

CONSULTATION DRAFT

NOTE: This marked up version of the Determination is provided for the purposes of consultation only.

Telecommunications (Low-impact Facilities) Determination 2018

made under subclause 6(3) of Schedule 3 to the

Telecommunications Act 1997

IMPORTANT NOTE ABOUT THIS DOCUMENT: This document has been prepared by the Department of Communications and the Arts to assist stakeholders in understanding the 2019 proposed changes to *Telecommunications (Low-impact Facilities) Determination 2018*. The Determination is sourced from the Federal Register of Legislation (compilation dated 1/3/18) www.legislation.gov.au.

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Part 1—Preliminary

1.1 Name

This Determination is the *Telecommunications (Low-impact Facilities) Determination 2018*.

1.3 Authority

This Determination is made under subclause 6(3) of Schedule 3 to the *Telecommunications Act 1997* and subsection 33(3) of the *Acts Interpretation Act 1901*.

1.4 Repeal

The *Telecommunications (Low-impact Facilities) Determination 1997* in force immediately before this Determination commences is repealed.

Background to determination

Part 1 of Schedule 3 to the *Telecommunications Act 1997* authorises a carrier to enter on land and install a facility if the facility is a low-impact facility.

Under ~~subsections~~subclauses 6(3) of Part 1, the Minister may, by written instrument, determine that a specified facility is a low-impact facility.

Under ~~subsections~~subclauses 6(4), (5) and (7), certain facilities cannot be low-impact facilities:

- designated overhead lines
- a tower that is not attached to a building
- a tower attached to a building and more than 5 metres high
- an extension to a tower that has previously been extended
- an extension to a tower, if the extension is more than 5 metres high-
- temporary towers (free-standing) unless certain conditions are satisfied.

A facility cannot be a low-impact facility unless it is specified in this determination. Therefore, new mobile telecommunications towers are not low-impact facilities.

Also, a facility will be a low-impact facility only if it is installed in particular areas identified in this determination. The areas have an order of importance, based on zoning under State or Territory laws, so that any area only has its “highest” possible zoning. The order of priority is:

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- area of environmental significance
- residential areas
- commercial areas
- industrial areas
- rural areas.

One effect of this determination is that a facility in an area of environmental significance cannot be a low-impact facility.

Rules for the installation and maintenance of a low-impact facility can be found in Schedule 3 to the *Telecommunications Act 1997* and the *Telecommunications Code of Practice 2018*.

Simplified outline of determination

The determination has 3 Parts.

Part 1 is introductory, containing matters such as, commencement, definitions and principal designated use (for the purposes of clarifying the zoning category);

Part 2 identifies areas in which a facility may be installed, by reference to zoning arrangements under State and Territory planning laws.

Part 3 and the Schedule identify the low-impact facilities.

Definitions for words and expressions used in this determination are to be found in section 1.5.

1.5 Definitions

(1) In this Determination:

Aboriginal person has the same meaning as in clause 2 of Schedule 3 to the Act.

access terminal means a connector device that allows a line link to be connected to a drop cable.

Act means the *Telecommunications Act 1997*.

amplifier means an enclosure (and any associated devices) which is used to amplify a signal along a telecommunications cable (whether such a cable is deployed overhead or underground).

area of environmental significance has the meaning given by section 2.5.

co-located facilities means one or more facilities installed on or within:

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- (a) an original facility; or
- (b) a public utility structure.

Note: A facility installed near, but not either on or within, an original facility or public utility structure will not be a co-located facility

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.

commercial area has the meaning given by section 2.1.

drop cable means a cable (whether deployed overhead or underground) from an access terminal, optical node or splice enclosure to any of the following:

- (a) a premises connection device;
- (b) a network termination device; or
- (c) a point of connection situated at an end user's premises.

emergency, for the installation of a facility, means circumstances in which the facility must be installed without delay to protect:

- (a) the integrity of a telecommunications network or a facility; or
- (b) the health or safety of persons; or
- (c) the environment; or
- (d) property; or
- (e) the maintenance of an adequate level of service.

emergency services organisation means:

- (a) a police force;
- (b) a fire service;
- (c) an ambulance service;
- (d) a service specified in the numbering plan made under subsection 455(1) of the Act, as in force from time to time; and
- (e) a service for despatching a force or service.

external building connection equipment means a facility which is:

- (a) installed or attached to a multi-unit building; and
- (b) used (or intended to be used at some future time) in the supply of carriage services to end users that are, or are to be, located in any of the following:
 - (i) the building to which the facility is installed or attached; or
 - (ii) nearby any related buildings.

