



WATER SERVICES
ASSOCIATION OF AUSTRALIA



WATER INDUSTRY SUBMISSION

Amendments to the telecommunications
carrier powers and immunities framework
- Tranche One

April 2021

8 April 2021

Attention: Victoria Robertson

Acting Director

Telecommunications Deployment Policy

Spectrum & Telecommunications Deployment Policy Branch

Department of Infrastructure, Transport, Regional Development and Communications

SUBMISSION: Consultation Paper: Improving the telecommunications powers and immunities framework

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I confirm that this submission can be made available in the public domain.

About the submission and the submitting organisations

The water industry provides a critical community public safety service through the supply of safe reliable drinking water and wastewater services, along with water for firefighting and interdependent critical infrastructure. The critical nature of water services for maintaining public health, the environment and the economy has resulted in larger water suppliers being identified as Critical Infrastructure by Home Affairs under the Security of Critical Infrastructure (SOCI) Act (Cth) 2018. This classification places additional burden on the management of critical infrastructure safety and security risks by the sector.

A telecommunications installation failure on or adjacent to critical operating water infrastructure directly risks the public safety and health of many thousands of the community, and initiates a full public health investigation and inquiry.

This submission officially represents the Australian national water sector position, representing 250 water entities, (including the legislated and regulatory positions of the owners of the Australian water sector , the State, Territory, and local jurisdictional governments)

Since 2018, the water industry has been an active member in the Powers and Immunity Reference group (PIRG) advocating for improvements to the Telecommunications Powers and Immunities Framework to protect critical infrastructure and the provision of water sector services to the community. This submission is the most recent of a number of submitted documents designed to emphasise to federal regulators that our critical cannot be compromised by poorly managed telecommunications installations on or adjacent to infrastructure which has not been specifically designed to safely host those installations.

WSAA

The Water Services Association of Australia (WSAA) is the peak body that supports the Australian urban water industry. Our 89 water utility members provide water and sewerage services to over 20 million customers in Australia and New Zealand and many of Australia's largest industrial and commercial enterprises. WSAA facilitates collaboration, knowledge sharing, networking and cooperation within the urban and regional water industry. The collegiate approach of its members has led to industry wide advances to national water issues.

NSW Water Directorate

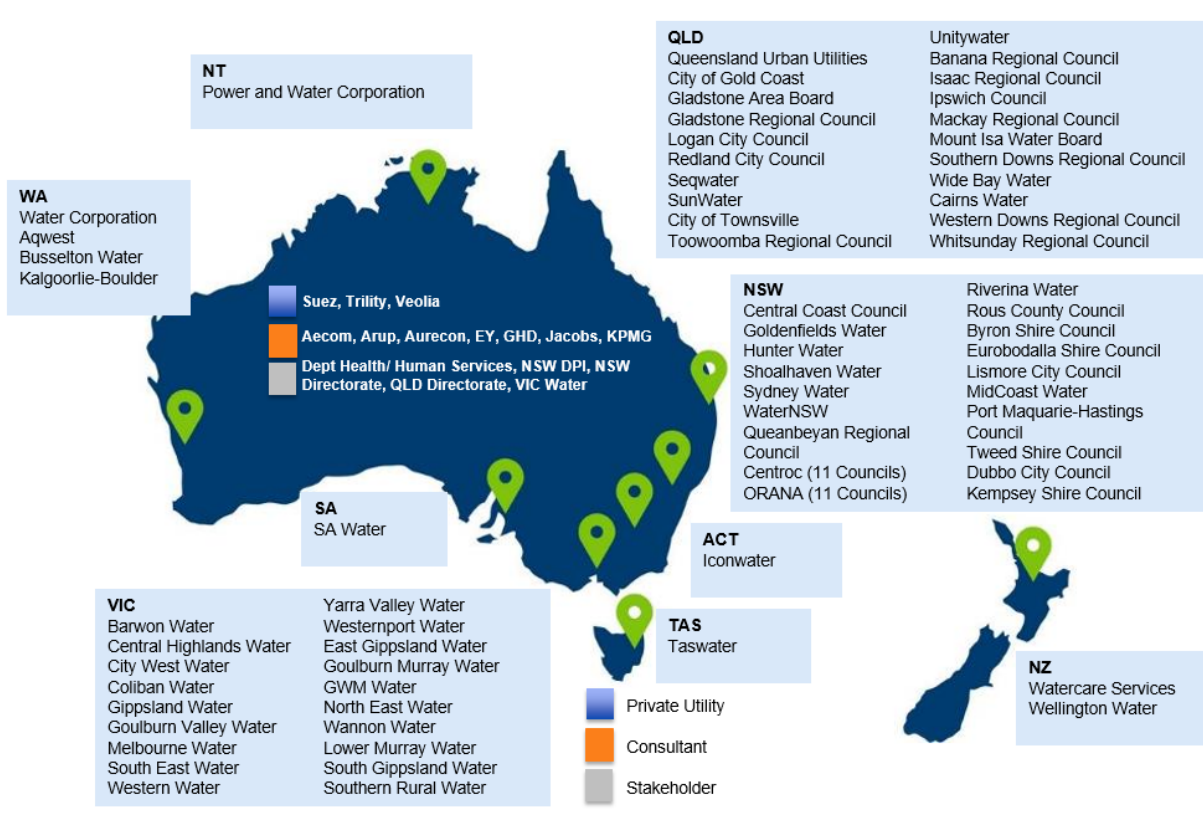
The NSW Water Directorate is an incorporated association representing 89 of 90 local government owned water utilities in regional NSW, serving 1.85 million people. The NSW Water Directorate provides independent technical advice to local government owned water utilities to ensure they deliver high quality water and sewerage services to regional communities in NSW.

NSW Water Directorate works collaboratively with government and non-government organisations to support, advocate for and enable the needs of local water utilities in NSW.

Queensland Water Directorate

The Queensland Water Directorate (qldwater) is a business unit of the Institute of Public Works Engineering Australasia Queensland. Its 72 members include local government-owned water and sewerage service providers, some state government providers and affiliates. As the central advisory and advocacy body within Queensland’s urban water industry, qldwater is a collaborative hub, working with its members to provide safe, secure and sustainable urban water services to Queensland communities. Major programs focus on regional alliances, data management and statutory reporting, industry skills, safe drinking water and environmental stewardship.

