



Australian Government

Telecommunications in new developments policy

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1. Overview

This document sets out the Australian Government's policy on the provision of telecommunications in new developments. It replaces the Telecommunications Infrastructure in New Developments (TIND) policy that took effect on 1 September 2020. This policy takes effect on 17 February 2024 and applies to the provision of telecommunications infrastructure in all developments, including historic and future developments.

The TIND policy has two key objectives: to provide people moving into new developments with ready access to modern telecommunications, both voice and broadband; and to support a competitive and sustainable market for the provision of such infrastructure, thereby fostering efficiency, innovation and choice.

The TIND policy reflects Australia's open and competitive telecommunications market in which telecommunications carriers compete to provide infrastructure and services, including in different developments. The policy seeks to promote sustainable outcomes by minimising government intervention and fostering commercial operation in a competitive context. Concerns about potential anti-competitive conduct in the market are left to the usual tools to deal with such conduct.

The policy has been revised in light of changes since the 2020 policy took effect, notably:

- The Australian Government's Housing Agenda, which seeks to ensure there is an 'adequate supply of affordable housing where it is needed – close to jobs, transport and other services¹;
- Continued increase in reliance on mobile voice and data usage, and in instances where it is the sole form of connectivity for many Australians, following the COVID-19 pandemic;
- The need to clarify some minor measures in the policy; and
- Administrative changes to the relevant Ministerial and Departmental titles.

For fixed line services, the policy supplements statutory requirements under Part 20A of the *Telecommunications Act 1997* for the installation of fibre-ready facilities, typically passive infrastructure like pit and pipe, in new developments. In many instances these rules are backed up by complementary requirements under state and territory planning laws.

The Government continues to address the provision of telecommunications in new developments through this policy rather than additional regulation because the market overall is working well. Most participants in the market have been operating in line with the policy and most outcomes are positive. There are, however, growing examples of developments where mobile connectivity is not available when occupied, and it can take some time, even years, for mobile connectivity to be provided. This policy supports a government expectation that mobile connectivity is to be given the same consideration by developers and industry as fixed infrastructure in new developments. While the Government's policy is that a lighter touch is warranted, the Government will look at more direct approaches if the current circumstances change and there would be public benefit in regulation.

1.1 What is a development?

Development has a broad meaning under this policy, largely deriving from the statutory definition in Part 20A. The Part 20A obligations apply to real estate development projects which involve making lots available for sale or lease, where building units are expected to be constructed at a later date, as well as the construction of new premises.

¹ Media Release, 'National Housing Accord: working together to help tackle housing challenges' <[National Housing Accord: working together to help tackle housing challenges | Treasury Ministers](#)>

A development includes the subdivision and development of land for further sale or lease, for example, as is common in large greenfield broadacre developments in outer urban areas, such as new suburbs or estates, or comparable infill developments in more established brownfield areas. A brownfields area is a location with existing housing and buildings. A development also includes the construction of new premises in greenfield or brownfield areas or the refurbishment of premises.

New developments may vary in size and scope. A new development could be a single lot with a free-standing residential premises built on it (known as a 'single-dwelling unit' or SDU), a single lot with more than one SDU on it, or a unit in a new apartment block (known as a 'multi-dwelling unit' or MDU).

In brownfield areas, a SDU or MDU may be built on a vacant block, existing premises may be knocked down and new SDUs or MDUs built at the same location (known as a 'knock-down rebuild'), or an existing building redeveloped or refurbished (e.g. where a warehouse is converted into apartments).²

Developments are covered by the policy regardless of their use. The policy therefore covers residential, business, commercial, industrial, agricultural, mixed or any other types of development.

Developments by owner-builders such as the construction of a new premises on a vacant block, construction of a new premises on a sub-divided block or a knock-down rebuild project, whether it involves one or more premises, are treated as developments under the policy.

While the definition of development under the policy is broad and most rules under the policy apply to all developments, there are some areas where some developments may be treated differently to others. These are identified where this is the case.

