

29 November 2024

Director, Telecommunications Deployment Policy
Digital Inclusion and Deployment Branch
Department of Infrastructure, Transport, Regional Development, Communications and the Arts
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Via email: powersandimmunities@communications.gov.au

Indara Submission on Proposed Updates to *Telecommunications (Low-Impact Facilities) Determination 2018* and *Telecommunications Code of Practice 2021*

I write on behalf of Indara concerning the proposed 2024 revisions to the *Telecommunications (Low-Impact Facilities) Determination 2018* (the Determination) and *Telecommunications Code of Practice 2021* (the Code of Practice).

We thank the Department for providing an opportunity to comment. Indara strongly supports these amendments.

Introduction

Indara is a Mobile Network Infrastructure Provider (MNIP). We operate a network of over 4700 mobile telecommunications facilities across Australia, and we work closely with Australia's Mobile Network Operators (MNOs) to provide Australians with essential mobile telecommunications services.

Whilst Indara operates as a neutral host, we have several major 'build to suit' programs where we are deploying new mobile telecommunications infrastructure in partnership with, and directly to support, specific MNOs. Some of the new facilities on these projects can be established using the exemptions granted by the Determination – for example, establishing new MNO telecommunications facilities on a building rooftop or other existing structure.

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Indara also has several active upgrade programs where, on behalf of an MNO, we manage the planning, site acquisition and design tasks to upgrade the MNO's existing base stations. In the last two years our team has completed hundreds of facility upgrade processes for Optus and TPG Telecom, the majority of which have relied upon the exemptions granted by the Determination.

In utilising these powers for the MNOs, Indara must act within the parameters of the Determination and in accordance with the requirements of the Code of Practice.

As the Department will be aware, demand for mobile connectivity continues to grow across Australia. Federal powers and immunities are critical in the current deployment environment; without access to these exemptions, MNOs and MNIPs cannot provide communities with the modern mobile services that they need and expect.

Despite being an essential service, most forms of telecommunications infrastructure are subjected to a development approvals process with the relevant planning authority. Because mobile infrastructure deployment can be highly political, and the subject of intense community interest, there is no presumption or guarantee of planning consent being granted – even if the proposal is reasonable and well justified by planning regulations.

It has also been our observation that, even if consent is granted, the process itself tends to take an unreasonable time, often much longer than permitted statutory timeframes. We have observed that the development approvals process often takes over 12 months in most jurisdictions. If the application is refused or is appealed by a third party, the appeal process can take another 12 months to resolve, with no guarantees of a successful outcome.

We therefore note that the exemptions afforded by the Determination are absolutely critical to meet the telecommunications needs of the Australian community in a timely manner. The Determination provides certainty that we can provide this essential infrastructure, therefore Indara welcomes any policy amendments which expand the scope of the Determination or remove unnecessary regulatory hurdles.

Indara strongly supports the proposed amendments. We consider they are sensible and will have a tangible benefit for servicing communities – the exemptions will provide additional flexibility and efficiency for providers, and help to speed up deployment of some kinds of infrastructure. The proposed amendments also strongly accord with the *National Principles to Support Streamlined Telecommunications Planning Arrangements* report prepared by the Mobile Telecommunications Working Group in February 2024.

Conversely, we also note that the modest nature of the changes also means that they are unlikely to result in adverse impacts for the wider community – or indeed even be noticeable in many instances. We consider that the amendments strike an appropriate balance between the needs of industry and the interests of local communities.

Part A – Increasing Maximum Dimensions of Certain Low Impact Facilities

Indara supports the proposed amendments in full. All of the changes will have meaningful benefit for deployment of mobile telecommunications infrastructure, whilst remaining within the spirit of the Determination and striking a reasonable balance with community expectations.

