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Department of Infrastructure, Transport,
Regional Development, Communications and the Arts
Via email: new.developments@infrastructure.gov.au

Indara Submission on Consultation Paper – *Possible Amendments to the Telecommunications in New Developments Policy – Mobile Connectivity and Other Measures*

I write on behalf of Indara, in response to the Consultation Paper on the *Possible Amendments to the Telecommunications in New Developments Policy – Mobile Connectivity and Other Measures* ('TIND') prepared by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA).

We note that the federal government is seeking a coherent approach to prioritise and accelerate planning and approvals for communications infrastructure, especially in new developments and growth areas; the proposed amendments to the TIND, as outlined in the Consultation Paper, represent the "*first step from the Australian Government in addressing mobile connectivity in new developments*".

As a provider of shared telecommunications infrastructure, Indara strongly supports the federal government's focus on improved connectivity. The following response provides our feedback on the proposed amendments, and some additional matters we believe are material to this issue.

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Who is Indara?

Indara Digital Infrastructure (Indara) is Australia's leading owner and operator of digital infrastructure. With over 20 years' experience in the industry, our vision is to accelerate the digitisation of Australia and enable connectivity services to communities. We have a rapidly growing portfolio of over 4,700 tower and rooftop sites, with several hundred new sites under construction. Through our subsidiary brand, ENE.HUB, we have also deployed more than 5,000 multifunction poles across the country. Our facilities enable communications services for communities across Australia.

Owned by AustralianSuper and Singtel, Indara Corporation formed through the merging of Australian Tower Network Pty Ltd (ATN) and Axicom Pty Ltd (Axicom) in 2022. We operate as a neutral host provider – our facilities are designed and deployed specifically to be shared by Australia's mobile carriers, government entities, emergency services organisations and wireless providers.

Indara is investing heavily to improve mobile services for communities across Australia. We work very closely with Australia's mobile carriers, and we have an active national deployment program in partnership with several carriers.

A large proportion of our current rollout activities are in new development areas where there is a significant and pressing need for connectivity. Indara has hands on experience with site selection and mobile infrastructure design, and we trust our feedback will be of assistance to DITRDCA.

Role of Mobile Network Operators and Mobile Network Infrastructure Providers

Before providing feedback on the Consultation Paper, it is important to highlight the difference between Mobile Network Operators (MNOs) and Mobile Network Infrastructure Providers (MNIPs). The proposed amendments chiefly focus on mobile carriers – MNOs – however MNIPs also play a crucial role in servicing communities and should be captured by the TIND amendment.

The federal government provides the following definitions (per its Mobile Black Spot Program):

> *"An **MNO** is a company, other than a Mobile Network Infrastructure Provider, that supplies a public mobile telecommunications service within the meaning of the Telecommunications Act 1997; and holds an apparatus or a spectrum licence (or both) for the supply of public mobile telecommunications services under the Radiocommunications Act 1992."*

For clarity, Australia's major mobile carriers (Optus, Telstra and TPG Telecom) are MNOs.

> *"A **MNIP** is a company, other than an MNO, that provides communications infrastructure in Australia or overseas, including the installation and operation of infrastructure to be used by one or more MNOs to provide public mobile telecommunications services."*

Indara, as a provider of neutral host facilities, is an MNIP. We do not operate our own telecommunications network, but rather deploy the infrastructure (such as towers and poles) that is used by MNOs to provide network coverage.

The TIND and Consultation Paper generally refers to mobile carriers (MNOs); we consider that MNIPs should also be included due to recent industry trends. Mobile facilities were formerly deployed and owned by carriers, however in the last 2-3 years the industry has pivoted toward a neutral host model. The passive infrastructure (the tower and compound) is deployed and owned by an MNIP, such as Indara, whilst the active infrastructure (antennas and telecommunications equipment) is deployed and owned by an MNO.

The majority of new mobile base stations across Australia are now being deployed by neutral host providers rather than by the carrier directly. There is no functional difference in how the facility operates – it still provides mobile coverage for a carrier, it is simply that deployment of the facility is now led by the MNIP.

