

Possible amendments to telecommunications carrier powers and immunities - Consultation Paper

UDIA (National) Submission – July 2017



INTRODUCTION

The Urban Development Institute of Australia (UDIA) is the peak industry body representing the property development industry throughout Australia, acting on behalf of over 2,100 member companies across the country from a variety of fields and professions in the development industry. Established at a state level in 1963, the Institute evolved to become a national body with a number of state-based divisions in 1970.

UDIA aims to secure the economic success and future of the development industry in Australia, recognising that national prosperity is dependent on our success in housing our communities and building/rebuilding cities for future generations.

UDIA welcomes the opportunity to provide this submission to the Commonwealth Department of Communications and the Arts on the Possible amendments to telecommunications carrier powers and immunities Consultation Paper.

UDIA recognises the important and expanding role telecommunications services play to enable people business and government to go about their daily lives. The Australian Government commitment to ensure Australians have ready access to high quality, reliable and affordable telecommunications services will be a fundamental basis for the success of our property development communities.

However, we do caution that successful developments are thoroughly planned and considered to provide integrated liveable, affordable and connected communities and the powers telecommunication carriers are given to use limited approvals and notifications should be carefully calibrated to balance telecommunications carriers looking to provide consumers with faster and lower cost services and the rights of property owners.

In this Submission UDIA will respond to the amendments proposed which we believe could detrimentally affect our Members in managing their development projects.

Possible amendments:

1. Definition of co-located facilities

UDIA does not envisage any significant issues for Developers, with the proposed amendment providing greater clarity for the carriers and to the industry.

2. Local government heritage overlays

Areas which are the subject of a local government heritage overlay or urban conservation mapping are by definition more sensitive areas. The rest of the development industry must find solutions to protect these assets on behalf of the community and a telecommunication carrier should not run foul of these provisions.

3. Radio shroud as ancillary facilities

- 3.1 UDIA supports the desire to enable greater use of radio shrouds to screen mobile phone facilities, however if they are considered ancillary to the low-impact facility it is not clear if they will have limitations on size and dimension.
- 3.2 UDIA believes that shrouds should be encouraged, however they should have design provisions for size and dimensions to ensure the facilities remain low-impact.

4. Size of radiocommunications and satellite dishes

UDIA does not envisage any significant issues for Developers with the proposed amendment, given that the larger size provisions are for rural and industrial areas.

5. Maximum heights of antenna protrusions on buildings

- 5.1 A 5 metre protrusion height above a building structure is two thirds higher than the previous low-impact height limit of 3 metres. This is a significant change and is not considered appropriate.
- 5.2 Protrusions of up to 5 metres could be more easily managed in industrial and rural areas.

6. Use of omnidirectional antennas in residential and commercial areas

UDIA does not envisage any significant issues for Developers with the proposed amendment.

7. Radiocommunications facilities

UDIA does not envisage any significant issues for Developers with the proposed amendment.

8. Equipment installed inside a non-residential structure in residential areas

UDIA does not envisage any significant issues for Developers with the proposed amendment.

9. Tower extensions in commercial areas

UDIA does not envisage any significant issues for Developers with the proposed amendment.

10. Radiocommunications lens antennas

UDIA supports the use of this technology, subject to the normal provisions for managing RF EME exposure, however the large scale of up to 4 cubic metres in volume and 5 metres of protrusion from a structure is not considered appropriate as a low-impact facility.

11. Cabinets for tower equipment

UDIA does not envisage any significant issues for Developers with the proposed amendment.

12. Size of solar panels used to power telecommunications facilities

UDIA does not envisage any significant issues for Developers with the proposed amendment.

13. Length of trench that can be open to install a conduit or cable

Open trenches are dangerous to manage within residential areas, however if the works are clearly notified to the community well before, access to houses is maintained and the trenches can be opened and closed within 24 hours then up to 200 metres is considered to be a manageable efficiency gain which can result in savings being passed on to consumers.

14. Cable & conduit installation on or under bridges

UDIA does not envisage any significant issues for Developers with the proposed amendment.

15. Volume restrictions on co-located facilities

UDIA does not envisage any significant issues for Developers with the proposed amendment.

16. Updates to environmental legislation references in the LIFD

Updating the environmental legislation is an appropriate result of any changes adopted now and prior amendment corrections need to be made.

Proposed amendments to the Tel Code:

17. Clarify requirements for joint venture arrangements

UDIA does not envisage any significant issues for Developers with the proposed amendment.

18. LAAN objection periods

UDIA does not believe it is reasonable for the notice period to be reduced from 9 business days to just 5 days, as it is too short a period to manage the appropriate review of issues which may arise for a developer, given the communication challenges within a typical office environment. Telecommunication carriers have raised the cost implications of managing regulation, however in this instance if carriers provide a longer notice period their deployment schedules can be managed more efficiently.

19. Allow carriers to refer land owner and occupier objections to the TIO

UDIA is of the opinion that a period of 10 business days should be required for Telecommunication carriers to use reasonable endeavours to find a negotiated solution to the proposed low-impact facility. This would reflect any typical regulatory process and should help manage the number of referrals to the TIO.

20. Updates to references in the Tel Code

UDIA does not envisage any significant issues for Developers with the proposed amendment.

Possible amendments to the Act:

21. Allowing some types of poles to be low-impact facilities

Telecommunications poles up to 12 metres high & 500 millimetres in diameter and electricity cabling is not considered a low-impact facility.

22. Portable temporary communications facilities

UDIA does not envisage any significant issues for Developers with the proposed amendment.

23. Replacement mobile towers

Replacement of mobile towers within 20 metres of an existing tower is considered too broad a provision and burden for landowners. UDIA appreciates the challenges of maintaining telecommunication services whilst needing to replace a tower, however a distance of 10 metres is considered more appropriate.

24. Tower height extensions

UDIA does not envisage any significant issues for Developers with the proposed amendment.

Please don't hesitate to contact UDIA National to discuss this submission as follows:

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