



Australian Government

Department of Infrastructure, Transport,
Regional Development, Communications and the Arts

Consultation Paper

Possible amendments to the Telecommunications in New Developments Policy – Mobile Connectivity and Other Measures

October 2023

Purpose

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the department) seeks views from stakeholders and other interested parties on possible amendments to the Telecommunications in New Developments (TIND) Policy to better facilitate the provision of mobile telecommunications infrastructure in new developments. There are also a number of proposed amendments to provide greater clarity and better service outcomes for fixed line services.

On 27 July 2023, the Hon Michelle Rowland MP, Minister for Communications, presented on issues surrounding mobile connectivity in new developments at a meeting of State and Territory Planning Ministers chaired by the Minister for Infrastructure, Transport, Regional Development and Local Government, the Hon Catherine King MP. Planning Ministers recognised the need for a coherent approach for prioritising and accelerating planning and approvals for communications infrastructure, especially in new developments and growth areas. The Commonwealth and NSW were tasked with co-leading a working group, alongside a number of state and territory governments to develop options that achieve this goal. The working group is known as the Mobile Telecommunications Working Group (Working Group).

At the first Working Group meeting on 6 September 2023, the Commonwealth proposed amendments to the TIND Policy to set expectations regarding mobile connectivity. This proposal is intended to signal a first step from the Australian Government in addressing mobile connectivity in new developments, rather than an end point. The consultation and implementation of the proposal will help inform the work plan of the Working Group and the roles of different stakeholders in improving mobile coverage.

The TIND Policy is designed to provide guidance for developers, property buyers, occupants and carriers on the provision of telecommunications infrastructure in new developments. Whilst the current policy encourages developers to consider mobile connectivity as part of the development, the focus is largely on fixed infrastructure requirements that enable voice and broadband services.

To support the provision of mobile connectivity in new developments, the department proposes amending the TIND Policy to specifically include mobile telecommunications in its scope. Summarised, this would include expectations that developers will:

- consider mobile connectivity as part of the overall development application process, with a similar level of importance as other utilities;
- engage with a carrier as early as possible to ensure mobile coverage is in place prior to the selling or leasing of a building unit.
- identify appropriate sites, or spaces, for mobile infrastructure to be deployed; and
- make all reasonable efforts to reach 'fair terms' in land access agreements.

In addition to expanding the scope to include mobile connectivity, other proposed changes to the TIND policy include updates to:

- reflect the passage of legislation;
- clarify that developers building multi-unit buildings should also provision in-building pathways and risers; and
- allow NBN Co to spread backhaul costs across different developments in the area.

The objective of this paper is to discuss the context of the proposed changes, and seek feedback on the possible amendments. Your feedback will help us advise the Minister for Communications on this proposal.

Background and Purpose of Amendments

Background on TIND Policy

The Australian Government considers it is important for people moving into new developments to have ready access to modern telecommunications when they occupy their new properties. To support this outcome, the Government first published the TIND Policy in 2011¹. Historically the TIND Policy has focused on fixed line infrastructure, including requirements to install pit and pipe to enable voice and broadband services.

There are two relevant Parts under the *Telecommunications Act 1997* (the Tel Act) that currently support fixed line infrastructure requirements under the TIND Policy. These are:

- Part 20A of the Tel Act, which sets out requirements for developers to install fibre-ready facilities in proximity to building lots or building units prior to sale or lease; and
- Part 19 of the Tel Act, which sets out the statutory infrastructure provider (SIP) regime. This makes NBN Co the default SIP for the whole of Australia, thereby ensuring NBN Co is available to provide broadband telecommunications infrastructure if required.

The proposed amendments to the TIND Policy regarding mobile connectivity are not proposed to be supported by any regulation at this stage. Rather they are intended set out the Australian Government's expectations regarding provision of mobile connectivity in new developments.

¹ <https://www.infrastructure.gov.au/media-centre/publications/2020-telecommunications-new-developments-policy>

Why are these amendments necessary?

The Government's Housing Agenda recognises the importance of an affordable housing supply where it is needed – close to jobs, transport and other services². In addressing Australia's housing problem, the Government does not want to create new problems whereby residents in new developments are unable to access modern telecommunications services.

Where mobile coverage is not included in the design of new developments or expanding suburbs, there will be diminished digital connectivity and inclusion outcomes for residents in those areas. More importantly, lives may be at risk during emergencies or natural disasters, as it limits the ability to call Triple Zero outside or away from the premises.