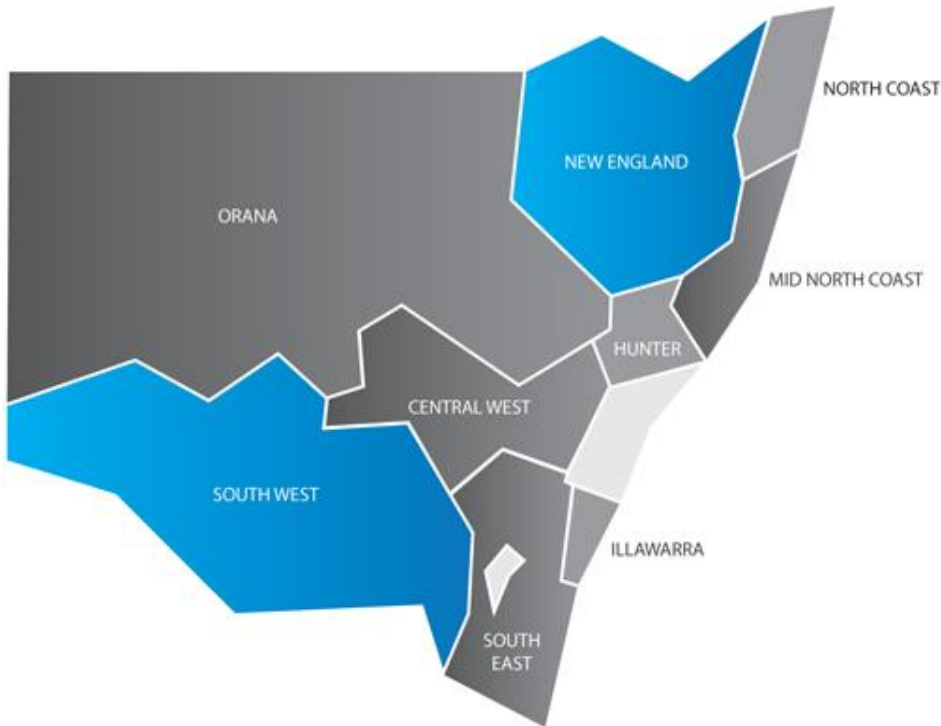
WSAA members



Queensland Water Directorate Members



NSW Water directorate members



Central West

Bathurst Regional Council
 Blayney Shire Council
 Cabonne Shire Council
 Central Tablelands County Council
 Cowra Shire Council
 Forbes Shire Council
 Lachlan Shire Council
 Lithgow City Council
 Oberon Council
 Orange City Council
 Parkes Shire Council
 Weddin Shire Council

New England

Armidale Regional Council
 Glen Innes Severn Council
 Gunnedah Shire Council
 Gwydir Shire Council
 Inverell Shire Council
 Liverpool Plains Shire Council
 Moree Plains Shire Council
 Narrabri Shire Council
 Tamworth Regional Council
 Tenterfield Shire Council
 Uralla Shire Council
 Walcha Shire Council

South East

Bega Valley Shire Council
 Eurobodalla Shire Council
 Goulburn Mulwaree Council
 Queanbeyan-Palerang Regional Council
 Snowy Monaro Regional Council
 Upper Lachlan Council
 Yass Shire Council

Orana

Bogan Shire Council
 Bourke Shire Council
 Brewarrina Shire Council
 Central Darling Council
 Cobar Shire Council
 Coonamble Shire Council
 Dubbo Regional Council
 Gilgandra Shire Council
 Mid Western Regional Council
 Narromine Shire Council
 Walgett Shire Council
 Warren Shire Council
 Warrumbungle Shire Council

North Coast

Ballina Shire Council
 Byron Shire Council
 Clarence Valley Council
 Kyogle Council
 Lismore City Council
 Richmond Valley Council
 Rous County Council
 Tweed Shire Council

Mid North Coast

Bellingen Shire Council
 Coffs Harbour City Council
 Kempsey Shire Council
 MidCoast Council
 Nambucca Shire Council
 Port Macquarie-Hastings Council

South West

Albury City Council
 Balranald Shire Council
 Berrigan Shire Council
 Bland Shire Council
 Carrathool Shire Council
 Cootamundra-Gundagai Regional Council
 Edward River Council
 Federation Council
 Goldenfields Water County Council.
 Greater Hume Council
 Griffith City Council
 Hay Shire Council
 Hilltops Council
 Junee Shire Council
 Leeton Shire Council
 Lockhart Shire Council
 Murray River Council
 Murrumbidgee Council
 Narrandera Shire Council
 Riverina Water County Council
 Snowy Valleys Council
 Temora Shire Council
 Wagga Wagga City Council
 Wentworth Shire Council

Illawarra

Shoalhaven City Council
 Wingecarribee Shire Council

Hunter

Muswellbrook Shire Council
 Singleton Shire Council
 Upper Hunter Shire Council

Summary of the water industry position on the Amendments to the telecommunications carrier powers and immunities framework - Tranche One

The Department of Infrastructure, Transport, Regional Development and Communications has requested comments on the Amendments to the telecommunications carrier powers and immunities framework—Tranche One. These amendments are the result of community submissions to a consultation paper issued in September 2020.

The Tranche One amendments include changes to the Telecommunications Code of Practice and the Low Impact Facility Determination as well as some best practice guidance for notifications and clarification on the objections process.

The water industry supports the intent of proposed amendments in the Telecommunications Code of Practice 2021. The proposed changes represent a step forward in ensuring the roll out of 5G does not increase the risk to landowners in providing their services to the community. However there still remain a number of concerns with the Powers and Immunities Framework that are unaddressed such as safety issues, EME, lack of protection for operational critical infrastructure, redundant equipment, unknown/unlabelled equipment and provision of the first right of refusal to landowners. An ongoing major risk for the water industry continues to be the inability to require and enforce changes on telecommunications installations once constructed, due the criminal code making it a criminal offence to interfere with Carrier equipment. It for this reason the industry's comments on the Tranche 1 amendments focus on the importance of including pre-installation approvals and conditions including safety in design. Detailed comments on the wording of the Code of Practice amendment is included in Appendix 1.

WSAA's submission is structured in accordance with the list of Tranche 1 proposals from the Department:

- Primary Safety Condition
- Standard Notifications
- Withdrawal of notifications
- Engineering Certification
- Clarifying objection process
- Carrier referral to TIO
- Amendments to the Telecommunications (Low Impact Facilities) Determination 2018.

The water industry notes there will be further proposals contained in Tranche 2 and separately, a number of outstanding items from the consultation paper submissions and the PIRG that have been classified as "additional items". The water industry would welcome the opportunity for involvement in discussions on the Tranche 2 proposals and additional items.

Primary Safety Condition

The water industry supports the creation of the new section 1A and the removal of duplication in chapters 2-6 in the code. The water industry also supports the inclusion of a requirement to keep and maintain records of the depth of the facility in 1A.13. However, it should be noted that the surface level of a site is subject to change over time. Therefore we request that all data relating to the depth of a facility is required to be noted in Australian Height Datum (AHD) levels to avoid confusion associated with changes in site conditions or variations in height across a site.

The term "good engineering practice" in Section 1A.3(a) is subject to interpretation. The water industry contends the term requires a clear, separate definition within the Code to ensure its legislative effectiveness and to prevent possible disputes resulting from differences in interpretation.

When assessing the impact of carrier equipment on landowner infrastructure, consideration must be given to maintaining the security of critical infrastructure that has been designated under the SOCI Act. The code of practice must ensure that carriers do not compromise the security and public safety of the critical water infrastructure in carrying out prescribed activities in a manner that could put the landowner utility in breach of the SOCI Act. The suggestion that the Telecommunications Sector Security Reforms (TSSR) address this risk is manifestly incorrect, and the proposed Telecommunications codes and amendments presents a direct conflict of Commonwealth priorities, between the national security legislation and telecommunications legislation when applied to the introduction of telecommunications installations to critical water services infrastructure and co-located landholdings. This direct contradiction in the Commonwealth legislated and regulatory positions has been represented previously and ignored.

