



Telecommunications (Low-impact Facilities) Amendment Determination 2021

I, Paul Fletcher, Minister for Communications, Urban Infrastructure, Cities and the Arts, make the following determination.

Dated

DRAFT v001

Exposure Draft

1 March 2021

PAUL FLETCHER **DRAFT ONLY—NOT FOR SIGNATURE**
Minister for Communications, Urban Infrastructure, Cities and the Arts

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1 Name

This instrument is the *Telecommunications (Low-impact Facilities) Amendment Determination 2021*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	On the day after this instrument is registered	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subclause 6(3) of Schedule 3 to the *Telecommunications Act 1997*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Telecommunications (Low-impact Facilities) Determination 2018

1 Subsection 1.5(1)

Insert:

certifiable facility has the meaning given by section 3.2.

2 After section 3.1

Insert:

3.2 Certifiable Facilities

- (1) The following facilities are a *certifiable facility*:
- (a) a facility described in column 2 of Items 1 to 7, 12 and 13 of Part 1 to the Schedule;
 - (b) a radiocommunications facility described in column 2 of Item 8(a) of Part 1 to the Schedule;
 - (c) a cabinet described in column 2 of Item 8(b) of Part 1 to the Schedule, unless:
 - (i) the cabinet is located on the ground; or
 - (ii) the cabinet is to be attached to a structure which is owned by the carrier;
 - (d) a roadside cabinet described in column 2 of Item 2 of Part 3 to the Schedule; and
 - (e) a solar panel described in column 2 of Item 7 of Part 3 to the Schedule, unless:
 - (i) the solar panel is located on the ground; or
 - (ii) the solar panel is to be attached to a structure which is owned by the carrier.

Note: See the *Telecommunications Code of Practice 2021* for conditions that apply to a certifiable facility.

3 Schedule, Part 1 – Radio facilities (table item 4, column 2, paragraph (b))

Omit “3”, substitute “5”.

4 Schedule, Part 1 – Radio facilities (table item 7, column 2, paragraph (a))

Omit “1.8”, substitute “2.4”.

5 Schedule, Part 1 – Radio facilities (table item 12)

Repeal item, substitute:

12	An extension to a tower if:	Commercial
	(a) the height of the extension does not exceed 5 metres; and	Industrial
	(b) either:	Rural

	(i) there have been no previous extensions to the tower; or	
	(ii) if there was a previous extension to the tower – the cumulative height of the extensions is not more than 5 metres.	

13	Radiocommunications lens antenna:	Industrial
	(a) the volume of which is not more than 4 cubic metres; and	Rural
	(b) if the radiocommunications lens antenna is attached to a structure – protruding from the structure by not more than 5 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 government authority.	

6 Schedule, Part 8 – Co-located facilities (table item 2, column 3)

Omit “Commercial”.

7 Schedule, Part 8 – Co-located facilities (after table item 2)

Insert:

3	Facility mentioned in:	Commercial
	(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 50 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.	
