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2 December 2024

Attention:

Department of Infrastructure,
Transport, Regional Development,
Communications and the Arts

RE: Proposed Amendments to the Powers and Immunities Framework - Consultation Paper

About Waveconn

Waveconn is an Australian developer, owner, and neutral host operator of digital infrastructure, and one of the three major mobile network infrastructure providers (**MNIPs**) in the country. Established in 2022 following the Ontario Municipal Employees' Retirement System's (**OMERS**) acquisitions of TPG's tower and rooftop portfolio and Stilmark Holdings Pty Ltd (**Stilmark**), Waveconn owns approximately 1,400 tower and rooftop sites nationwide, with additional sites under active development.

As an MNIP, Waveconn's core business involves deploying and managing digital infrastructure for a diverse range of clients, including all three national mobile network operators (**MNOs**), government radio networks (**GRNs**), and wireless internet service providers (**WISPs**). Another important part of our business is the provision of telecommunication asset management services to commercial high-rise buildings, this includes facilitating access to over 200 top tier commercial high-rise buildings across Australia for MNOs and fixed service providers.

While our existing infrastructure is predominantly located in metropolitan areas, we are actively supporting our customers' plans to expand coverage in regional and remote parts of Australia. We are also focused on delivering wireless infrastructure to new residential developments, ensuring digital connectivity keeps pace with demand.

Waveconn operates independently, with no direct or indirect MNO ownership or funding. This autonomy allows us to provide access to all our customers without any incentives aligning us to a specific MNO. With one of our subsidiaries holding a carrier licence, Waveconn is classified as a carrier company group under the *Telecommunications Act 1997 (Cth)*.

Responses to key questions

1. What benefits or difficulties (financial or non-financial) would be incurred as a result of implementing the proposed LIFD and Code changes?

Waveconn supports the proposed amendments. We expect that increasing the maximum dimensions of certain low-impact facilities will reduce administrative barriers and expedite the deployment of wireless telecommunication facilities. Specifically, the proposed amendments to Item 2, Part 8 of the Schedule will encourage the sharing of existing wireless facilities by reducing the time, cost and administrative burden of site acquisition during the colocation process.

Waveconn proposes that the Department consider additional changes to the LIFD to support the Commonwealth's recent amendments to the Telecommunications in New Developments (**TIND**) policy. Specifically, we propose creating a direct link between the LIFD and new wireless facilities in new developments through the introduction of a new "Part" (e.g., Part 9 – Facilities in new development areas). A new development area should be defined in accordance with the TIND policy, being a development of 50 or more lots. We suggest that the new Part 9 – Facilities in new development areas be introduced under the Schedule – Facilities and areas of Telecommunications (Low-impact Facilities) Determination 2018 (the LIFD) as follows:

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	New standalone monopole facility: <ul style="list-style-type: none"> (a) Not greater than 35m in height (to the top of all equipment) (b) Minimum of 100m from the new development area boundary, where the neighbouring land zoning is not residential (c) Minimum of 250m from the new development area boundary, where the neighbouring land zoning is residential (d) Notified to the relevant determining authority prior to any residential construction works commencing 	Residential Commercial Industrial Rural

2. In what ways would these amendments improve connectivity, energy consumption and resiliency of telecommunications facilities?

Waveconn is a significant player in the Australian digital infrastructure landscape, our expertise extends to deploying digital infrastructure in remote rural locations. We have observed that mains power in these areas is often slow to connect and costly. In our opinion, expanding the LIFD to accommodate additional solar panels and batteries will enable digital infrastructure in remote rural Australia to deliver connectivity faster and provide additional resilience for sites that have or will have mains power connected.

3. Do these changes raise any concerns for landowners and occupiers? Can these issues be quantified and how could they be addressed?

In relation to the proposed amendment to Installation Certificates, Waveconn does not have any specific concerns.

4. What other factors should be taken into account when considering the proposed amendments to the LIFD and the Code? Are there alternative arrangements that could deliver the same outcome?

In addition to the proposals outlined in our response to question one, Waveconn suggests that the Department consider further amendments to simplify and streamline the deployment of new wireless facilities in metropolitan areas. These amendments align with the national consistency concept outlined in the Department's February 2024 report, 'National Principles to Streamlined Telecommunications Planning Arrangements: Final Report of the Mobile Telecommunications Working Group'.

Waveconn proposes amending the LIFD to align with the NSW State Environmental Planning Policy (Transport and Infrastructure) 2021 (**T&I SEPP**), enabling the deployment of certain low-impact facilities in heritage areas or on heritage items.