Whilst MNIPs have taken a lead role in deploying telecommunications infrastructure, most new sites are still being deployed in partnership with an MNO. For example, Indara is currently working in partnership with Optus to deliver over 800 new 'greenfield' facilities across Australia, and in partnership with TPG Telecom to deliver over 150 additional facilities. Whilst Indara is responsible for acquiring these sites and will ultimately own them, the sites are proposed in direct response to specific carrier service needs, have firm carrier commitment, and will be deployed with at least one carrier on the tower to provide immediate benefit.

Neutral host sites generally represent the best outcome for local communities. Shared sites, like those deployed by Indara, are designed specifically to support co-location by multiple mobile carriers, government entities, emergency services organisations and other customers. This reduces the need for multiple towers in a specific area, as only one tower is needed, rather than one for each carrier.

Essentially, MNIPs now operate as an infrastructure arm for the MNOs. It is therefore critical that the MNIPs be included in any proposed policies for carrier deployment – ultimately, the majority of new telecommunications facilities being deployed across Australia will be rolled out by neutral host providers, and it is important that MNIPs be part of the conversation.

Part 1: Comments on TIND Consultation Paper

Indara has considered the proposed amendments and provides the following feedback.

1. Developers consider mobile connectivity as part of the overall development application process.

The Consultation Paper suggests that mobile connectivity should be considered as part of the overall development application process by developers in a similar way as other utilities like water, electricity and sewage.

In principle, Indara strongly supports this outcome. Mobile connectivity is an essential service; as recently as this month, a QUT study concluded that "*digital accessibility for everyone needs to be seen as a human rights issue as important as running water and electricity*" (see https://www.qut.edu.au/study/health/news?id=191153).

Unlike other utility services, mobile connectivity is often neglected during the early planning stages for a new community. Indara strongly agrees that developers should consider connectivity when proposing new developments.

In practice, however, we note that delivering mobile infrastructure can be a challenging and lengthy process. Connectivity should be considered much earlier, to make deployment more efficient and provide more certainty – leaving it until the developer submits a development application may be too late. For context, when rolling out new infrastructure, we generally need to consider the following matters.

- **Technical Requirements.** The technical requirements for telecommunications infrastructure are somewhat different from other utilities like water and sewage. Each area has its own unique technical requirements which affect site selection, ranging from local terrain and topography to local network demand and the number of existing and future users in the area. The new facility must generally be tall enough to penetrate above environmental obstacles. It must also be sited appropriately to service the MNO's target coverage area. In some cases, there might be only a small number of locations in an area where a site can achieve a feasible level of service.

- **Physical Siting Requirements.** We must balance technical requirements against availability of land, buildability and community expectation. To deploy a site, the MNO or MNIP generally needs to secure a tenure agreement with a local landowner. If there are no landowners willing to accommodate a facility within a specific area, we cannot deploy a new site. Similarly, we need to ensure that the chosen site can be accessed and constructed safely, within a reasonable timeframe and at a reasonable cost.

  In terms of community expectations, we note mobile facilities can be more visually prominent than other kinds of urban infrastructure, which can in turn lead to community sensitivities about the appearance and perceived visual impact of a site. In some cases, there may also be community sensitivities about the perceived safety of the facility (noting that all Australian base stations operate within a strict safety framework regulated by the federal government). To minimise these concerns, MNOs and MNIPs always endeavour to separate facilities from residential areas and sensitive land uses as far as practicable. However, this is not always possible, especially where we are deploying sites in urban and peri-urban areas and the intended service area *is* a residential area.

- **Town Planning Requirements.** Somewhat uniquely, and unlike other types of essential infrastructure, most new mobile telecommunications facilities also require development consent. Despite being critical and necessary community infrastructure, MNOs and MNIPs generally need to obtain development approval from a planning authority. There is generally no 'fast track' or priority for telecommunications infrastructure.

  Unfortunately, this can lead to lengthy delays and – if an application is refused – considerable uncertainty about service delivery. In some cases, the objections of a small minority of community members can thwart the deployment of necessary community infrastructure. We are also aware of specific 'high risk' LGAs that have traditionally been unsupportive of mobile infrastructure deployment, or where there are specific elected members who oppose mobile infrastructure for political reasons. In these areas, it can be prohibitively difficult to deploy necessary infrastructure.

