



8 November 2023

The Director
Telecommunications Deployment Policy
Section
Department of Infrastructure, Transport,
Regional Development, Communications
and the Arts

By email:
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Telecommunications in New Developments (TIND) Policy - submission in response to proposed changes to provide better mobile connectivity in new developments

Thank you for the invitation to provide feedback to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (**Department**) regarding the proposed changes to the Telecommunications in New Developments (**TIND**) Policy released on 11 October 2023. Amplitel welcomes the opportunity to provide feedback.

1. Introduction to Amplitel

- 1.1 Amplitel is a Mobile Network Infrastructure Provider (**MNIP**) and was established on 1 September 2021 following the transfer of the towers business of Telstra Corporation Ltd (**Telstra**) to Amplitel and sale of a 49% interest in that business to a consortium of investors. This consortium includes the Future Fund, Australian Retirement Trust, Commonwealth Superannuation Company and Morrison & Co IP. The Telstra Group continues to hold 51% in Amplitel.
- 1.2 Amplitel's mission is to be Australia's leading provider of towers infrastructure to support customers to deliver wireless communications. Amplitel operates over 8,000 towers, masts, poles, and other structures. Amplitel also has access to Telstra's equipment building rooftops and approximately 160,000 of Telstra's street side poles. Amplitel's tower locations are available at <https://www.amplitel.com.au/tower-locations>.
- 1.3 As an MNIP, Amplitel provides most of the passive infrastructure assets at a site required to establish and operate a telecommunications tower. These include land, security fencing, access tracks and the tower. Amplitel also organises the extension of the power network (where available).

2. **The importance of consumer outcomes, developer obligations and co-location**

2.1 Amplitel largely agrees with the proposed changes updating the TIND Policy as set out in the Mobile Connectivity section (Part B) of the Policy, including:

- (a) the importance of the Consumer Outcomes (section 4.1), particularly the importance of digital connectivity, inclusion and disaster preparedness in new developments and expanding suburbs;
- (b) the Government's expectation of developers as set out in Developer Obligations (section 4.2) and specifically that mobile connectivity should be considered by developers as part of the overall development process with a similar level of importance to other fixed line infrastructure and utilities; and
- (c) that co-location (section 4.3) on mobile infrastructure should continue to be encouraged as there are clear efficiencies with sharing infrastructure and maximising utilisation of assets for MNIPs and carriers. Co-location is often more economical than self-supplying new infrastructure and reduces duplication, including in new developments and expanding suburbs.

3. **Expansion of engagement to MNIPs**

3.1 As MNIPs will generally own and operate the passive telecommunications infrastructure in new developments, Amplitel recommends that the Policy be expanded to reflect that developers should be required to consult with MNIPs (in addition to carriers):

- (a) as early as possible in the development process and preferably prior to or at the 'urban design' or 'master plan' phase;
- (b) in relation to the mobile telecommunications requirements of the development, including the most appropriate sites for future telecommunications infrastructure; and
- (c) where relevant, regarding the commercial terms applicable to telecommunications infrastructure to be deployed to support the new development.

4. **No Co-user fees**

4.1 Investment in mobile infrastructure in new developments is generally required prior to these locations becoming economic for carriers. This is due to the ramp-up in consumer demand being dependent on the time taken to bring the new development to full occupancy, which can be in the order of 10 years. As such, it is important that developers realise that how they price rentals for telecommunication facilities will impact when and whether a carrier chooses to co-locate on a site. Some landowners have a rent seeking approach to telecommunications sites and levy additional fees (**co-user fees**) on carriers co-locating on a tower site, thereby increasing total rental returns from a site. These charges have the impact of increasing the total cost of the infrastructure and have the risk of disincentivising investment at impacted locations.

4.2 Amplitel recommends that section 4.3 (Co-location) of the Policy be updated to reflect that co-user fees relating to co-location of MNIPs and carriers on telecommunications infrastructure on land in or adjacent to new developments and expanding suburbs should be removed, in order to encourage investment in mobile infrastructure in these areas.

The removal of such fees will encourage investment by MNIPs and carriers in these areas and will enable the new development to best meet the Consumer Outcomes identified in the Policy.

5. **Network congestion**

- 5.1 In addition to recognising that mobile coverage is a consideration for consumers in new developments and expanding suburbs, mobile network congestion is also a factor in these growing areas. For example, although there may be coverage in a new development, if, as a result of the growing number of users in that location, the mobile network reaches capacity, users will not be able to connect calls or use the internet using the mobile network.
- 5.2 Amplitel recommends that the Policy be updated to reflect this fact and that consultations regarding the telecommunications requirements for new developments should include both mobile coverage and network capacity.

6. **Role of local councils and government**

- 6.1 The role of local councils and other government authorities is critical in new developments as it is these entities that have ultimate planning approval authority for the development. Some local councils have existing telecommunications facilities planning rules that are not consistent with the design of a new development. For example, where a local council planning scheme requires a minimum 400 metre minimum setback for a telecommunications facility from residential land use, this can be impossible to achieve in a new development. In addition, the planning and development approval processes for telecommunications facilities varies between States and Territories and across local councils. This adds uncertainty in planning new infrastructure and can increase the costs of the site selection, acquisition and planning approvals during the development phase.
- 6.2 As a result, Amplitel recommends that the Policy be updated to reflect that:
- (a) local councils (Property and Planning departments) and other government authorising bodies should be included in early consultations and these entities should be encouraged to design planning requirements and schemes that support and facilitate telecommunications facilities in new developments;
 - (b) State and Territory and local council planning processes should be fit for purpose in the context of new developments (eg: by way of special zoning for telecommunications facilities and relaxation of design and notice requirements), reflecting the special design and needs of these areas;
 - (c) the harmonisation of State and Territory planning and development approval processes would improve the efficiency, and could reduce the cost of developing telecommunications infrastructure in new developments;
 - (d) currently, certain telecommunications facilities are exempt from certain State and Territory laws for carriers. For example, low-impact facilities as defined in the Telecommunications (Low-impact Facilities) Determination 2018 (**LIFD**) are exempt from a range of planning and development approval requirements. This is critical to the efficient deployment and maintenance of telecommunications networks as exemptions minimise the regulatory burden on carriers so they can quickly and cost-effectively meet the community's need for access to affordable, fast and reliable telecommunications services in a

nationally consistent way. However, the LIFD does not apply to non-carriers or telecommunications towers. Exemptions from planning and development approvals should be extended to non-carrier MNIPs for telecommunications towers; and

- (e) the required lot size for telecommunications towers should be reconsidered in planning and development requirements. Currently, planning rules may mean MNIPs purchase more land than is required for a tower site. For example, Amplitel typically seeks to secure a site that can accommodate at least two tenants. For a standard pole location, this can be achieved in an 80-100 sqm plot, increasing to 10,000 sqm for a large guyed-mast. Minimum lot sizes may mean that the MNIP purchases more land than is required for a standard pole. These requirements are inefficient and unnecessarily increase an MNIP's costs in developing and maintaining infrastructure and can be difficult to meet in new developments where available land for telecommunications facilities can be limited.

Please contact Sally Aitken or Emma Harrison if you have any questions.

Yours sincerely



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