

Commonwealth of Australia

*Telecommunications Act 1997*

**Telecommunications (Network Exemption—  
Specified Velocity Networks)  
Instrument 2012**

I, STEPHEN MICHAEL CONROY, Minister for Broadband, Communications and the Digital Economy, make the following Instrument under subsection 141A(1) and subsection 144(1) of the *Telecommunications Act 1997*.

Dated 9/1 2012



STEPHEN CONROY

Minister for Broadband, Communications and the Digital Economy

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**1 Name of Instrument**

This Instrument is the *Telecommunications (Network Exemption—Specified Velocity Networks) Instrument 2012*.

**2 Cessation**

This Instrument ceases to have effect on the designated day.

**Note 1** By virtue of paragraph 4(1)(a) and subsection 4(2A) of the *Acts Interpretation Act 1901*, this Instrument will commence immediately on the commencement of Part 3 of Schedule 1 to the *Telecommunications Legislation Amendment (National Broadband Network Measures—Access Arrangements) Act 2011*.

**Note 2** The ‘designated day’ is 1 July 2018, or another day specified by the Minister in a non-legislative instrument under paragraph 577A(10)(b) of the *Telecommunications Act 1997* (refer subsection 577A(10)).

### 3 Definitions

In this Instrument:

**Act** means the *Telecommunications Act 1997*.

**access seeker** has the same meaning as in Part XIC of the *Competition and Consumer Act 2010*.

**declared service** has the same meaning as in Part XIC of the *Competition and Consumer Act 2010*.

**Fibre Access Broadband Service** means a carriage service that:

- (a) is offered to be supplied on a wholesale basis; and
- (b) is supplied by means of an optical fibre line; and
- (c) is offered to be supplied at each of the following maximum transmission speeds:
  - (i) download transmission speed of 8Mbps and upload transmission speed of 384kbps;
  - (ii) download transmission speed of 30Mbps and upload transmission speed of 1Mbps;
  - (iii) download transmission speed of 100Mbps and upload transmission speed of 5Mbps; and
- (d) has the following configurations:
  - (i) a ‘best effort’ or non-prioritised service, as characterised by the Differentiated Services Code Point Default Forwarding per-hop behaviour; and
  - (ii) connectivity made with static Layer 2 Tunnelling Protocol (L2TP) tunnels and Broadband Virtual Local Area Networks, giving direct access to end user sessions; and
  - (iii) end-user sessions are aggregated together in the Telstra network via static L2TP tunnels supplied over Ethernet.

**Specified Velocity Network** means an optical fibre-based telecommunications network:

- (a) that is owned by Telstra; and
- (b) which comprises:
  - (i) a network located in:
    - (A) a real estate development project specified in column 1 of the table at Schedule 1 to this Instrument; and
    - (B) an area of land depicted in the corresponding map at Annexure A to Schedule 1 (refer to column 2 of the table at Schedule 1 to this Instrument); and

- (ii) those local access lines or parts of access lines located outside the areas specified in subparagraph (b)(i) necessary for the provision of carriage services to premises located within the areas specified in subparagraph (b)(i); and
- (c) constructed by Telstra in accordance with a legally enforceable agreement:
  - (i) in force prior to 25 November 2010; and
  - (ii) between Telstra and the person responsible for the real estate development project; and
- (d) which uses fibre-to-the-premises architecture.

**Note** By virtue of paragraph 46(1)(b) of the *Acts Interpretation Act 1901*, the following expressions have the same meaning as in the Act:

- *ACCC*
- *ACMA*
- *designated day*
- *carriage service*
- *local access line*
- *optical fibre line*
- *real estate development project*
- *telecommunications network*
- *Telstra*

## **4 Exemptions**

- (1) Subject to the condition set out in subclause (2), and pursuant to subsections 141A(1) and 144(1) of the Act, each Specified Velocity Network is exempt from sections 141 and 143 of the Act.
- (2) The exemptions are subject to the condition that, if a Fibre Access Broadband Service is not a declared service:
  - (a) Telstra must offer and supply to access seekers, upon reasonable request, a Fibre Access Broadband Service over the Specified Velocity Network; and
  - (b) Telstra must:
    - (i) publish on the wholesale section of its website, the terms and conditions (price and non-price) on which it offers to supply the Fibre Access Broadband Service on a Specified Velocity Network (***reference offer***); and
    - (ii) each time it enters into an agreement with an access seeker, where the terms and conditions are not the same as those set out in the reference offer, provide the following information to the ACCC within 14 days of entering into the agreement:
      - (A) the identity of the parties to the agreement; and

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- (B) the differences between the terms and conditions set out in the agreement and the terms and conditions set out in the reference offer; and
- (iii) each time it implements a material change to either the reference offer or the product specification for the Fibre Access Broadband Service, provide the following information to the ACCC within 14 days of implementing the change:
  - (A) the nature of the change; and
  - (B) the date the change took effect; and
- (iv) make available to the ACCC or ACMA, within 14 days of receipt of the request, copies of executed contracts it has entered into with person responsible for the real estate development project for the construction of a Specified Velocity Network.

**Note 1** Paragraph 141A(4)(b) provides that an instrument made under subsection 141A(1) may be subject to such conditions as are specified in the instrument.

**Note 2** Paragraph 144(4)(b) provides that an instrument made under subsection 144(1) may be subject to such conditions as are specified in the instrument.



### **Schedule 1 – Specified Velocity Networks** (clauses 3 and 4)

Item	Column 1	Column 2
	Name and location of real estate development project	Area of project (Map Number)
<b>New South Wales</b>		
1	Aveo Island Point Estate – St George's Basin (Sanctuary Point) NSW	Map 1 at Annexure A
2	Bingara Gorge Estate – Wilton NSW	Map 2 at Annexure A
3	Calala Village Estate – Tamworth NSW	Map 3 at Annexure A
4	Endeavour House – Coogee NSW	Map 4 at Annexure A
5	Fern Bay Seaside Village – Fern Bay NSW	Map 5 at Annexure A
6	Freeman's Ridge Estate – Hoxton Park NSW	Map 6 at Annexure A
7	Harrington Grove Estate – Harrington Park NSW	Map 7 at Annexure A
8	Heritage on Peel 1 – Tamworth NSW	Map 8 at Annexure A
9	Hermitage Camden Valley Golf Resort – Catherine Fields NSW	Map 9 at Annexure A
10	Hundred Hills Estate – Murwillumbah NSW	Map 10 at Annexure A
11	Jacksons Landing Estate – Pyrmont NSW	Map 11 at Annexure A
12	Manufactured Homes Estate – Leppington NSW	Map 12 at Annexure A
13	Moore Creek Estate – Calala (Tamworth) NSW	Map 13 at Annexure A
14	Rouse Hill Estate – Rouse Hill NSW	Map 14 at Annexure A
15	Seaside City Estate – Kingscliffe NSW	Map 15 at Annexure A
16	Stonecutters Ridge Estate – Colebee NSW	Map 16 at Annexure A
17	Tamworth Lifestyle Village – West Tamworth NSW	Map 17 at Annexure A
18	Windmill Downs Estate – Tamworth NSW	Map 18 at Annexure A

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19	Windmill Hill Estate – Tamworth NSW	Map 19 at Annexure A
<b>Victoria</b>		
20	Cascades on Clyde Estate – Cranbourne VIC	Map 20 at Annexure A
21	Cornells Hill Estate – Doreen VIC	Map 21 at Annexure A
22	Eastridge Estate – Mooroolbark/Croydon VIC	Map 22 at Annexure A
23	Eynesbury Estate – Eynsbury VIC	Map 23 at Annexure A
24	Kew Cottages Estate – Kew VIC	Map 24 at Annexure A
25	Kingsford Estate – Point Cook VIC	Map 25 at Annexure A
26	Laurimar Estate – Doreen VIC	Map 26 at Annexure A
27	Martha Cove Estate – Safety Beach VIC	Map 27 at Annexure A
28	Saltwater Coast Estate – Point Cook VIC	Map 28 at Annexure A
29	Somerfield Estate – Keysborough VIC	Map 29 at Annexure A
30	The Hunt Club Estate – Cranbourne VIC	Map 30 at Annexure A
31	Yarra's Edge Estate – Melbourne VIC	Map 31 at Annexure A
<b>Queensland</b>		
32	Bluewater Estate – Trinity Park (Cairns) QLD	Map 32 to Annexure A
33	Boonaroo Views Estate – Nerang QLD	Map 33 to Annexure A
34	Brookwater Estate – Brookwater QLD	Map 34 at Annexure A
35	Canopy's Edge Estate – Smithfield (Cairns) QLD	Map 35 at Annexure A
36	Cascade Gardens Estate – Rockhampton QLD	Map 36 at Annexure A
37	Centrus Estate – Eight Mile Plains QLD	Map 37 at Annexure A
38	Ecopoint Estate – Victoria Point QLD	Map 38 at Annexure A