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high-demand holiday period has the same meaning as in clause 2 of Schedule 3 to the Act.

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

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.

industrial area has the meaning given by section 2.2.

installation, for a facility, has the same meaning as in clause 2 of Schedule 3 to the Act.

Note: Installation includes:

- construction of the facility
- attachment of the facility to a building or other structure
- any activity ancillary to installation.

internal building connection equipment means a facility which is:

- (a) installed in a multi-unit building; and
- (b) used (or intended to be used at some future time) in the supply of carriage services to end users that are, or are to be, located in any of the following:
 - (i) the building in which the facility is installed; or
 - (ii) nearby any related buildings.

listed international agreement has the same meaning as in clause 2 of Schedule 3 to the Act.

Note: Listed international agreements are agreements specified in the regulations.

maintenance, for the purposes of Items 13– 16 of Part 1 to the Schedule has the same meaning as in clause 7 of Schedule 3 to the Act.

Note: The maintenance of a facility generally includes a reference to the installation of a temporary facility where certain conditions are satisfied.

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

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(c) importance to the national economy.

network termination device means a device which establishes a demarcation point between the carrier's telecommunications network and customer cabling or customer equipment.

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 node means an enclosure or device in which a telecommunications cable is connected:

- (a) with one or more drop cables; or
- (b) to an access terminal.

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.

original facility means the original structure that is currently used, or intended to be used, for connection to a telecommunications network where the original structure was:

- (a) in place on the date on which the *Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 1 of 1999)* took effect; or
- (b) installed after that date by means other than in accordance with Part 7 of this Schedule ~~of Schedule 3 to the Act~~.

planning law, for an area, means a law of the State or Territory where the area is located dealing with land use, planning or zoning.

power supply means a device that connects a network termination device, optical node or amplifier to a source or supply of electrical power.

premises connection device means an enclosure (and any associated devices) which is used to terminate a drop cable (whether such a cable is deployed overhead or underground) for the transition of that cable to another facility or in-building cabling.

principal designated use, for an area, has the meaning given by section 1.6.

public land has the same meaning as in clause 2 of Schedule 3 to the Act.

public utility has the same meaning as in clause 2 of Schedule 3 to the Act.

public utility structure means a structure used, or for use, by a public utility, for the provision to the public of:

- (a) reticulated products or services, such as electricity, gas, water, sewerage or drainage; or

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- (b) carriage services (other than carriage services supplied by a carriage service provider); or
- (c) transport services; or
- (d) a product or service of a kind that is similar to a product or service covered by paragraph (a), (b) or (c).

relevant local government authority, for land in a State or Territory, means an authority of the State or Territory responsible for the local government of the area where the land is located.

residential area has the meaning given by section 2.3.

rural area has the meaning given by section 2.4.

significant environmental disturbance means significant interference with the relationship between a species or community and its immediate environment or habitat and includes, for example, significant interference with identified flora and fauna, ecological communities, geological features, wilderness values or scientific values within an area.

splice enclosure means a device that is spliced to a drop cable or other line link, or otherwise connected to an access terminal.

subscriber connection means an installation for the sole purpose of connecting premises to a telecommunications network.

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.

Torres Strait Islander has the same meaning as in clause 2 of Schedule 3 to the Act.

tower means a tower, pole or mast.

underground network equipment means a device that is:

- (a) located underground in a pit or conduit; and
- (b) part of a network for the high speed carriage of communications.

(2) For the purposes of Items 13--19 of Part 1 of the Schedule, the height of the temporary tower is to be ascertained in accordance with subclause 6(5C) of Schedule 3 to the Act.

(3) For the purposes of Item 12 of Part 1 of the Schedule, the height of the tower extension is to be ascertained in accordance with subclause 6(6) of Schedule 3 to the Act.

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Note: A number of other words and expressions used in this Determination are defined in the *Telecommunications Act 1997* (see s 7), including 'carrier' and 'facility'.

