

The logo for Optus, consisting of the word "OPTUS" in a bold, teal, sans-serif font.

Submission to the
Department of
Infrastructure, Transport,
Regional Development,
Communication and the Arts

**Response to Government
Consultation Paper:
Proposed Changes to
the Telecommunications
in New Developments
Policy**

Public Version

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INTRODUCTION

1. Optus welcomes the opportunity to provide a submission on the Government's proposed changes to the Telecommunications in New Developments Policy ('TIND Policy'). Optus has long advocated for reforms to the TIND Policy given the essential nature of mobile connectivity and the unequal treatment it has been given in planning process to date.
2. Optus is the owner and operator of significant national communications infrastructure and the supplier of important carriage and content services to a large portion of the Australian community (over 10 million customers). Optus has a longstanding commitment to providing connectivity to Australians and invests around \$1.2 billion annually in growing and improving our mobile network.
3. Optus supports the central proposed reform to elevate mobile network infrastructure to be on par with utilities such as water, electricity and gas. This marks an important shift that will help improve connectivity outcomes in urban growth areas. To further strengthen this reform, Optus offers the following recommendations:
 - (a) Encouraging a **greater role for state and local government**;
 - (b) Providing **more detailed guidance on the numerous practical challenges** that developers, MNOs and local councils need to navigate;
 - (c) Government should consider **developing and publishing model rules** that could be adopted by state and local governments to give greater practical effect to the principles outlined in the TIND Policy.
4. Optus would welcome the opportunity to discuss any of these issues in further detail.
5. As a member of the Communications Alliance and Australian Mobile Telecommunications Association, Optus also supports their respective submissions.

SUBMISSION

An important first step

6. Optus is constantly expanding and improving its mobile network across the country. In doing so, we have encountered numerous challenges due to different planning processes and the unequal treatment that mobile connectivity has historically received. This has led to communities not having the connectivity they need in a modern society, either for a period of time or even indefinitely in some instances.
7. Optus therefore welcomes the Government's elevation of this issue to the recent Planning Ministers Meeting and the subsequent announcement of proposed reforms to the TIND Policy. As the consultation paper notes, this is an important first step in improving connectivity outcomes for communities across the country.

Further improvements could yield significant benefits

8. While elevating the role of mobile connectivity within the TIND Policy is a significant first step, our experience offers three key lessons that can guide the development of the TIND Policy reform process:
 - (a) State and local governments are just as consequential as developers in enabling better connectivity outcomes;
 - (b) There are a number of practical challenges in the deployment of mobile infrastructure that should be better understood by all stakeholders;
 - (c) The development and publication of model rules would support better planning processes at a local level.

State and local governments should play a greater role

9. Whilst developers will play a central role in a reformed TIND process, local governments, planning authorities and State and Territory government agencies are just as important. Any reforms to the TIND Policy should therefore consider the role that these planning entities play in facilitating the deployment of mobile infrastructure.
10. For example, state governments have responsibility for overall planning laws and policies, while local governments oversee the development application process. Moreover, the development application process varies widely between jurisdictions in terms of complexity and duration. It is therefore crucial that state and local governments are seen as key enablers in any reforms to the TIND Policy.
11. In particular, Optus recommends that the Federal Government use the reform process to encourage both the streamlining and harmonisation of state and local planning laws and processes. This, in conjunction with the elevation of mobile infrastructure within the TIND Policy, will yield significant dividends in terms of timely and optimal mobile connectivity in growth areas.
12. Doing so will also assist developers in navigating the additional process of facilitating mobile infrastructure in the early development stages. Our experience is that developers will often refer to a single point of truth regarding all requirements in each jurisdiction for growth area plans. Without clear guidance from State/Territory agencies on how to execute the expectations within the TIND, developers will be left to navigate the process on their own, likely resulting in inconsistent processes and outcomes.

Stakeholders should better understand the practical challenges involved

13. It is important to recognise that the process of planning for mobile telecommunications infrastructure in new developments is different from planning for other utilities, such as water, electricity, sewage and fixed line communications. These utilities are intrinsically linked to servicing each fixed, individual location whereas mobile networks provide connectivity to the end user wherever they may be. This means that there is a degree of flexibility in the location of the infrastructure (i.e. the mobile tower) but, at the same time, provides a more challenging geography to cover.
14. In addition, mobile towers are often highly visible infrastructure that can affect the 'visual amenity' of a location. At the same time, the precise location of a tower is a key requirement for optimal performance. As such, there is a level of tension between the interests of developers (maximum visual amenity) and mobile network operators (maximum network performance) that doesn't exist with other fixed infrastructure that is underground and has no flexibility with its location.
15. Locations of network infrastructure will also vary across each carrier based on their individual analysis of the number and type of end-users, the radio spectrum being used, the location of surrounding facilities in their respective networks and the local topography. A 'one-size-fits-all' approach will therefore not achieve the desired outcomes for communities.
16. Furthermore, recent market developments have meant that the vast majority of mobile sites are now owned and managed by mobile network infrastructure providers (MNIPs) such as Indara, Amplitel and Waveconn (among others). As a result, land tenure arrangements will often have to be negotiated with these MNIPs but location decisions will also require the input of the mobile carriers to ensure it is suitable for their particular networks.
17. Given these challenges and the nuanced approach that each carrier and MNIP will need to take, the updated TIND Policy should provide a principles-based approach that establishes a framework for the carriers and MNIPs to work with developers in a way that achieves the best overall outcome while accommodating the particular considerations and nuances of each stakeholder.

Government should develop and publish model rules

18. To that end, these unique considerations should be supplemented in the updated TIND Policy through tailored guidance or 'practice notes' on the provision of mobile infrastructure. At this stage, Optus does not consider that Part B of the TIND Policy provides sufficient guidance to developers to meet government expectations on the provision of mobile infrastructure.
19. Our experience in the Western Sydney 5G Trial (part of the Western Sydney City Deal) also offers some unique, constructive lessons from navigating these issues. Optus would be happy to offer a briefing to the department with further information.
20. More broadly, Optus encourages government to conduct further consultations with carriers, MNIPs, planning authorities and developers to produce more detailed guidance and model rules to give effect to the revised TIND Policy.

CONCLUSION

21. Optus welcomes the Government's commitment to modernising the TIND Policy and endorses the elevation of mobile infrastructure as a significant first step. Further reforms that could be made to build on this first step include:
- (a) Recognising the importance of state and local governments in enabling connectivity outcomes;
 - (b) Ensuring the reforms consider the range of unique, practical considerations involved in deploying mobile infrastructure;
 - (c) Developing model rules and guidance to supplement the revised TIND Policy.

[End of Submission]