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39	Edenbrook Estate – Bundaberg QLD	Map 39 at Annexure A
40	Emerald Lakes Estate – Carrara QLD	Map 40 at Annexure A
41	Fitzgibbon Chase Estate – Fitzgibbon QLD	Map 41 at Annexure A
42	FKP Rochedale Estate – Rochedale QLD	Map 42 at Annexure A
43	Forest Ridge Estate – Narangba QLD	Map 43 at Annexure A
44	Gainsborough Greens Estate – Pimpana QLD	Map 44 at Annexure A
45	Gecko Valley Estate – Gladstone QLD	Map 45 at Annexure A
46	Greater Ascot Estate – Shaw (Townsville) QLD	Map 46 at Annexure A
47	H2O MDU – Southport QLD	Map 47 at Annexure A
48	Highland Reserve Estate – Biloela QLD	Map 48 at Annexure A
49	Huntington Downs Estate – Maudsland QLD	Map 49 at Annexure A
50	Kerrisdale Estate – Beaconsfield (North Mackay) QLD	Map 50 at Annexure A
51	Liberty Rise Estate – Bohle (Townsville) QLD	Map 51 at Annexure A
52	Mount Cotton Estate – (Mount Cotton Brisbane) QLD	Map 52 at Annexure A
53	Mountview Estate – Redbank Plains QLD	Map 53 at Annexure A
54	Northern Element Estate – Pimpana (Ormeau) QLD	Map 54 at Annexure A
55	Ocean Reach Estate – Cannon Valley (Airlie Beach) QLD	Map 55 at Annexure A
56	Ocean's Edge Estate – Palm Cove (Cairns) QLD	Map 56 at Annexure A
57	Oxford & Thorpe St Units – Balmoral (Brisbane) QLD	Map 57 at Annexure A

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58	Pacific Harbour Estate – Bribie Island QLD	Map 58 at Annexure A
59	Panorama Heights Estate – Biloela QLD	Map 59 at Annexure A
60	Pioneer Valley Estate – Kuraby QLD	Map 60 at Annexure A
61	Plantation Palms Estate – Rural View (North Mackay) QLD	Map 61 at Annexure A
62	Riverside Ridge Estate – Douglas (Townsville) QLD	Map 62 at Annexure A
63	Riverstone Crossing Estate – Maudsland/Upper Coomera QLD	Map 63 at Annexure A
64	Royal Pines Marina Estate – Benowa (Gold Coast) QLD	Map 64 at Annexure A
65	Salacia Waters Estate – Paradise Point QLD	Map 65 at Annexure A
66	Sanctum Estate – Mount Low (Townsville) QLD	Map 66 at Annexure A
67	Smithfield Village Estate – Trinity Park (Cairns) QLD	Map 67 at Annexure A
68	Stoneybrook Estate – Glen Eden (Gladstone) QLD	Map 68 at Annexure A
69	Tannum Waters Estate – Tannum Sands (Gladstone) QLD	Map 69 at Annexure A
70	The Fairways Estate – Brookwater QLD	Map 70 at Annexure A
71	The Observatory Estate – Reedy Creek QLD	Map 71 at Annexure A
72	The Outlook Estate – Deebing Heights QLD	Map 72 at Annexure A
73	The Ridges Estate – Peregrin (Sunshine Coast) QLD	Map 73 at Annexure A
74	Village at Coorparoo – Coorparoo (Brisbane) QLD	Map 74 at Annexure A
75	Village at Redcliffe – Redcliffe QLD	Map 75 at Annexure A
76	Waverley Park Estate – Willowvale	Map 76 at Annexure A

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	QLD	
77	Wheller on the Park Estate – Chermside QLD	Map 77 at Annexure A
78	Willowbank Estate – Kirwan (Townsville) QLD	Map 78 at Annexure A
79	Windarra Estate – Bunya (Brisbane) QLD	Map 79 at Annexure A
80	Yeronga Village – Yeronga QLD	Map 80 at Annexure A
81	Yungaba – Kangaroo Point QLD	Map 81 at Annexure A
<b>South Australia</b>		
82	Bluestone Mount Barker Estate – Mt Barker SA	Map 82 at Annexure A
83	Narnu Waterways Estate SA	Map 83 at Annexure A
84	The Marina – Hindmarsh Island SA	Map 84 at Annexure A
85	Wakefield Waters Estate – Port Wakefield SA	Map 85 at Annexure A
<b>Western Australia</b>		
86	Austin Cove Estate – Yunderup WA	Map 86 at Annexure A
87	Baldivis North Estate – Baldivis WA	Map 87 at Annexure A
88	Bayonet Head Estate – Bayonet Head WA	Map 88 at Annexure A
89	Beachridge Estate – Dryandra Boulevard WA	Map 89 at Annexure A
90	Beachside at Yanchep Estate – Yanchep WA	Map 90 at Annexure A
91	Brighton estate – Butler WA	Map 91 at Annexure A
92	Broadwater Park Private Estate – Broadwater WA	Map 92 at Annexure A
93	Brookleigh Estate – Caversham WA	Map 93 at Annexure A
94	Capricorn Village Estate – Two Rocks WA	Map 94 at Annexure A
95	Champion Lakes/Champion Drive –	Map 95 at Annexure A

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	Champion Lakes WA	
96	Clydesdale Estate – McKail (Albany North) WA	Map 96 at Annexure A
97	CY O'Connor Village – Forrestdale WA	Map 97 at Annexure A
98	Dalyellup Beach Estate – Dalyellup WA	Map 98 at Annexure A
99	Ellenbrook Estate – Ellenbrook WA	Map 99 at Annexure A
100	Esprit Estate – Eaton WA	Map 100 at Annexure A
101	Evermore Heights Estate – Baldivis WA	Map 101 at Annexure A
102	Frasers Landing Estate – Coodanup (Mandurah) WA	Map 102 at Annexure A
103	Heron Park Estate – Harrisdale WA	Map 103 at Annexure A
104	Ibis Gardens Estate – Broadwater WA	Map 104 at Annexure A
105	Port Geographe Estate – Geographe (Busselton) WA	Map 105 to Annexure A
106	Provence Estate – Yalyalup (Busselton) WA	Map 106 at Annexure A
107	Rapids Landing Estate – Margaret River WA	Map 107 at Annexure A
108	Seville Grove Estate – Seville Grove WA	Map 108 at Annexure A
109	Shorehaven at Alkimos Estate – Alkimos WA	Map 109 at Annexure A
110	St Leonards Estate – West Swan WA	Map 110 at Annexure A
111	Taylor Private Estate – Caversham WA	Map 111 at Annexure A
112	The Glades Byford Estate – Byford WA	Map 112 at Annexure A
113	Vasse Newton Estate – Vasse WA	Map 113 at Annexure A
114	Whiteman Edge Estate – Henley Brook/West Swan WA	Map 114 at Annexure A
115	Yalyalup Estate – Yalyalup WA	Map 115 at Annexure A

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<b>Northern Territory</b>		
116	Bellamack Multiple Estate Area – Bellamack NT	Map 116 at Annexure A
117	Johnston Northern Enterprise Estate Area – Johnston NT	Map 117 at Annexure A
118	Lyons Estate – Lyons NT	Map 118 at Annexure A

## **Annexure A to Schedule 1 – Specified Velocity Networks – Area Maps – New South Wales**

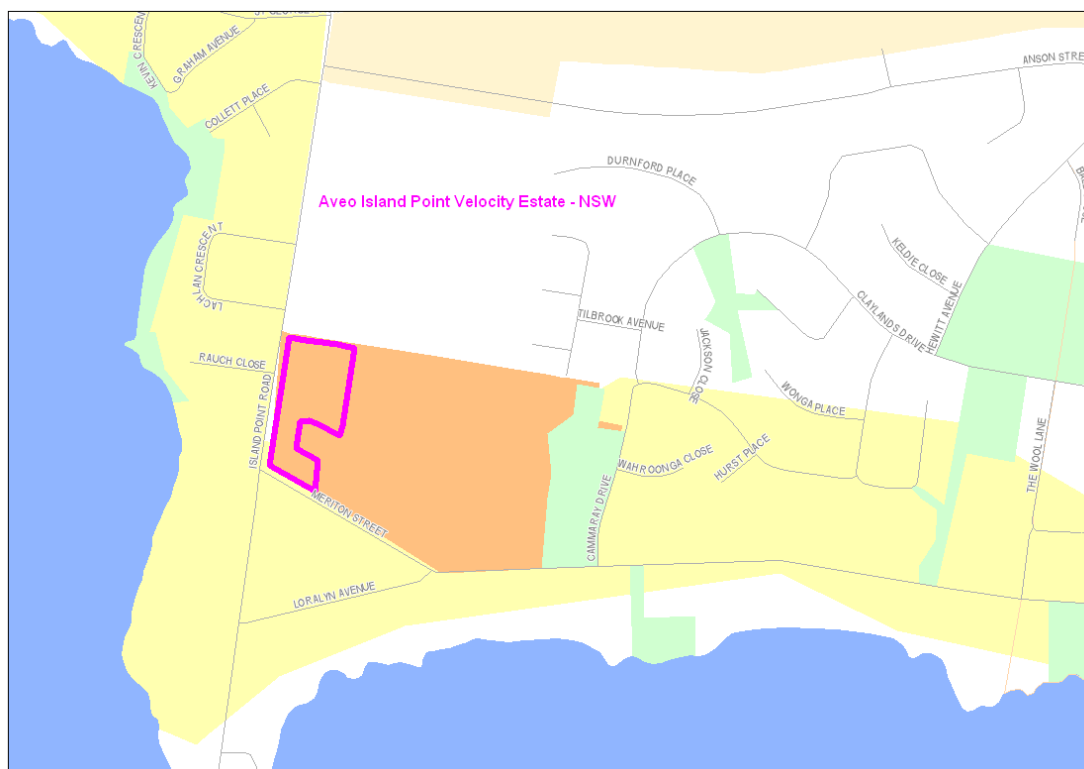
Legend for FTTTP Velocity development maps is shown in Figure 1



Figure 1 - Legend for FTTTP Velocity development maps

Note: All FTTTP Velocity development maps included in this Annexure A are oriented so that North to South is the vertical axis.