1.6 Principal designated use

- (1) If an area is described, under a planning law, as having a sole or principal use, the use is the ***principal designated use*** of the area.
- (2) If an area is described, under a planning law, as having 2 or more uses, in terms that show that 1 of the uses is the predominant, preferred or most likely use, the use is the ***principal designated use*** of the area.
- (3) If an area is described, under a planning law, as having 2 or more principal uses, without any indication of the predominant, preferred or most likely use, the ***principal designated use*** of the area is determined on the following basis:
 - (a) if the uses include residential purposes, the principal designated use is for residential purposes;
 - (b) if the uses include commercial purposes, but not residential purposes, the principal designated use is for commercial purposes;
 - (c) if the uses include industrial purposes, but neither residential nor commercial purposes, the principal designated use is for industrial purposes.
- (4) If a carrier proposes to engage in a low-impact facility activity in an area under Chapter 4 of the *Telecommunications Code of Practice 2018*, the principal designated use of the area is to be determined by reference to the time when the carrier proposes to issue the first notice to the owner or occupier of land in the area under Part 5 of that Chapter.

Note: Areas of environmental significance are identified in accordance with section 2.5 of this Determination, not by reference to planning laws.

The effect of this Determination is that an area may be an area of environmental significance, and also a residential, commercial, industrial or rural area identified by reference to planning laws. However, the area's status as an area of environmental significance is more important for the identification of low-impact facilities.

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Part 2—Areas

2.1 Commercial area

An area is a commercial area if its principal designated use is for commercial purposes.

Note: The use of an area is to be assessed at the time mentioned in subsection 1.6 (4).

2.2 Industrial area

An area is an industrial area if its principal designated use is for industrial purposes.

Note: The use of an area is to be assessed at the time mentioned in subsection 1.6 (4).

2.3 Residential area

- (1) An area is a residential area if its principal designated use is for residential purposes.
- (2) A part of a built-up area is a residential area if it cannot otherwise be described as a commercial, industrial or rural area.

Note: The use of an area is to be assessed at the time mentioned in subsection 1.6 (4).

2.4 Rural area

- (1) An area is a rural area if its principal designated use is for rural purposes.
- (2) An area that is not part of a built-up area is a rural area if it cannot otherwise be described as a commercial, industrial or residential area.

Note: The use of an area is to be assessed at the time mentioned in subsection 1.6 (4).

2.5 Area of environmental significance

- (1) An area is an area of environmental significance if it is a ‘declared World Heritage Property’ within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999*.
- (2) An area is an area of environmental significance if it is a place that Australia is required to protect by the terms of a listed international agreement.
- (3) An area is an area of environmental significance if, under a law of the Commonwealth, a State or a Territory:
 - (a) it is designated as a reserve for nature conservation purposes; and
 - (b) the principal purpose of the designated reserve is for nature conservation.

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- (4) An area is an area of environmental significance if it is an area that, under a law of the Commonwealth, or a State or Territory, is protected from significant environmental disturbance.
 - (5) An area is an area of environmental significance if, under a law of the Commonwealth, a State or a Territory, it consists of a place, building or thing that is entered in a register relating to heritage conservation.
 - (6) An area is an area of environmental significance if, under a law of the Commonwealth, a State or a Territory, it is:
 - (a) entered in a register; or
 - (b) otherwise identified;as being of significance to Aboriginal persons or Torres Strait Islanders, in accordance with their traditions.

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Part 3—Low-impact facilities

3.1 Facilities

- (1) A facility described in column 2 of an item in the Schedule is a low-impact facility only if it is installed, or to be installed, in an area mentioned in column 3 of the item.
- (2) However, the facility is not a low-impact facility if the area is also an area of environmental significance.
- (3) For subsection (1), trivial variations for a facility mentioned in column 2 are to be disregarded.
- (4) A facility that is ancillary to a facility covered by subsection (1) is also a low-impact facility only if it is:
 - (a) necessary for the operation or proper functioning of the low-impact facility; or
 - (b) a shroud installed over a low-impact facility, where the shroud is intended to minimise the visual amenity impact of the low-impact facility and is colour-matched to its background; or
 - (c) installed, or to be installed, solely to ensure the protection or safety of:
 - (i) the low-impact facility; or
 - (ii) a facility covered by paragraph (a); or
 - (iii) persons or property in close proximity to the low-impact facility.