It can often be challenging to find a site which is available for use, is technically feasible, and satisfies community expectations and local planning requirements – especially when an area is already under development. It is therefore important that potential mobile sites can be identified and secured in advance of new development, *before* the developer submits a development application.

Whilst developers play an important role, we consider that connectivity needs to be considered earlier and more holistically. It should be built into the strategic planning and structure planning processes undertaken by state and local government, which happen well in advance of a developer applying for development consent. We also suggest that consideration be given to policies which make it easier to obtain development consent for mobile infrastructure or circumvent the need for consent entirely.

Indara makes the following suggestions.

1. **That the TIND focuses on strategic planning activities carried out by state and local government.**
   The planning process for a new housing development generally commences many years before a developer submits a development application. State and local planning authorities will prepare structure plans and rezoning proposals that guide the development intent of an area; we believe MNOs and MNIPs should be engaged as part of these strategic discussions, as early as possible in the process, to understand future need and plan accordingly. We have provided further recommendations on engagement in the next section of this document.

2. **That the TIND continues to support early engagement with developers.**
   We agree that telecommunications connectivity should be specifically addressed by developers as part of any development application – it is critically important – however as above, discussions about how that connectivity is delivered should be held much earlier, in partnership with the relevant state or local planning authority.

   We consider that early discussions between MNOs / MNIPs and planning agencies will result in better forward planning in the first instance, however we also support strong engagement with developers once structure plans, growth area strategies and the like have been formalised by the relevant planning authority and the developer begins to plan their development.

3. **That DITRDCA considers additional policy measures to facilitate telecommunications development.**
   Most new telecommunications facilities will require development consent. The ability to effectively deliver sites can be impacted by Council assessment timeframes or DA refusals, which can prevent an MNO or MNIP from servicing an area.

   Whilst it falls outside the purview of this consultation, we understand that the federal government considers mobile connectivity an essential service; it would therefore be helpful to consider whether changes to the regulatory regime could make mobile deployment easier. We make several suggestions.

   - **Additional Exemptions under Federal Legislation.** Certain kinds of mobile facility are exempt from town planning approval under the *Telecommunications Act 1997* and *Telecommunications (Low-Impact Facilities) Determination 2018*. However, these exemptions generally only apply to upgrades and maintenance of existing facilities, and installation of antennas on existing structures (buildings, electricity pylons and so on). The government may wish to consider expanding the existing regime by, for example, allowing smart poles as Low Impact or exempting new standalone towers where they do not exceed a certain size, are in a specific location, or meet other specific criteria.

- **Harmonisation of Federal Legislation to include MNIPs.** The *Telecommunications Act 1997* and *Telecommunications (Low-Impact Facilities) Determination 2018* have not kept pace with changes to the industry, and generally only recognise MNOs (Carriers) – not MNIPs. Noting the changes in how mobile infrastructure is deployed, we request the government considers redrafting the legislation so it clearly extends to MNIPs, where they are working to support MNO connectivity.

- **Guidance for state governments.** We commend the efforts of the federal government to classify mobile connectivity as an essential service, and to fast-track connectivity where possible. Unfortunately, at a state level, enthusiasm for mobile deployment varies significantly.

  Several states (notably New South Wales and Victoria) offer extensive and useful planning exemptions for new telecommunications facilities, which allow deployment of certain new infrastructure without requiring development consent.

  By contrast, other states offer fewer planning exemptions for telecommunications facilities, meaning proposals are subject to the full development assessment process. It would be helpful if DITRDCA could encourage state governments to adopt their own regime of telecommunications planning exemptions, in a similar way as the New South Wales *SEPP (Transport and Infrastructure) 2021* or Victorian Planning Provisions section 52.19, to help fast track mobile deployment and achieve the aims of the TIND.

- **Changes to decision-making regime.** New mobile base stations, as a general rule, require development consent from a local or state planning authority. This can be a lengthy process with no certainty of obtaining development consent. It is concerning that delivery of essential infrastructure cannot be guaranteed in these situations.

  DITRDCA may wish to consider ways in which it can encourage deployment, such as by:

  - Encouraging state and local authorities to adopt specific planning exemptions for telecommunications uses, where they meet certain parameters.

