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A/g Director, Telecommunications Deployment Policy Team
Digital Inclusion and Deployment Branch
Communications Infrastructure Division
Department of Infrastructure, Transport, Regional Development, Communications and the Arts
Canberra ACT 2601

c-/ new.developments@infrastructure.gov.au

Dear ██████████,

Review of Telecommunications in New Developments (TIND) – Mobile Connectivity. Fibre-

Introduction

Thank you for the opportunity to comment on the proposal to amend TIND to better facilitate mobile infrastructure. ("**the TIND Proposal**").

The UDIA is the development industry's most broadly representative industry association with more than 2,000+ member companies – spanning top tier global enterprises, expert consultants, small-scale developers and local governments. The development industry is critical to the Australian economy and drives 9% of Australia's GDP, creates 1.156 million jobs and generates over \$360 billion in economic activity each year.

The UDIA is a strong supporter of better facilitating mobile telecommunications for developments in a way that ensures fair, cost effective and timely provision of services. It is important to ensure the policy does not add to uncertainty or cost, by inadvertently implementing unclear processes, duplication of effort, delays in decision-making.

Over all the primary recommendations include:

- 1) Specific space set aside for telecommunications should only be considered where the opportunity for co-location of services is not available.
- 2) Rather than consulting with possible carriers, introduce the need to consult with a referral agency who has high level region-wide knowledge of all infrastructure carrier servicing that is available and planned.
- 3) The Policy should specify that suitable land tenure and ease of serviceability should be taken into account when planning spaces to be set aside for mobile telecommunications infrastructure.
- 4) Shared backhaul costs should be amortised over relevant developments but further detail is needed on how the costs will be calculated when shared over each stage of a larger development project.

For your convenience, we have provided feedback on the primary issues raised in your paper and a number of details we consider particularly relevant.

1. Developers consider mobile connectivity as part of the overall development application process:

This expectation sets out that mobile connectivity should be considered as part of the overall development application process. In this sense, developers should consider mobile connectivity as a similar level of importance as other utilities, such as water, electricity and sewage.

The Department understands that jurisdictional planning agencies often refer to the TIND Policy so including these expectations clearly states the Government's expectation and intention that telecommunications are considered in the similar way as making provisions for other utilities/services.

Discussion

The UDIA supports the Policy's encouragement of co-location of infrastructure for different carriers. It is also important for the policy to consider the avoidance of duplication. A planning authority referring to the TIND may interpret that every tower/development site requires space set aside for telecommunications, which would result in duplication of asset provisioning and increased costs. **Specific space set aside for telecommunications should only be considered where the opportunity for co-location of services is not available.**

On a larger master planned community scale, planning for telecommunications already occurs to some extent where one dominant developer exists. In more fragmented areas provisioning for telecommunications will be difficult for developers to lead due to pioneering/threshold issues (i.e. similar issues to regional stormwater/sewer solutions).

The consultation paper does not clarify how the lodgement and approval process will work. Further clarification is needed whether it will be similar to a referral agency at the masterplan or planning approval stage or it will be an obligation turned onto the local authority. A referral agency may be the better option as they should hold a masterplan strategy, so developments are less likely to end up with redundant towers and assets.

Recommendation: Amend the Policy to provide clarification on the lodgement and approval process, and if it is intended to be administered by a referral agency (council or state).

Recommendation: The Policy recognises the need to plan for co-location of infrastructure in the first instance and should only require land to be set aside for infrastructure where co-location is not possible.

2. Early engagement with carriers on mobile connectivity

The Australian Government expects developers will engage with a carrier early to ensure mobile connectivity is in place prior to the selling or leasing of a building or unit.

The deployment of larger telecommunications infrastructure can be a complex process and typically takes at least twelve months, however, in some cases it can take longer. The rollout of this infrastructure

can be impacted by a number of factors, including obtaining planning approvals and having available land close to other infrastructure such as power and backhaul.

Whilst the terminology and/or process for the design of developments varies across jurisdictional planning frameworks, ideally engagement would occur at the 'urban design' or 'masterplan' phase. A recommended timeframe would be at least twelve months prior to the estimated date when the first units in the development will be occupied, but the earliest possible engagement is preferred.