### **Map 1**

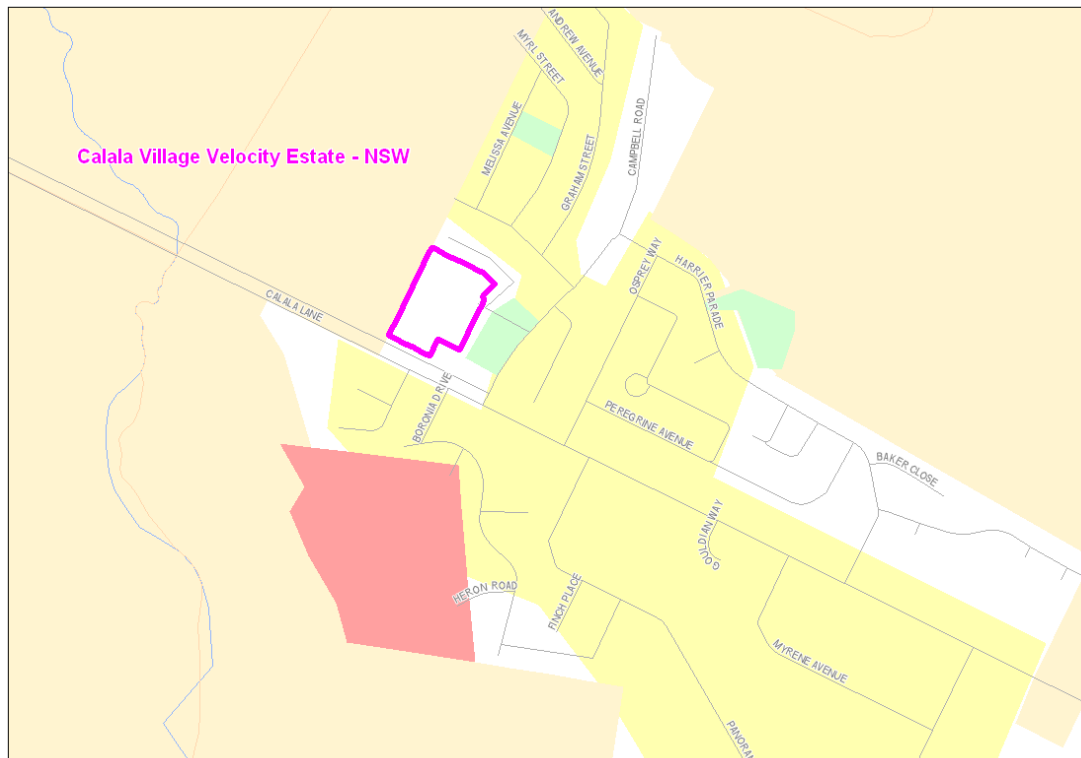






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**Map 3**



### Map 4

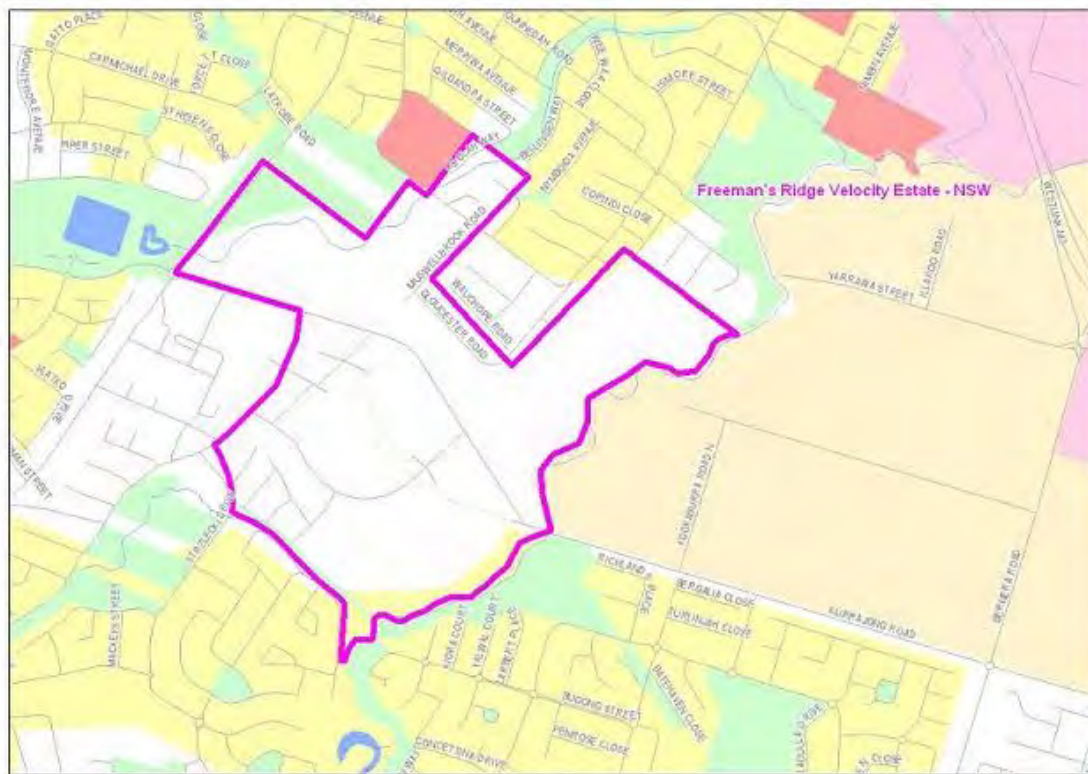


**Map 5**



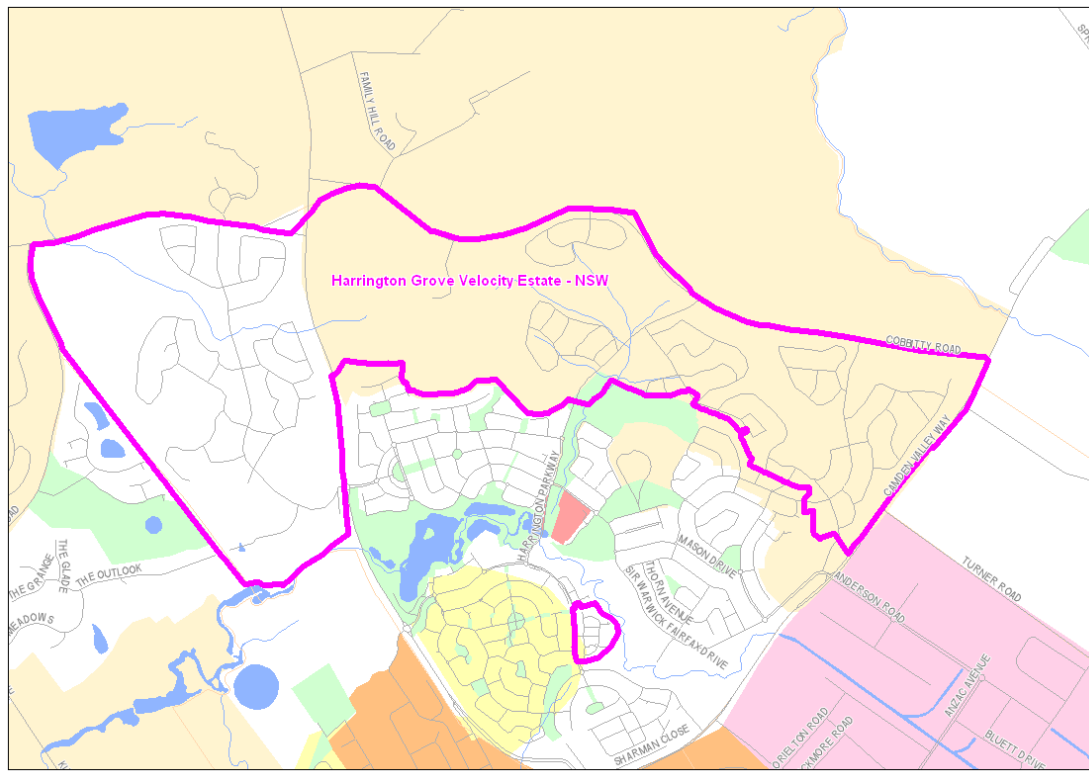
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**Map 6**