  - Encouraging state and local authorities to adopt fast-track assessment processes for telecommunications uses, where they meet certain parameters.

  - Providing guidance to Councils on the minimum information required to make a decision. Some LGAs ask for a large amount of supporting information before they will decide an application. In many cases this additional information is costly and time consuming to procure, and is not actually necessary to decide the application.

- Encouraging applications to be decided under delegation by a planning officer (reducing the likelihood that a development can be refused by councillors on political grounds).

- As is the case in Victoria under state legislation, making certain telecommunications applications exempt from review / appeal, meaning approved applications cannot be appealed by objectors if they meet certain criteria.

2. Early engagement with carriers on mobile connectivity.

The Consultation Paper provides that developers should engage with a carrier early to ensure that connectivity is established prior to selling or leasing of residences. The Consultation Paper further notes that deployment of larger telecommunications infrastructure can take at least 12 months, in some cases longer. The Paper suggests that engagement should occur at the 'Urban Design' or 'Masterplan' phase, at least 12 months prior to the estimated date when first units in the development will be occupied.

Indara strongly supports early developer engagement on connectivity. However, again, we consider that engagement responsibilities should lie not only with developers but with relevant state and local planning agencies. We also consider there are some operational matters that would need to be clarified:

1. **That the TIND requires engagement with multiple MNOs.**
   The current wording of the TIND amendment only requires consultation with 'a' carrier, however it is reasonable to assume that future residents will be customers of all three MNOs (Optus, Telstra, TPG Telecom), and all MNOs should be provided with an opportunity to comment.

2. **That the TIND requires engagement with MNIPs.**
   Much of the new deployment work is now being undertaken by MNIPs, and it is important that MNIPs be included in these early discussions. For one, MNIP sites are designed for co-location and therefore represent a good outcome for communities and carriers – a single, well sited facility can host three carriers with minimal visual or amenity impact.

Also, a benefit of the neutral host model is flexibility. Carriers generally have a finite budget to deploy new facilities, and therefore a very defined rollout schedule; there may be a need for a facility in a development area, but the carrier may not have the budget to deploy a site in that location for several years. By comparison, MNIPs are generally more agile and have more flexibility to integrate new sites into their build program. The MNIP may have more capability to acquire and build a site faster than the MNO. Because the MNIP absorbs the initial acquisition costs, this makes the prospect of co-location on the facility more attractive to the MNO and assists the MNO to prioritise that particular site in their rollout program.

3. **That the TIND clarifies expectations on planning authorities, developers and MNOs/MNIPs.**
   It would be useful to understand what level of engagement is expected by each stakeholder, in terms of:
   - Methods of engagement
   - What information should be requested from MNOs/MNIPs by the developer, and what information is expected to be provided by the MNO/MNIP?
   - How will "engagement" be measured and tracked? For example, is the developer to provide this information as part of their development application? Will their application be impacted if service information is not provided, and does this have implications for the MNO/MNIP if they have not provided this information?
   - Are there expected timeframes for a response?

   The definition of "developer" is wide – a developer could be a multi-million dollar company developing a 3000-lot residential estate, or it could be an individual property owner subdividing their rural property into a handful of residential lots. Engagement with *every* developer on *every* project in Australia would be resource intensive and therefore somewhat unrealistic – MNOs and MNIPs are unlikely to have the resources to engage with every developer on every development.

   This is why we emphasise the importance of engaging with state and local planning authorities first; this allows MNOs and MNIPs to understand the future development intent for an area at a higher level, and therefore approach connectivity more holistically and efficiently.

4. **That the TIND provides staged stakeholder engagement requirements.**
   Development of growth areas can take several years. An area may have a basic level of coverage when development commences, from existing sites nearby, but as the area develops and demand increases there may be need for another facility.

It is important for MNOs and MNIPs to understand high-level development patterns for an area, and to plan for this growth. In the first instance we strongly encourage state and local planning authorities to engage with MNOs and MNIPs as early as possible.

Once an overall development intent for an area is confirmed – for example, through a structure plan – the MNOs and MNIPs could work with the developer and the local planning authority to confirm that the new estate will be serviced. The MNO may not need to engage directly with the developer if they have previously engaged with the Council and Council is satisfied that particular area will be serviced.

