *Improving the telecommunications powers and immunities framework* released on 16 September 2020.

Axicom is a strong advocate for co-location and shared use of telecommunications infrastructure. The proposed improvements to the framework will be crucial to the timely, efficient and affordable deployment of telecommunications infrastructure in the 5G era.

1. About Axicom

Axicom is Australia's leading independent owner and operator of shared wireless infrastructure. Our core business is owning, operating and leasing Australia-wide tower and rooftop sites for wireless communication. We have sites in all major metropolitan cities, regional and rural locations, most of which are leased from land and building owners.

We encourage wireless operators to co-locate on our existing sites, helping to minimise the environmental impact of network expansion while offering Australia-wide coverage, faster deployment and lower total costs of ownership compared with building replicated sites.

Our customers include major wireless carriers such as Optus, Vodafone, Telstra and nbn, as well as emergency services, various State and Federal Government agencies and wireless broadband data service providers.

Demand for wireless telecommunications services is higher than it has ever been. As highlighted in the 2018-19 ACMA Communications Report, 96% of Australian adults had a mobile phone, 83% had a smartphone, and the amount of data downloaded by these handsets increased by over 121% between 2018 and 2019.¹ Consumer demand for connectivity will continue to increase and the advent of 5G brings opportunities for industry as well as consumers. The Australian Government, in its 2017 paper '*5G-Enabling the Future Economy*', noted that it considers 5G more than an incremental change for mobile communications; it will

¹ Australian Communications & Media Authority *Communications Report 2018-19* (February 2020), 11 & 15

instead provide the underlying architecture to enable the next wave of productivity across the Australian economy.² Given the historical increases to the economic growth rate derived from the productivity improvements of mobile broadband³ and Australia's intensive use of services in production,⁴ it stands to reason that Australia will benefit considerably from the deployment of 5G technology. With the impact of the Covid-19 pandemic, the efficient deployment of co-locatable infrastructure to stimulate Australia's economic growth and productivity is more important than ever before.

Axicom is supportive of all measures that will improve the ability and flexibility of carriers to efficiently deploy on co-locatable infrastructure, future proofing their networks and allowing them to provide services to support economic growth.

2. Axicom's Submission

As a member of the Australian Mobile Telecommunications Association (**AMTA**), Axicom fully supports the joint AMTA/Communications Alliance submission. We would also like to make the following additional comments on our own behalf:

i. Section 1A – Creation of a primary safety condition

Axicom strongly supports the concept that safety of telecommunications installations is paramount. However, Axicom believes that the current safety arrangements already provide assurance for the safe and effective implementation of telecommunications equipment and that no additional regulatory mechanisms are necessary.

As noted in your consultation paper, carriers are already subject to a number of communications specific safety obligations under the powers and immunities framework. In addition, carriers must comply with Australian standards in respect of their installations, as well as occupational health and safety laws in each state and territory and can also be found negligent under common law.

ii. Section 1D – Requirement to provide engineering certification

Axicom believes that the current legal and regulatory requirements are adequate to provide assurance that a telecommunications facility has been constructed in accordance with good engineering practice.

The current framework already requires carriers to ensure that installations comply with good engineering practice and interfere as little as possible with the operations of public utilities, roads, and traffic.

An additional requirement to provide an engineering certificate to a landowner or occupier is likely to result in not just an unnecessary and costly compliance burden for carriers but also an ineffective one. Such a certificate, particularly when provided by an independent engineer with reliance required to be offered to a third party, is likely to become so

² Department of Communications and the Arts, Parliament of Australia, *5G – Enabling the future economy*, (October 2017), 1.

³ The Centre for International Economics prepared for the Australian Communications and Media Authority, *The Economic Impacts of Mobile Broadband on the Australian Economy, from 2006 to 2013*, (April 2014), 3.

⁴ Bureau of Communications and Arts Research, Department of Communications and the Arts, *Impacts of 5G on productivity and economic growth*, (Working Paper, April 2018), 23.

qualified that it has limited or no effect and will add additional cost for no meaningful benefit.

Axicom believes that it would not be practical to try and codify different circumstances when an engineering certificate may need to be provided by the carriers. A better alternative would be for an industry commitment to provide, when requested by the landowner, a copy of the relevant structural statement or similar document, post-installation, that sets out that the telecommunications facility has been constructed in accordance with good engineering practices.