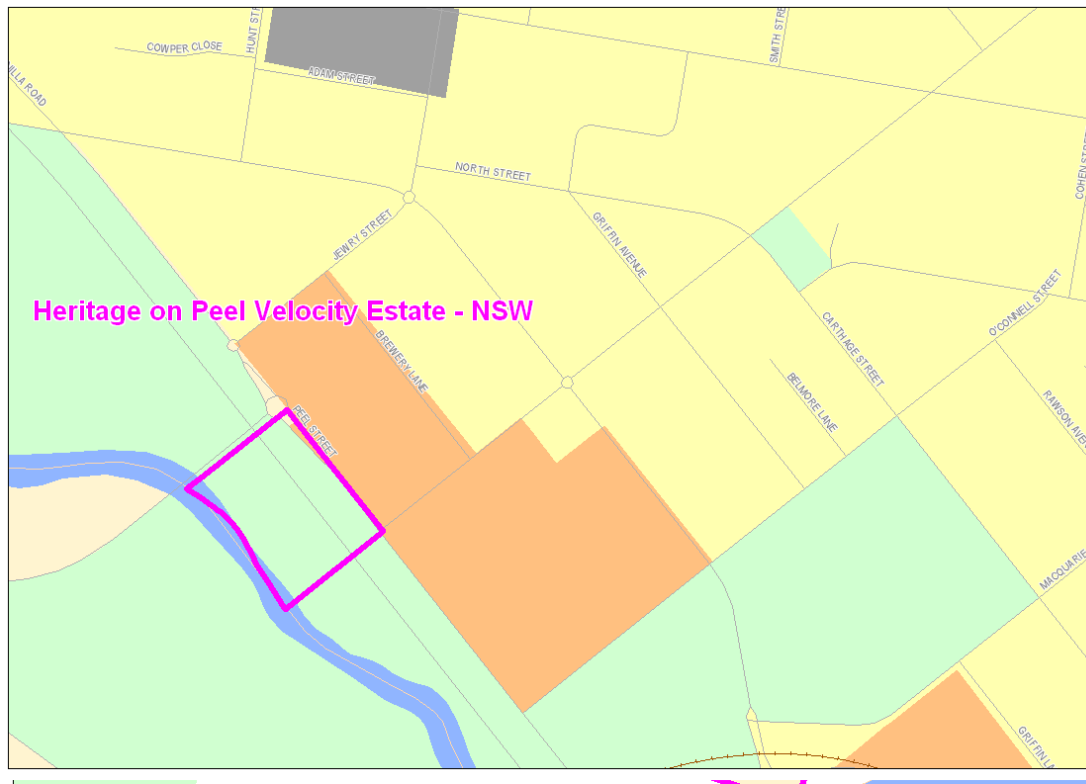


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**Map 7**

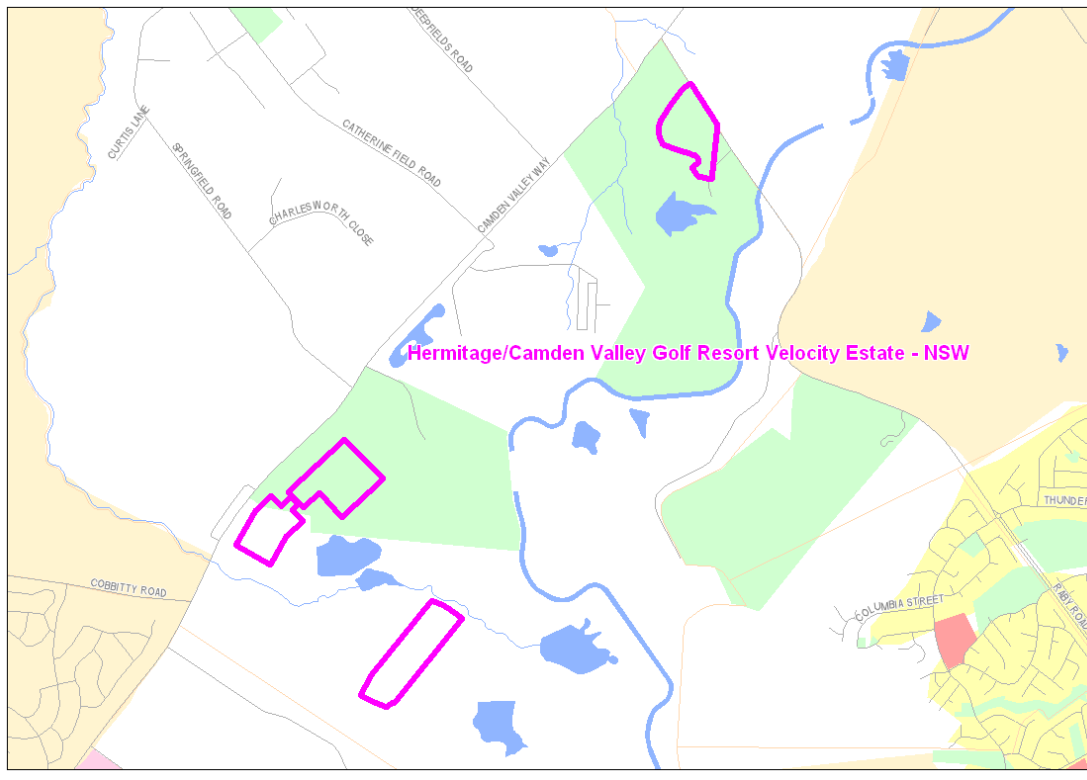


**Map 8**



*Telecommunications (Network Exemption—Specified Velocity Networks)  
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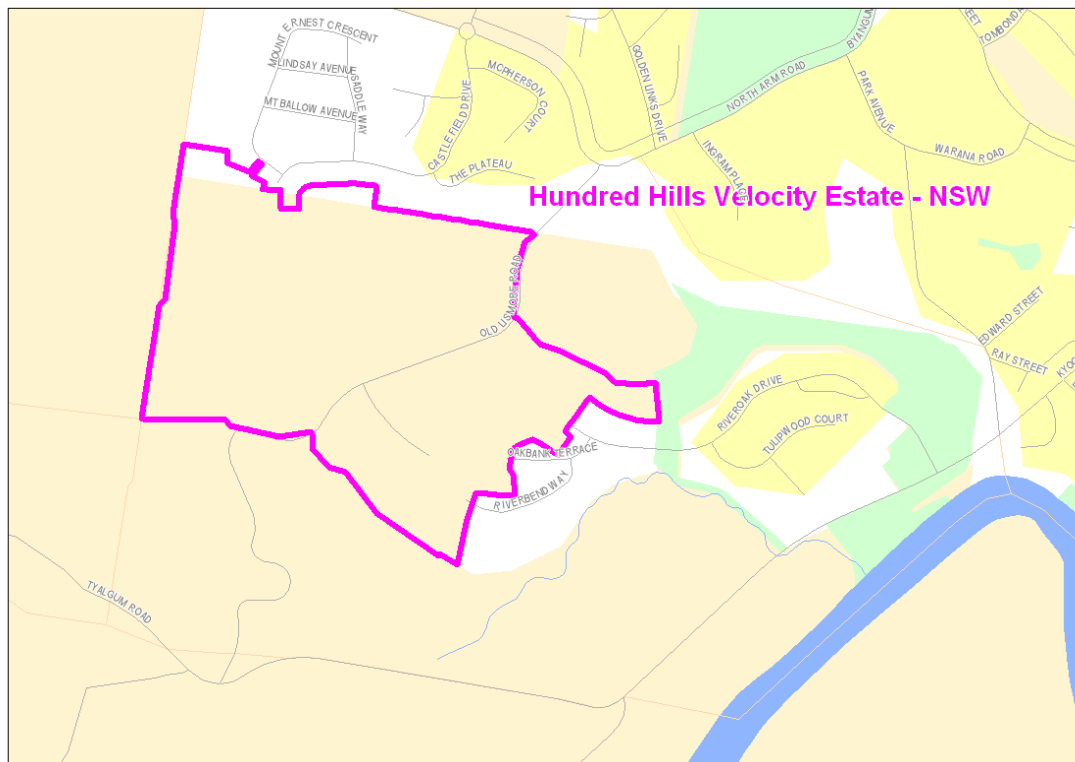
**Map 9**