1.2 Who is a developer?

Just as there are many types of developments, there are many types of developers. Developers may be large corporations, partnerships, families or individuals. The policy applies to all developers, regardless of their nature and whether they are incorporated or unincorporated. Owner-builders are also considered to be developers.

Regardless of their size or nature, all developers have responsibilities to ensure telecommunications are appropriately provided in their new development, just as they do for other utilities like power, water, and sewerage.

Again, while the definition of developer under the policy is broad and most rules under the policy apply to all developers, there are some areas where some developers may be treated differently to others. These are identified where this is the case.

Fixed Line Infrastructure

2. Key Concepts

2.1 Broadband and voice services on fixed networks

The TIND policy has historically been focussed on the provision of broadband and voice services using fixed infrastructure.³ The provision of fixed infrastructure is best done as part of the development process, as it involves more investment and co-ordination, and has been historically more challenging, than the provision of other utility infrastructure. Previous iterations of this policy concentrated on the

² Such 'building redevelopment projects' are also defined in statute (see section 360Y of the *Telecommunications Act 1997*).

³ Inclusive of fixed-line, fixed wireless and satellite technology as all deliver fixed services to end-user premises.

provision of fixed voice and broadband, as these are consistent with baseline regulatory obligations such as the Universal Service Obligation and the statutory infrastructure provider regime. While an increasing amount of telecommunications traffic is now carried by mobile networks, fixed networks still carry the vast majority of internet traffic, for example, streaming videos and large file downloads. Access to voice services over fixed lines is also considered beneficial as a back-up for mobile services. Given their importance, fixed telecommunications services remain a key focus of the policy. However, the rising importance of mobile services means that the policy now also considers these.

2.2 Fibre-ready and other telecommunications facilities

The TIND policy seeks to provide people moving into new developments with ready access to modern telecommunications facilities by having developers organise and fund the cost of two main sets of telecommunications infrastructure.

The first set is known as 'fibre-ready facilities'. These are typically passive infrastructure like underground pits and conduits through which telecommunications lines can be fed. In some instances, the facilities may be aboveground (e.g. poles where ducts are not practical). Where developers are building multi-unit building such as apartment blocks, it would be expected that they also arrange for pathways to be installed so that in-building cabling can be deployed to each premises where fixed-line networks are required.

The second set of infrastructure is the active infrastructure such as cabling (or radio pathways) and associated electronics that connect individual premises to the wider telecommunications network and provide the active services that consumers use.

2.3 Carriers and carriage service providers

While passive infrastructure is typically installed by a civil contractor working for a developer, active network infrastructure is generally provided by telecommunications carriers. These are firms licensed under the *Telecommunications Act 1997* to provide such infrastructure for public use. Rather than provide this infrastructure themselves, developers typically contract a carrier to provide it for them. There are a large number of carriers active in the new developments market. A list can be found at the Australian Communications and Media Authority's SIP Register at www.acma.gov.au/sip-register.

Developers are free to choose the carrier that services their developments. Most carriers make commercial decisions as to whether to provide infrastructure and services in new developments. However, to ensure services are available, NBN Co is obliged to service new developments with broadband infrastructure upon reasonable request. That is, it is the default infrastructure provider. Fixed-line and fixed wireless infrastructure can typically support voice services as well as broadband.

Telecommunications infrastructure is commonly used to provide wholesale services which are then used by competing retail service providers to provide services to their customers. Again, most retail service providers make a commercial decision as to where they will provide services. However, Telstra is obliged to provide a voice service upon reasonable request nationally as part of its universal service obligation (USO).

Telstra will generally provide a voice service where required using NBN Co's infrastructure and wholesale services. Where Telstra is unable to, or does not, use NBN Co's infrastructure, it may need to provide its own infrastructure to supply voice services.

