

Commonwealth of Australia

Telecommunications Act 1997

Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 1 of 2011)

I, STEPHEN MICHAEL CONROY, Minister for Broadband, Communications and the Digital Economy, make the following Determination under subclause 6(3) of Schedule 3 to the *Telecommunications Act 1997* and subsection 33(3) of the *Acts Interpretation Act 1901*.

Dated 13 December 2011

STEPHEN MICHAEL CONROY
Minister for Broadband, Communications and the Digital Economy

1 Name of Determination

This Determination is the *Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 1 of 2011)*.

2 Commencement

This Determination commences on the day after it is registered on the Federal Register of Legislative Instruments.

3 Variation

The *Telecommunications (Low-impact Facilities) Determination 1997* is amended as set out in the Schedule to this Determination.

Schedule Amendments

(Sections 1.2, 1.3 and Schedule)

[1] Section 1.2, in the text box titled *Background to determination*

omit

‘overhead cabling and’

[2] Section 1.3, after the definition of *area of environmental significance*

insert

building connection equipment means a facility installed in a multi-unit building, where the facility is to be used (or intended to be used at some future time) by end users that are, or are to be, located in any of the following:

- (a) the building in which the facility is installed;
- (b) nearby and related buildings.

[3] Section 1.3, after the definition of *co-located facilities*

insert

co-location volume means the volume of materials that constitute:

- (a) co-located facilities; or
- (b) an original facility; or
- (c) a public utility structure;

where the materials are visible from a point outside the co-located facilities, original facility, or public utility structure.

[4] Section 1.3, after definition of *emergency services organisation*

insert

IEEE 1222-2011 Standard means the Institute of Electrical and Electronics Engineers Standard – *IEEE Standard for Testing and Performance for All Dielectric Self-Supporting (ADSS) Fiber Optic Cable Use on Electric Utility Power Lines – IEEE 1222-2011*, as in force from time to time.

in-building network equipment means equipment installed within a building for purposes other than directly supplying carriage services to end users.

[5] **Section 1.3, definition of *in-building subscriber connection equipment***

omit the definition, substitute

in-building subscriber connection equipment means a facility installed within a building:

- (a) with the aim of managing and maintaining the supply of carriage services to a customer of a carrier; or
- (b) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications on a wholesale-only and non-discriminatory access basis, where the facility is to be used (or intended to be used at some future time) by end users of carriage services delivered by such a network. For the avoidance of doubt, the end users are to be located in the building in which the facility is installed.

[6] **Section 1.3, after the definition of *listed international agreement***

insert

national network means a network that has:

- (a) a geographic reach into every state or mainland territory;
- (b) a significant number of end users connected, or likely to be connected; and
- (c) importance to the national economy.

network termination unit means a device that converts an optical signal to an electrical signal.

optical fibre access terminal means a connector device that allows one or more individual fibres from an optical fibre line link to be connected to an optical fibre drop cable.

optical fibre drop cable means fibre cable (whether deployed overhead or underground) from the optical fibre access terminal to either:

- (a) the optical fibre termination box; or
- (b) the network termination unit.

optical fibre splice enclosure means an enclosure in which individual fibres from an optical fibre line link are separated out and spliced to an optical fibre drop cable or otherwise connected to an optical fibre access terminal.

optical fibre termination box (Type A) means an enclosure (and any associated devices) which is used to terminate an optical fibre drop cable (whether deployed overhead or underground) for the transition of that cable to another facility or in-building cabling.

optical fibre termination box (Type B) means an enclosure (and any associated devices) which is used to terminate an optical fibre line link or optical fibre drop cable (whether deployed overhead or underground) for the transition of that line link or cable to another facility or in-building cabling where it is attached to a multi-unit building.

[7] Section 1.3, after the definition of *planning law*

insert

power supply means a device that connects a network termination unit to a supply of power.

[8] Section 1.3, after the definition of *subscriber connection*

insert

substantive volume means the size of a facility measured in three dimensions, without including the size of any ancillary fixings, protrusions, or other attachments of an incidental nature in this calculation.

[9] Section 1.3, definition of *volume*

omit definition of volume.

[10] At Part 3 of the Schedule, after Item 7

insert

8	Building connection equipment: (a) the substantive volume of which is not more than 0.21 cubic metres; and (b) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	Residential Commercial Industrial Rural
9	In-building network equipment: (a) the substantive volume of which is not more than 0.21 cubic metres; and (b) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	Residential Commercial Industrial Rural

[11] Paragraph (e) of Item 1, Part 4 of the Schedule

omit the paragraph, substitute

- (e) in relation to residential areas, not more than 100 metres of excavation is left open for each trench at any time and vehicle access to each property is not lost for more than 8 hours in total.