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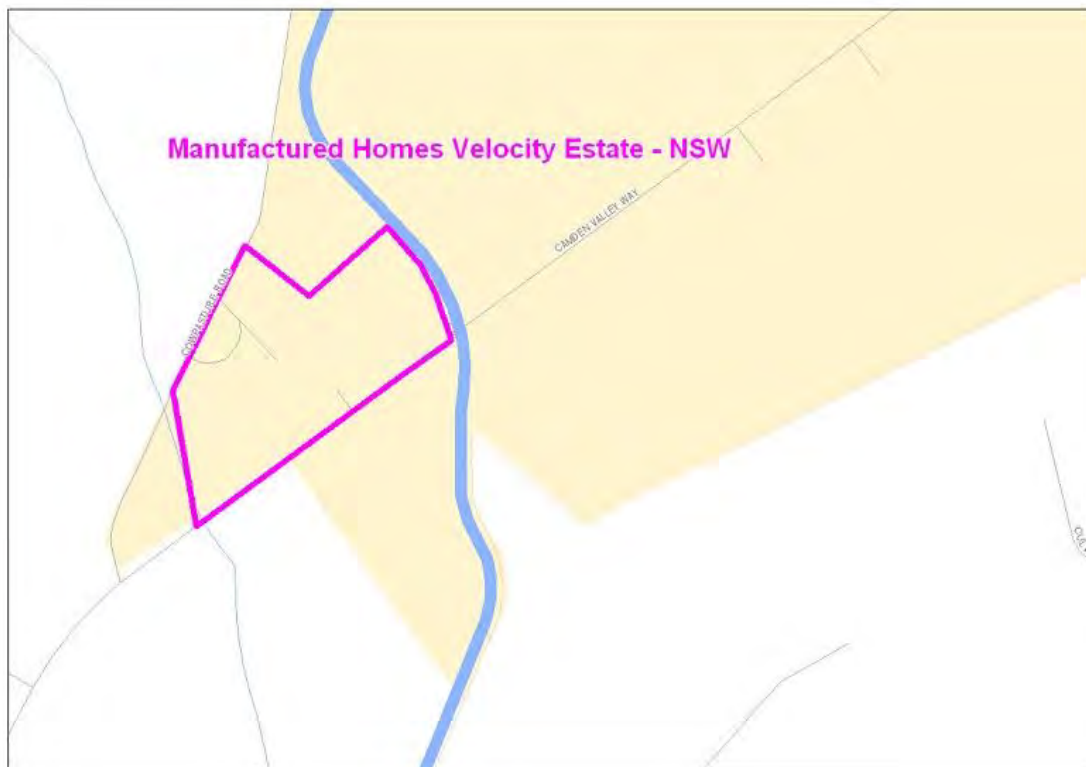
**Map 10**