2.4 Statutory infrastructure providers (SIPs)

To ensure all places in Australia have ready access to modern telecommunications there are statutory obligations for NBN Co (as the default SIP for Australia) and for other carriers who roll out networks in new developments.⁴

When a developer contracts a carrier to service its development, the carrier will become the SIP for that development. SIPs are required to connect premises in their service areas to their networks on reasonable request from a retail provider, and supply wholesale services that allow end-users to receive high-speed broadband and (on fixed-line and fixed wireless networks) voice services.⁵

The Minister for Communications can make standards, rules and benchmarks that apply to SIPs and SIPs must provide mapping information on their new developments to the Australian Communications and Media Authority (ACMA).

3. Fixed Line Policy

3.1 Consumer outcomes

People moving into new developments should have ready access to modern telecommunications, specifically broadband and voice services, which are of a high quality. Before they take possession of new premises, they should be able to know that telecommunications services are or will be available to them, who is providing them, the timeframes for delivery, and what costs apply.

Consumers that have particular preferences about the network, and/or the retail service provider they use, are encouraged to check which carrier and/or retail service providers are servicing a development before committing to it. The ACMA maintains a register of SIPs.⁶ Consumers can also check with the developer which carrier has been contracted to service the development.

3.2 Developer responsibilities

Developers are responsible for organising, and meeting the costs of pit and pipe infrastructure and telecommunications network infrastructure in their developments, so that services are available when people move into premises. This is consistent with their responsibility to organise other infrastructure required to make premises liveable and consistent with the user pays principle.

Developers can face penalties under Part 20A of the *Telecommunications Act 1997* if they seek to sell or lease lots or units in new developments without fibre-ready facilities (e.g. pit and pipe).

Developers are able to undertake or sub-contract aspects of this work themselves, for example, trenching and the installation of pit and pipe. However, only licensed carriers can operate telecommunications networks for public use. As such, developers are encouraged to work with carriers to find the optimal solution for their developments. Given Australia's open and competitive market, developers are free to approach the network provider of their choice. Carriers including NBN Co can provide turnkey packages, including pit and pipe and network infrastructure, if they wish.

⁴ Information on the SIP legislation can be found at www.communications.gov.au/what-we-do/internet/telecommunication-reform-package#statutory-infrastructure-providers.

⁵ Some networks that are primarily intended to supply voice services are exempt from the SIP regime. In these circumstances carriers may supply voice services under a contract with a developer, but will not be the SIPs. (NBN Co, as the default SIP, will be the SIP). The exemption instrument can be found at www.legislation.gov.au/Details/F2020L00856.

⁶ See: www.acma.gov.au/statutory-infrastructure-provider-sip-register.

Most developers engage a carrier, provide pit and pipe where required, and have a carrier install the network. Developers who do not do this may create additional costs and inconvenience for new occupants, potentially attracting adverse publicity, and face difficulties in selling or leasing premises.

The Communications Alliance has published generic specifications for pit and pipe⁷, and has developed guidelines for the installation of in-building pathways and conduits.⁸ Carriers may have pit and pipe specifications of their own they prefer developers to use.

Developers should approach a carrier early so that there is enough time to install network infrastructure before people move into premises. The minimum notice period for a developer to apply to NBN Co to install infrastructure is six months (180 calendar days) prior to the development's estimated first occupancy date. Carriers can also specify a minimum period for which pit and pipe should be available prior to the date when infrastructure needs to be ready for service. NBN Co asks for a minimum of four months (120 calendar days) between the completion of pit and pipe to its satisfaction and the ready for service date. Other carriers may have other requirements, and this may be an area where carriers compete. Failure by developers to follow a carrier's timeframes can lead to delays and inconvenience for occupants of their developments.

