



9 April 2021

Department of Infrastructure, Transport, Regional Development and Communications
(Powers and Immunities Team)

Via email: powersandimmunities@communications.gov.au

To whom it may concern

Re: consultation on proposed reforms to the Powers and Immunities Framework

Thank you for the opportunity to respond to the further consultations to implement powers and immunities framework reforms.

The Southern Sydney Regional Organisation of Councils Inc (SSROC) is an association of eleven local councils in the area south of Sydney Harbour, covering central, inner west, eastern and southern Sydney. SSROC provides a forum for the exchange of ideas between our member councils, and an interface between governments, other councils and key bodies on issues of common interest. Together, our member councils cover a population of about 1.7 million, one third of the population of Sydney, including Australia's most densely populated suburbs. SSROC seeks to advocate for the needs of our member councils and bring a regional perspective to the issues raised.

SSROC population and housing data¹, in the period from 2011 to 2016, reveals a very diverse socio-economic area marked by rapidly rising numbers of dwellings and underlying growth in the number of households in the area. The estimated resident population increased by over 150,000 during this five year census period.

Although the urban growth of the SSROC area is unique, our region shares a number of issues and drivers with many other urban areas managing rapid population growth sustainably while enhancing liveability.

Key areas of focus for this submission

While many issues canvassed in this submission are set down, if at all, for a second tranche of consultation issues, a key concern is that this first tranche of 'reforms' will embed an ad hoc approach where the benefits are transitory at best.

The proposed approach needs to be reconsidered to avoid leaving a legacy that can be expected to eventually slow the rollout of the 5G network and be suboptimal. It is likely that

¹ Source: Australian Bureau of Statistics, Census of population and Housing 2011 and 2016, compiled by id
<https://profile.id.com.au/ssroc/>

the current proposed approach will progressively build community opposition once communities are confronted with unplanned, duplicative design solutions for infrastructure installed in the public realm.

SSROC welcomes the proposed notification and engineer certification requirements.

Proposed expansion of LIFD does not recognise planning or environmental impacts

SSROC, like other local government peak bodies, has serious concerns about the continued expansion of telecommunications infrastructure which falls under the Low Impact Facilities Determination (LIFD). Effects include the erosion of local government's planning role and its ability to plan for the vision and future layout of its suburbs, towns and cities, which have been developed in consultation with their communities. Critically the approach does not take into account the cumulative detrimental impacts on local amenity of placing many more facilities within confined urban areas. There is no transparency or accountability for the cumulative adverse impacts. The economic benefits of the proposed ad hoc carrier-led rollout based around LIFD are likely to be transient and illusory over the longer term.

The outcomes paper states that "proposed amendments are not intended to solely benefit or burden a single sector – balancing the framework will require compromise from everyone." From our perspective, the proposals in Chapter 3 of the Consultation Paper to expand the LIFD, which cause concerns to local government, are primarily being implemented to improve the rollout of new networks, including 5G. Carriers have consistently argued the need for faster rollout, but this does not recognise the need to balance the rollout of telecommunications infrastructure with planning, environmental and safety issues. Faster rollout does not take into account the wider planning needs of urban areas to avoid a plethora of unplanned, under-regulated infrastructure which future generations will need to address.

Greater density of facilities requires a coordinated precinct level approach

The rollout of 5G infrastructure will require a greater density of facilities, and the proliferation of 5G infrastructure remains a concern for local government. As the actions of carriers are uncoordinated, it is not possible to gauge the incremental visual and amenity impacts that will result in any given location under the proposed expansion of LIFD. The impacts are unpredictable and will only get larger over time. Community opposition to deployments will most likely grow over time as the impacts of haphazard proliferation of 5G infrastructure are felt and seen especially in denser urban areas.

SSROC is therefore calling for the adoption of a more controlled and considered approach that allows carriers to deploy facilities according to a coordinated and pre-approved plan at the precinct level in built up urban areas. Such plans could identify the best opportunities for co-location and measures to minimise the visual and amenity impacts of new or expanded facilities to gain good coverage. It should also seek to establish high-quality design that will minimise the impact of hosted infrastructure on the built environment.