The current version of the TIND Policy does not directly address the provision of mobile connectivity in new developments. It does, however, encourage developers wanting mobile coverage in their developments to engage early with carriers. The proposed amendments to the TIND Policy set out the Australian Government's expectations for developers regarding mobile connectivity and that it should be considered early in the planning process in a similar manner to other utilities, such as water and electricity.

Discussion of Possible Amendments

Overview of proposed amendments related to mobile connectivity

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.

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

² [National Housing Accord: working together to help tackle housing challenges | Treasury Ministers](#)

estimated date when the first units in the development will be occupied, but the earliest possible engagement is preferred.

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.

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.

Overview of proposed amendments to fixed line infrastructure sections

An overview of proposed amendments to the fixed line infrastructure sections of the TIND Policy are set out below:

- 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.
- 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.
- Updating the policy to reflect that legislation passed in 2021 extended pit and pipe requirements to all developers and also that the statutory infrastructure provider laws have taken effect.
- A minor change to remove references to specific carriers and simply direct readers to the ACMA's SIP Register, to find out which carriers service new developments.

Taken together, the proposed changes to fixed and mobile infrastructure in the TIND Policy should provide greater clarity for developers and carriers about expectations, while also promoting better service outcomes for people moving in to new developments.

Frequently Asked Questions

1. *Are the proposed expectations on providing mobile connectivity mandatory?*

The proposed amendments regarding mobile connectivity are not supported by regulation under the Tel Act. The proposed changes only set out the Government's expectation on the matter.

It is possible that regulation may be desirable in the future, however this would be subject to an assessment of the effectiveness of the policy and public consultation.

2. *Who is responsible for the costs of mobile telecommunications infrastructure?*

For mobile connectivity, the location and timing for the deployment of facilities is often a commercial decision determined by the relevant carrier having identified areas which would provide the greatest coverage for use by the community. Developers may, however, choose to engage a carrier on a commercial basis to secure mobile connectivity for a new development. There may also be Australian Government funding available to carriers in certain locations, such as peri-urban or regional areas. Further information on Australian Government telecommunications infrastructure funding can be found at <https://www.infrastructure.gov.au/media-communications-arts>.

3. *Will there be a minimum standard for mobile telecommunications infrastructure?*

For mobile connectivity, it is reasonably expected that an adequate mobile service provides a good user experience, with both data and voice services readily available. Whilst carriers are best placed to advise and decide on technologies to be deployed, it would be expected that the minimum technology provided for voice and data services would be 4G.

4. *Is there a default infrastructure provider for mobile telecommunications?*

Whilst there is a default infrastructure provider for fixed services, there is no equivalent framework for mobile services. Developers may wish to engage with more than one mobile carrier to provide a service to the development. It is the Australian Government's policy that, where technically and physically possible, carriers should co-locate infrastructure where this makes sense from a commercial perspective.

5. *How will amendments to the TIND Policy help inform the Mobile Telecommunications Working Group?*

As mentioned above, the Working Group is developing options for a coherent approach to prioritise and assess planning and approvals for telecommunications infrastructure, especially in new developments and growth areas.

Whilst the proposed amendments to the TIND Policy are not part of the Working Group's forward work plan, the consultation and implementation of the proposal will help inform the Working Group about the roles of developers, carriers and other interested stakeholders in improving mobile coverage. An assessment of the effectiveness of these changes may help inform the Working Group's final report.

Next steps – Have your say

We are seeking stakeholder feedback on the proposed changes to the TIND Policy outlined above.

In preparing comments, stakeholders may like to consider the following questions:

- Should the possible changes be adopted in full, in part, or not at all? Please provide any reasons for your recommendation if you choose in part or not at all.
- Are there other criteria that could be considered as well?
- Do you believe these proposed amendments will achieve the aim of encouraging mobile telecommunication infrastructure being available in new developments when residents initially move in? If not, what suggestions or alternative approaches do you think would achieve the outcome more effectively?
- Do you have any concerns regarding compliance with the proposed changes to the TIND Policy that you would like to raise?
- Is the proposed timeframe for engagement with a possible carrier, that is, at least twelve months before the first units or homes in the development are due to be occupied, reasonable in your view? If not, please suggest an alternative timeframe and please provide any reasons for your recommendation.

We would be grateful if you could provide your comments to us by email to new.developments@infrastructure.gov.au.

We would appreciate receiving your comments by 5pm AEDT, 8 November 2023.