

Our Ref: IPART/19-11-24

19 November 2024

Matthew Tsikrikas  
Independent Pricing and regulatory Tribunal | NSW  
PO Box K35  
Haymarket Post Shop  
NSW 1240

Submitted by email to [REDACTED]

Dear Mr Tsikrikas,

**REVIEW OF RENTS FOR COMMUNICATIONS SITES ON CERTAIN LANDS OF THE CROWN  
IPART REQUEST FOR FURTHER INFORMATION 12 NOVEMBER 2024  
CROWN LANDS / NATIONAL PARKS AND WILDLIFE SUBMISSIONS 14 OCTOBER 2024**

Further to ongoing dialogue throughout 2024 and particularly your email to Indara of 12 November 2024 requesting further evidence to support Indara's position that in the private market, co-users do not pay rent to the landlord unless they require additional land.

Indara are not comfortable providing any further leasing information as part of this process.

We note that Crown Lands and NSW National Parks and Wildlife Services (LMA's) have been allowed to submit further submissions (around 16th October) *after* the rest of the industry had submitted their own submissions.

Indara has grave concerns with this for several reasons:

- The LMA's have been allowed to submit a late, tailored response to each of the rest of the industry's own submissions – essentially giving them an advantage.
- The LMA's have engaged Total Site Solutions Pty Ltd (trading as SiteXcell) to provide an 'Intelligence Report', which appears to Indara – that SiteXcell have been given a brief by the LMA's and the Intelligence Report has been drafted to fit the narrative that the LMA's ordered from SiteXcell.
- SiteXcell is a wholly owned subsidiary of Everest Infrastructure (see **attached** Company Extract).

- Everest is a foreign owned lease aggregator.
- You will note Indara's previous concerns at providing lease information in the public realm that the lease aggregators can use to their advantage.
- The SiteXcell / Everest link presents a huge conflict of interest here as lease aggregators business model is buying leases / cashflow – with as much rent as possible and so of course they have a vested interest in rents being as high as possible by inflating rents and advocating co-user fees – contrary to Infrastructure providers (Infraco's) who invest in the land by constructing and maintaining essential telecommunications infrastructure such as towers.
- Aggregators take advantage of this investment by backing Infraco's into a corner to artificially inflate rents knowing the expense and duration of relocating Infraco's and carriers' infrastructure to an alternative location is economically unfeasible.

Based on the above, Indara is of the opinion that within the current review:

1. There has been potential **misconduct** in the process.
2. If it is found that the process is flawed that IPART are potentially **complicit** within the flawed process.
3. There is a huge **conflict of interest** in LMA's late submission using a lease aggregator to support increasing rents and continuing the current co-user regime.
4. Everest (SiteXcell) are a foreign owned investor interfering in a government review process and critical Australian infrastructure – again, in Indara's opinion this makes the process flawed.
5. Is potentially **Non-Model Litigant** – every government department needs to be model litigant and follow agreed Codes – the current IPART process now appears anything but independent.

Indara now has a number of key questions that need answering:

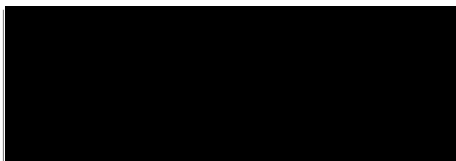
1. Did SiteXcell approach the LMA's to conduct the 'Intelligence Report' or did the LMA's approach SiteXcell?
2. Did SiteXcell disclose to the LMA's that they are owned by the foreign owned lease aggregator Everest? Indara cannot see this interest declared in the Intelligence Report. If it has not been declared, this could be viewed as **gross misconduct**.
3. Has SiteXcell/Everest ever approached or ever had discussions with Crown Lands / National Parks and Wildlife or any other LMA's about managing their sites, purchasing the rights to income from their sites or purchasing future management rights, or provided any other reports for a fee for the LMA's?

Whilst the final IPART report has not been produced yet, it is very worrying how the process has been conducted – based on the above it could be sailing dangerously close to **ICAC** territory.

If you have any further queries or would like to discuss the above in more detail, please do not hesitate to contact the undersigned.

Accordingly, we look forward to your response on this matter.

Yours sincerely



**Lee Gilligan**  
National Portfolio Manager



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[indara.com](http://indara.com)

Copies also issued

- (1) *The Hon. Stephen Kamper, MP – Minister for Lands and Property NSW*
- (2) *Melanie Hawes, Deputy Secretary, Crown Lands & Public Spaces*
- (3) *National Parks & Wildlife Service*

Attachment(s)

- (1) *Company Extract for Site Excell (trading as Total Site Solutions Pty Ltd – 13 November 2024*
- (2) *Company Extract for Everest Infrastructure ANZ Pty Ltd*