

15 October 2020

Department of Infrastructure, Transport  
Regional Development and Communications  
GPO Box 594  
CANBERRA ACT 2601  
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Dear Mr Atkinson

### **Improving Telecommunications Powers and Immunities Framework.**

Thank you for the opportunity to provide feedback on the proposed changes to the Telecommunications Powers and Immunities Framework.

Council Planning Staff are supportive of the framework in general, for its role in providing service infrastructure in an effective and timely manner. It is also supported for the role it plays in cutting through politics that can delay essential service provision.

While the review and updating of the framework is supported and important, it is pivotal that any changes are made considering the lessons from the past and any important community expectations. Things that should be considered as part of the review are as follows:

#### **1. Safety and Notification:**

##### **A. Creation of a Primary Safety Condition -**

- A new primary safety condition to be included in the Code of Practice is supported.

##### **B. Standard Notifications Across Industry -**

- Standardising notifications is highly supported. Often it is difficult to understand the full nature of a proposal, notifications can at times be misleading, and the provision of clear and consistent plans and technical drawings is important.
- This is particularly important for Local Government, which plays a significant role in assisting the community to understand works proposed.
- Standardised notifications will also assist in the speed of management and consideration of proposals.

##### **C. Withdrawal of Notification -**

- Notification of a withdrawal, cancellation, or a delay in works, is supported in the interest of managing the implications of a notification (eg. community concern).

##### **D. Requirement to Provide Engineering Certification -**

- Supply of an engineering certificate is supported.

##### **E. Extended Notification Timeframes -**

- Notification timeframes should be increased as this allows landowners with multiple departments, time to manage the notification appropriately. 10 days makes this difficult.

- With current and ongoing impacts on the postal service within all areas of Australia, notification timeframes should be further considered. For this reason, longer timeframes should apply to landowners.
- It is noted landowners that are not a public utility and do not manage these requests on a regular basis may seek external advice. As such, it is more important for these owners to have the necessary time to make informed submission should they choose.
- Notwithstanding the above, the ability to have more time for landowners to make enquiries into the notification, may reduce the need to seek external assistance.

## **2. Objections and Protections:**

### **A. Clarifying the Objections Process for Landowners -**

- Clarification of the objections process for landowners and the outcomes of objections would be helpful, particularly where there are confusions with clauses in lease agreements.
- There is often a misunderstanding as to a landowner's ability to object and what the process is regarding an objection, with this being confused with criteria within a lease.

### **B. Allowing Carriers to Refer Objections to the TIO**

- Referral of complaints to the TIO is generally supported, as with the above point, people are often confused about this process.
- Carriers should continue to prioritise good engagement practices over what may be seen as a litigious or adversarial process.
- Currently there is limited communication with landowners until the carrier forms a view or solution in relation to an objection.
- Objections are not seen as a constructive aspect of the process, designed to achieve the best outcome for all parties.
- If a carrier can go straight to the TIO, this has the potential erode the benefits of active engagement and relationship building.

### **C. Removal of Redundant Equipment -**

- There should be additional requirements for carriers to carry out lifecycle auditing of equipment and a plan for the decommission and removal of any redundant or aging infrastructure.
- Removal and decommissioning of old infrastructure is a systemic problem, particularly where infrastructure is in more remote locations (e.g. Central Australia)
- The cost of this should not rest with a landowner. As such the system should allow for this to be managed centrally, potentially through the TIO or State and Territory Governments.

## **3. Facilitating Service in line with Community Expectations and to Support Economic Growth:**

### **A. Improved Coverage Outcomes Through Better Infrastructure, Where Safe -**

- LIFD Part 1 Item 4 is not clear, namely whether a protrusion includes vertical or horizontal protrusions. Many residents and property owners are not aware that a tower, once approved, can be modified to increase height without the need for further development approval. This should not change for residential areas or where towers have an impact on residential allotments.

- A planning application for a tower should clearly show the future expansion opportunity under the LIFD, and if it does not, then it should not be subject to the LIFD.
- Also, where facilities headframe impacts the direct sightlines of a residential allotment within a prescribe distance, this should also not be subject to LIFD, but a merits assessment on the impact of the proposed changes through a planning assessment processes.

B. Improve Coverage Through Tower Extensions -

- Some towers within Commercial areas are within direct sightline of residential allotments that enjoy views. The performance impact of these extensions should be premised with horizontal sightline requirements from a residential allotment.
- The change proposed to 5 metre extensions would go against the rational of the powers of the immunities framework.

C. Deployment on Poles Rather Than on Utilities -

- Slimline poles may be considered low impact facilities in certain circumstances. These circumstances should be limited so as not to impact heritage places, historic areas, significant and important vistas, or be grouped together.
- Similarly, there should be requirements around the number and spacing of such structures.

D. Encourage the Co-Location of Facilities -

- While co-location of facilities is supported, the nature and extent of network equipment such as antennae in one location or on one piece of infrastructure can result in great impactful on amenity of an area.

Should you wish to discuss the above information further, please contact [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED]

Yours faithfully

[REDACTED]  
[REDACTED]  
[REDACTED]

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