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Schedule—Facilities and areas

(section 3.1)

Part 1—Radio facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Subscriber connection deployed by radio or satellite terminal antenna or dish: (a) not more than 1.2 metres in diameter; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local authority	Residential Commercial Industrial Rural
2	Subscriber connection deployed by radio or satellite terminal antenna or dish: (a) not more than 1.8 metres in diameter; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local government authority	Industrial Rural
3	Panel, yagi or other like antenna: (a) flush mounted to an existing structure; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local authority	Residential Commercial Industrial Rural
4	Panel, yagi or other like antenna: (a) not more than 2.8 metres long; and (b) if the antenna is attached to a structure— protruding from the structure by not more than 3 metres; and (c) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local authority	Residential Commercial Industrial Rural
5	An omnidirectional antenna or an array of omnidirectional antennas: (a) not more than 4.5 metres long; and (b) not more than 5 metres apart; and (c) if the array is attached to a structure— protruding from the structure by not more than 2 metres	Residential Commercial Industrial Rural

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Column 1 Item no.	Column 2 Facility	Column 3 Areas
6	Radiocommunications dish: (a) not more than 1.2 metres in diameter; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local government authority; and (c) if attached to a supporting structure, the total protrusion from the structure is not more than 2 metres	Residential Commercial Industrial Rural
7	Radiocommunications dish: (a) not more than 1.8 metres in diameter; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local government authority	Industrial Rural
8	Radiocommunications facility: (a) with one or more separate antenna <u>and each antenna is</u> not more than 1.2 metres long; and (b) with a cabinet that does not exceed 1 cubic metre in volume	Residential Commercial Industrial Rural
9	Radiocommunications facility: (a) with a transmitter unit not more than 0.03 cubic metres in volume, attached to an existing structure; and (b) each external antenna is not more than 1.2 metres long	Residential Commercial Industrial Rural
10	In-building coverage installation: (a) to improve cellular coverage to mobile phone users operating inside a building; and (b) wholly contained and concealed in a building	Residential Commercial Industrial Rural
11	Equipment installed inside a structure, including an antenna concealed in an existing structure	Commercial Industrial Rural
12	An extension to a tower if: (a) the height of the extension does not exceed 5 metres; and (b) there have been no previous extensions to the tower	Industrial Rural

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Column 1 Item no.	Column 2 Facility	Column 3 Areas
13	<p>A tower if:</p> <p>(a) <u>the tower is a temporary facility that is installed to minimise disruption to the supply of a carriage service that might result from the maintenance of another facility;</u></p> <p>(b) <u>the height of the tower does not exceed, whichever is higher:</u></p> <p style="padding-left: 20px;"><u>(i) 30 metres; or</u></p> <p style="padding-left: 20px;"><u>(ii) the height of the other facility;</u></p> <p>(c) <u>where it is practicable to achieve the purpose mentioned in paragraph (a) by installing the tower on the land on which the other facility is located—the tower is installed on that land;</u></p> <p>(d) <u>if paragraph (c) does not apply, and it is practicable to achieve the purpose mentioned in paragraph (a) by installing the tower on public land—the tower is installed on public land; and</u></p> <p>(e) <u>if neither paragraphs (c) or (d) are applicable—the tower is installed in the vicinity of the other facility.</u></p>	<u>Rural</u>
14	<p>A tower if:</p> <p>(a) <u>the tower is a temporary facility that is installed to minimise disruption to the supply of a carriage service that might result from the maintenance of another facility;</u></p> <p>(b) <u>the height of the tower does not exceed 30 metres; and</u></p> <p>(c) <u>where it is practicable to achieve the purpose mentioned in paragraph (a) by installing the tower on the land on which the other facility is located—the tower is installed on that land;</u></p> <p>(d) <u>if paragraph (c) does not apply, and it is practicable to achieve the purpose mentioned in paragraph (a) by installing the tower on public land—the tower is installed on public land; and</u></p> <p>(e) <u>if neither paragraphs (c) or (d) are applicable—the tower is installed in the vicinity of the other facility.</u></p>	<u>Residential</u> <u>Commercial</u> <u>Industrial</u>
15	<p>A tower if:</p> <p>(a) <u>the tower is a temporary facility that is installed to minimise disruption to the supply of a carriage service that might result from carrying out the replacement of another facility;</u></p> <p>(b) <u>the height of the tower does not exceed, whichever is higher:</u></p> <p style="padding-left: 20px;"><u>(i) 30 metres; or</u></p> <p style="padding-left: 20px;"><u>(ii) the height of the other facility;</u></p>	<u>Rural</u>

