



Mr Philip Mason
Assistant Secretary
Universal Service Guarantee Taskforce
Department of Infrastructure, Transport, Regional Development & Communications
GPO Box 594
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Dear Mr Mason

REVIEW OF FIBRE-READY FACILITIES EXEMPTIONS

Thank you for the opportunity to provide comment on the review of exemptions for fibre-ready facilities as provided under the *Telecommunications Act 1997* (Telecommunications Act).

In June 2021, the Department of Planning, Lands and Heritage (DPLH), on behalf of the Western Australian Planning Commission (WAPC), released the *Fact Sheet: Fibre-Ready Telecommunications Infrastructure*. The Fact Sheet has been prepared to help landowners and developers gain a broad understanding of their obligations under Commonwealth telecommunications legislation.

DPLH provides the following comments in response to the questions posed by the consultation paper.

Questions 2, 4 and 6:

DPLH considers that the matters covered by the 2021 Instrument remain important and should continue.

Currently, the WAPC may place an advice note on subdivision approvals located within the existing or proposed wired National Broadband Network (NBN) footprint, which alerts proponents to the requirements to provide fibre-ready telecommunications infrastructure under the Telecommunications Act. The advice note states that exemptions can be sought for certain types of development and recommends that landowners/developers should consult the Department of Infrastructure, Transport, Regional Development and Communications website for more information about claiming an exemption.

With regard to Question 4, certain developments in rural or remote areas, where it is unlikely that fixed-line infrastructure will be installed, should not warrant pit and pipe infrastructure.

With regard to Question 6, it is important to remove inconsistencies to ensure there is a uniform approach across jurisdictions. This will help to provide increased assurances to industry and proponents. Commonwealth exemptions should continue to prevail over any inconsistent local requirements. Introducing new abilities for local government to set their own requirements risks creating a confusing situation of differing requirements.

Question 3:

In the past, DPLH has been approached by developers asking if an exemption applies and requesting DPLH confirm this in writing. This is beyond our jurisdictional responsibility. It does indicate however that developers are seeking assurances beyond the current process that exemptions do apply. The Department of Infrastructure, Transport, Regional Development and Communications should consider whether it can provide increased certainty and confirmation to developers upon an exemption being sought.

Question 7:

DPLH agrees that stricter exemption criterion may be appropriate for developments adjacent to the NBN fixed line footprint. For example, if the development is within 1,000 metres of the NBN fixed line network then further investigations and queries should be undertaken by the developer as suggested by the consultation paper.

Any set distance however should not necessarily be considered a strict interpretation. The requirement of fixed line infrastructure would need to consider the development in terms of lot numbers and lot sizes for example.

Questions 8 and 9:

DPLH considers that the existing exemptions (besides the possible addition as per Question 7) in the 2021 Instrument are suitable in the Western Australian context. It is noted that if an area is further developed, the statutory requirements would reapply and the exemption criteria would need to be reapplied.

Question 10:

DPLH considers that the exemptions are best suited to legislative instruments.

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15 February 2022