3.3 Exemptions from pit and pipe requirements

In rural and remote areas developers may claim an exemption from the pit and pipe infrastructure requirements under Part 20A of the *Telecommunications Act*⁹. This exemption is targeted at developments where telecommunications would generally be offered by a wireless or satellite service, and pit and pipe infrastructure is therefore generally unnecessary. Details on claiming an exemption are available from the website of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.¹⁰

It is important to note that an exemption of this type would only exempt a development from the requirement to install pit and pipe infrastructure under Part 20A, and not any other obligation to provide telecommunications infrastructure, for example under state or territory planning laws. That said, the Commonwealth's preference is for state, territory and local government requirements to be consistent with, and to complement, the Commonwealth's TIND laws and policies.

Other exemptions may also be available, for example, where there is existing pit and pipe infrastructure that can be used, infrastructure is scheduled to be installed, or where above ground infrastructure is used in connection with optical fibre networks.¹¹

3.4 Fixed Access technology

So they can meet their ongoing SIP requirements, carriers should install fixed-line networks in new developments unless this is not reasonable, in which case they should use either fixed wireless or satellite technologies.

⁷ Guideline G645: *Fibre ready pit and pipe specification for real estate development projects*, available at www.commsalliance.com.au/Documents/all/guidelines/g645.

⁸ Guideline G670: *Fibre-ready MDUs for Real Estate Development Projects*, available at https://commsalliance.com.au/_data/assets/pdf_file/0008/94904/DR_G670_2023.pdf

⁹ The formal exemption instrument is at <https://www.legislation.gov.au/F2023L01641/latest/text>

¹⁰ See www.communications.gov.au/policy/policy-listing/telecommunications-new-developments.

¹¹ The formal exemption instrument is at www.legislation.gov.au/Details/F2011L02808.

Consistent with their ongoing SIP requirements, the technology platform must enable the carrier to supply wholesale services to retail providers that will then allow those retail providers to supply broadband services to end-users with peak download speeds of at least 25 Mbps and peak upload speeds of at least 5 Mbps.

On fixed-line and fixed wireless networks, including NBN Co's, the wholesale services must also allow retail providers to supply end-users with voice services. Measures that prevent them being used in this way will be scrutinised and subject to appropriate action.

Carriers remain free to install networks that offer both higher and lower speeds as well as these specified speeds.

NBN Co is also subject to an additional statutory target that its fixed-line networks be capable of being used by retail providers to supply broadband fixed-line carriage services with peak speeds of at least 50/10 Mbps to 90 per cent of premises serviced by the networks.

3.6 Adjacency to NBN Co's long term fixed-line footprint

Where NBN Co is servicing a new development that is outside but adjacent to its long-term fixed-line footprint, it should consider using fixed-line technology, noting that this is the default technology platform under the SIP regime. A new development is considered to be adjacent to NBN Co's fixed-line footprint if the development's nearest boundary is 1,000 metres or less from the nearest point of NBN Co's fixed-line footprint boundary. The adjacency of a development is assessed at the time a developer seeks to engage NBN Co to service the development.

In all such cases, NBN Co will need to consider whether it is cost effective for it to install fixed-line infrastructure. It must keep records where it decides not to use fixed-line infrastructure, including its reasons for not using such infrastructure, and must make those records available to the Minister for Communications or Department of Infrastructure, Transport, Regional Development, Communications and the Arts on request. The Minister and Department can also request in writing regular reports on NBN Co's treatment of adjacent developments, with the Department to specify the details of such reports as required.

3.7 Charging

Like other businesses, carriers are entitled to charge developers for the infrastructure and services they provide. Generally the charging arrangements they enter into with developers, including the structure and level, will be a commercial and contractual matter for the parties concerned.

Like other carriers, NBN Co is entitled to charge and is expected to do so, even when acting as the default SIP. The charges NBN Co may charge are set out in Annex A. These charges include a developer contribution per lot or unit to the cost of the network, a developer contribution per lot or unit to backhaul costs, and a retail customer contribution per lot or unit to the cost of the network.