The proposed changes do not address the potential impact of carrier equipment on operational and maintenance activities of landowners, particularly the safety of landowner employees carrying out their duties in the longer term. The primary carrier safety conditions only apply when a carrier is "carrying out a prescribed activity". Whilst this is a significant concern for the water industry, the water industry now considers this issue to be most effectively managed through the pre-installation certification process (See below). It is also recommended the Department adequately consult with Comcare with regards to the safety concerns raised in this and previous submissions and the installation of new technology.

The water industry also considers a suitable forum for dealing with safety disputes post installation is necessary. This could be achieved by expanding the jurisdiction of Australian Communications and Media Authority (ACMA)/TIO to deal with matters of safety.

Standard Notifications

The water industry supports the department's proposal to develop a standard notification template with ACMA and TIO. The sector strongly recommends that the department engage key landowner groups in the development of the template because this will be a critical document to ensure the quality of notification and to facilitate approval of installations with minimal delay and objection.

The water industry reiterates that the standard notification template must include a requirement for drawings and specification for the proposed equipment or facility to be provided. Further detail on this point is provided under 'Engineering Certification'.

Withdrawal of Notifications

The water industry supports the addition 2.25A to the Code of Practice. However the water industry proposes that the words "within 10 business days" should replace "as soon as practical" in sub section (3), to ensure clarity for all parties.

Engineering Certification

The inclusion of the requirement for an engineering certification remains critical to ensure pre- and post- installation requirements are sufficient to meet the requirements of water service providers. The water industry supports the changes in the Telecommunications Code of Practice, but with the addition of a number of amendments, as detailed below.

General

The definition of 'certifiable structures' must be expanded to include underground facilities or infrastructure. Access to, and the structural integrity of, these water sector infrastructure components are of critical importance for maintaining the safety and security water services to the community. We suggest the definition includes 'all facilities within 1m of underground landowner assets'.

The full engineering assessment both pre and post installation must consider loads (wind, live and dead loads), materials being used, worker access and worker safety, and proximity to dynamically high pressurised potable water systems, both above and below ground. It is also recommended that the Department consult with Board of Practising Engineers Queensland with regards to legislation for engineering certification.

Pre-installation certificate

The water industry maintains its position that pre-installation engineering assessment and certification is required and mandatory. The water industry's justification for pre-installation certifications is that it not only de-risks this aspect of the construction phase but is easier and more cost effective to rectify issues at the design phase rather than after construction. Post certification will be difficult to achieve by a carrier in circumstances where no pre-certification had been obtained in the first instance. Pre-installation certification should result in:

- Faster processing of the notification approval process.
- Greater reassurance for carriers on the quality of their equipment installations.
- Minimised risk to Carriers that the installation won't meet critical site safety requirements and require modification post installation,

- Improved risk mitigation for the asset owner from the equipment installation including assurance for water service providers of minimal impacts to the design life of their critical infrastructure and their ability to operate that infrastructure, maintain the public safety and security of drinking water and other water services, and meet statutory obligations.

The omission of the requirement for a pre-installation certificate prevents these goals from being realised with a likely increase in overall cost due to rework and inefficiencies in the process. The water industry provided detail about the required contents of pre-installation documentation in the September 2020 consultation paper submission, noting that a key element is the provision of sufficient documentation to address the asset owner's long term safe operational and maintenance requirements.

Due to the nature of the critical infrastructure operated by the water industry, it is essential that the industry have an opportunity to confirm the suitability of the equipment prior to installation and this must be part of the notification process. We reiterate that any proposal to locate an installation in proximity to water industry infrastructure must be assessed by qualified, experienced and registered engineers. Once carrier equipment or facilities have been constructed, the time cost and quality implications of changes are likely to be substantial, and presents real risk to the public safety of the water services . The water industry is also concerned that the Criminal code prevents "tampering with carrier equipment" so an asset owner has no ability to directly and immediately rectify unsafe or unacceptable equipment. Thus disagreements will require referral to either the TIO or ACMA, a more time consuming and inefficient route, whilst the public safety of the water services is at real risk , compared to the proposal above.

It is noted that similar issues were also raised by Austroads in their submission on the September Consultation paper.

Post installation certification

The water industry supports the new requirement in the Code of Practice for an engineering certification at the completion of installation. However, a necessary addition to the current proposal is a clause in Item 1A.7 (4) to state that the engineer that certifies the final installation has ensured that all requirements of a water utility included in the notification and associated documentation have been addressed. If a pre-installation certificate was required then all of these requirements will be embodied in that certificate. This would simplify the post certification process because the engineer would then only have to certify that the installation complied with all of the requirements of the pre-installation certificate.

For example, Item 1A.7 (4) (c) requires in the provision of information on "how the facility is attached to the structure". Design details such as this must be assessed by qualified and registered engineers and provided to the landowner prior to construction (and should be called up as a requirement as part of the pre-installation certificate, including details of the expected design life and end of life considerations) and this clause should require confirmation the facility is attached as described in the pre-installation certification.

Clarifying the objections process

The water industry supports the department's proposal to develop a factsheet clarifying the objections process and protections available to landowners. The sector strongly recommends that the department engage with key landowner groups (including the water industry) in the development of the objections template because this will be a critical document to enable rapid resolution of disputes and a smoother implementation of 5G.

Carrier referral to the TIO

The water industry supports the inclusion of a requirement for objections to be referred to the TIO within 10 business days.

However, the water industry is seeking a new requirement to be introduced into the Code of Practice which requires a carrier to lodge all disputed objections to the TIO immediately they are received by the carrier, rather than at the carrier's convenience. This is to prevent carriers from subverting the process by commencing legal proceedings prior to lodgement with the TIO. The water sector can provide a number of examples of where this has occurred by the carrier lodging applications directly to the Federal Court of Australia or other court of competent jurisdiction for injunctive relief. This process then occurs prior to the TIO becoming involved, and can result in significant costs for the public utility landowner. The commencement of legal proceedings can be problematic for public utilities who are not resourced for or have budget to deal with these types of disputes.

Consideration should also be given to allowing landowners to directly the TIO to lodge disputes. Landowners need a robust, transparent, timely and cost effective platform to deal with disputes. The changes proposed above coupled with the Tranche 1 approach should achieve this.

Changes to the Telecommunications (Low-impact Facilities) Determination (LIFD)

The proposed amendments to the LIFD primarily relate to the following proposals:

- Increase the maximum protrusion length of antennae from 3 metres to 5 metres;
- Increase the maximum diameter of a radiocommunications dish from 1.8 metres to 2.4 metres;
- Allow tower heights in to a maximum of 5m in commercial areas

The water industry does not support these proposals unless effective pre-installation certification requirements as noted in this submission are addressed.

Further, the term “public utility structure” - needs to be amended or deleted as water service providers want the right of first refusal to ensure the protection of critical infrastructure and water service providers can carry out their operations and statutory functions unfettered.

Tranche 1 also includes changes to the co-location volume limits. Changing the dimensions of carrier equipment on landowner assets can affect safe access to other equipment on the site, and when placed on other infrastructure such as a water storage tank, can affect the structural integrity of that infrastructure. On this basis, the water industry does not support a unilateral increase in co-locations limits for carrier equipment or facilities installed on public utility infrastructure.

However, the water industry would support an increase that is applied to existing carrier telecommunication towers provided each proposal for change was subject to safety, EME and engineering assessments and landowner requirements/considerations.

