To the Department of Communications and the Arts
GPO Box 2154
Canberra ACT 2601

Submission response—Possible amendments to telecommunications powers and immunities

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Yes

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Logo of organisation—if an organisation making this submission

Name and contact details of person/organisation making submission

Glenn Wilson

General Manager Service Futures

(03) 9872 2436

Glenn.wilson@yvw.com.au

General comments

Yarra Valley Water has some existing issues with telecommunications facilities co-located on or adjacent to our tanks. We currently have 21 tanks affected by telecommunications facilities.

The telecommunications facilities emit radiofrequency electromagnetic energy (RF EME) which is hazardous and creates a safety 'no-go' zone. In some instances, the tank roof cannot be safely accessed or the tank cannot be effectively maintained without the telecommunications facilities being switched off.

Coordinating subsequent telecommunication shut downs restricts the flexibility of scheduled maintenance particularly given some maintenance is weather dependent.

Similarly, emergency access to tank roofs is required in response to tank hatch alarms. Unauthorised opening of tank hatches is both a security and water quality risk. Telecommunication facilities can delay our response to hatch alarms. Where the RF EME zone is correctly designed, the tank can be accessed, but only by certain trained individuals with RF monitors which limits the resources available to rapidly respond to alarms. Where the RF EME zone impacts our access ladders or access to the tank hatches, the telecommunications facilities may need to be shut down prior to assessing the tank hatch which results in unacceptable delays and water quality risks.

Installations on our tank roofs can also create a risk to water quality through damage to the roof during installation or maintenance or drilling through the roof for affixing telecommunications facilities.

In addition, our tanks (where telecommunications facilities are often co-located) often have several other critical water assets and any works or large vehicle traffic around the sites may damage these critical assets resulting in significant water outages to our customers.

In recent years, Yarra Valley Water has been working closely with telecommunications stakeholders to request that all new telecommunication facilities be located on stand-alone poles adjacent to our assets rather than attached to our assets (i.e. tanks). However, even stand-alone pole mounted telecommunication facilities require careful consideration of the impacts of the physical location of the pole and the RF EME zone impacting our ability to maintain and operate our assets. Consideration also needs to be given to our short and long term planning strategies for the site to ensure that any telecommunication facilities do not adversely impact our future expansion work at the site or decommissioning of the site.

In summary, regardless of the type of work on or around our sites, Yarra Valley Water requires sufficient time to consider the risks of any proposed works to ensure the integrity of the water quality and supply to our 1.8 million customers.

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?

Yarra Valley Water prefers that telecommunication facilities are located on stand-alone structures adjacent to our assets rather than attached to our assets (i.e. tanks) for the reasons described in our general comments.

This clarification may in effect encourage carriers to push for tank mounted telecommunication facilities rather than standalone facilities. As mentioned in our general comments, Yarra Valley Water has overarching concerns about our ability to maintain our assets where telecommunication facilities are co-located on our tanks. Refer to "General Comments".

2. Local government heritage overlays

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

No comment.

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?

No comment.

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?

No comment.

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)?

No comment.

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)?

No comment.

5. Maximum heights of antenna protrusions on buildings

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

As mentioned in our general comments, Yarra Valley Water has overarching concerns about our ability to maintain our assets where telecommunication facilities are co-located on our tanks. Refer to "General Comments".

It is Yarra Valley Water's opinion that all telecommunication facilities should be situated at a suitable height to avoid any radiation zones limiting access to our assets. This may require the antenna protrusion to be greater than 5m where located on or adjacent to our assets.

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?

Refer to 5.1

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 comment.

7. Radiocommunications facilities

7.1 Does the proposed approach raise any issues?

No comment.

7.2 Are the proposed dimensions for these facilities appropriate?

No comment.

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?

No comment.

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 comment.

10. Radiocommunications lens antennas

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

No comment.

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

No comment.

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

No comment.

11. Cabinets for tower equipment

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

A large structure such as this requires greater consideration by Yarra Valley Water than the 5-day objection period proposed (refer item 18 below) for low-impact facilities. Siting of such a structure may inhibit our access to effectively operate or maintain our assets.

Additional consultation is requested. The current planning approval process affords sufficient time for review. Should these cabinets be considered a "low-impact facility" and not subject to a

statutory planning approval, it is requested that 20 business days (from the date of receipt of sufficient information to assess the proposed works) is an appropriate minimum notice period.

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 comment.

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 comment.

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?

No comment.

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?

No comment.