As a priority a rollout design should maximise the opportunities and benefits to residents and businesses. A planned approach should also reduce the cost to consumers by way of more efficient shared deployment. A well designed and consulted-on deployment plan would

help to limit dispute about placement and facilitate speedier deployments. At present it appears there are financial incentives and potentially a commercial advantage for facility duplication by carriers.

A planned approach to the early stages of the rollout where the detail is resolved in conjunction with local councils on a precinct scale is strongly recommended. Planning of coverage of networks will need to engage local governments, power utilities hosting facilities, the NBN and transport authorities as well as the carriers. A planned approach will have a clear public benefit and be to the advantage of consumers who have a vested interest in avoiding patchy, sub-standard coverage.

We understand that trees, buildings, vehicles and even rain can influence how 5G signals propagate. However, these factors could be properly considered in a planned approach of infrastructure installations.

Deployments, particularly of new facilities shared by carriers, should be a key focus. In Sydney potentially agencies like the Greater Sydney Commission or Regional Organisations of Councils could be engaged to help coordinate multiple councils and utilities and facilitate the development of a common approval process so that a shared framework was applied across the Sydney metropolitan area. This would reduce duplication, visual impacts and lower costs to consumers who ultimately pay for unnecessary infrastructure duplicated by the carriers.

Setting up a pilot planned rollout programme would allow for the evaluation and continuous improvement of deployment models and arrangements.

Expansion of the LIFD – Smart Poles are not low impact

Expansion of the LIFD, particularly for slim/smart poles, is opposed by our councils and, we understand, by local government more generally. These structures are 12 metres high and will, under LIFD, potentially be placed throughout cities and towns without the need for planning approval. Carriers admit there will be a high-density deployment of these poles and “that a development approval process for each smart pole renders deployment uneconomic²”. They also argue that “smart poles would improve coverage and quality of service, while using a more discrete design³”.

It is difficult to substantiate the claim that 12 metre poles can be classified as discreet. Over the years, carriers have consistently argued the need for faster, less regulated, more efficient rollout of their infrastructure. They also argue that the planning process slows down their rollout; but show little regard for the long-term impact of operating without proper planning. The outcomes paper states that smart poles will be “integral to the effective rollout of 5G and millimetre technologies”⁴. SSROC considers that smart poles need proper planning assessment and placement to ensure safety, structural integrity, appropriate heritage preservation and traffic safety, and so that they do not become the ugly eyesores of the future. They should not be classed as a low impact facility. They could however usefully form part of a planned precinct wide approach as noted previously.

² Improving the telecommunications powers and immunities framework – consultation outcomes paper p14

³ Ibid p14

⁴ Ibid p14.

SSROC's view remains that slim/smart poles are large structures which are not low impact. We strongly reiterate comments made in ALGA's 2020 submission:

"The proposal to specify slim poles/smart poles as low impact facilities is totally unacceptable to local government.

"This is a 12-metre pole. All poles need to be assessed and approved, as they can potentially pose a safety hazard and interfere with future planned council works and upgrades. Slim poles are a substantive piece of infrastructure, which means they need to be carefully assessed – visual amenity, siting, heritage concerns, safety concerns, structural integrity, would all be concerns to local government. The size and width of the pole may also pose impaired visibility to traffic. Local government does not accept that significant economic benefits may be realised if these poles are specified as low impact facilities – cost would not be the primary consideration – safety and structural integrity are superior concerns from a local government perspective."

Conclusion

Thank you for the opportunity to comment on the the proposed reforms to the Powers and Immunities Framework.

SSROC member councils cover a large portion of Greater Sydney and have a direct interest in supporting and advocating for changes to improve communications infrastructure while improving the urban amenity. SSROC would encourage the review process to consider the opportunities to strengthen what has been proposed in the draft reform plans through adopting a more consistent planned approach to the 5G rollout.

In order to make this submission within the timeframe for receiving comments, it has not been possible for it to be reviewed by councils or to be endorsed by the SSROC. I will contact you further if any issues arise as it is reviewed. If you have any queries, please do not hesitate to contact me or Helene Forsythe, SSROC Project Manager on 8396 3800.

Again, thank you for the opportunity to comment on the proposed reforms to the Powers and Immunities Framework and we are keen to participate in further consultation stages around the framework, in particular consultations about changes that could particularly impact on our local councils.

Yours faithfully



Helen Sloan
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Southern Sydney Regional Organisation of Councils