Submission conclusion

It is important for the Minister for Communications, Urban Infrastructure, Cities and the Arts to consider the critical nature of water infrastructure to the community when determining the carrier's need for an efficient and economic deployment framework.

The location of telecommunication equipment facilities on landowner assets must not impair access, create additional and preventable public safety security risks or place at risk the ability of the asset owner to deliver its services.

WSAA along with the NSW and Queensland Water Directorates support the intent of the amendments provided the modifications noted in this submission are addressed to ensure the installation of carrier equipment does not adversely impact the safety of workers and the community, security of critical infrastructure and the safe delivery of water services for the community. For further information on this submission please contact James Goode, jgoode@wsaa.asn.au or 0434 609 618.

Appendix 1 - Table of Comments to Amendments to Code of Practice and LIFD

Section	Comments
<p>1.4 Repeal Background to code of practice</p>	<ul style="list-style-type: none"> • Needs to provide for ‘removal/demolition of a facility’ – insert new Division 5 of Part 1. Safety in design considers removal /demolition – the whole of the system. • The term “good engineering practice” needs definition to accommodate public utility considerations and critical infrastructure – the absence of such does not meet this concept. Seqwater generally defines it to mean: <ul style="list-style-type: none"> “engineering, technical and safety activities or standards that: <ul style="list-style-type: none"> ○ ensures the life and purpose of the Seqwater’s Infrastructure is not diminished; ○ the drinking quality of the water contained inside the Seqwater’s Infrastructure is not diminished; ○ there are no increases or hindrances in operations or maintenance activities for Seqwater; and ○ any design is required to be certified by an engineer registered with the Board of Professional Engineers Queensland (i.e. RPEQ) in the relevant area of discipline; ○ complies with the relevant safety in design considerations in particular as related to National Construction Code and Work, Health and Safety legislation. • In exercising a power, a carrier should also comply with safety requirements and National Construction Code.

Appendix 1 - Table of Comments to Amendments to Code of Practice and LIFD

<p>1.6 Notification procedures</p> <p>(1) The time for when a notice sent by post to an address in Australia is deemed to be given to, and received by, the addressee is to be determined in accordance with the table at Regulation 6 of the <i>Australian Postal Corporation (Performance Standards) Regulations 1998</i> as in force from time to time.</p> <p>Note 1 For the ways in which notice may be given, see section 28A of the <i>Acts Interpretation Act 1901</i>.</p> <p>Note 2 For the way in which a written notice must be posted in order to be properly given, see section 29 of the <i>Acts Interpretation Act 1901</i>.</p> <p>Note 3 For the circumstances in which a notice may be given by means of electronic communication, see the <i>Electronic Transactions Act 1999</i>.</p> <p>(2) A notice left at the residence of the person to whom it is addressed is taken to have been given on the second</p>	<ul style="list-style-type: none"> • Notification procedures in section 1.6 do not provide for adequate service provisions for public utilities – many water service providers operate unmanned sites and have extensive networks – such service is impracticable and unconscionable. • Subsection (2) is opposed - notice should not be “left” at the residence of the person. This is problematic for public utilities managing unmanned sites or where offices have been closed (for example operational and maintenance issues or because of a pandemic) – such notice if left (or placed on gates) may not be picked up by the owner/occupier within the objection period. Water service providers operate critical infrastructure and proper considerations of proposed carrier works needs to be reviewed to ensure that their operations and critical infrastructure are not impacted. • It is recommended that notices be dealt with in accordance with comments made at 1.6, 2.26 and 2.27 below. Many government departments and agencies only receive notices by registered mail or by hand addressed to the authorised officer at the registered business address. Electronic means of delivery is not acceptable. • Notification procedures do not provide for adequate service provisions for public utilities - water service providers have unmanned sites and have extensive networks – such service is impracticable and unconscionable. • Subsection (2) – in the case of a public utility, it is recommended that the similar wording as is found in <i>section 28A(1)(b) of the Acts Interpretation Act (Cth) 1901</i> for service of documents on body corporate be used – i.e. notice should be served to, the head office or a registered office of a public utility.
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Appendix 1 - Table of Comments to Amendments to Code of Practice and LIFD

<p>business day after it was left at the residence.</p> <p>(3) A notice mentioned in this Code may be combined with another notice mentioned in this Code.</p> <p>(4) In this Code, unless the contrary intention appears, where a proposed action forms part of the activity of an unincorporated joint venture comprising two or more carriers, the reference to 'carrier' is taken to be to the carrier that is legally authorised under the joint venture arrangement to perform the proposed activity on behalf of the other carriers.</p> <p>(5) A notice given by a carrier in accordance with this Code in respect of proposed action forming part of the activity of an unincorporated joint venture must include the legal name and registered place of business of each entity forming part of the joint venture.</p>	
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Appendix 1 - Table of Comments to Amendments to Code of Practice and LIFD

<p>1A.1 Purpose of Chapter 1A</p> <p>(1) Under the Act, if a carrier engages, or proposes to engage, in a prescribed activity or a temporary defence facility activity, the carrier must comply with the conditions:</p> <p>(a) specified in Part 1 of Schedule 3 to the Act; and</p> <p>(b) specified in the regulations; and</p> <p>(c) set out in this Code.</p> <p>(2) Part 2 describes the primary safety conditions carriers must comply with when engaging, or proposing to engage, in a prescribed activity.</p> <p>(3) Part 3 describes the primary operational conditions carriers must comply with when engaging, or proposing to engage, in a prescribed activity.</p>	<ul style="list-style-type: none"> • Section 1A.1 – the conditions contained therein have not been varied to address concerns raised by the water industry. These concerns need to be satisfactorily addressed to ensure critical infrastructure is protected. • The primary safety conditions and primary operational conditions which a carrier must comply with when engaging, or proposing to engage in, in a prescribed activity are deficient. It is unacceptable, and in conflict with safety and operational requirements of water service providers that carriers have immunity from a arrange of state and territory laws when carrying out those activities, such laws relating to land use, planning, design, construction, siting, tenancy, environmental assessments and protection. • Recommend the inclusion of a requirement for the carrier to comply with the National Construction Code. This could either to come under ‘primary operational conditions carrier to comply with under Part 3 or set up a new Part 4.
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Appendix 1 - Table of Comments to Amendments to Code of Practice and LIFD

<p>Chapter 1A Primary Carrier Condition</p> <p>Simplified outline of Chapter 1A</p>	<ul style="list-style-type: none"> • Recommend “prescribed activity” include “a removal or demolition activity” – the definition needs to be able to deal with redundant equipment. This activity needs to be planned for safety and operational reasons of a water service provider.
<p>1A.1 Purpose of Chapter 1A</p>	<ul style="list-style-type: none"> • Recommend clarity on what the regulations are and how they protect the interest of water service provider; • Recommend the inclusion of a requirement for carriers to comply to include “requirements set out in the National Construction Code”.
<p>1A.2 Meaning of prescribed activity</p>	<ul style="list-style-type: none"> • Prescribed activity should also include “a removal or demolition activity”.
<p>1A.3 Management of activities</p>	<ul style="list-style-type: none"> • Definition of “good engineering practice” needs proper definition to protect critical infrastructure (existing and future requirements) of public utilities. • Add further requirement “to comply with the requirements of the National Construction Code”. • Public utilities want the right of first refusal to ensure the protection of critical infrastructure and water service providers can carry out their operations and statutory functions unfettered.

