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Department of Infrastructure, Transport, Regional Development and Communications  
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## Response to Improving the telecommunications powers and immunities framework

PLUS ES welcomes and thanks you for the opportunity to provide a submission to the Department of Infrastructure, Transport, Regional Development and Communications' (The Department) request regarding Improving the telecommunications powers and immunities framework.

### Executive Summary

PLUS ES supports a regulatory framework that enables the cost effective roll out of 5G and associated small cells whilst balancing the requirements of maximising safety and minimizing the environmental and community impact.

PLUS ES encourages the sharing of existing facilities that support the 5G ecosystem including existing towers, poles and other supporting infrastructure (ie ducts, dark fibre and equipment shelters). This will support lower overall costs and minimise visual impact by avoiding duplication of infrastructure (ie new towers or poles) and minimise community disruption (ie avoiding road closures).

In response to the specific questions from the Department, the main PLUS ES proposal is a recommended change to support smart poles being classified as low impact facilities but only in the case where they either replace an existing pole or there is no pole within close proximity.

The PLUS ES detailed response to the Department's request and specific questions are provided in Appendix 1.

### PLUS ES contact details

The PLUS ES contact details for this submission are provided below:

Organisation name	PLUS ES
Contact Name	[REDACTED]
Email address	[REDACTED]
Telephone number	[REDACTED]
Postal address	[REDACTED]

## Confirmation of publication of submission

PLUS ES confirms that this submission can be published and made public.

PLUS ES welcomes the opportunity to provide further input if requested by the Department.

Yours sincerely

[Redacted signature block]

Signed for and on behalf of  
**PLUS ES** by its duly authorised representative

## Appendix 1: The PLUS ES Detailed Response

The PLUS ES response to the detailed questions from the Department are given in the tables 1, 2 & 3 below.

Table 1 - Safety & Notification

Subject	Prompt Questions	PLUS ES Response
A. Creation of a primary safety condition	<ol style="list-style-type: none"> <li>1. Do the current safety arrangements provide assurance for the safe and effective implementation of telecommunications equipment?</li> <li>2. If no, what additional regulatory mechanisms may provide that assurance?</li> <li>3. Would the addition of a primary safety condition to the Code of Practice provide that assurance?</li> </ol>	PLUS ES does not recommend any change to the current safety arrangements.
B. Standard notifications across industry	<ol style="list-style-type: none"> <li>1. Is there any other information that could be included on a notice would provide clarity on the installation process and timeframes?</li> <li>2. What benefits, either financial or non-financial would additional notice and information bring to landowners?</li> <li>3. If possible, to what extent would the inclusion of a standardised notification process increase or decrease regulatory burden, and at what cost per notification?</li> </ol>	PLUS ES has no comment
C. Withdrawal of notifications	<ol style="list-style-type: none"> <li>1. How often has a lack of withdrawal of notice created a financial, or non-financial burden to a landowner? Please provide context to help explain your response.</li> <li>2. To what extent would a notice of withdrawal, provided in a timely manner, reduce this burden?</li> <li>3. What methods have carriers used to notify landowners that a proposed activity would not take place, or was cancelled? How effective are these methods?</li> <li>4. How often would a withdrawal notice be required, and to what extent would this great an additional regulatory burden? If so, what is the anticipated financial regulatory burden each year?</li> </ol>	PLUS ES has no comment regarding withdrawal of notification

<p>D. Requirement to provide engineering certification</p>	<ol style="list-style-type: none"> <li>1. What benefits would landowner or occupiers see in the provision of an engineering certificate within 30 business days after the certification has been received?</li> <li>2. Would the provision of an engineering certificate to landowners increase the regulatory burden on carriers? If so, what is the estimated regulatory financial impact per year?</li> </ol>	<p>PLUS ES has no comment</p>
<p>E. Pending notification timeframes</p>	<ol style="list-style-type: none"> <li>1. What are the benefits (financial and non-financial) of a non-regulatory approach in providing a longer notification timeframes?</li> <li>2. What are the benefits (financial and non-financial) of a regulatory approach in providing a longer notification timeframe?</li> <li>3. Should longer notification timeframes apply to all landowners, and not be limited to landowners that are public utilities and road authorities?</li> <li>4. What would be the benefits (financial and non-financial) of providing a longer timeframe for objections to be made to carriers about proposed activities?</li> <li>5. What other factors should be considered when considering whether to extend notification or objection timeframes?</li> </ol>	<p>PLUS ES supports a notification regime that maintains a minimum workable notification timeframe</p>