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?

Yarra Valley Water does not support increasing or removing the volume limits at our sites.

As discussed in the general comments, some of the existing co-located facilities are creating RF EME no-go zones and physical obstructions that hinder our ability to maintain our assets and promptly respond to alarms. Any increase in volume of co-located facilities adds to this existing concern.

Similarly, additional co-located facilities on our tanks create additional risks to water quality during installation and maintenance of the telecommunication facilities.

Increasing the volume of co-located facilities also increases the risk of damage to our infrastructure and adds to the burden of maintenance and inspection of our structures (to ensure they are structurally sound for supporting co-located facilities).

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?

As per 15.1.

In addition, increasing the volume of the co-located facilities may significantly increase the visual or noise impacts resulting in community discontent directed at Yarra Valley Water as the land owner, ultimately affecting our reputation within the community.

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

Yarra Valley Water's preference is to have no co-located facilities on their assets, which would equate to a volume limit of 0%.

Noting that removing the carriers' current powers is not a proposed option, Yarra Valley Water suggests that no change be made to the volume limits. To exceed the current limitations, Yarra Valley Water believe the current statutory planning approval process is appropriate.

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

No comment.

16. Updates to environmental legislation references in the LIFD

16.1 Are there any issues with the proposed updates?

No comment.

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

No comment.

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 comment.

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?

This is not considered reasonable by Yarra Valley Water. Yarra Valley Water believes that to appropriately consider the current risks of the proposed activity or maintenance work at our sites, the notice needs to be current.

Issuing the notice months in advance and having to respond months in advance is not deemed appropriate as site conditions can change significantly in a short period of time.

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?

5 business days is not deemed sufficient to consider the appropriateness of any proposed new or maintenance works on or adjacent to our assets. Yarra Valley Water needs sufficient time to consider the impacts on our ability to operate and maintain our assets and ensure water quality and security is maintained for our customers.

To maintain the current minimum notification and objection periods and achieve the intent of the change (being that the carrier is notified of objections at least 5 days prior to commencing work), it is considered that an alternative approach would be to extend the minimum notification period to 15 days, with objections to be received at least 5 days prior to the scheduled works.

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?

Generally, Yarra Valley Water has had success with negotiating acceptable outcomes to both parties and the carriers have been amenable to our requirements. Negotiating outcomes allows us

sufficient time to ensure that there are no adverse impacts to the operation and maintenance of our existing assets or planned works and ensures we can preserve water quality and security.

Therefore, Yarra Valley Water's preference is to continue to negotiate resolution and for TIOs to be referred only when we request to do so – as is the current practice.

20. Updates to references in the Tel Code

20.1 Are there any issues with the proposed changes?

No comment.

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

No comment.

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?

A pole requires greater consideration by Yarra Valley Water than the 5-day objection period proposed (refer item 18 below) for low-impact facilities.

Siting of such a structure may inhibit our access to effectively operate or maintain our existing assets or future works at the site. Similarly, installation of the structure may require large vehicles which can damage our existing underground assets and cause significant disruption to our customers.

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

No comment.

21.3 Is the proposed size restriction of up to 12 metres high with a diameter of up to 500mm suitable?

As per 21.1.

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?

Additional consultation is requested and it is considered that 20 business days (from the date of receipt of sufficient information to assess the proposed works) is an appropriate minimum if poles are to be considered as low-impact facilities not subject to the current statutory planning approvals.

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?

The carrier should advise Yarra Valley Water in accordance with the Clause 17 of Schedule 3 of the Act, allowing for objections to be made if necessary.

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?

Temporary facilities should not remain on Yarra Valley Water's land for greater than 10 business days without our written consent.

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?

No comment.

22.4 - Are there any suggestions for appropriate conditions for the installation of MEOWs if the maintenance powers are amended?

As per 22.1 and 22.2.

23. Replacement mobile towers

23.1 Is the proposal reasonable?

A replacement tower in a different location to the current tower may inhibit Yarra Valley Water's ability to effectively operate and maintain our assets. The location of the replacement tower needs to be carefully considered and the current planning approval process affords this.

Should the planning approval process be removed, additional consultation is requested and it is considered that 20 business days (from the date of receipt of sufficient information to assess the proposed works) is an appropriate minimum for replacement towers.

23.2 Is 20 metres a suitable distance restriction for replacement towers?

As per 23.1.

23.3 Is 12 weeks a reasonable maximum time period for installation of replacement towers?

No comment.

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?

No comment.