**Map 11**



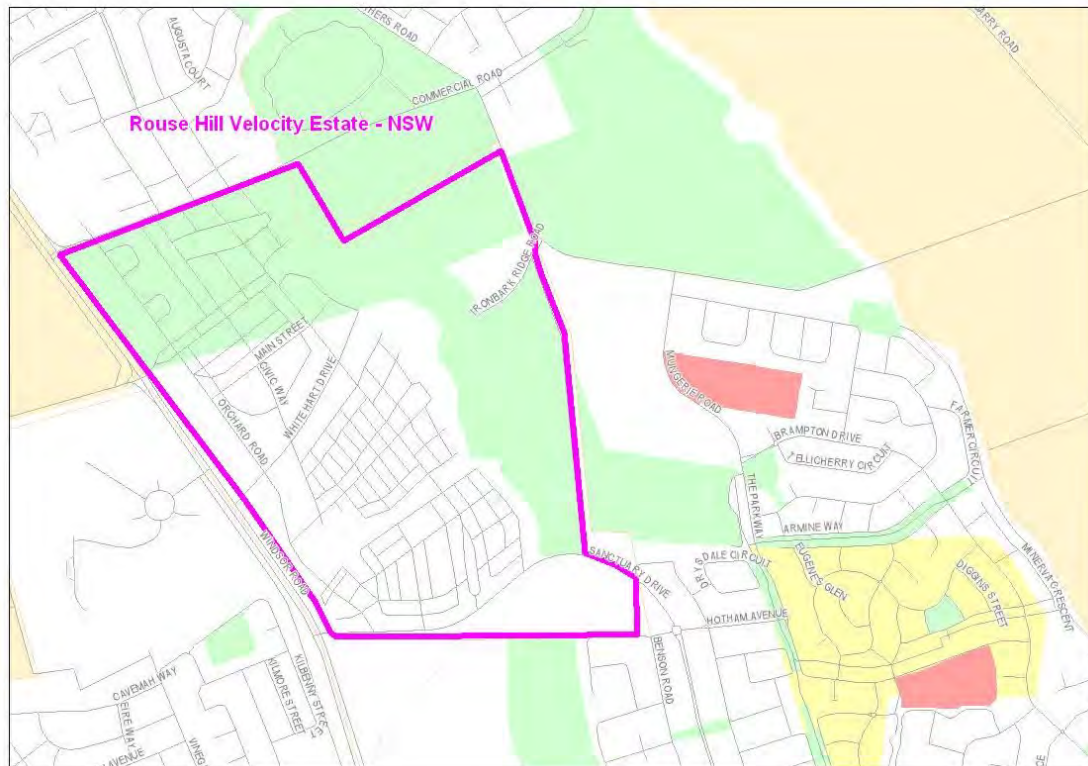
**Map 12**





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**Map 14**

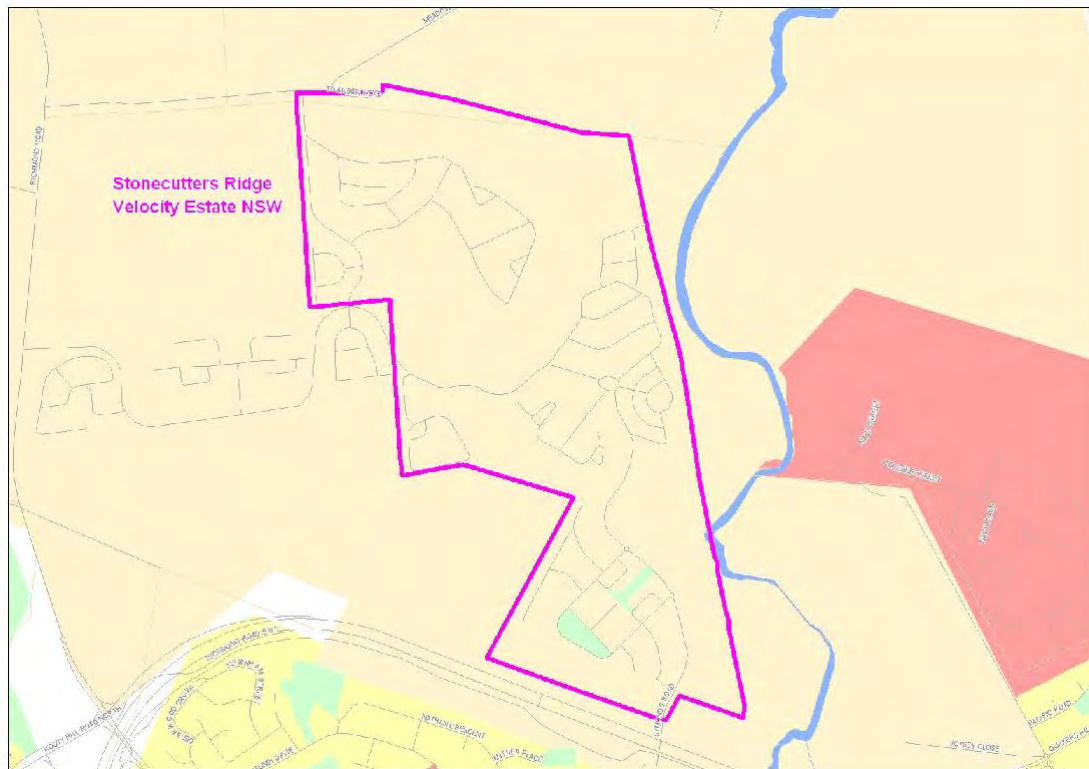


**Map 15**



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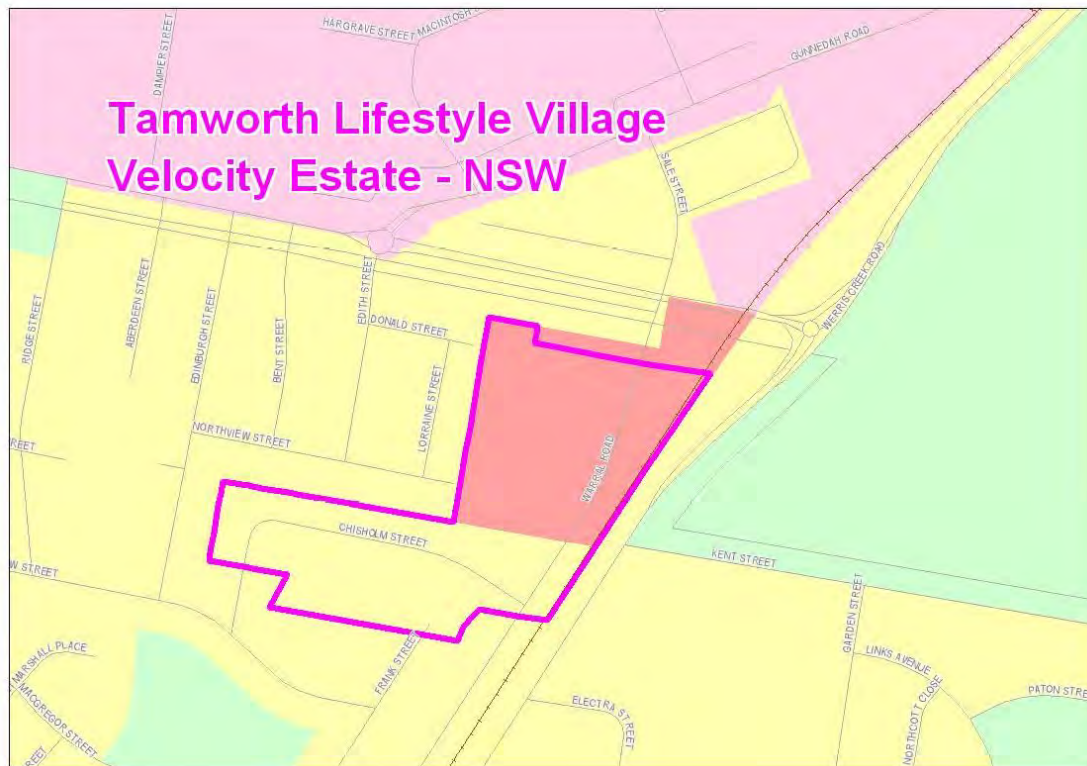
**Map 16**





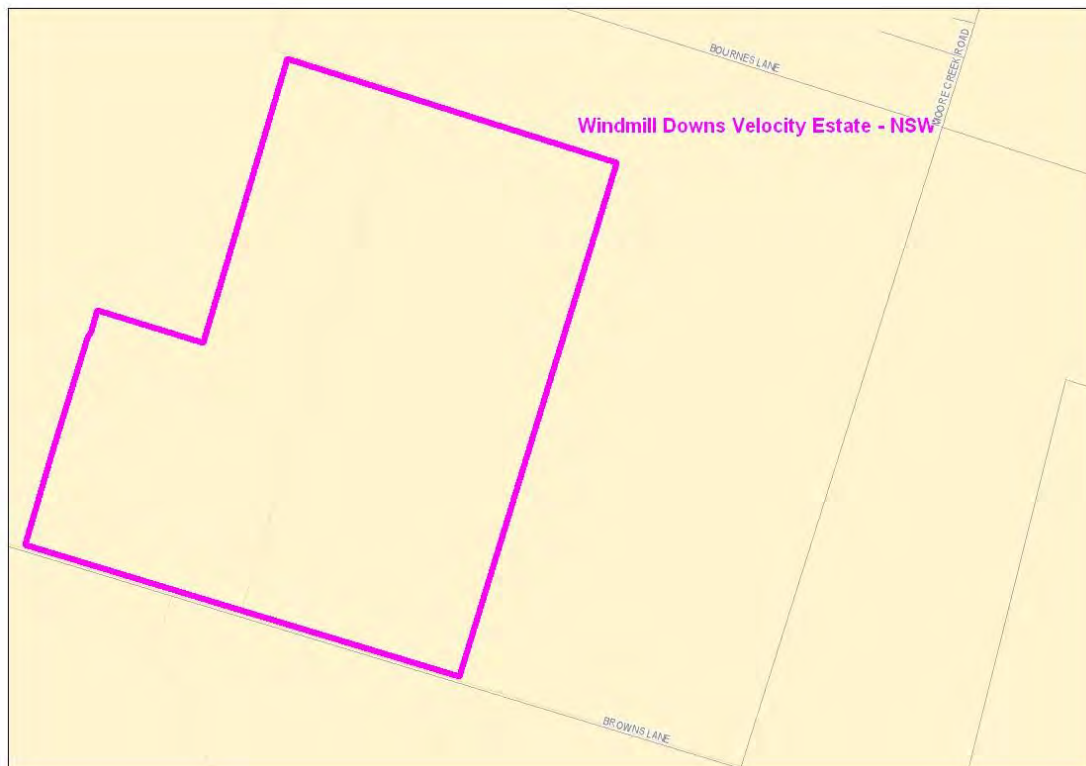
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**Map 17**





**Map 18**



**Map 19**



## Annexure A to Schedule 1 – Specified Velocity Networks – Area Maps – Victoria

Legend for FTTP Velocity development maps is shown in Figure 1



Figure 1 - Legend for FTTP Velocity development maps

Note: All FTTP Velocity development maps included in this Annexure A are oriented so that North to South is the vertical axis.

## Map 20



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**Map 21**



*Telecommunications (Network Exemption—Specified Velocity Networks)  
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**Map 22**



**Map 23**



*Telecommunications (Network Exemption—Specified Velocity Networks)  
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**Map 24**



**Map 25**





**Map 26**



### Map 27



**Map 28**



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**Map 29**



*Telecommunications (Network Exemption—Specified Velocity Networks)  
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**Map 30**



**Map 31**





## **Annexure A to Schedule 1 – Specified Velocity Networks – Area Maps – Queensland**

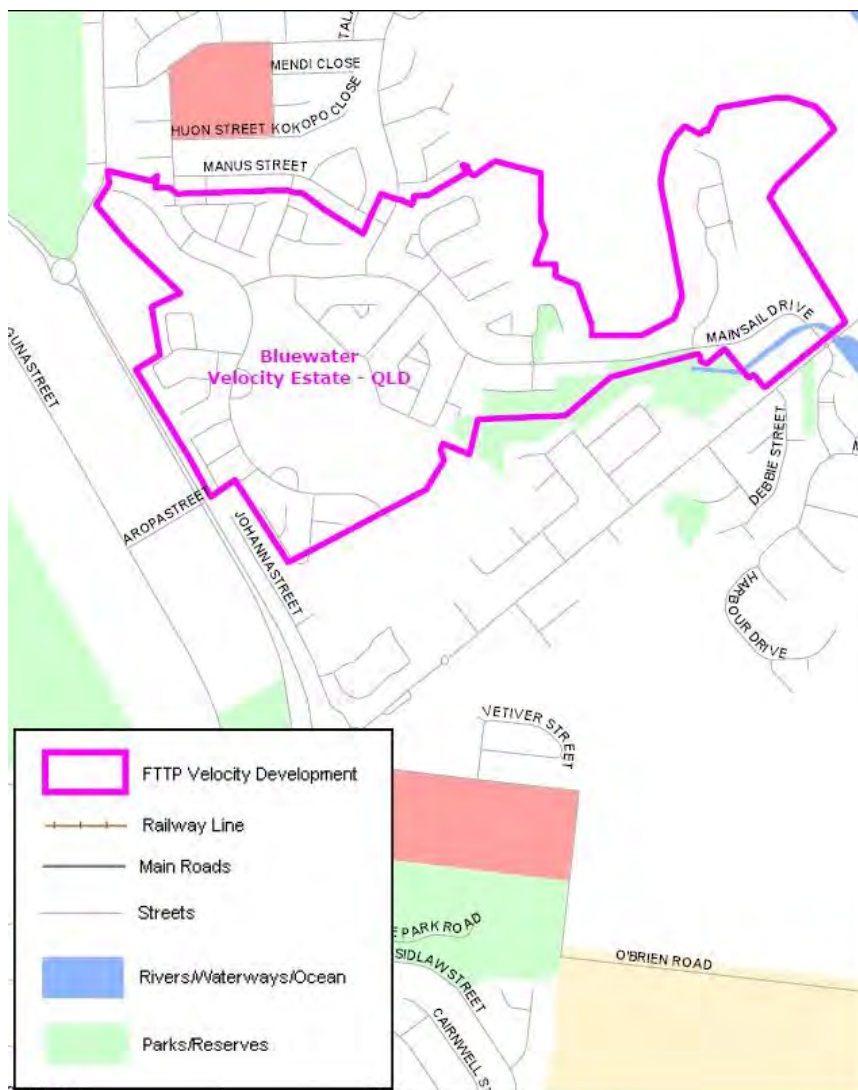
Legend for FTTTP Velocity development maps is shown in Figure 1