We also note that 12 months is a somewhat optimistic timeframe for deployment. The initial investigation phase, within which potential options are considered and agreements with landowners are made, takes several months to complete. The timeframes for obtaining development consent are also problematic – whilst all states and territories have legislative timeframes for development assessment, our recent experience is that these are rarely met due to Council workloads, Council staffing or complexity of sites. Delays can be compounded if the planning authority refuses the application or there are third party appeals that require resolution in court.

Indara therefore strongly supports engagement with stakeholders as early as possible in the process. We suggest that MNOs and MNIPs should be engaged at the following stages:

By the Relevant State or Local Planning Agency
1. During strategic planning of a growth area 2. Where land is being rezoned to accommodate future urban expansion or growth 3. Where structure plans are being developed and approved Engagement at these stages would provide the MNO/MNIP with a high-level overview of likely demand, and enable them to plan ahead.
By the Developer
4. At the concept or master planning stages for the specific development 5. At the development application stage The level of developer engagement may depend on the work previously done between MNOs/MNIPs and the local planning authority – if a Council is satisfied that a particular area will be well serviced, it may not require the developer to engage with the MNO/MNIP.

3. Consider land that is appropriate for mobile telecommunications infrastructure.

The Consultation Paper provides that developers should set aside suitable locations for mobile infrastructure, and that carriers may also consider installing telecommunications facilities or existing or proposed infrastructure, such as light poles or rooftops. The Consultation Paper notes that retrofitting sites can be challenging due to higher costs and community concerns.

Indara strongly supports this amendment, though we consider this should also be expanded to include land under public ownership.

It is our experience that it can be difficult to identify a suitable site in new development areas, because all the land is already spoken for, or there may be no candidates that would meet local planning requirements and community expectations, or a telecommunications use is inconsistent with the developer's intentions for an area.

In some cases, the best option available is on public land. Some Councils are very supportive and accommodating of mobile deployment, whilst others actively resist deployment of mobile infrastructure. This makes it difficult to provide a consistent level of service to all Australians. We would be happy to provide specific case studies on request.

In principle, reserving land for telecommunications infrastructure is supported. However, the difficulty in implementing this policy is the technical considerations associated with mobile deployment. Each site is different. Whilst having developers reserve land is a positive step forward, the specific service objectives of an area will vary dramatically based on a number of factors, ranging from development density and number of users to local terrain and proximity of sites in the wider network.

We note that there is not a one size fits all solution and flexibility is key. Indara makes the following suggestions:

1. **That planning authorities engage with MNOs/MNIPs as early as possible.**
   Early engagement between planning authorities, developers and MNOs/MNIPs would provide an opportunity to assess a prospective development area for likely demand and potential site opportunities. It would offer a more consultative approach – with agencies being aware of demand requirements at an earlier stage – whilst also offering more certainty to developers and future community members about where a tower might need to be located and when it will come online. It would also make deployment faster. As noted previously, we believe there should be several touch points between the state and local planning authority and the MNO/MNIP when an area is being planned for growth, with additional engagement with the specific developer at the appropriate time if needed.

2. **That general 'areas' rather than specific locations be reserved for telecommunications use.** Rather than a prescriptive approach, where a specific site is nominated, we suggest that 'generally appropriate' areas instead be nominated.

   For example, a structure plan could nominate that towers are an appropriate and envisaged use in specific land uses areas such as industrial or centre precincts, open space reserves, or where co-sited with other utility uses. In these areas, developers and authorities would be obliged to work with MNOs and MNIPs to accommodate a facility.

   This would allow MNOs and MNIPs the flexibility to identify sites which meet specific service requirements, ensure that developers make such locations available for telecommunications deployment, and allow community members some certainty over where the tower will go.

   It is important that all stakeholders, including authorities and the developer, should be included in this process. For example, open space reserves are often completed by a developer but vested to Council ownership after completion. Early engagement ensures that the infrastructure can be planned and sited in an orderly way that satisfies the requirements of all parties.

3. **That these policies be enforceable.**
   Any site referenced in a Structure Plan or similar must have a reasonable likelihood of being acquired. That is, a tenure agreement can be reached with the landowners (either a developer or a public authority), and that there is some confidence that development consent will be granted. Where possible, this should be enshrined into local planning law.