In relation to backhaul costs, if a new development is an infill project in a brownfield area, backhaul may be readily available. By contrast, if a project is in a new or previously vacant greenfield area (or the project is large), new or augmented backhaul is likely to be needed. The provision of new backhaul infrastructure can involve significant costs. If one developer was required to meet the entire cost of providing backhaul infrastructure to serve a new greenfield area, it would in many cases add significantly to the developer's costs for that development and the housing it provides. Further, the first developer in the area would be likely to bear the cost of backhaul infrastructure that would ultimately be used by multiple developments coming into the area over time (shared backhaul infrastructure), as well as infrastructure necessary just for their individual development.

By amortising the cost of shared backhaul infrastructure across multiple developments served by that infrastructure, a carrier such as NBN Co could reduce the costs to each individual developer. Annex A allows NBN Co to amortise the cost of shared backhaul infrastructure in greenfield areas, including across multiple developments over time. For example, NBN Co can charge initial developments less than the total cost of backhaul infrastructure, and can then charge each subsequent development its expected proportional share of the cost of previously deployed backhaul infrastructure (subject to an overarching constraint that NBN Co cannot recover more than the total cost of shared backhaul infrastructure from developers).

As the default, the retail customer contribution is to be paid to NBN Co by the retail service provider servicing the premises, who may pass it on to their customer. However, NBN Co may also put in place arrangements so the contribution can also be recovered from another person or entity (for example, a state or territory housing authority, landlord or developer) if they wish to pay the contribution. This is to provide flexibility on the recovery of the amount, noting a tenant may not be a long-term occupant of a premises but a broadband connection provides ongoing amenity. If NBN Co does not recover the contribution from another person or entity, then the amount is payable by the retail service provider.

NBN Co may charge below the amounts in Annex A if warranted by competitive and commercial forces, but it is not able to charge above them; that is, the charges operate as caps. These caps are to protect developers and occupants from costs that might otherwise discourage them from accessing telecommunications.

NBN Co may, however, charge other amounts to provide additional services (such as expedited installation). In this case, NBN Co may charge above the cap.

As set out in section 3.10 below, NBN Co must have a charging policy and schedule and lodge it with the Minister for Communications in advance of applying it and must update the document as required. The document must cover charging below the amounts specified in Annex A and any other amounts to provide additional services.

The charges in Annex A apply to typical development projects providing residential, business and other premises. Consistent with established practice, the provision of telecommunications to one-off major projects like major office complexes, industrial sites, commercial premises, hospitals, airports, hotels or similar, would be subject to commercial negotiations. Generally, the commercial component of a mixed development is considered commercial and subject to commercial flexibility while the residential component is considered residential and subject to the charging principles set out above.

The structure and level of charges set by providers other than NBN Co is a commercial matter for them in a competitive marketplace.

Where a carrier other than NBN Co seeks an end-user contribution (possibly referred to as a connection charge) from a retail carriage service provider or a retail customer or another party, it should publish the charge on its website. Carriers should not charge end-users more than the relevant published rate. The maximum end-user contribution charge is set by this policy at \$300 for a telephone and Internet service. The Government will monitor carrier compliance with these aspects of the policy and will consider further regulation if warranted.

NBN Co must publish information on the treatment of infill developments, where premises have ready access to NBN Co's existing infrastructure. Such developments would include the construction of new premises on vacant land or subdivisions and knock-down rebuilds where owner-builders or others construct one or more premises in established areas. NBN Co's published information must set out the circumstances in which it will require the payment of new development charges in Annex A as opposed to its usual connection charges for pre-existing properties. Other carriers should publish similar information. The objective of this principle is to ensure it is clear to developers, including

owner-builders, when a standard connection charge is payable as opposed to additional new development charges.

3.8 Competitive infrastructure provisioning ('overbuilding')

Consistent with the evolution of the telecommunications in new development market and the move to a more normal and sustainable market for the future, there will be no special rules relating to the competitive provision of telecommunications infrastructure in new developments or overbuilding of one network by another.