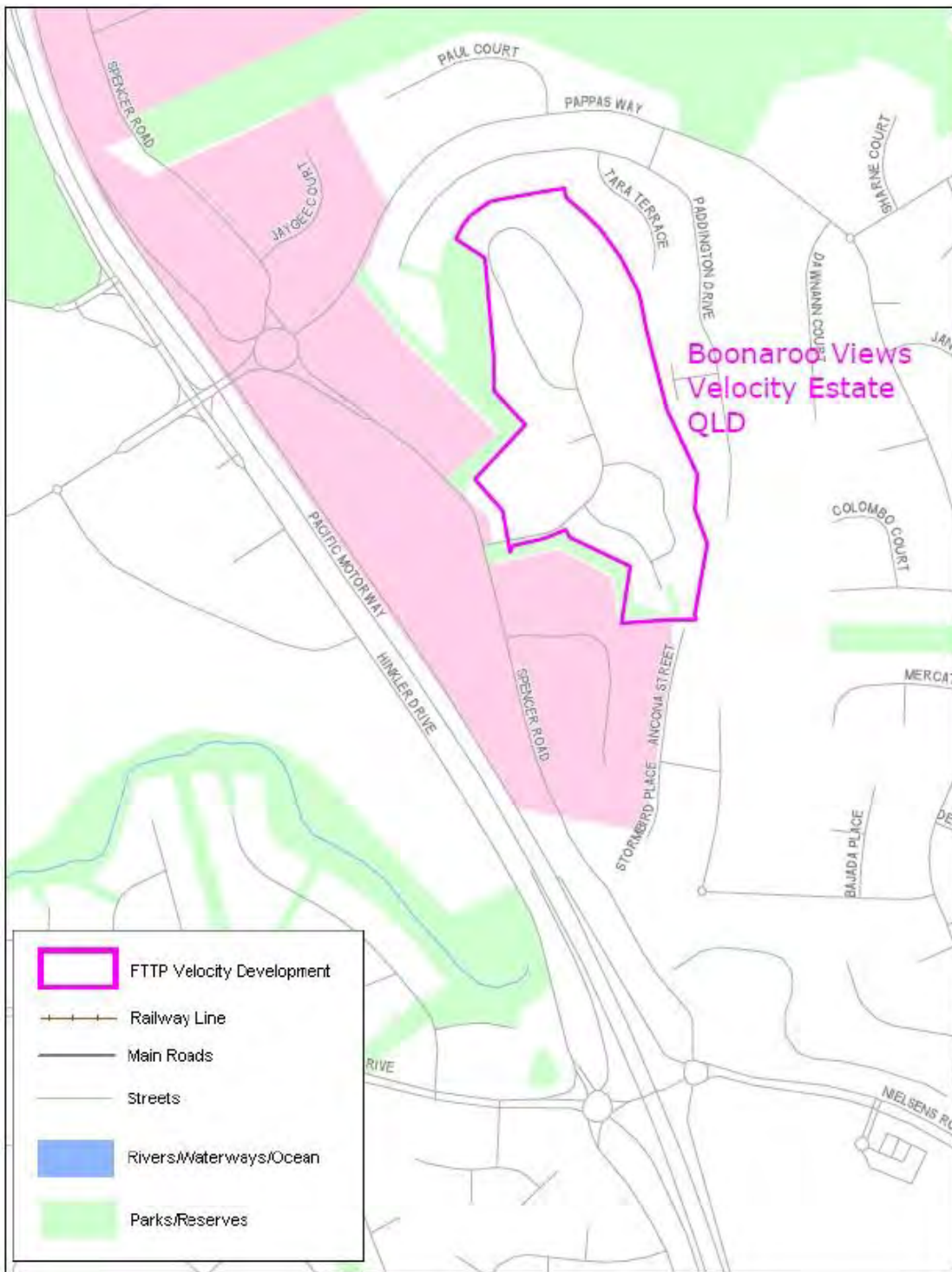
Figure 1 - Legend for FTTTP Velocity development maps

Note: All FTTTP Velocity development maps included in this Annexure A are oriented so that North to South is the vertical axis.