Table 2 - Objections and protections

Subject	Prompt Questions	PLUS ES Response
A. Clarifying the objections process for landowners	<ol style="list-style-type: none"> <li>1. Is the objections process as set out in the Code of Practice clear and easily understood by landowners and occupiers? If no, what parts of the process need further explanation?</li> <li>2. Does the information provided by carriers when giving notice of a proposed activity outline the objections process, or only the first step, that is, to make the objection in writing to the carrier?</li> <li>3. How could the objection process be better communicated to landowners and occupiers?</li> </ol>	PLUS ES has no comment.
4. Allowing carriers to refer objections to the TIO	<ol style="list-style-type: none"> <li>1. What benefits or disadvantages are there in including a carrier as a party that can initiate dispute resolution with the TIO?</li> <li>2. To what extent would this inclusion increase, or decrease, the financial and non-financial burden on carriers or landowners during a dispute?</li> <li>3. What financial or non-financial burden, if any, would the inclusion of a deadline on carriers to lodge an objection with the TIO have?</li> <li>4. If there is support for the proposal to include a deadline on carriers to lodge an objection with the TIO, what timeframe should apply?</li> </ol>	PLUS ES has no comment
5. Removal of redundant equipment	<ol style="list-style-type: none"> <li>1. What level of enforcement would provide the best solution to the issue of redundant equipment?</li> <li>2. What regulatory burden (financial or non-financial) would occur if these options were enacted?</li> <li>3. Are there other non-regulatory ways to better enforce the policy position that equipment is removed if not used?</li> </ol>	PLUS ES has no comment

Table 3 - Facilitating services in line with community expectations and to support economic growth

Subject	Prompt Questions	PLUS ES Response
<p>A. Improve coverage outcomes through better infrastructure, where safe</p>	<ol style="list-style-type: none"> <li>1. Are there alternative options that would reduce impacts to visual amenity while providing necessary coverage for a modern telecommunications service?</li> <li>2. Would these options strike a balance between visual amenity and the need to maintain telecommunications services?</li> <li>3. What benefits or disadvantages (financial or non-financial) would occur as a result of implementing these options?</li> </ol>	<p>PLUS ES has no comment</p>
<p>B. Improve coverage outcomes through tower extensions</p>	<ol style="list-style-type: none"> <li>4. Would the extension to 5m maintain a balance between visual amenity and the need to maintain telecommunications service?</li> <li>5. What benefits or disadvantages (financial or non-financial) would occur as a result of implementing this option?</li> <li>6. Are there any other conditions or issues that should be considered if this proposal was to proceed?</li> </ol>	<p>PLUS ES has no comment</p>
<p>C. Allowing deployment on poles rather than on utilities</p>	<ol style="list-style-type: none"> <li>1. Should smart or slim line poles, under certain conditions, be considered as low visual impact? If so, what should those conditions be?</li> <li>2. What other suggestions would help to categorise a smart or slim pole as of low visual impact?</li> <li>3. What alternatives to this option better meet the need for a national approach to telecommunications infrastructure investment that balances the need for visual amenity?</li> <li>4. What benefits or disadvantages (financial or non-financial) would occur as a result of implementing these options?</li> </ol>	<ol style="list-style-type: none"> <li>1. PLUS ES agrees a smart pole should be considered as low visual impact, if               <ol style="list-style-type: none"> <li>a. it can replace an existing pole and only if that existing infrastructure is unavailable to accommodate the telecommunications infrastructure</li> <li>b. it is not in close proximity to existing suitable infrastructure such as a utility pole</li> </ol> </li> <li>2. PLUS ES recommends the housing of equipment within the pole is encouraged to</li> </ol>

		<p>avoid the need for a supporting equipment cabinet</p> <ol style="list-style-type: none"> <li>3. PLUS ES supports a national regime that facilitates the use and sharing of existing public and utility infrastructure (ie poles) to avoid the proliferation of unnecessary infrastructure.</li> <li>4. PLUS ES consider the key benefits are that             <ol style="list-style-type: none"> <li>a. it avoids the proliferation of unnecessary infrastructure and</li> <li>b. the resulting visual pollution and community disruption through build activities.</li> </ol> </li> </ol>
<p>D. Encourage the co-location of facilities</p>	<ol style="list-style-type: none"> <li>1. Would a consistent approach to measuring co-location volume assist or hinder the co-location and visual amenity of equipment?</li> <li>2. What methodologies could be used by carriers to determine co-location volume? Are any of these methodologies agnostic regarding equipment type?</li> <li>3. With safety as a primary consideration, which would be a preferred approach to co-location and why?</li> <li>4. What benefits or disadvantages (financial or non-financial) would occur as a result of implementing these options?</li> </ol>	<ol style="list-style-type: none"> <li>1. PLUS ES supports a regime that facilitates the sharing and co-location of infrastructure and thus prefers the maximum safe and feasible volume in residential and commercial areas</li> <li>2. No comment</li> <li>3. PLUS ES supports a regime that facilitates the sharing and co-location of infrastructure and thus prefers option B: 50% in residential areas and no limit in commercial areas.</li> <li>4. PLUS ES considers the key benefits are             <ol style="list-style-type: none"> <li>a. lower overall costs and</li> <li>b. reduced service introduction timeframes</li> </ol>             through the increased sharing of infrastructure and the avoidance of unnecessary additional infrastructure.           </li> </ol>