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Column 1 Item no.	Column 2 Facility	Column 3 Areas
	<p><u>(c) where it is practicable to achieve the purpose mentioned in paragraph (a) by installing the tower on the land on which the other facility is located—the tower is installed on that land;</u></p> <p><u>(d) if paragraph (c) does not apply, and it is practicable to achieve the purpose mentioned in paragraph (a) by installing the tower on public land—the tower is installed on public land; and</u></p> <p><u>(e) if neither paragraphs (c) or (d) are applicable—the tower is installed in the vicinity of the other facility.</u></p>	
16	<p><u>A tower if:</u></p> <p><u>(a) the tower is a temporary facility that is installed to minimise disruption to the supply of a carriage service that might result from carrying out the replacement of another facility;</u></p> <p><u>(b) the height of the tower does not exceed 30 metres;</u></p> <p><u>(c) where it is practicable to achieve the purpose mentioned in paragraph (a) by installing the tower on the land on which the other facility is located—the tower is installed on that land;</u></p> <p><u>(d) if paragraph (c) does not apply, and it is practicable to achieve the purpose mentioned in paragraph (a) by installing the tower on public land—the tower is installed on public land; and</u></p> <p><u>(e) if neither paragraphs (c) or (d) are applicable—the tower is installed in the vicinity of the other facility.</u></p>	<p><u>Residential</u></p> <p><u>Commercial</u></p> <p><u>Industrial</u></p>
17	<p><u>A tower if:</u></p> <p><u>(a) the tower is a temporary facility that is installed to provide additional capacity to supply carriage services to persons who are attending an event at a venue;</u></p> <p><u>(b) the height of the tower does not exceed 30 metres;</u></p> <p><u>(c) where it is practicable to achieve the purpose mentioned in paragraph (a) by installing the tower on the land on which the venue is located—the tower is installed on that land;</u></p> <p><u>(d) if paragraph (c) does not apply, and it is practicable to achieve the purpose mentioned in paragraph (a) by installing the tower on public land—the tower is installed on public land; and</u></p>	<p><u>Residential</u></p> <p><u>Commercial</u></p> <p><u>Industrial</u></p> <p><u>Rural</u></p>

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Column 1 Item no.	Column 2 Facility	Column 3 Areas
	<u>(e) if neither paragraphs (c) or (d) are applicable—the tower is installed in the vicinity of the venue.</u>	
<u>18</u>	<p>A tower if:</p> <p><u>(a) the tower is a temporary facility that is installed to provide additional capacity to supply carriage services to persons who are attending any or all of 2 or more events at a venue;</u></p> <p><u>(b) the intervals between those events are not longer than 28 days;</u></p> <p><u>(c) the height of the tower does not exceed 30 metres;</u></p> <p><u>(d) where it is practicable to achieve the purpose mentioned in paragraph (a) by installing the tower on the land on which the venue is located—the tower is installed on that land;</u></p> <p><u>(e) if paragraph (d) does not apply, and it is practicable to achieve the purpose mentioned in paragraph (a) by installing the tower on public land—the tower is installed on public land; and</u></p> <p><u>(e) if neither paragraphs (d) or (e) are applicable—the tower is installed in the vicinity of the venue.</u></p>	<p><u>Residential</u></p> <p><u>Commercial</u></p> <p><u>Industrial</u></p> <p><u>Rural</u></p>
<u>19</u>	<p>A tower if:</p> <p><u>(a) the tower is a temporary facility that is installed to provide additional capacity to supply carriage services to persons who are physically present in a particular area during a high-demand holiday period;</u></p> <p><u>(b) the height of the tower does not exceed 30 metres; and</u></p> <p><u>(c) the tower is installed on public land.</u></p>	<p><u>Residential</u></p> <p><u>Commercial</u></p> <p><u>Industrial</u></p> <p><u>Rural</u></p>

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Part 2—Underground housing

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Pit with surface area of not more than 2 square metres	Residential Commercial Industrial Rural
2	Manhole with surface area of not more than 2 square metres	Residential Commercial Industrial Rural
3	Underground equipment shelter or housing with surface area of not more than 2 square metres	Residential Commercial Industrial Rural