4. Reasonable efforts to reach agreements with carriers.

The Consultation Paper provides that developers should make all reasonable efforts to reach 'fair terms' in agreements with carriers for access to land for deployment of telecommunications facilities.

Indara strongly supports this provision, however we suggest that this be expanded to include state and local government stakeholders. Indara makes the following suggestions.

1. **That MNIPs be included.**
   It is important that the above provisions apply to all parties who may be rolling out mobile infrastructure, including MNOs and MNIPs – this section should be amended to reflect "agreements with carriers and MNIPs".

2. **That use of public land is encouraged, and the stakeholder list be expanded to include state and local government agencies.**

When deploying infrastructure in new development areas, Indara not only works with private land owned by developers, but also with public land that may be Crown Land, Council owned land, or managed by a utility authority. Indara regularly deploys facilities on parks, open space and sports reserves, power substations, water utility properties and other public land. Public land often represents the best location for new infrastructure – and, in some locations, the only option – but it comes with its own unique challenges.

There must be incentive, at a policy level, for public landowners to make land available as a public good. Some Councils are highly resistant to use of their land for mobile infrastructure – certain Councils, notably in metropolitan Sydney, simply reject the use of Council owned land for new towers outright, even though that land is the *only* location from which that area can be serviced, and the alternative is simply to accept poor connectivity in that area.

We also encounter resistance from Council Open Space and Parks teams in many LGAs, because there is a perception that the facility will encroach upon public parkland, or because – in the case of new development areas – master planning activities may not have been completed, and it is perceived as too hard to incorporate mobile infrastructure into the final plan.

While it is unclear if these views are enshrined in official policy, or are simply the views of specific Council employees or teams, it would nonetheless be helpful to incentivise use of public land in the amended TIND, and encourage state and local authorities to consider telecommunications proposals with an open mind.

Use of public land can be also be challenging because of specific restrictions relating to its classification – for example, in New South Wales, land classified as "Community" use under the *Local Government Act 1993* (most parks and playing fields fall under this category) must be reclassified, via ministerial consent, as "Operational" land before a telecommunications use can be developed. This is a long and expensive process. The process to utilise Crown Land is also lengthy. Any ways of streamlining and speeding up these processes would be helpful.

Commercial terms should be considered in this process, particularly with reference to 'fair terms'. There are often situations where public land is the only available location for a new telecommunications site, but the commercial terms offered by the public authority render the site unviable.

Part 2: Comments on Amended TIND Policy

Indara has reviewed Part B – Mobile Connectivity of the amended TIND, and makes the following comments.

- **Reference to MNIPs:** In general, there is no reference to MNIPs within the TIND policy. Noting that MNIPs now deploy the majority of new towers, in partnership with the MNOs, we suggest the policy be updated reflecting and expanding upon the role of MNIPs.

- **Section 4.1 Consumer Outcomes**
  The final sentence of this section notes that "*Consumers can make enquiries with the developer regarding which carrier has been engaged to service the development.*"

  We note this sentence is potentially misleading and should be deleted. Whilst the developer may come to an agreement to lease land to an MNO or MNIP for a tower, this does not reflect an 'engagement' of that carrier to service the estate. The facility may also be, or have the potential to be, occupied by multiple carriers.

- **Section 4.2 Developer Obligations**
  Indara generally agrees with the requirements of developers in this section, though we would recommend this be updated to include MNIPs, and to include the comments previously raised with respect to these requirements.

  We also believe the policy should more clearly articulate the expectations on developers and telecommunications proponents over what information should be provided.

- **Section 4.3 Charging**
  We strongly encourage the Australian Government to consider co-funding deployment of new sites in developing areas. MNOs and MNIPs have traditionally sought to deploy sites in areas where current demand is greatest, rather than in emerging areas there is no immediate need. Government co-funding would provide a significant incentive to focus on emerging development areas.

  With regard to federal funding, it is understood that blackspot funding can only be granted in areas where an MNO/MNIP is not actively searching for a site. This approach seems counterproductive because, if an MNO/MNIP has already commenced investigations in the area independently, the blackspot site could potentially be delivered faster. This position may also be problematic for urban growth areas, where in many cases MNOs and MNIPs are already actively scoping for sites, and are thus disincentivised to seek blackspot funding.