In an open and competitive market like Australia's, where developers are free to choose which carrier they wish to use and carriers are generally free to make commercial decisions, such rules have no merit going forward. To the extent market circumstances dictate an area is most efficiently serviced by one fixed-line network, this should be the outcome of normal commercial forces and does not need to be mandated by Government policy. Conversely, where an area may be profitably served by multiple competing networks, this should not be ruled out (and indeed cannot be ruled out under Australian law).

Section 3.10 below looks further at residual concerns that NBN Co may take advantage of its Government ownership or position in the market to compete unfairly or to undermine the value of past investments.

3.9 Competitive safeguards and competitive neutrality

The Government strongly supports competition in all telecommunications markets and between all providers, including NBN Co and alternative carriers servicing new developments. In the case of telecommunications in new developments, this includes competition for the market, as often the first fixed-line provider in a development may be the only such provider due to the economics of fixed-line supply, as well as competition within the market, where it can support multiple providers. However, competition should be fair and subject to the usual competitive safeguards.

To the extent there may be residual concerns that NBN Co may take advantage of its Government ownership or position in the market to compete unfairly or to undermine the value of past investments. However, NBN Co is required to operate commercially and this places an inherent discipline on any charging or overbuilding decisions, particularly in lower density, residential markets. It is possible that NBN Co could consider it is in its long-term interest to seek to exclude competition. The possibility of such anti-competitive conduct is a significant concern, however there are powerful and long-standing tools to deal with it and these should be preferred.

NBN Co, as a matter of course, is subject to normal competition law requirements. These include both Part IV and Part XIB of the *Competition and Consumer Act 2010*, both of which include prohibitions on conduct that has the effect, or likely effect, of substantially lessening competition. Under Part XIB, the ACCC has the ability to issue competition notices to address emerging conduct issues. As a Commonwealth Government Business Enterprise, NBN Co is also subject to the Commonwealth Competitive Neutrality Policy¹². In the event of a breach of the Competitive Neutrality Policy, a complaint can be made to the Australian Government Competitive Neutrality Complaints Office (AGCNCO)¹³. The Government considers these established legislated and policy mechanisms, administered by dedicated regulators, are better and more appropriate protections against anti-competitive conduct than proscriptions in this policy.

¹² See [treasury.gov.au/publication/commonwealth-competitive-neutrality-policy-statement](https://www.treasury.gov.au/publication/commonwealth-competitive-neutrality-policy-statement).

¹³ See www.pc.gov.au/about/core-functions/competitive-neutrality.

In the event of concerns nevertheless arising in this area, it is important that information is readily available. NBN Co must therefore have a charging strategy and schedule and lodge it with the Minister for Communications in advance of applying it and it must keep it up-to-date. It must also retain records of its charging decisions, including the charges it has applied and its reasons for charging below the caps. NBN Co must also retain records of any decisions to build competing infrastructure in new developments being serviced by other carriers and the commercial case for such activities. NBN Co must also keep records of its compliance with competitive neutrality policy in relation to new developments.

NBN Co will report to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts on these matters monthly, unless otherwise agreed in advance in writing by the Department, with the Department to specify the details of such reports as required. This will provide the Government with ongoing visibility of such matters. By retaining such information, NBN Co will also be better able to assist the ACCC or AGCNCO if required.

Given the concerns raised, NBN Co's conduct in the market will be closely monitored by the Government as policy maker and it reserves the right to adjust this policy or take other remedial steps if needed. The Government also expects the ACCC and AGCNCO will be equally vigilant.

3.10 Network and service standards

Telecommunications infrastructure and services in new developments need to meet the reasonable expectations of consumers. Market forces play an important role in this regard as developers who provide high quality telecommunications networks in their developments will be more attractive to buyers or tenants while those offering sub-standard telecommunications are likely to face difficulties in selling or leasing properties. This means consumers need to be well informed. Proposed new consumer safeguards flowing from the Consumer Safeguards Review will be beneficial in this regard, however consumers also need to take responsibility for finding information and using it to make informed choices.

The SIP legislation sets baseline requirements for access technologies and download and upload speeds that will need to be provided in new developments.

