



Department of **Planning,**
Lands and Heritage

Our ref: PLH2019P0504
Enquiries:

Mr Daniel Tangri
USG Implementation
Department of Infrastructure Transport
Regional Development & Communications
GPO Box 594
CANBERRA ACT 2601

By email: new.developments@communications.gov.au

Dear Mr Tangri

**REGULATION IMPACT STATEMENT (CONSULTATION DRAFT) – PROPOSED
AMENDMENTS TO PART 20A OF THE TELECOMMUNICATIONS ACT 1997**

Thank you for the opportunity for the Department of Planning, Lands and Heritage (the Department) to review the Regulation Impact Statement (RIS) (Consultation Draft) for proposed amendments of the *Telecommunications Act 1997* (the Act) to reduce delays and costs to consumers.

The Department, on behalf of the Western Australian Planning Commission (WAPC), released the draft *Position Statement: Fibre Ready Telecommunications Infrastructure* (Position Statement) for public comment in May 2019. The Position Statement aims to clarify planning requirements for fibre ready facilities and telecommunications infrastructure and provides that the provision of fibre ready facilities be a condition of approval for all subdivisions, unless an exemption applies (as set out in the Position Statement). Publication of a final Position Statement is anticipated shortly.

As such, upon review of the RIS, the Department supports options which complement the position of the WAPC as set out in the Position Statement. The Department supports a combination of the Department of Infrastructure, Transport, Regional Development and Communications (DITRDC) increasing efforts to raise awareness with the developer and buyer community (Option 2); continued liaison with state, territory and local governments (Option 3); and legislation under the Act to be amended to require unincorporated developers to provide pit and pipe infrastructure (Option 4).

The Department does not consider that doing nothing (Option 1) will suffice or that legislation to require disclosure (Option 5) will resolve the issue nor meet the community's expectations. Further, while it is understood that situations may arise where compensation may be pursued by a landowner, a compensation mechanism as a formal alternative resolution pathway (Option 6) is not supported over the provision of physical infrastructure.

Additionally, the Department does not support the legislation to require the installation of networks (Option 7). This option is inconsistent with the draft Position Statement that does not require the provision of optical fibre lines and/or a carrier agreement.

If the DITRDC pursue a legislative option (as supported), it is recommended exemptions be considered consistent with that of the Position Statement. These include:

- subdivision in rural zoned land (or equivalent);
- where the decision maker (State Government or local government) is satisfied that a connection will not be warranted;
- situations where there is no material change (i.e. boundary realignments or lot amalgamations); and
- infill residential development where the necessary infrastructure is already in place.

The Department looks forward to continual liaison with DITRDC in consideration of this submission for the review of the RIS; and will keep advised of the status of the draft Position Statement.

Yours sincerely

24 September 2020