Indara also strongly encourages the Department, in considering funding, to prioritise co-located facilities that can support multiple carriers. Co-located sites will provide a higher level of community benefit and therefore better 'value for money' than sites which support one carrier alone.

In considering charging, we note the Department should consider rentals charged by public authorities for use of land and the 'fair terms' position noted in the Consultation Paper. Some Councils and authorities have rental expectations that render a site unfeasible; rental arrangements must be reasonable and non-discriminatory.

- **Section 4.3 Co-Location**
  Note the numbering of this section is incorrect and should be updated.

  Indara strongly supports co-location. All of Indara's sites are designed expressly to support co-location by multiple carriers and other entities; co-located sites represent a generally better outcome for local communities. We strongly encourage the Department to incentivise and encourage co-location wherever possible.

Part 3: DITRDCA Questions

The Consultation Paper provides some example questions for stakeholders to consider. The below provides a response to these questions and a summary of our feedback.

Should the possible changes be adopted in full, in part, or not at all? Please provide any reasons for your recommendation if you choose in part or not at all. Are there other criteria that could be considered as well?
Indara strongly supports the intent of the proposed changes – to recognise mobile connectivity as an essential service and make deployment easier. Indara broadly supports the matters raised in the Consultation Paper and amended TIND, however we note the following issues should be considered: • MNIPs should be recognised as a critical element in providing service to communities. • There should be a stronger emphasis on engagement with state and local planning authorities at an early stage, before engagement with developers. • The Department should consider how engagement is done, how success is measured, and the potential resourcing challenges that may result. • Mobile deployment can be a lengthy and difficult process. Any steps taken to help fast track deployment and reduce administrative burden, especially with local planning authorities, would be welcomed.

Do you believe these proposed amendments will achieve the aim of encouraging mobile telecommunication infrastructure being available in new developments when residents initially move in? If not, what suggestions or alternative approaches do you think would achieve the outcome more effectively?
Indara broadly considers that the amendments will encourage connectivity, however we note: • A stronger emphasis on forward planning with state and local planning authorities would be helpful. • These policies need to be enshrined into relevant planning legislation. Whilst the federal government may have a policy supporting connectivity, if this is not recognised in a local planning scheme it may not be given sufficient weight in Council decision making.
Do you have any concerns regarding compliance with the proposed changes to the TIND Policy that you would like to raise?
Further information on how developers request information, when developers request information, and the expectations and obligations on MNOs and MNIPs would be helpful. It may not be possible to engage with every developer on every development; the Department may wish to consider focusing on state and local planning authority engagement at the structure planning stage, where MNOs and MNIPs can provide more holistic and efficient support.
Is the proposed timeframe for engagement with a possible carrier, that is, at least twelve months before the first units or homes in the development are due to be occupied, reasonable in your view? If not, please suggest an alternative timeframe and please provide any reasons for your recommendation.
This timeframe is not adequate. The scoping / investigation phase for identifying and securing a site generally takes several months. A development approval can take at least 12 months, sometimes longer, as Councils are not holding to statutory timeframes. The site may be further delayed if the development application is refused or there is a third party appeal that must be heard in court. For these reasons we strongly encourage engagement very early on, between planning authorities and MNOs/MNIPs, so they can plan ahead and potentially get the planning approvals process started earlier.

Conclusion

Indara welcomes the opportunity to provide feedback on potential amendments to the TIND Policy.

Indara generally supports the amendments, though we suggest more attention should be given to MNIPs and the role they now play in securing mobile connectivity. We also consider that state and local planning authorities should be given a much higher priority in terms of planning for connectivity – whilst developer engagement is also important, we consider there should also be a focus on governmental authorities responsible for growth planning.

We trust that our feedback will be of assistance; we would also be happy to work with the Department on further developing this policy. We would be happy to provide the Department with case studies and additional information on request.

Thank you for the opportunity to provide feedback. Please don't hesitate to contact me if you have any questions or require any clarification.

Yours sincerely,

Andrew McLane
Planning and Community Relations Manager