Appendix 1 - Table of Comments to Amendments to Code of Practice and LIFD

<p>1A.4 Best practice</p> <p>(1) In engaging in a prescribed activity, a carrier must ensure that the design, planning and installation of facilities (the carrier's facilities) is in accordance with best practice.</p> <p>(2) For subsection (1), best practice is conduct of the carrier complying with:</p> <p>(a) an industry code, registered by the ACMA under Part 6 of the Act, applying to the activity; or</p> <p>(b) a standard, made by the ACMA under Part 6 of the Act, applying to the activity.</p> <p>(3) However, if there is no code or standard in force for the activity, best practice is conduct regarded by people constructing facilities substantially similar to the carrier's facilities as using the best available design, planning and location practices to minimise the potential degradation of the</p>	<ul style="list-style-type: none"> • “best practice” – definition is not acceptable to public utilities as it fails to consider primary and critical infrastructure of the landowner public utility) being impacted. • (3) “potential degradation of the environment and the visual amenity associated with the facilities” - this should not be the only consideration. This is inconsistent to “good engineering practice”.
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Appendix 1 - Table of Comments to Amendments to Code of Practice and LIFD

environment and the visual amenity associated with the facilities.	
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Appendix 1 - Table of Comments to Amendments to Code of Practice and LIFD

1A.5 Compliance with industry standards	<ul style="list-style-type: none">• The requirements for carriers to comply with “industry standards” is deficient.• In the of public utility infrastructure being impacted, recommend a new subsection be provided for requiring carriers to comply with the same industry standards of water service providers – public utilities have their own standards and procedures which integrate with relevant Australian Standards. This is needed to ensure the proper protection of water systems and critical infrastructure.• Subsection (c) – it only mentions “safety of the public” – this provision needs to be amended to also include infrastructure of the public utility being impacted and requirements of a water service provider which is supposed to directly relate to safety of the public.
1A.6 Compliance with standards and codes	<ul style="list-style-type: none">• We repeat and reply on comments made at 1A.5 above.• There are no standards and codes under Part 6 of the Act for a carrier to comply with to protect the requirements of water service providers operating critical infrastructure.

Appendix 1 - Table of Comments to Amendments to Code of Practice and LIFD

<p>1A.7 Engineering Certificate – Installations</p>	<ul style="list-style-type: none">• This proposed provision only allows for post certification on certifiable facilities which is deficient. Pre-engineering certification is required where infrastructure of a water service provider is being used or impacted. Full engineering assessment is needed to consider loads (wind, live and dead loads), materials being used, worker access and worker safety consideration. It is very unlikely that a post certification could be achieved by a carrier in circumstances where no pre-certification had been obtained in the first instance. This would mean that carriers could not achieve compliance with this proposed provision.• Subsection (2) – “suitably qualified engineer” – in accordance with legislative requirements – we request engineers be registered as well. We suggest the words “and registered” are added before the word “engineer”.• Subsection (4) – needs to contain information on potential loads and impact to critical infrastructure. Public utility landowners have their own requirements for loads and safe working areas.• “Certifiable facilities” – the definition is limited as it does not provide for underground facilities. The reasoning provided in the Explanatory Statement is ill supported and fails to satisfy safety in design considerations as would normally be required as part of good engineering practice (as that term is intended to be defined by water service providers – refer to section 1.4 above) and safety laws. For example, Seqwater has significant underground infrastructure and any proposal to locate installation in proximity to this infrastructure must be suitable assessed by qualified and registered engineers - structures can fail underground because the zone of influence has been impacted.• Engineering certification of the designs prior to construction, and of the construction, is also required by Seqwater to demonstrate compliance with <i>Professional Engineers Act (Qld) 2002</i> (which operates in Queensland). The Code of Practice should require carriers to provide the design certification with the LAAN (otherwise it is not a properly made LAAN) and within 20 business days of the activity being installed/completed. Allowing carrier to provide it 30 days after they receive from the supervising engineer will not be an effective mechanism as it gives a carrier an out to say they haven’t received it, and therefore they will have no interest in chasing the supervising engineer to get the certification for forwarding to the landowner and in many cases, the public utility is unlikely to receive the as-built construction certification.• Suggest the department engage (if not so already) suitable qualified and registered engineers to review landowner concerns so that they have a better understanding and appreciation of concerns being raised by water service providers.
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Appendix 1 - Table of Comments to Amendments to Code of Practice and LIFD

<p>1A.8 Carrier to do as little damage as practicable</p>	<ul style="list-style-type: none"> • For public utility landowners – carriers be made to meet access and operational requirements of a public utility landowners.
<p>1A.9 Carrier to restore land</p>	<ul style="list-style-type: none"> • Subsection (1) – is limited to only “land”. Structures impacted by carrier activity should also be restored. Recommend the words “or infrastructure” is added after the word “land”. • In the event that ownership of carrier infrastructure changes over time, this obligation is to be transferrable to the new carrier/assigned carrier. For example, if they drill into a reservoir –the concrete wall needs to be rehabilitated and waterproofed to protect the structure from corrosion – this would ordinarily be a requirement under the National Construction Code.
<p>1A.11 Agreements with public utilities</p>	<ul style="list-style-type: none"> • Right of first refusal imbedded into the new amendments to ensure the protection of critical infrastructure and so that water service providers can carry out their operations and statutory functions unfettered.
<p>1A.12 Notice to road authorities, utilities</p>	<ul style="list-style-type: none"> • The provision “altering the position of water...or pipe” – how can this be done this to critical infrastructure or provision of essential water services – this needs to be deleted/removed. Water service providers should not be paying for this. Relocation of a pipe or position of water could take months (12months) and in some instance years – design and construction plans to relocate trunk water are at multi-million dollar expense. In any relocation, water service providers would be required to liaise with all relevant stakeholders, obtain relevant approvals, carry out pre and post engineering certification, order materials and other supplies, install pipes amongst other things. We also need the ability to undertake isolations – this can’t be done in periods of high consumer demands and subject to other methods of water supply being available. None of this seems to have been considered. • Concerns with section 54 to Schedule 3 – “if the land is not occupied--attaching, if practicable, a copy of the notice to a conspicuous part of the land. – this is unconscionable – written notice needs to be sent to the principal office of the owner. We repeat and reply on comments made at 1.6 above.
<p>1A.13 Records for certain facilities</p>	<ul style="list-style-type: none"> • Subsection (2) – carrier should be keeping records for all types of facilities when impacting on land or infrastructure of a water service provider. • Should be "levels" not "depth". Levels provides clarity on vertical alignments on what you are working with.

