

To the Department of Communications and the Arts  
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## 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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### 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?**

We consider that this amendment is appropriate.

## **2. Local government heritage overlays**

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

We consider that this amendment is appropriate.

## **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?**

We consider that shrouds should be listed in the LIFD as an ancillary facility rather than a facility in its own right. A shroud is compatible with the reasons for including existing ancillary facilities in the LIFD, as rather than being a facility in its own right it is designed to hide a facility. As an ancillary facility, there is potential for shrouds to have a broader application, i.e. they could reduce the visual amenity of a range of facilities rather than only radiocommunications facilities.

### **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?**

We do not think that this is necessary.

## **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)?**

We consider that this amendment is appropriate.

### **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)?**

We consider that this amendment is appropriate.

## **5. Maximum heights of antenna protrusions on buildings**

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

We consider that it would be appropriate to allow protrusions that are higher than 5 metres. This would allow antennas to be more effective and provide greater coverage. This would result in a reduction of the number of antennas that are installed. Carriers will not always install the maximum protrusion possible, but will base their decision on coverage requirements, wind load, visual impact at particular sites, cost and landowner consultation. Though a higher allowable protrusion will result in some higher antennas being installed, it will result in less antennas being installed, which we consider is a sensible and cost effective trade-off. We submit that the maximum height of a protrusion should be 12 metres.

### **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 protrusions are definitely acceptable in industrial and rural areas, where there are far less residents, less community concern about the visual impact of facilities and requirements for greater coverage reach to maximise cell size. If higher protrusions result in better service coverage this would provide a considerable benefit to the community, particularly in rural areas where land undulations and trees often result in poor coverage because line of sight is impeded.

## **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. We consider that this amendment is appropriate.

## **7. Radiocommunications facilities**

- 7.1 Does the proposed approach raise any issues?

No. We consider that this amendment is appropriate.

- 7.2 Are the proposed dimensions for these facilities appropriate?

Yes. We agree that the 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?

Yes. We consider that this amendment is appropriate.

## **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. We consider that this amendment is appropriate.

## **10. Radiocommunications lens antennas**

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

Yes. We consider that this term is suitable.

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

Yes. We agree that these dimensions and protrusions are appropriate.

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

We consider that this type of antenna should be allowed in all areas.

## **11. Cabinets for tower equipment**

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

No. We consider that this amendment is appropriate.

## **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. We consider that this amendment is appropriate.

## **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?

No. We consider that this amendment is appropriate.

- 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?

We consider that 200m is probably sufficient but we have not had experience in trenching.

#### 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?

We consider that this amendment is appropriate.

#### 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?

No. We agree that this amendment is appropriate.

- 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?

No. We consider that this amendment is appropriate.

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

No. We consider that this amendment is appropriate.

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

We consider that the proposed changes are sufficient.

#### 16. Updates to environmental legislation references in the LIFD

- 16.1 Are there any issues with the proposed updates?

No. We consider that these amendments are appropriate.

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

**Yes, all carriers should be authorised to install the same facilities, including the facilities that only nbn Co is currently authorised to install as low-impact**

The LIFD currently includes a large number of facilities that only nbn Co is entitled to install under its carrier installation powers. If a facility is regarded as being low-impact, then any carrier should be authorised to install it. From the community's perspective, it makes no difference which carrier installs or owns a facility, i.e. the facility looks the same even if it was install by a carrier other than nbn Co.

An example of an nbn Co only low-impact facility that would enable other carriers to efficiently install network infrastructure in a manner that also limits the effect on landowners and land is Item No. 8 in Part 3 of the Schedule to the LIFD, 'External building connection equipment', which is basically a small wallbox that can be attached to the outside of a building. At present, other carriers must install such a facility inside the building as 'In-building subscriber connection equipment'. This means that space inside the building is used for the facility and carriers must enter the building to perform any maintenance. It would be very useful for other carriers to be able to install these facilities on the outside of the building and it is unreasonable that only nbn Co has this right.

## **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. We consider that this amendment is appropriate.

### **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?

Yes. We consider that this amendment is sensible and appropriate.

- 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?

Yes. We consider that this is sufficient time.

### **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. We consider that this amendment is appropriate.

### **20. Updates to references in the Tel Code**

- 20.1 Are there any issues with the proposed changes?

No. We consider that these amendments are appropriate.

- 20.2 Are there any further suggestions for updates to the Tel Code?

We do not have further suggestions.

## **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?

Yes. We agree that this amendment is appropriate. However, any amendments should apply to all carriers and not be limited to nbn Co. If a facility is determined to be low-impact then all carriers should be authorised to install the facility in accordance with their carrier powers and obligations. It is unfair and anti-competitive to grant rights to install particular facilities to one carrier and not to others.

Further, we consider that the use of the poles should not be limited to cabling and it should be permissible for low-impact radio facilities to be installed on the poles. This would enable far more efficient use of antennas for wireless broadband networks by increasing coverage capability.

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

The poles should be allowed in all areas.

- 21.3 Is the proposed size restriction of up to 12 metres high with a diameter of up to 500mm suitable?  
Yes, the 12m height is suitable. A 500mm diameter is suitable for poles. We consider that climbable lattice masts of up to 12m in height should also be included in the scope of low-impact facilities, where used in conjunction with a low-impact radiocommunications facility. This type of mast is very useful for the installation of antennas as they are stable and they allow easy and safe maintenance to be carried out.
- 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?  
The existing notification and objection process is sufficient.

## **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. We do not consider that there are any issues with this.
- 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?  
We consider that it is appropriate not to limit the circumstances that COWs and SatCOWs can be installed as it may have an unintended consequence when the installation of these facilities would be useful to the community. We consider that the facilities should be removed within a reasonable time after the expiry of the event that led to their installation, for example within a few weeks of the event. Given the expense of these facilities, we consider it unlikely that carriers would want to leave them in the field without the facilities being in use.
- 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?  
Yes. We consider it is appropriate to amend the Act to permit the installation of these temporary facilities – both as a maintenance activity during work on existing facilities and as an installation to cover an event.
- 22.4 - Are there any suggestions for appropriate conditions for the installation of MEOWs if the maintenance powers are amended?  
We consider it would be sufficient to state that MEOWs can be installed as a maintenance facility while work is carried out on an existing facility.

## **23. Replacement mobile towers**

- 23.1 Is the proposal reasonable?  
Yes. We consider this proposal is reasonable.
- 23.2 Is 20 metres a suitable distance restriction for replacement towers?  
Yes. We consider this proposal is suitable.
- 23.3 Is 12 weeks a reasonable maximum time period for installation of replacement towers?  
Yes.

## **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?

This is suitable in all commercial, industrial and rural areas.