Discussion

The consultation paper suggests that developers need to engage with "a carrier". Further clarification is needed on the definition of a "carrier". As stated above **if there was a referral agency process, the need to engage with a specific carrier should be obsolete** as the agency would consider all carriers (Optus, Telstra, Vodafone etc). The specific carrier should only need to be considered as a last resort.

Recommendation: Rather than consulting with possible carriers, introduce the need to consult with a referral agency who has high level region-wide knowledge of all infrastructure carrier servicing that is available and planned.

3. Consider land that is appropriate for mobile telecommunications infrastructure

For this expectation, the Australian Government expects developers to identify or set aside one or more sites or spaces that are appropriate for mobile telecommunications infrastructure, such as a tower, to be deployed. Carriers may also consider installing telecommunications facilities on existing or proposed infrastructure, such as light poles, or on rooftop buildings.

This expectation is expected to encourage developers to consider appropriate siting of mobile infrastructure at the planning stage, rather than retrofitting telecommunications facilities. Not only are there likely to be higher costs for carriers in retrofitting sites, it may lead to community concerns if infrastructure is installed after a house or apartment is sold or leased.

While carriers are best placed to provide such technical advice, generally sites or spaces that are elevated and are closely located to the area intended to be served are preferred. Carriers are best placed to provide such positional and technical advice, which is why early as possible engagement is encouraged.

Discussion

The policy should encourage other infrastructure providers to utilise existing land for infrastructure to service telecommunications. At present it only encourages carriers to consider it, not the asset owner (e.g. mobile towers can be co-located with street light networks, sewer and water pump stations, water towers, train stations, schools etc to better utilise public land without increasing the cost of housing).

Master planned communities at scale are able to plan for new telecommunications infrastructure easier however the ideal locations for the providers will often pose complications around land tenure, infrastructure servicing, timing, cost etc. The policy does not provide details on how the TIND will treat these very large sites and if temporary solutions are allowable or acceptable.

Ownership and responsibility is not clearly defined in the policy. If infrastructure is placed in parks and open space, it is not clear if local authorities have the ability to prevent it from going ahead as they will need to take over the open space asset, and if there is a process to be able to resolve this.

Recommendation: The Policy should specify that suitable land tenure and ease of serviceability should be taken into account in planning spaces to be set aside for mobile telecommunications infrastructure.

4. Reasonable efforts to reach agreements with carriers

This expectation is that developers make all reasonable efforts to reach 'fair terms' in agreements with carriers for access to land for the deployment of telecommunications facilities.

We cannot provide further comment, other than noting the policy needs to provide more information on what mischief you are trying to avoid. These circumstances are otherwise implied by the nature of commercial negotiations.

5. Multi-Unit Developments

Amending the policy to state that developers of multi-unit buildings should arrange for in-building pathways and risers where fixed-line networks are required.

We note the policy of proposed amendments needs to add the words “where commercially reasonable” after the word “should”. We cannot be certain in all circumstances that this requirement will be practical (although expect it would in most).

6. NBN.Co Backhaul Policy

Amending the policy to allow NBN Co to amortise the costs of backhaul over several developments in an area. Currently, if NBN Co is servicing a growth area where multiple developments are planned, it is required by the policy to place the costs of new backhaul on the first developer. This may lead it to lose business to competitors who are not required by the TIND policy to adopt this charging practice, and may also place an unfair cost burden on the first developer.

Discussion

The UDIA broadly supports the change to the NBN backhaul policy. The present policy forcing NBN to charge the full cost to the first user is not practical and results in uncompetitive offerings.

The UDIA supports the approach to amortise the cost of shared-backhaul infrastructure for larger/several development projects. The proposed change should allow for the spread of cost over all development stages. This will enable a portion of the cost to be shared at each stage, rather than requiring the full cost to be borne by the first stage, and will remove the first mover disadvantage.

Recommendation: Further detail is needed on how the costs will be calculated when shared over each stage of a larger development project.

We are keen to discuss our comments with you at your earliest convenience.

Please do not hesitate to contact the UDIA National Head of Policy and Government Relations - Andrew Mihno on [REDACTED] to discuss this submission.

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Col Dutton

UDIA National President