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<p>Division 1 Introduction 2.20 Purpose of Part 5</p>	<ul style="list-style-type: none"> • Subsection (1) notice needs to be served directly to public utilities. • Subsection (2) – clause 54 of Schedule 3 – notice is deficient - (d) if the land is not occupied— "attaching, if practicable, a copy of the notice to a conspicuous part of the land." – public utility landowners/occupiers operate critical infrastructure -leaving notices at unmanned sites is not acceptable. Landowners needs to be able to consider LAANs and impact to their operations. This provision has the potential to be unconscionable and lead to misuse impacting on critical infrastructure. • We repeat and reply on comments at 1.6 above.
<p>2.21 Applications of Divisions 3, 4 and 5 of Part 5</p>	<ul style="list-style-type: none"> • Water service providers have their own operational requirements when responding to a “disaster declaration” – concerns that a carrier’s land entry activity will conflict with public utility’s operations and statutory functions. It should be noted that many water service providers across Australia provide flood mitigation services and are impacted by other disaster events such as bushfires and drought. • Subsection (2) - “safety of life and property is endangered” - this is limited as it does not provide for the protection of essential water service or critical infrastructure operated by public utilities. • Subsection (3) – clarity is need in the Exposure Draft as to whether this is then deemed to be a non-Schedule 3 type installation.
<p>2.22 Notice to owner and occupier of land</p>	<ul style="list-style-type: none"> • Subsection (3)- compensation provisions under clause 42 are not an adequate remedy for public utility service providers. Water service providers incur costs having carriers upon their land and/or infrastructure. These costs are not budgeted for and consequently absorbed by the business and passed onto consumers which is unreasonable. It does not provide for business interruption. Seqwater submits that the provision be expanded to include commercial arrangements in lieu of compensation between the parties and entitlement to change application fees (similar to other industries) to assess proposed carrier activity via consents process – this will alleviate a water service provider being put to unnecessary expense to quantify its compensation claim if a dispute involves for example, where multiple carriers exist on a site or facility base station, or if a carrier refuses to pay rent or acknowledge that the water service provider has suffered a financial loss or damage. • Subsection (4) – “10 business days” – it was understood that as an outcome of the recent consultation “20 business days”.
<p>2.23 Serving notices if owner unknown</p>	<ul style="list-style-type: none"> • “the carrier may treat the land as unoccupied” – the provision could lead to misuse especially if notices are just left a gate or the owner is away etc.

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<p>Division 3 Additional notification requirements 2.24 Notices to owner and occupier of land: additional requirements</p>	<ul style="list-style-type: none"> • Clarity needed as to how the template (previously developed at the PIRG) is integrated – the provision does not refer to it. • Subsection (2) – is the document issued by the TIO the same document in relation to a referred objection? Clarification in the Exposure Draft is needed.
<p>2.25A Withdrawal of notices</p>	<ul style="list-style-type: none"> • Seqwater supports the intent of this provision. • Clarify whether compensation is available to the landowner – in the case of public utilities, loss business interruption and other associated fees (for example, if the public utility engages a third-party consultant to make engineering assessments etc.) • If carrier fails to issue withdrawal – can the landowner deem withdrawal? Clarification is needed.

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<p>2.26 Agreement on alternative notification arrangements</p> <p>2.27 Additional arrangements for serving notices</p>	<ul style="list-style-type: none">• For public utilities – the “alternative notification arrangements” should not be at the discretion of the carrier as currently drafted. Water service providers have sought on a number occasions through this and previous consultation process for the case of a notice being delivered to a public utility landowner, the notice must be delivered by a carrier to the registered/head office and/or to the appropriate delegate of the public utility or their general enquires email address. At no time, should a notice be left on an unmanned site etc¹. Public utilities operate critical infrastructure and any intended activity needs to be fully considered so that critical infrastructure is not compromised or public health put at risk. Carriers are encouraged to contact the water service provider in advance to discuss their intentions before issuing a LAAN. They are also encouraged to contact the water utility to confirm whether the landowner has received the LAAN.• Allowing a carrier to “attach [a notice] to a conspicuous part of the land”:<ul style="list-style-type: none">○ prejudices the owner or occupier as it may lose the right or opportunity to object to the activity;○ has the potential to cause a safety or catastrophic event (for example, a carrier may be unaware of safety concerns, structural deficiencies in existing public utility facilities, potential for drinking water reservoirs to explode – see example from the Cooma concrete water tank failure in NSW).
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¹ During Covid19, water service providers across the Country have limited workers accessing sites/sites shut down etc. and notices may not be received.

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	 <ul style="list-style-type: none">• Wording in provision (unilateral) inconsistent to provision in 4.16 which allows “the carrier and Director” to agree.
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<p>2.29 Reasons for objection</p>	<ul style="list-style-type: none"> • Subsection (b) only provides for “objector’s land” – this is not sufficient for water service providers operating critical infrastructure, refer to case law on point. The provision needs to include the words “or infrastructure” after the words “objector’s land”.
<p>2.30 Time for giving objection to carrier</p>	<ul style="list-style-type: none"> • Repeat and rely on comments made at 2.26 above. • current timeframes are unworkable. 20 business days is common in other industry groups – this should be introduced for water service providers to assess and provide a permit for approved deployment activities. In the case of complex or unusual applications, a water service provider can request further time to assess the proposed deployment including whether the water service provider (as a public utility) requires the carrier to enter into an agreement. The onus should be on a carrier to demonstrate that it has made reasonable efforts to engage with the water service provider (in particular in the case of a public utility). A carrier would not be able to commence the deployment specified in the LAAN until it seeks and has obtained the written approval from the water service provider to do so. If a carrier is dissatisfied with a decision (objection) from water service provider not to proceed it can then refer the water service provider’s objection to the TIO.
<p>2.31 Activity after objection</p>	<ul style="list-style-type: none"> • Situation 2 – in the case of water service provider public utility, should not proceed until approval with or without conditions is received from the owner/occupier subject to the timely provision of information and engineering assessment required by the water service provider to make informed decisions.
<p>Part 3 Additional carrier conditions</p> <p>3.13 Co-location</p> <p>3.14 Cooperation about activities</p>	<ul style="list-style-type: none"> • Subsection 3.13(1)(b) “a facility of a public utility” – water service providers request this be amended as they want the right of first refusal to ensure the protection of critical infrastructure and so that water service providers can carry out their operations and statutory functions unfettered. • Subsection 3.14(a) – “similar activity” be limited to that of “another carrier” only. • Water service providers previously made submissions for water service provider co-location sites, carrier deployment is made directly onto telecommunication monopoles/towers instead of public utility infrastructure if requested by a water service provider – this would provide a water service provider with a level of confidence – water service providers can undertake their operational and statutory functions unfettered (for example, ensure infrastructure not impacted, water quality and workers safety risks are maintained and minimised).