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Part 3—Above ground housing

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Pillar: (a) not more than 2 metres high; and (b) with a base area of not more than 2 square metres	Residential Commercial Industrial Rural
2	Roadside cabinet: (a) not more than 2 metres high; and (b) with a base area of not more than 2 square metres	Residential Commercial Industrial Rural
3	Pedestal: (a) not more than 2 metres high; and (b) with a base area of not more than 2 square metres	Residential Commercial Industrial Rural
4	equipment shelter: (a) not more than 2.5 metres high; and (b) with a base area of not more than 5 square metres; and (c) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local authority	Residential Commercial Industrial Rural
5	equipment shelter: (a) used solely to house equipment used to assist in providing a service by means of a facility mentioned in Part 1; and (b) not more than 3 metres high; and (c) with a base area of not more than 7.5 square metres; and (d) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local authority	Residential Commercial Industrial Rural
6	In-building subscriber connection equipment	Residential Commercial Industrial Rural
7	Solar panel with a base area of not more than 12.5 square metres	Rural

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Column 1 Item no.	Column 2 Facility	Column 3 Areas
8	External building connection equipment: (a) the substantive volume of which is not more than 0.59 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	Internal building connection equipment: (a) the substantive volume of which is not more than 1.3 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
10	In-building network equipment: (a) the substantive volume of which is not more than 1.3 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

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Part 4—Underground facilities (for fixed-line networks)

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Underground conduit or cable deployed by: <ul style="list-style-type: none"> (a) narrow trench not more than: <ul style="list-style-type: none"> (i) 450 millimetres wide; or (ii) 650 millimetres wide if intended to be used by more than one carrier; or (b) direct burial; or (c) bore or directional drill hole at least 600 millimetres below the surface; where: <ul style="list-style-type: none"> (d) access to business premises is not restricted between the hours of 8 am and 6 pm, Monday to Friday, or such other hours agreed to by the relevant local government authority; and (e) in relation to residential areas, not more than 200 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. 	Residential Commercial Industrial Rural
2	Conduit or cabling to be laid in: <ul style="list-style-type: none"> (a) an existing trench; or (b) a trench created by a developer, relevant local government authority, public utility or carrier. 	Residential Commercial Industrial Rural
3	Cable location marking post or sign	Residential Commercial Industrial Rural
4	Underground optical fibre splice enclosure: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (a) the substantive volume of which is not more than 0.02 cubic metres. 	Residential Commercial Industrial Rural

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Column 1 Item no.	Column 2 Facility	Column 3 Areas
6	Underground network equipment: (a) the substantive volume of which is not more than 0.23 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

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Part 5—Above ground facilities (for fixed-line networks)

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	<p>A single line link or a bundle of line links:</p> <p>(a) suspended above the surface of:</p> <p style="padding-left: 20px;">(i) land (other than submerged land); or</p> <p style="padding-left: 20px;">(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) the maximum external cross-section of any part is:</p> <p style="padding-left: 20px;">(i) in the case of a single line link— 48 millimetres;</p> <p style="padding-left: 20px;">(ii) in the case of a bundle of line links—48 millimetres;</p> <p>(d) deployed on, or attached to, a public utility structure, building or other structure; and</p> <p>(e) 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>
2	<p>Optical node:</p> <p>(a) suspended above the surface of:</p> <p style="padding-left: 20px;">(i) land (other than submerged land); or</p> <p style="padding-left: 20px;">(ii) a river, lake, tidal inlet, bay, estuary, harbour or other body of water; and</p> <p>(b) either:</p> <p style="padding-left: 20px;">(i) forming part of (or integrated with) a cable; or</p> <p style="padding-left: 20px;">(ii) clamped to, strung from, or otherwise affixed to a cable; or</p> <p style="padding-left: 20px;">(iii) mounted on a public utility structure, building or other structure;</p> <p>(c) the substantive volume of which is not more than 0.21 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>Splice enclosure:</p> <p>(a) suspended above the surface of:</p> <p style="padding-left: 20px;">(i) land (other than submerged land); or</p> <p style="padding-left: 20px;">(ii) a river, lake, tidal inlet, bay, estuary, harbour or other body of water; and</p> <p>(b) either:</p>	<p>Residential</p> <p>Commercial</p> <p>Industrial</p> <p>Rural</p>