3.11 Awareness-raising and compliance

As noted above, the vast majority of developers have followed past policies on telecommunications in new developments and had high quality telecommunications installed in their projects for the benefit of property buyers and other occupants. The proportion of developers that have not done the right thing is relatively small. To maintain and improve on these outcomes, ongoing awareness-raising of this policy and relevant regulation is essential.

The Government will continue to work with relevant parties, including firms and associations in the development and telecommunications sectors, consumer groups and state, territory and local governments, to maintain and raise awareness among all developers of the need to install appropriate telecommunications infrastructure in new developments. As most developers turn to local planning laws for guidance in the first instance, the Government sees ongoing merit in complementary state, territory and local government rules on telecommunications in new developments.

4. Mobile Infrastructure

4.1 Applicability

This part of the policy applies to a residential development with more than 50 lots, immaterial of whether the project will be implemented in stages.

4.2 Consumer Outcomes

Where mobile coverage is not included in the design of new developments or expanding suburbs, there will likely be diminished digital connectivity and inclusion outcomes for residents in those areas. Having reliable mobile access is no longer a luxury – it is essential to maximise educational and economic opportunities, and take advantage of a digital society. More importantly, lives may be at risk during emergencies or natural disasters, as it limits the ability to call Triple Zero, particularly when outside premises.

Consumers that have particular preferences about their mobile services are encouraged to check with their carrier to see if there is existing or proposed coverage in their development. The three MNOs, Optus, Telstra and TPG (Vodafone) provide mobile coverage maps on their websites. Consumers can also make enquiries with the developer regarding which MNOs may provide mobile connectivity to the development.

4.3 Current Mobile Infrastructure Market

In recent years, the three MNOs have diversified their towers and poles to Mobile Network Infrastructure Providers (MNIPs). A MNIP is a provider of telecommunications infrastructure or facilities (such as mobile towers or poles) that support the provision of mobile telecommunications services and may or may not hold a carrier licence. Often, MNIPs will build the infrastructure used by MNOs, with the costs passed on to the MNO in access fees. It is ultimately the MNO that provides mobile services to the consumer.

Given this is an emerging trend in the market, developers may wish to engage with MNO and/or MNIPs regarding infrastructure enabling the provision of mobile services.

4.4 Information Sharing

When land has been released or rezoned for the purposes of residential housing, it is often publicly available on jurisdictional planning agencies websites. MNOs and MNIPs are encouraged to check these websites on a regular basis, as it provides them with the earliest possible knowledge of intended development to enable inclusion in forward infrastructure deployment plans.

4.5 Developer Obligations

In relation to mobile connectivity, the Government expects developers to:

- consider mobile connectivity as part of the overall development application process, with a similar level of importance as other utilities such as water, electricity and sewage;
- engage with an MNO and/or MNIP as early as possible to ensure mobile coverage is in place prior to the selling or leasing of a building unit. 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 'master plan' phase;
- Identify or set aside one or more sites, or spaces, that are appropriate for mobile telecommunications infrastructure such as a pole or tower to be built upon. Depending on the individual circumstances of the development, more than one telecommunications facility may

be required to service a development. Generally, sites that are elevated and are closely located to the area intended to be served are preferred. MNOs and/or MNIPs may also consider installing telecommunications facilities on existing or proposed infrastructure, such as light poles, or on rooftop buildings. MNOs and MNIPs are best placed to provide such positional and technical advice, which is why early as possible engagement is encouraged; and

- make all reasonable efforts to reach 'fair terms' in agreements with MNOs/MNIPs for access to land for the deployment of telecommunications facilities.

Irrespective of whether it is a 'greenfield' or 'infill' development, a developer should engage with MNOs up front to find out if there is existing coverage and if so, whether there is sufficient capacity given the number of proposed units being build. If there is no existing coverage, then a developer should follow the expectations listed above.