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<p>3.42 Agreement on alternative notification arrangements</p> <p>3.34 Additional arrangements for serving notices</p>	<ul style="list-style-type: none">• Repeat and rely on comments at 2.26 and 2.27 above.
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<p>Part 2 Conditions in the Act for carrier conduct</p>	<ul style="list-style-type: none">• Water service providers repeat and rely on previous submissions made in relation to temporary facilities – namely,<ol style="list-style-type: none">1. The role out of temporary facilities should not impact on the operations of a public utility or its operations including during emergency and natural disaster events. It is important that any deployment of temporary facilities does not conflict with a public utility’s procedures for emergency situations or natural disaster events. Carriers needed to consult with landowners and agree on site siting/location before any deployment.2. Overcrowding concerns – it appears from the wording that more than one carrier will be able to deploy temporary facilities on the same land at the same time – this could cause overcrowding and access and worker safety concerns – limitations should be provided for in the exposure drafts – suggest carriers be required to co-locate on the same temporary facility structures where possible.3. There are also EME concerns for the landowner and users of the land with the deployment of temporary facilities on operational sites of a public utility. RF EME consideration need to be considered. Will carriers be required to update the RFNSA and site safety reports? Carriers should be made to produce a RF EME site report available for landowner and users of the site to use and rely upon. Do these temporary facilities come with existing specification showing EME levels affixed/mounted to the facilities?4. Deployed temporary facilities should be clearly labelled with owners’ details (name and contact details) as per previous submission.5. A mechanism for dealing with disputes regarding the deployment of temporary facilities for emergency events between carriers and landowners needs to be considered. Landowner given rights to refer disputes to the Australian Communication and Media Authority (ACMA) for resolution including breaches of the Telco Act or where services cannot be restored after a sufficient/reasonable period of time.6. Section 4.3A (Carrier to remove temporary facility) – as worded the carrier is only obliged to remove a temporary facility within 28 days after the facility ceases to be “needed”. This wording could lead to misuse in that a carrier may intentionally delay the need. This could cause business interruption, nuisance or inconvenience for a landowner. As per previous comment, landowners need to be given
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	<p>rights to refer disputes to ACMA for determination. Landowners should be able to be compensated or paid rental (as per previous submissions) for business interruption etc. Landowner may need to be compensated if additional works, activities or cost is incurred as a result of a carrier's temporary use of the land or its facilities for example:</p> <ul style="list-style-type: none">a. possible connections to landowner's supply of mains power;b. review of risk and hazards created by the temporary facility;c. additional security requirements;d. possible complaints;e. potential incompatible use pollution/ contamination of drinking water – (for example, noise and fumes generated if unit not connected to grid power e.g. diesel generator). <p>7. The intent of the amendments will also allow carriers to deploy temporary facilities in certain circumstance peak holiday periods, and major sporting, cultural and other events without complying with state/territory planning requirements. By adding the peak holiday periods and major sporting, cultural and other events in this amendment bundle, and then stating the carrier is only obliged to remove a temporary facility within 28 days after the facility ceases to be “<i>needed</i>”, means the carriers could delay removing the temporary facilities especially if another event is coming up in 28 days. This should be separated from the emergencies and maintenance aspect as these are situations which can be planned for.</p> <p>8. Section 4.10 – record keeping – in addition to the requirements proposed (which is acceptable) suggest carriers also be required to keep records of:</p> <ul style="list-style-type: none">a. consultation with landowner;b. details of, for whom/service/entity the temporary facility was required for. This will ensure the ‘original’ purpose for installation does not alter; andc. EME guide for the temporary facility. <p>9. There needs to be some undertaking that service connections, in particular where and how will carriers get their mains power supply? They must follow landowner conditions when working near public utility infrastructure (for example water assets i.e. excavating for conduits/power). There have been instances where carriers have laid on top of water assets. Temporary facilities (including buried infrastructure) needs to be removed upon completion of the need (please see previous submission for</p>
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	<p>removal of redundant equipment). Carriers cannot leave them in case they have another “event” potentially restricting where a public utility landowner can locate its equipment on the land.</p> <p>10. A full set of plans and engineering certification (if impacting on public utility infrastructure) should be provided.</p>
<p>Part 3 Additional carrier conditions</p> <p>4.13 Co-location</p> <p>4.14 Cooperation about activities</p>	<ul style="list-style-type: none"> • Subsection 4.13(b) “a facility of a public utility” – water service providers request this be amended as we want the right of first refusal to ensure the protection of critical infrastructure and water service providers can carry out their operations and statutory functions unfettered. • Subsection 4.14(a) – “similar activity” be limited to that of “another carrier” only. • Water service providers previously made submissions for water service provider co-location sites, carrier deployment is made directly onto telecommunication monopoles/towers instead of public utility infrastructure if requested by a water service provider – this would provide a water service provider with a level of comfort – water service providers can undertake their operational and statutory functions unfettered (for example, ensure infrastructure not impacted, water quality and workers safety risks are maintained and minimised).
<p>Part 5 General notification arrangements and objections to low-impact facility activities</p> <p>4.22 Application of Part 5</p>	<ul style="list-style-type: none"> • Subsection (1) “disaster declaration” – repeat and reply on comments at 2.21 above. • Subsection (2) “safety or life or property is endangered” – this is limited as it does not provide for the protection of essential water service or critical infrastructure operated by public utilities. • Subsection (3) “if an owner or occupier of the land has asked the carrier to engage in the activity” – this should be done outside of the entirety of schedule 3. Seqwater seeks clarity in the Exposure Draft on whether this is then deemed to be a non- Schedule 3 type installation.
<p>4.25 Serving notices if occupier unknown</p>	<ul style="list-style-type: none"> • “the carrier may treat the land as unoccupied” – the provision could lead to misuse especially if notices are just left a gate or the owner is away etc.
<p>4.26 Notices to owner and occupier of land: additional requirements</p>	<ul style="list-style-type: none"> • Repeat and reply on comments at 2.24.
<p>4.26A Withdrawal of notices</p>	<ul style="list-style-type: none"> • Repeat and reply on comments at 2.25A

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4.27 Agreement on alternative notification arrangements	<ul style="list-style-type: none"> Repeat and reply on comments at 2.26 and 2.27 above.
4.28 Additional arrangements for serving notices	
4.30 Reasons for objection	<ul style="list-style-type: none"> Repeat and rely on comments at 2.29.
4.31 Time for giving objection to carrier	<ul style="list-style-type: none"> Repeat and rely on comments at 2.30
4.32 Activity after objection	<ul style="list-style-type: none"> Repeat and rely on comments at 2.31
4.36 Request to refer to Telecommunication Industry Ombudsman	<ul style="list-style-type: none"> Clarification needed as to whether a non-referral by a carrier can be treated by an owner/occupier as a withdrawal of the notice. Request a further provision that a carrier cannot proceed with the activity if the carrier does not refer the matter.
4.36A Referral of matters by carrier to Telecommunication Industry Ombudsman	
4.37 Compliance with directions of Telecommunication Industry Ombudsman	<ul style="list-style-type: none"> Please clarify what avenue is available for owner/occupiers in situations where the Telecommunication Industry Ombudsman does not have jurisdiction.
6.1 Purpose of Chapter 6	<ul style="list-style-type: none"> Subsection (1) – a further provision be included to require compliance with the National Construction Code – repeat and rely on comment at 1A.1 above.
6.2 Maintenance activity	<ul style="list-style-type: none"> Does not provide for the removal activity. Water service providers have previously made submissions requesting redundant equipment be deal with.
Part 2 Conditions in the Act for carrier conduct	<ul style="list-style-type: none"> Repeat and reply on comments at 1A.1 and Chapter 4 Part 2 above.
Part 5 General notification arrangements and objections to maintenance activities	<ul style="list-style-type: none"> Repeat and rely on comments made at 2.20 above.
Division 1 Introduction	
6.21 Applications of Divisions 3, 4 and 5 of Part 5	<ul style="list-style-type: none"> Repeat and reply on comments made at 2.20 and 2.21 above.
Division 2 Notification requirements of clauses 17 and 54 of Schedule 3	<ul style="list-style-type: none"> Repeat and reply on comments made at 2.22 above.