Table 1 describes a typical situation where the current LIFD definition does not optimally support the deployment or colocation of wireless facilities and provides a high-level proposal for appropriate amendments to the LIFD.

Table 1 – Summary of Issues and Proposals

Section/clause of the Telco Act	Current approach	Issue	Proposed amendment
Telecommunications (Low-Impact Facilities) Determination 2018 (made under subclause 6(3) of Schedule 3 to the <i>Telecommunications Act 1997</i>)	Facilities are not low-impact facilities if they are located within an Area of Environmental Significance (AES). This includes: <i>a place, building or thing that is entered in a register relating to heritage conservation.</i>	The current LIFD does not allow any facilities within heritage listed areas. This means that all deployments within a heritage conservation area, no matter the listing, require Approval from the relevant authority.	Part 1 – Radio facilities Update the wording to align with the NSW T&I SEPP, allowing Low-Impact facilities in heritage areas if they meet certain requirements, such as being minimally visible or not impacting the heritage significance of the area.

Table 2 provides more detailed and specific proposed amendments to Part 1 of the LIFD.

Table 2 – Part 1 – Radio facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
3	<p>3.1 The antenna—</p> <p>(a) must be flush mounted to an existing structure, or</p> <p>(b) if not flush mounted, must not be—</p> <p>(i) more than 2.8 metres long, or</p> <p>(ii) more than 5.8 metres (including support mount) in height above the building or structure to which it is attached.</p> <p>3.2 If the antenna is flush mounted, it must not project above the height of the structure on which it is mounted.</p> <p>3.3 The antenna must be the same colour as its background or painted a neutral colour such as grey.</p> <p>3.4 If the antenna is mounted on a heritage item or in a heritage conservation area other than by means of flush mounting, the antenna must not be visible from the street at ground level from the property boundary.</p>	Residential Commercial Industrial Rural
8	<p>Radiocommunications facility:</p> <p>(a) with one or more separate antenna and each antenna is not more than 1.2 metres long; and</p> <p>(b) if deployed with a cabinet, the cabinet does not exceed 1 cubic metre in volume</p> <p>(c) If the antenna or cabinet is mounted on a heritage item or in a heritage conservation area, they must be colour-matched in a colour that blends with the surrounding area.</p>	Residential Commercial Industrial Rural
9	<p>Radiocommunications facility:</p> <p>(a) with a transmitter unit not more than 0.03 cubic metres in volume, attached to an existing structure; and</p> <p>(b) each external antenna is not more than 1.2 metres long</p> <p>(c) If the antenna or transmitted unit is mounted on a heritage item or in a heritage conservation area, they must be colour-matched in a colour that blends with the surrounding area.</p>	Residential Commercial Industrial Rural

Other reforms to the Powers and Immunities Framework

Multi-Functional Poles

Waveconn is Australia's largest independent developer, owner, and neutral host operator of digital infrastructure, and one of the three major MNIPs in the country. Since our formation, we have been actively engaged by our MNO customers to investigate, design, and deploy cost-effective wireless infrastructure to deliver digital connectivity to Australian consumers.

A significant part of our engagement with MNO customers involves the investigation of neutral host small cell mobile network infrastructure and associated operating models. Given our unique experience and independent position, Waveconn has valuable insights to share with the Department regarding multi-function poles for enhanced mobile network infrastructure.

Waveconn welcomes the opportunity to engage in further discussions and contribute to the development of innovative and efficient solutions with the Department on the topic of multi-function poles.

Industry code for access to commercial high-rise buildings

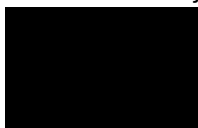
Waveconn is one of Australia's largest providers of telecommunication asset management services to commercial high-rise buildings, facilitating access to over 200 top-tier commercial high-rise buildings across Australia for MNOs and fixed service providers.

While we have not yet been formally engaged by the Communications Alliance to participate in the working committee reviewing the industry code for high-rise buildings, we are eager to share our experience and insights to this important initiative. Our extensive experience in managing telecommunications infrastructure in complex, high-rise environments would provide valuable perspectives to the committee's deliberations.

We believe that our participation would contribute to the development of a robust and effective industry code that addresses the unique challenges and opportunities associated with telecommunications deployments in high-rise buildings. We are confident that our insights would be beneficial to the committee's work and ultimately support the continued growth and innovation of the telecommunications industry in Australia.

We welcome the opportunity to engage with the Communications Alliance and the working committee to share our knowledge and contribute to the development of an industry code that benefits all stakeholders.

Yours sincerely,



Waveconn