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Column 1 Item no.	Column 2 Facility	Column 3 Areas
	<ul style="list-style-type: none"> (i) forming part of (or integrated with) a cable; or (ii) clamped to, strung from, or otherwise mounted on a public utility structure, building or other structure; (c) the substantive volume of which is not more than 0.046 cubic metres; and (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. 	
4	<p>Access terminal:</p> <ul style="list-style-type: none"> (a) suspended above the surface of: <ul style="list-style-type: none"> (i) land (other than submerged land); or (ii) a river, lake, tidal inlet, bay, estuary, harbour or other body of water; and (b) either: <ul style="list-style-type: none"> (i) clamped to, strung from or otherwise affixed to a cable; or (ii) clamped to, strung from, or otherwise mounted on a public utility structure, building or structure; (c) the substantive volume of which is not more than 0.035 cubic metres; and (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>Residential</p> <p>Commercial</p> <p>Industrial</p> <p>Rural</p>
5	<p>A single drop cable or a bundle of drop cables:</p> <ul style="list-style-type: none"> (a) either: <ul style="list-style-type: none"> (i) suspended above the surface of: <ul style="list-style-type: none"> A. land (other than submerged land); or B. a river, lake, tidal inlet, bay, estuary, harbour or other body of water; or (ii) protruding from the surface of land (other than submerged land); and (b) either: <ul style="list-style-type: none"> (i) clamped to an electrical drop cable or other cable; or (ii) strung from a public utility structure, building or other structure; and (c) attached to a building or other structure for the purposes of a subscriber connection; (d) the maximum external cross-section of any part is: 	<p>Residential</p> <p>Commercial</p> <p>Industrial</p> <p>Rural</p>

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Column 1 Item no.	Column 2 Facility	Column 3 Areas
	<ul style="list-style-type: none"> (i) in the case where a single drop cable is attached to a single-unit building—13 millimetres; or (ii) in the case where a bundle of drop cables is attached to a single-unit building—13 millimetres; or (iii) in the case where a single drop cable is attached to a multi-unit building—30 millimetres; or (iv) in the case where a bundle of drop cables is attached to a multi-unit building—30 millimetres; and (e) 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. 	
6	Premises connection device: <ul style="list-style-type: none"> (a) attached to a building or other structure for the purposes of a subscriber connection; (b) the substantive volume of which is not more than 0.04 cubic metres; and (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. 	Residential Commercial Industrial Rural
7	Network termination device: <ul style="list-style-type: none"> (a) attached to a building or other structure for the purposes of a subscriber connection; (b) the substantive volume of which is not more than 0.02 cubic metres; and (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. 	Residential Commercial Industrial Rural
8	Power supply: <ul style="list-style-type: none"> (a) attached, clamped, strung from, or otherwise mounted, to a public utility structure, building or other structure for the purposes of powering network equipment and/or a subscriber connection; (b) the substantive volume of which is not more than: <ul style="list-style-type: none"> (i) 0.005 cubic metres—where connected to a network termination device; (ii) 0.15 cubic metres—where connected to an optical node or amplifier; and (c) that is, or is to be, part of a national network used, or for use, for the high speed carriage of 	Residential Commercial Industrial Rural

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Column 1 Item no.	Column 2 Facility	Column 3 Areas
	communications, on a wholesale-only and non-discriminatory basis.	
9	<p>Amplifier:</p> <p>(a) suspended above the surface of:</p> <p style="margin-left: 40px;">(i) land (other than submerged land); or</p> <p style="margin-left: 40px;">(ii) a river, lake, tidal inlet, bay, estuary, harbour or other body of water; and</p> <p>(b) either:</p> <p style="margin-left: 40px;">(i) clamped to, strung from or otherwise affixed to a cable; or</p> <p style="margin-left: 40px;">(ii) 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>
10	<p>Auxiliary network equipment:</p> <p>(a) which is used to:</p> <p style="margin-left: 40px;">(i) connect, isolate, or split a cable; or</p> <p style="margin-left: 40px;">(ii) inject power into cable; or</p> <p style="margin-left: 40px;">(iii) balance the distribution of power and radio frequency budget of a telecommunications network; or</p> <p style="margin-left: 40px;">(iv) actively manage the operational elements of a telecommunications network; and</p> <p>(b) either:</p> <p style="margin-left: 40px;">(i) clamped to, strung from or otherwise affixed to a cable; or</p> <p style="margin-left: 40px;">(ii) 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 0.002 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>