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6.22 Notice to owner and occupier of land	
6.23 Serving notices if owner unknown 6.24 Serving notices if occupier unknown	<ul style="list-style-type: none"> • Repeat and rely on comments made at 2.23 above.
Division 3 Additional notification arrangements 6.25 Notice to owner and occupier of land: additional requirements	<ul style="list-style-type: none"> • Repeat and rely on comments made at 2.24 above.
6.25A Withdrawal of notices	<ul style="list-style-type: none"> • Repeat and rely on comments made at 2.25A above.
6.26 Additional arrangements for servicing notices 6.27 Agreement on alternative notification arrangements	<ul style="list-style-type: none"> • Repeat and reply on comments at 2.26 and 2.27 above.
Division 4 Objection made to carrier 6.28 Objection to maintenance activity 6.29 Reasons of objection	<ul style="list-style-type: none"> • Repeat and reply on comments at 2.29 above.
6.30 Time for giving objection to carrier	<ul style="list-style-type: none"> • Repeat and reply on comments at 2.30 above.
6.31 Activity after objection	<ul style="list-style-type: none"> • Repeat and reply on comments at 2.31 above.
Division 5 Objection made to Telecommunication Industry Ombudsman	<ul style="list-style-type: none"> • Repeat and reply on comments made at 4.36 above.
6.35 Request to refer objection to Telecommunication Industry Ombudsman	<ul style="list-style-type: none"> • Repeat and reply on comments at 4.36 above
6.35A Referral of matters by carrier to Telecommunication Industry Ombudsman Telecommunication Industry Ombudsman	<ul style="list-style-type: none"> • Repeat and reply on comments at 4.36A above.

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6.36 compliance with directions of the Telecommunication Industry Ombudsman	<ul style="list-style-type: none">• Repeat and reply on comments at 4.37 above
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Amendments to the LIFD Determination 2021

Proposed	Comments
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3.2 Certifiable Facilities

- (1) The following facilities are a *certifiable facility*:
- (a) a facility described in column 2 of Items 1 to 7, 12 and 13 of Part 1 to the Schedule;
 - (b) a radiocommunications facility described in column 2 of Item 8(a) of Part 1 to the Schedule;
 - (c) a cabinet described in column 2 of Item 8(b) of Part 1 to the Schedule, unless:
 - (i) the cabinet is located on the ground; or
 - (ii) the cabinet is to be attached to a structure which is owned by the carrier;
 - (d) a roadside cabinet described in column 2 of Item 2 of Part 3 to the Schedule; and
 - (e) a solar panel described in column 2 of Item 7 of Part 3 to the Schedule, unless:
 - (i) the solar panel is located on the ground; or
 - (ii) the solar panel is to be attached to a structure which is owned by the carrier.

Note: See the *Telecommunications Code of Practice 2021* for conditions that apply to a certifiable facility.

- Repeat and rely on previous comments made above in response to 1A.7.

<p>7 Schedule, Part 8 Co-located facilities (after table item 2)</p>	<ul style="list-style-type: none">• “public utility structure” - – water service providers request this be amended or deleted as they want the right of first refusal to ensure the protection of critical infrastructure and water service providers can carry out their operations and statutory functions unfettered.• Water service providers previously made submissions for water service provider co-location sites, where requested by water service provider carrier deployment is made directly onto telecommunication monopoles/towers instead of public utility infrastructure if requested by a water service provider – this would provide a water service provider with a level of confidence– water service providers can undertake their operational and statutory functions unfettered (for example, ensure infrastructure not impacted, water quality and workers safety risks are maintained and minimised).
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<p>5 Schedule, Part 1 – Radio facilities (table item 12)</p> <p>Repeal item, substitute:</p> <hr/> <table border="0"> <tr> <td style="vertical-align: top; padding-right: 20px;">12</td> <td style="vertical-align: top;"> <p>An extension to a tower if:</p> <p>(a) the height of the extension does not exceed 5 metres; and</p> <p>(b) either:</p> </td> <td style="vertical-align: top; padding-left: 20px;"> <p>Commercial</p> <p>Industrial</p> <p>Rural</p> </td> </tr> </table> <hr/>		12	<p>An extension to a tower if:</p> <p>(a) the height of the extension does not exceed 5 metres; and</p> <p>(b) either:</p>	<p>Commercial</p> <p>Industrial</p> <p>Rural</p>	<p>Seqwater does not support for antenna protrusions to be extended to a height of 5 metres where equipment has been deployed onto public utility infrastructure for the following reasons:</p> <ul style="list-style-type: none"> • many existing carrier installations on or within public utility infrastructure (for example, drinking water reservoirs) are unlikely to meet formal engineering assessment and certification (for example, under the RPEQ system which operates in Queensland); • drinking water reservoirs constructed prior to the Telco Act are not designed to support additional load (live and wind) from carrier installation and the weight of people working on them – this becomes more problematic where there are a number of carriers and overcrowding exists on roof tops. If each carrier was allowed to extend their height of each piece of equipment - this would place further loads on a structure which may already be overloaded or does not provide sufficient operational requirements for a water service provider – this can compromise the structural integrity of the structure; • places drinking water supply at increasing risk of contamination and has the potential to impact on public health (for example, birds roosting on antennas and defecating on reservoir roofs can place the drinking water at risk to the community);
12	<p>An extension to a tower if:</p> <p>(a) the height of the extension does not exceed 5 metres; and</p> <p>(b) either:</p>	<p>Commercial</p> <p>Industrial</p> <p>Rural</p>			

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13	<p>Radiocommunications lens antenna:</p> <p>(a) the volume of which is not more than 4 cubic metres; and</p> <p>(b) if the radiocommunications lens antenna is attached to a structure – protruding from the structure by not more than 5 metres; and</p> <p>(c) either:</p> <p>(i) colour matched to its background; or</p> <p>(ii) in a colour agreed in writing between the carrier and the relevant local government authority.</p>	<p>Industrial</p> <p>Rural</p>	<ul style="list-style-type: none"> • equipment that needs to be maintained and regulated and increases the risk for potential storm damage and lightning strikes (if appropriate lightning protection measures are not included in the design and installation of carrier equipment) and site overhead hazards; • asset and site maintenance cost would be further increased and added to the burden of the asset owners due to the need to implement higher and more complicated access to sites where ongoing operational and urgent maintenance is required; • visual impact. Seqwater sites are predominately located in high growth regions with dense population; •
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<p>7 Schedule, Part 8 – Co-located facilities (after table item 2)</p> <p>Insert:</p> <hr/>		<ul style="list-style-type: none"> “public utility structure” should be excluded and water service providers given the right of first refusal.
<p>3</p>	<p>Facility mentioned in:</p> <p>(a) Part 1, 6 or 7; or</p> <p>(b) item 3 of Part 4;</p> <p>installed on or within:</p> <p>(c) an original facility; or</p> <p>(d) a public utility structure;</p> <p>where:</p> <p>(e) the total co-location volume of the co-located facilities is no more than 50 per cent greater than the volume of the original facility or the original infrastructure; and</p> <p>(f) the levels of noise that are likely to result from the operation of the co-located facilities are less than or equal to the levels of noise that resulted from the operation of the original facility or the public utility structure.</p> <hr/>	