These expectations are focused on matters within the developer's control. For example, when a developer engages early with an MNO and/or MNIP but there are delays in obtaining necessary planning approvals for mobile infrastructure, then the developer is not necessarily at fault.

4.6 Charging

For mobile connectivity, the location and timing for the deployment of facilities is often a commercial decision determined by the relevant MNO and/or MNIP having identified areas which would provide the greatest coverage for use by the community. Developers may, however, choose to engage an MNO and/or MNIP on a commercial basis to secure mobile connectivity for a new development. There may also be Australian Government funding available to MNOs and MNIPs in certain locations, such as peri-urban or regional areas.

4.7 Infrastructure Sharing

Infrastructure sharing can be undertaken in either an active or passive way. Active sharing involves the sharing of one set of radio access network equipment, such as antennas and transmission equipment, by multiple MNOs on the same infrastructure (e.g. pole, tower). It may also involve sharing spectrum. Passive infrastructure sharing involves a MNO deploying its own active equipment on the same passive infrastructure (e.g. pole, tower) in addition to the equipment of another MNO or MNIP.

Both types of co-operation should be encouraged, as it shares the costs to provide mobile connectivity between two or more MNOs while providing better outcomes for consumers. MNOs and MNIPs are encouraged to build new infrastructure in developments that enable two or more MNOs facilities to be co-located.

4.8 Network and Service Standards

Similar to fixed line infrastructure and services in new developments, mobile services need to meet the reasonable expectations of consumers. Market forces play an important role as developers who provide high quality telecommunications networks in their developments will be more attractive to buyers or tenants while those offering sub-standard telecommunications are likely to face difficulties in selling or leasing properties.

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.

5. Review and Further Information

Consistent with good practice, the Government expects to review this policy in five years' time, but will do so earlier if warranted by changes in the market.

This policy and further information on new developments issues are available on the website of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.¹⁴ This includes information on the SIP regime and obligations in Part 20A of the *Telecommunications Act 1997*.

Comments or queries about the policy can be directed to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts at new.developments@infrastructure.gov.au.

¹⁴ www.communications.gov.au/policy/policy-listing/telecommunications-new-developments

Annex A—NBN Co maximum charges and caps for new developments

NBN Co charge per premises/lot		Paying party
Network		Developer
Deployment contribution per lot/premises (SDU)	\$600	
Deployment contribution per premises (MDU)	\$400	
Wireless/satellite contribution per premises (SDU)	\$1300	
Wireless/satellite contribution per premises (MDU)	\$1100	
Backhaul		
NBN backhaul already available (brownfield areas)	No charge	
Backhaul costs up to \$1000 per lot/premises (where costs are not being amortised)	Up to 50% of costs	
Backhaul costs over \$1000 per lot/premises (where costs are not being amortised)	Up to 100% of costs over \$1000 (in addition to up to 50% of the first \$1000)	
NBN backhaul in greenfield areas (where costs are being amortised for infrastructure to be used by multiple developments)	For each development, NBN Co may recover up to 100% of the costs of that development's expected proportional share, calculated on a per lot/premises basis (but NBN Co may not recover more than 100% of the total cost of shared backhaul infrastructure)	
Network		
End-user contribution per premises	\$300	RSP contracted with NBN Co (RSP may pass through to end-user) unless recovered from another person (e.g. state or territory housing authority, landlord or developer)

The charges in this table are maximum amounts and NBN Co can charge below these amounts for the network infrastructure it provides to new developments. It may charge additional amounts where developers require additional services (such as expedited installation).

The specific definitions of what qualifies as an SDU and what qualifies as an MDU will be a matter for NBN Co in the first instance. Its definitions will need to be consistent with generally accepted industry practice. The Government reserves the right to require NBN Co to provide or publish its definitions if warranted.

As stated in section 3.7, NBN Co may amortise backhaul charges over different developments in the same area.

In addition to these charges, developers are required to meet the cost of pit and pipe or other fibre-ready facilities required by NBN Co (or any other carriers).