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Part 6—Public payphones

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Public payphone cabinet or booth: (a) used solely for carriage and content services; and (b) not designed for other uses (for example, as a vending machine); and (c) not fitted with devices or facilities for other uses; and (d) not used to display commercial advertising other than advertising related to the supply of standard telephone services	Residential Commercial Industrial Rural
2	Public payphone instrument: (a) used solely for carriage and content services; and (b) not designed for other uses (for example, as a vending machine); and (c) not fitted with devices or facilities for other uses; and (d) not used to display commercial advertising other than advertising related to the supply of standard telephone services or displayed as part of the supply of a content service	Residential Commercial Industrial Rural

CONSULTATION DRAFT

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Part 6A—Above ground facilities (temporary)

<u>Column 1</u> <u>Item no.</u>	<u>Column 2</u> <u>Facility</u>	<u>Column 3</u> <u>Areas</u>
1	<p><u>A telecommunications facility if:</u></p> <p><u>(a) the facility is designed to be transportable from place to place;</u></p> <p><u>(b) the facility does not incorporate a tower;</u></p> <p><u>(c) the length of the facility (including any trailer) does not exceed 6 metres once fully deployed;</u></p> <p><u>(d) the height of the facility (including any trailer) does not exceed 5 metres once fully deployed;</u></p> <p><u>(e) the facility is installed on a temporary basis for any of the following purposes:</u></p> <p style="padding-left: 40px;"><u>(i) to minimise disruption to the supply of a carriage service that might result from the maintenance of another facility; or</u></p> <p style="padding-left: 40px;"><u>(ii) to minimise disruption to the supply of a carriage service that might result from carrying out the replacement of another facility; or</u></p> <p style="padding-left: 40px;"><u>(iii) to provide additional capacity to supply carriage services to persons who are attending one or more events at a venue and the intervals between those events are not longer than 28 days;</u></p> <p style="padding-left: 40px;"><u>(iv) to provide additional capacity to supply carriage services to persons who are physically present in a particular area during a high-demand holiday period;</u></p> <p><u>(f) where it is practicable to achieve the applicable purpose mentioned in subparagraph (e)(i), (ii) or (iii) by installing the facility on the land on which the other facility or venue (as the case may be) is located—the facility is installed on that land;</u></p> <p><u>(g) if paragraph (f) does not apply, and it is practicable to achieve the applicable purpose mentioned in subparagraph (e)(i), (ii) or (iii) by installing the facility on public land—the facility is installed on public land;</u></p> <p><u>(h) if neither paragraphs (f) or (g) are applicable:</u></p> <p style="padding-left: 40px;"><u>(i) in cases where the applicable purpose of the installation is mentioned in subparagraph (e)(i),</u></p>	<p><u>Residential</u></p> <p><u>Commercial</u></p> <p><u>Industrial</u></p> <p><u>Rural</u></p>

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<u>Column 1</u> <u>Item no.</u>	<u>Column 2</u> <u>Facility</u>	<u>Column 3</u> <u>Areas</u>
		<u>(ii) or (iii)—the facility is installed in the vicinity of the other facility or the venue (as the case may be);</u>
	<u>(ii)</u>	<u>in cases where the applicable purpose of the installation is mentioned in subparagraph (e)(iv)—the facility is installed on public land.</u>

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Part 7—Emergency facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	A temporary facility installed: (a) in an emergency; and (b) to provide assistance to an emergency services organisation	Residential Commercial Industrial Rural
<u>2</u>	<u>A tower if:</u> <u>(a) the tower is a temporary facility that is installed wholly or partly to provide capacity to supply carriage services to one or more emergency services organisations so that those organisations can deal with an emergency or natural disaster.</u>	<u>Residential</u> <u>Commercial</u> <u>Industrial</u> <u>Rural</u>

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Part 8—Co-located facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Facility mentioned in: (a) Part 1, 6 or 7; or (b) item 3 of Part 4; installed on or within: (c) an original facility; or (d) a public utility structure	Industrial Rural
2	Facility mentioned in: (a) Part 1, 6 or 7; or (b) item 3 of Part 4; installed on or within: (c) an original facility; or (d) a public utility structure; where: (e) the total co-location volume of the co-located facilities is no more than 25 per cent greater than the volume of the original facility or the original infrastructure; and (f) the levels of noise that are likely to result from the operation of the co-located facilities are less than or equal to the levels of noise that resulted from the operation of the original facility or the public utility structure	Residential Commercial