LIFD Item	Proposed Changes	Indara Comment
Item 1, Part 1	Increase satellite dish provisions from maximum 1.2m to 1.8m diameter (Residential and Commercial areas)	These amendments are supported. The size increases will allow providers more flexibility in what equipment can be deployed, which will improve technical outcomes. The size increase is modest and is not expected to have a substantial impact on visual amenity.
Item 2, Part 1	Increase satellite dish provisions from maximum 1.8m to 2.4m diameter (Industrial and Rural areas)	
Item 5, Part 1	Increase maximum allowable height of omnidirectional antennas from 4.5m to 6m (all areas)	<p>This amendment is supported. Omnidirectional antennas are generally thinner and less bulky than other kinds of antenna, and therefore have a very small visual profile – the proposed size increase will have an imperceptible visual impact. By avoiding the need for development consent, this change will allow this type of antenna to be deployed much faster.</p> <p>Government and emergency services organisations are major users of this kind of antenna. This amendment is likely to be especially beneficial for these organisations, noting that time is of the essence in getting their infrastructure online.</p>
Item 7A, Part 1	Increase maximum radiocommunications dish diameter from 2.4m to 3.8m (Rural areas)	This amendment is supported. The larger dish size will enable providers to facilitate higher quality transmission links over a longer distance in regional and remote areas. No adverse impact on the community is expected considering this change is confined to Rural sites, and that the visual impact of these dishes will be offset by being attached to existing towers.

LIFD Item	Proposed Changes	Indara Comment
Item 8, Part 1	Remove requirement for small cell radiocommunications facility to be deployed with a cabinet (all areas)	This amendment is supported. Changes in technology now mean that small cell sites may not require an external equipment cabinet. Indara concurs with the Consultation Paper’s suggestion that this will improve visual outcomes, resulting in a positive outcome for both industry and the wider community.
Item 4A, Part 3	Increase maximum dimensions for equipment shelters from 12.5m ² to 52m ² (Industrial and Rural areas)	<p>This amendment is supported. Generally, mobile facilities require a relatively small equipment shelter or cabinet. However, in some situations a bespoke equipment cabinet is required – for example, where a larger than usual amount of equipment needs to be stored, or in extreme bushfire zones where the equipment shelter needs to be constructed out of blockwork and may exceed the allowed dimensions to be Low Impact. The proposed changes would avoid the need for DA consent in such instances. The proposed changes will also be useful as providers seek to improve the resilience of their facilities through more expansive use of battery backup systems.</p> <p>The proposed change is not expected to have an adverse impact for the community, considering the change is confined to industrial and rural areas where a shelter of this size would not be inappropriate.</p>
Item 7, Part 3	Increase dimensions of solar panel arrays from 12.5m ² to 50m ² (Rural areas)	This amendment is supported. Allowing a larger solar array will significantly assist providers who wish to use renewable energy to power sites. It will be particularly important in remote areas where solar is the only available power source.
Item 2, Part 8	Increase the total co-location volume of facilities (Residential and Commercial areas)	This amendment is supported. It will encourage co-location and sharing of facilities, reducing proliferation of standalone facilities in a specific area and encouraging better outcomes for communities.

Part A – Cabling on Bridges as a Low Impact Facility

Indara supports the proposed amendment, noting the court decisions cited by the Consultation Paper have had significant adverse implications for infrastructure deployment.

Part A – Other Amendments to Determination

Indara supports the proposal to change ‘local authority’ to ‘local government authority’, and to amend ‘Above Ground Housing’ to ‘Above ground housing and facilities’. Both changes provide useful clarification.

Part B – Amendments to Code of Practice

Indara supports the proposed changes to the ‘Installation Certificate’ regime, allowing landowners and occupiers to waive their requirement for an Installation Certificate to be completed. This is a pragmatic response to existing arrangements between MNOs, MNIPs, landowners and occupiers.

Part C – Other Matters

We note the Consultation Paper discusses the prospect of multifunction poles being included as Low Impact facilities within the Determination.

Multifunction poles are likely to become more prevalent as MNOs expand their 5G networks, especially in urban areas. At present a multifunction pole would require a development consent in most jurisdictions, and would be treated in the same way as a full-size macro telecommunications facility, even though such facilities are generally much smaller and would have a much lesser visual impact. We urge the Department to prioritise its discussions concerning multifunction poles and how these could be contemplated by the Determination.

We trust that this response is of use to the Department. Please don’t hesitate to contact us if you require any further information or clarification, or have any questions. We would be happy to assist further.

Yours sincerely,

[Redacted signature]

[Redacted name]

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