



**Justin Napier, Communications Officer, Shire of Nillumbik, Melbourne**

**O**ne of the most difficult issues in local government currently is the question of overhead cabling.

The Shire of Nillumbik, an urban fringe municipality in Melbourne's north-east, has been closely involved with the issue since early this year.

Nillumbik was one of the first Councils to bring this matter to light and decided to approach the relevant stakeholders to discuss the issue.

In January this year, Nillumbik hosted meetings with Optus Vision and Telstra and invited representatives from the Municipal Association of Victoria and Austel (the industry regulator) to observe.

The purposes of the meeting were to:

- (1) define the current state-of-play across the industry;
- (2) outline Council's position on the issue of overhead cabling in the Shire; and
- (3) find common ground between the parties and in so doing achieve an outcome which was satisfactory to all parties.

The matter arose because cabling was about to commence in the Shire and Council had not been consulted. Council believed its planning powers had clearly been over-ridden by the then federal government's decision to allow the telecommunications companies to operate outside local planning codes.

How then could local government preserve the amenity of its community if the law permits telecommunications companies to operate in a fashion which denies the local authorities input into the decision-making process?

Another important issue, which remains unresolved, concerns the ownership of the public telecommunications infrastructure.

How could the federal government grant exclusive access to existing infrastructure, including underground ducting with capacity to service more than one companies' needs, to one company and not to their competitor?

Doesn't this translate into a substantial competitive advantage for that company and place its competitor in a detrimental position?

After all, wasn't this infrastructure funded by taxpayers and therefore a public (not private) asset?

Nillumbik Council took the view that this situation needed clarification for the benefit of all parties.

Having raised the issue, the Shire of Nillumbik managed to engage both parties and gain the following concessions from Optus Vision.

Optus Vision agreed to no tree cutting in heritage areas, to no overhead cabling in new estates and to only cut trees under Council supervision. A Council representative was to be consulted daily to ensure these terms were enforced.

Optus Vision also agreed to inform Council of its roll-out plans three months before the commencement of any works.

An agreement was reached between Telstra and Optus Vision for Telstra to provide the latter with details of where underground ducting capacity existed and a deal was to be negotiated between the parties to share this resource.

Whilst cabling is still under way in Nillumbik, Council and its residents have the satisfaction of knowing that their voices are being heard and their concerns addressed.

However, this is only a local solution to a national problem. Since January, Council has urged the federal government to sort out this impasse and in so doing restore local government planning powers. □

## Telstra goes overhead

**TELSTRA** advised in mid-April that its expects that up to 30 per cent of its cable roll-out will now be overhead cabling. This will potentially put Telstra in the same firing line currently being faced by Optus.

A recent audit by AUSTEL of Telstra's underground ducts reportedly found that the actual availability of space that could be shared with Optus is, on average, only 30 per cent. AUSTEL also confirmed that overhead cabling is significantly cheaper and quicker to roll-out than underground cable. AUSTEL's report is expected to be publicly released by the Minister for Communications and the Arts, Senator Richard Alston, in the near future.

The roll-out race is heating up in advance of the introduction of tighter rules under the Telecommunications National Code. Senator Alston has announced plans to place stricter controls on overhead cables and mobile telephone towers under a new code to be introduced from July. It is anticipated that the new code will eventually be replaced by a set of national planning arrangements to be administered by the states and local governments.

It has been reported that the new code will require environmental impact assessments to be conducted on new networks and will see AUSTEL establish an independent dispute resolution process to hear complaints.

The Department of Communications and the Arts is currently preparing a draft code for public comment. The Telecommunications Act requires that a public inquiry be held to receive and consider submissions on the draft code.

The Department is also in the process of preparing a draft Land Access Code for public comment. This code details the procedures to be followed by carriers and the owners and occupiers of land. □

*Sue Ferguson*