



# **Telecommunications (Low-impact Facilities) (Temporary Facilities) Amendment Determination 2020**

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I, PAUL FLETCHER, Minister for Communications, Cyber Safety and the Arts,  
make the following instrument.

Dated            31 March 2020

PAUL FLETCHER  
Minister for Communications, Cyber Safety and the Arts

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## **1 Name**

This instrument is the *Telecommunications (Low-impact Facilities) (Temporary Facilities) Amendment Determination 2020*.

## **2 Commencement**

This instrument commences on the day after it is registered.

## **3 Authority**

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

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *Telecommunications (Low-impact Facilities) Determination 2018*

#### **1 Section 1.4 (Background to determination)**

Omit all occurrences of “subsections” and substitute “subclauses”.

#### **2 Section 1.4 (Background to determination, third paragraph)**

After “an extension to a tower, if the extension is more than 5 metres high”, insert “temporary towers unless certain conditions are satisfied”.

#### **3 Section 1.5**

Immediately before “In this Determination:”, insert “(1)”.

#### **4 Section 1.5**

Insert:

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

*maintenance*, for the purposes of Items 1–4 and Item 8 of Part 6A 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.

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

#### **5 Section 1.5, definition of *original facility***

Omit “Part 7 of Schedule 3 to the Act”, substitute “Part 8 of the Schedule to this Determination”.

#### **6 At the end of section 1.5**

Add:

(2) For the purposes of Items 1–7 of Part 6A 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.

#### **7 Schedule (at paragraph (a) of item 8 of Part 1—Radio facilities)**

Omit:

(a) with a separate antenna not more than 1.2 metres long; and

Add:

(a) with one or more separate antenna and each antenna is not more than 1.2 metres long; and

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## 8 Schedule (after Part 6—Public payphones)

Insert:

### Part 6A—Above ground facilities (temporary)

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Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	A tower if: (a) 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; (b) the height of the tower does not exceed, whichever is higher: (i) 30 metres; or (ii) the height of the other facility; (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; (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 (e) if neither paragraphs (c) or (d) are applicable—the tower is installed in the vicinity of the other facility.	Rural
2	A tower if: (a) 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; (b) the height of the tower does not exceed 30 metres; (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; (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 (e) if neither paragraphs (c) or (d) are applicable—the tower is installed in the vicinity of the other facility.	Residential Commercial Industrial
3	A tower if: (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; (b) the height of the tower does not exceed,	Rural

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<b>Column 1 Item no.</b>	<b>Column 2 Facility</b>	<b>Column 3 Areas</b>
	<p>whichever is higher:</p> <p>(i) 30 metres; or</p> <p>(ii) the height of the other facility;</p> <p>(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;</p> <p>(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</p> <p>(e) if neither paragraphs (c) or (d) are applicable—the tower is installed in the vicinity of the other facility.</p>	
4	<p>A tower if:</p> <p>(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;</p> <p>(b) the height of the tower does not exceed 30 metres;</p> <p>(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;</p> <p>(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</p> <p>(e) if neither paragraphs (c) or (d) are applicable—the tower is installed in the vicinity of the other facility.</p>	<p>Residential</p> <p>Commercial</p> <p>Industrial</p>
5	<p>A tower if:</p> <p>(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;</p> <p>(b) the height of the tower does not exceed 30 metres;</p> <p>(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;</p> <p>(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</p> <p>(e) if neither paragraphs (c) or (d) are applicable—the tower is installed in the vicinity of the</p>	<p>Residential</p> <p>Commercial</p> <p>Industrial</p> <p>Rural</p>

<b>Column 1 Item no.</b>	<b>Column 2 Facility</b>	<b>Column 3 Areas</b>
	venue.	
6	<p>A tower if:</p> <p>(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;</p> <p>(b) the intervals between those events are not longer than 28 days;</p> <p>(c) the height of the tower does not exceed 30 metres;</p> <p>(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;</p> <p>(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</p> <p>(e) if neither paragraphs (d) or (e) are applicable—the tower is installed in the vicinity of the venue.</p>	<p>Residential</p> <p>Commercial</p> <p>Industrial</p> <p>Rural</p>
7	<p>A tower if:</p> <p>(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;</p> <p>(b) the height of the tower does not exceed 30 metres; and</p> <p>(c) the tower is installed on public land.</p>	<p>Residential</p> <p>Commercial</p> <p>Industrial</p> <p>Rural</p>
8	<p>A telecommunications facility if:</p> <p>(a) the facility is designed to be transportable from place to place;</p> <p>(b) the length of the facility (including any trailer) does not exceed 6 metres once fully deployed;</p> <p>(c) the height of the facility (including any trailer) does not exceed 5 metres once fully deployed;</p> <p>(d) the facility is installed either separately or in conjunction with one or more other low-impact facilities owned by that carrier for any of the following purposes:</p> <p>(i) to minimise disruption to the supply of a carriage service that might result from the maintenance of another facility; or</p> <p>(ii) to minimise disruption to the</p>	<p>Residential</p> <p>Commercial</p> <p>Industrial</p> <p>Rural</p>

Column 1 Item no.	Column 2 Facility	Column 3 Areas
	<p>supply of a carriage service that might result from carrying out the replacement of another facility; or</p> <p>(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; or</p> <p>(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;</p> <p>(e) where it is practicable to achieve the applicable purpose mentioned in subparagraph (d)(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;</p> <p>(f) if paragraph (e) does not apply, and it is practicable to achieve the applicable purpose mentioned in subparagraph (d)(i), (ii) or (iii) by installing the facility on public land—the facility is installed on public land; and</p> <p>(g) if neither paragraphs (e) or (f) are applicable:</p> <p>(i) in cases where the applicable purpose of the installation is mentioned in subparagraph (d)(i), (ii) or (iii)—the facility is installed in the vicinity of the other facility or the venue (as the case may be);</p> <p>(ii) in cases where the applicable purpose of the installation is mentioned in subparagraph (d)(iv)—the facility is installed on public land.</p>	



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## 10 Schedule (after item 1 of Part 7— Emergency facilities)

Insert:

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2	A tower if:	Residential
	(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.	Commercial Industrial Rural

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