Such a commitment should be limited to circumstances where it was reasonable to request such a statement, such as when there is a reasonable expectation that the activity being undertaken will affect the structural integrity of infrastructure owned by the landowner.

iii. Section 3 – Facilitating services in line with community expectations and to support economic growth

Axicom supports all the proposed changes to the *Telecommunications (Low Impact Facilities) Determination 2018 (LIFD)* set out in Section 3 of the Consultation Paper and believes that such reforms will strike the appropriate balance between the efficient rollout of modern technology and visual amenity.

Increasing the size of facilities, including new technologies, and lifting co-location volume limits in the LIFD not only allows for faster deployment and increased coverage, but also promotes co-location and reduces the need to build new towers. This limits the environmental impact of deployment and reduces the visual impact for the surrounding community.

The proposed changes will also help harmonise the deployment of wireless infrastructure across Australia by bringing the LIFD more in line with existing state and territory planning laws. In NSW and Victoria, for example, local planning laws already allow for a tower extension of up to 5 metres without the need for a development approval in certain circumstances.

iv. Section 3A (i) – Allow antenna protrusions to be extended to a height of 5 metres

Axicom supports this proposal as it will provide increased opportunities and flexibility for co-location.

v. Section 3A(ii) – Allow satellite dishes of 2.4 metres in diameter to be deployed in industrial and rural areas

Axicom supports this proposal but recommends that the definition be broadened to include both satellite dishes and radio communications dishes. There is a functional difference between the two type of dishes, and this change will ensure that both are clearly captured.

vi. Section 3A(iii) – Specify radiocommunications lens antennae as a new low-impact facility

Axicom supports this proposal. Nationally, several local Councils have already been supporting this and agreeing that certain radiocommunications lens antennae can be installed without development approval. In our experience, many Councils would be supportive of their inclusion in the Determination to minimise the administrative burden.

vii. Section 3B – Improve coverage outcomes through tower extensions

Axicom supports this proposal. We note the additional advantage that tower extensions will reduce field proximity of electromagnetic energy (EME).

viii. Section 3C – Allowing deployment on poles rather than on utilities

Axicom supports this proposal as the densification of sites required for 5G, and in particular mmWave technology, will require the deployment of smart/slim poles in metropolitan areas. The current regulatory burden in seeking development approval for this type of structure leads to additional cost and delay in deployment.

Axicom agrees with the concept that the type of pole should be limited to a smart/slim pole of discrete design with the technology integrated inside the pole. To limit the visual impact on the community, the height should be limited to 12 metres and the pole diameter should be limited to 500mm. It is also acknowledged that a proliferation of infrastructure is to be avoided and so the right to deploy should be limited to where there is no suitable existing infrastructure available.

It should be noted that other providers of essential services such as power utilities are granted broad planning exemptions for the deployment of their infrastructure. The current pandemic and recent bushfires, and subsequent enquiries that have been conducted since in the case of the bushfires, have clearly demonstrated the country's reliance on Australia's communications industry and how essential it is to Australians in times of crisis.

Communications are now seen as an essential service and they should be recognized as such. Accordingly, Axicom considers there should be broader subsequent discussion and consultation on the extension of powers to acknowledge the importance of this infrastructure to align with the powers afforded to other essential infrastructure.

ix. Section 3D – Encourage the co-location of facilities

Axicom supports the relaxation of current volume restrictions and the adoption of "Option 2: Co-location volume lifted to 50 % in residential areas, no limit in commercial areas."

Co-location on existing infrastructure minimises the number of new build sites. This provides cost and time benefits to the industry as well as minimising the visual impact for the community. This change will provide increased opportunities and flexibility for co-location.

3. Conclusion

Thank you for the opportunity to respond to the consultation paper on *Improving the*

telecommunications powers and immunities framework. As Australia's leading independent owner and operator of shared wireless infrastructure, Axicom is well-placed to understand how the deployment of this infrastructure can be improved to support both community expectations and economic growth. To this end, we are supportive of the proposals in Section 3 of the consultation paper but believe that the proposals in Sections 1 and 2, if implemented, risk unnecessarily delaying the roll-out of wireless infrastructure and increasing the costs of deployment to the detriment of both the Australian community and economy.