[12] At Part 4 of the Schedule, after Item 3

insert

4	Underground optical fibre splice enclosure: (a) forming part of (or integrated with) a cable; and (b) the substantive volume of which is not more than 0.046 cubic metres.	Residential Commercial Industrial Rural
5	Underground optical fibre access terminal: (a) the substantive volume of which is not more than 0.02 cubic metres.	Residential Commercial Industrial Rural

[13] After Part 4 of the Schedule

insert

Part 4A Above ground optical fibre facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	A single optical fibre line link or a bundle of optical fibre line links: (a) suspended above the surface of: (i) land (other than submerged land); or (ii) a river, lake, tidal inlet, bay, estuary, harbour or other body of water; or (b) protruding from the surface of land (other than submerged land); and (c) the maximum external cross-section of any part is: (i) in the case of a single line link - 30 millimetres; (ii) in the case of a bundle (of optical fibre line links)– 30 millimeters; (d) deployed on, or attached to, a public utility structure, building or other structure; and (e) has electrical properties consistent with those specified for cables set out in the IEEE 1222-2011 Standard; and (f) that is, or is to be, part of a national network used,	Residential Commercial Industrial Rural

Column 1 Item no.	Column 2 Facility	Column 3 Areas
	or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	
2	<p>Optical fibre splice enclosure:</p> <p>(a) suspended above the surface of:</p> <p>(i) land (other than submerged land); or</p> <p>(ii) a river, lake, tidal inlet, bay, estuary, harbour or other body of water; and</p> <p>(b) either:</p> <p>(i) forming part of (or integrated with) a cable; or</p> <p>(ii) clamped to, strung from, or otherwise mounted on a public utility structure, building or other structure;</p> <p>(c) the substantive volume of which is not more than 0.046 cubic metres; and</p> <p>(d) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.</p>	<p>Residential</p> <p>Commercial</p> <p>Industrial</p> <p>Rural</p>
3	<p>Optical fibre access terminal:</p> <p>(a) suspended above the surface of:</p> <p>(i) land (other than submerged land); or</p> <p>(ii) a river, lake, tidal inlet, bay, estuary, harbour or other body of water; and</p> <p>(b) clamped to, strung from, or otherwise mounted on a public utility structure, building or structure;</p> <p>(c) the substantive volume of which is not more than 0.02 cubic metres; and</p> <p>(d) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.</p>	<p>Residential</p> <p>Commercial</p> <p>Industrial</p> <p>Rural</p>
4	<p>A single optical fibre drop cable or a bundle of optical fibre drop cables:</p> <p>(a) suspended above the surface of:</p> <p>(i) land (other than submerged land); or</p> <p>(ii) a river, lake, tidal inlet, bay, estuary, harbour or other body of water; or</p> <p>(b) protruding from the surface of land (other than submerged land); and</p> <p>(c) either:</p> <p>(i) clamped to an electrical drop cable or other cable; or</p> <p>(ii) strung from a public utility structure, building or other structure; and</p> <p>(d) attached to a building or other structure for the purposes of a subscriber connection;</p>	<p>Residential</p> <p>Commercial</p> <p>Industrial</p> <p>Rural</p>

Column 1 Item no.	Column 2 Facility	Column 3 Areas
	<p>(e) the maximum external cross-section of any part is:</p> <p>(i) in the case where a single drop cable is attached to a single-unit building—13 millimetres; or</p> <p>(ii) in the case where a bundle (of optical fibre drop cables) is attached to a single-unit building—13 millimetres; or</p> <p>(iii) in the case where a single drop cable is attached to a multi-unit building—30 millimetres; or</p> <p>(iv) in the case where a bundle (of optical fibre drop cables) is attached to a multi-unit building—30 millimetres; and</p> <p>(g) has electrical properties consistent with those specified for cables set out in the IEEE 1222-2011 Standard); and</p> <p>(h) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.</p>	
5	<p>Optical fibre termination box (Type A):</p> <p>(a) attached to a building or other structure for the purposes of a subscriber connection;</p> <p>(b) the substantive volume of which is not more than 0.005 cubic metres; and</p> <p>(c) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.</p>	<p>Residential</p> <p>Commercial</p> <p>Industrial</p> <p>Rural</p>
6	<p>Optical fibre termination box (Type B):</p> <p>(a) attached to a multi-unit building;</p> <p>(b) the substantive volume of which is not more than 0.04 cubic metres; and</p> <p>(c) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.</p>	<p>Residential</p> <p>Commercial</p> <p>Industrial</p> <p>Rural</p>
7	<p>Network termination unit:</p> <p>(a) attached to a building or other structure for the purposes of a subscriber connection;</p> <p>(b) the substantive volume of which is not more than 0.02 cubic metres; and</p> <p>(c) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.</p>	<p>Residential</p> <p>Commercial</p> <p>Industrial</p> <p>Rural</p>
8	<p>Power supply:</p> <p>(a) attached to a building or other structure for the purposes of a subscriber connection;</p>	<p>Residential</p> <p>Commercial</p> <p>Industrial</p>

Column 1 Item no.	Column 2 Facility	Column 3 Areas
	(b) the substantive volume of which is not more than 0.005 cubic metres; or	Rural
	(c) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	

[14] Paragraph (e) of Item 2 of Part 7 of the Schedule, immediately after the word *total*

insert

‘co-location’