### **Map 32**

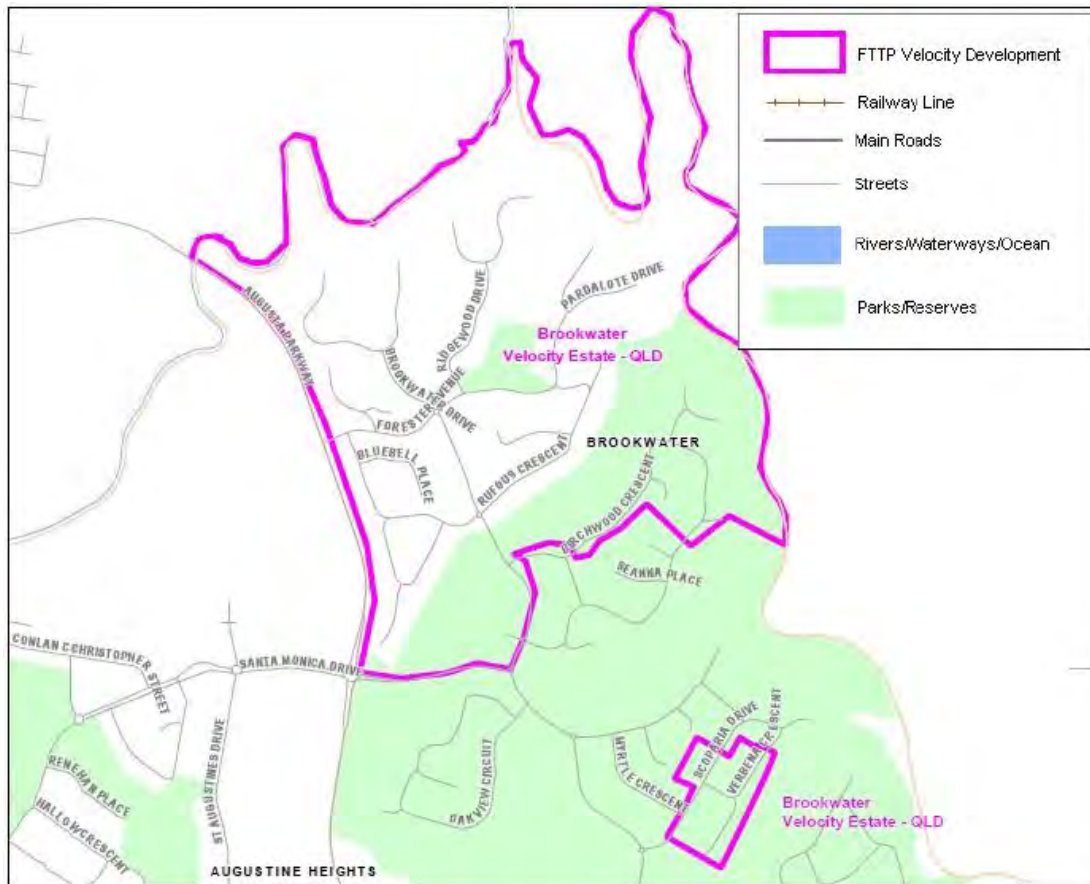


**Map 33**

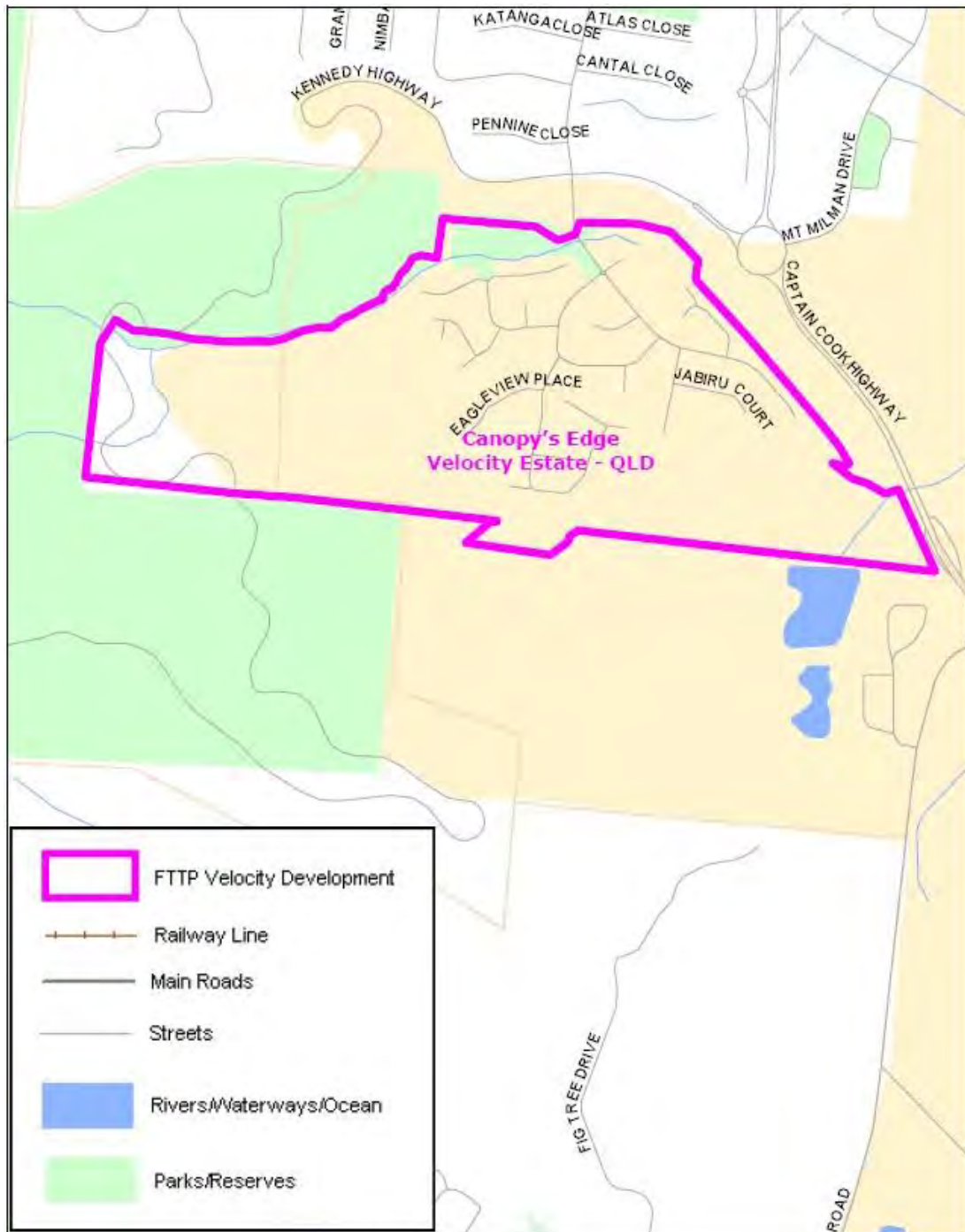




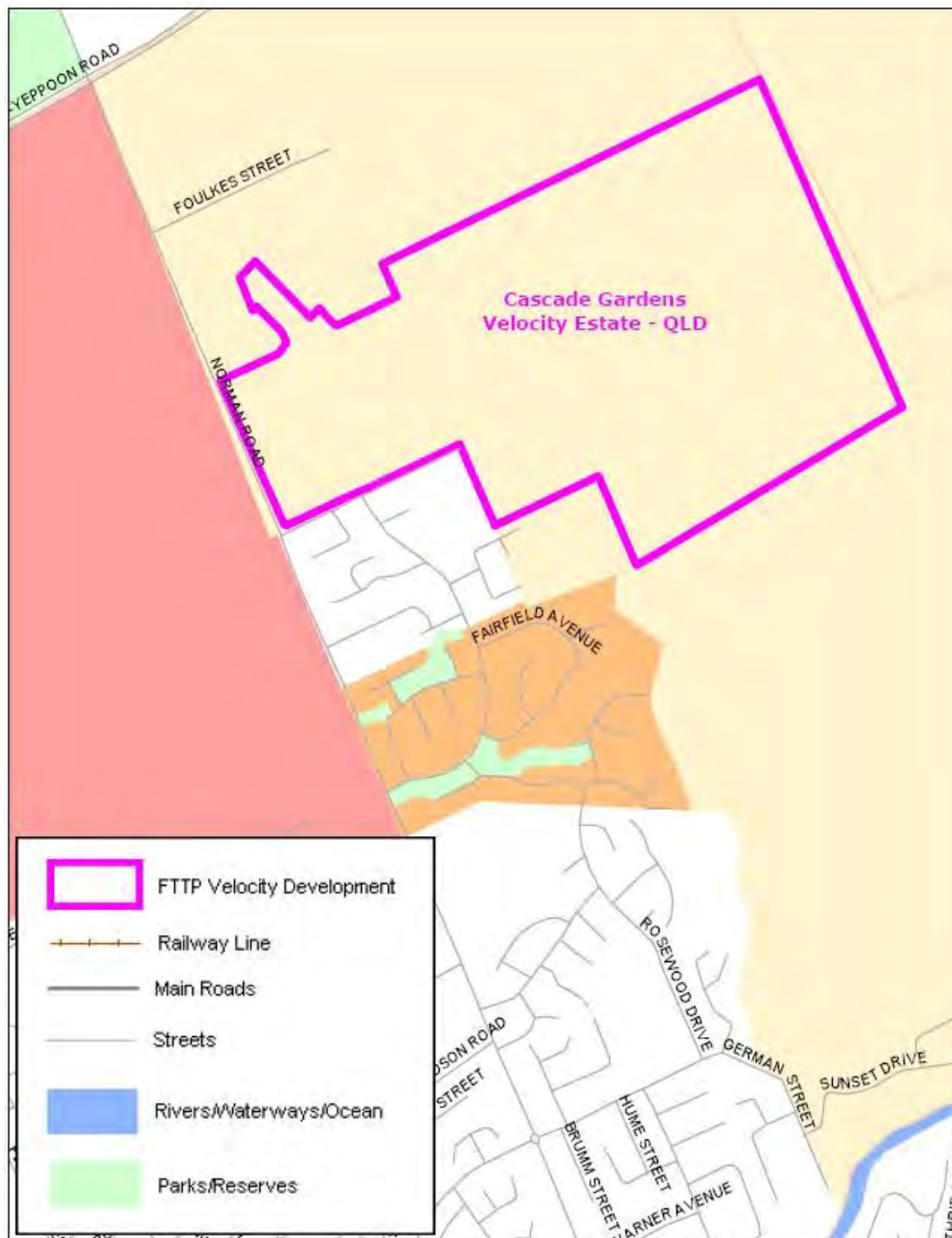
Map 34



**Map 35**



**Map 36**



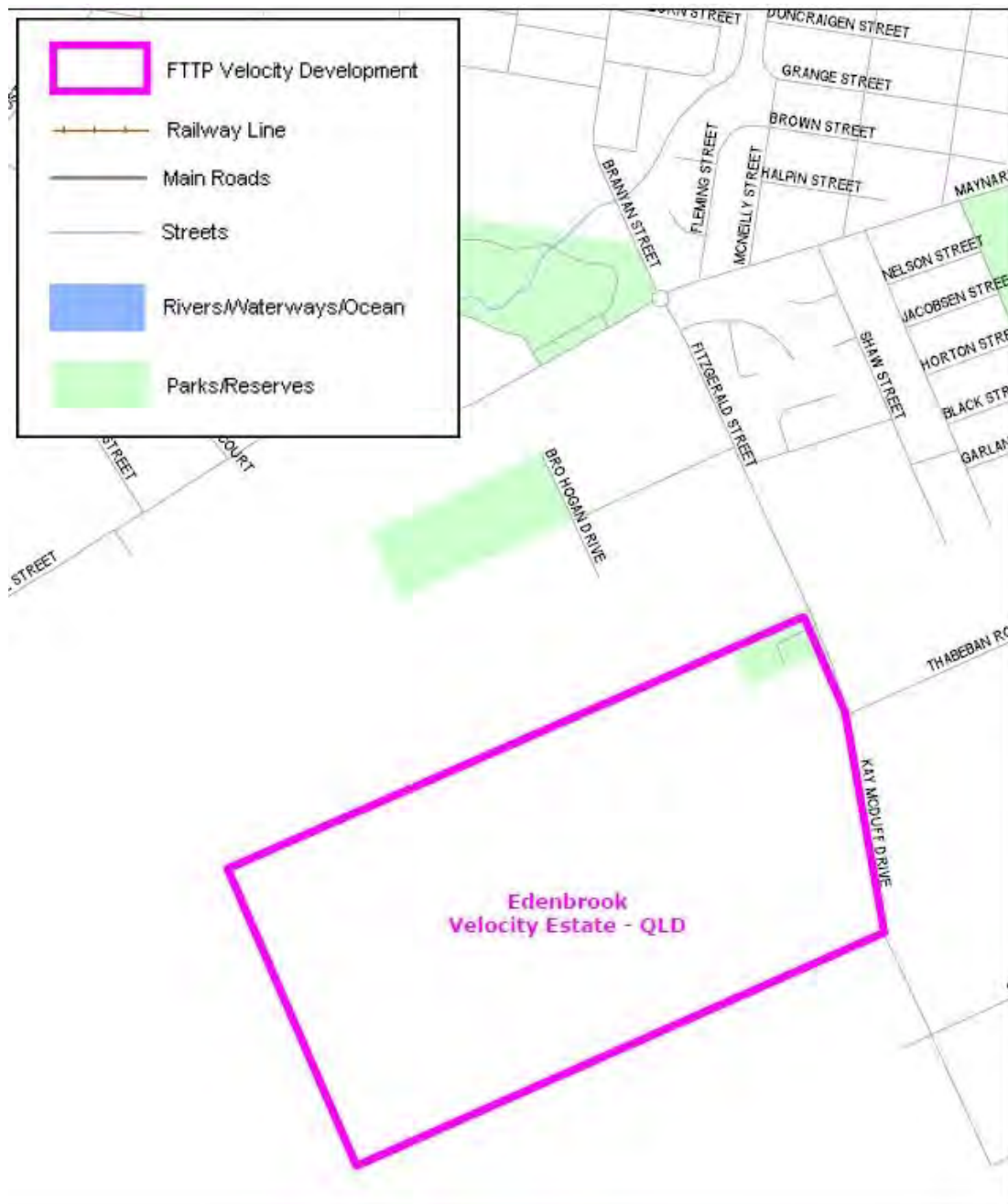
**Map 37**





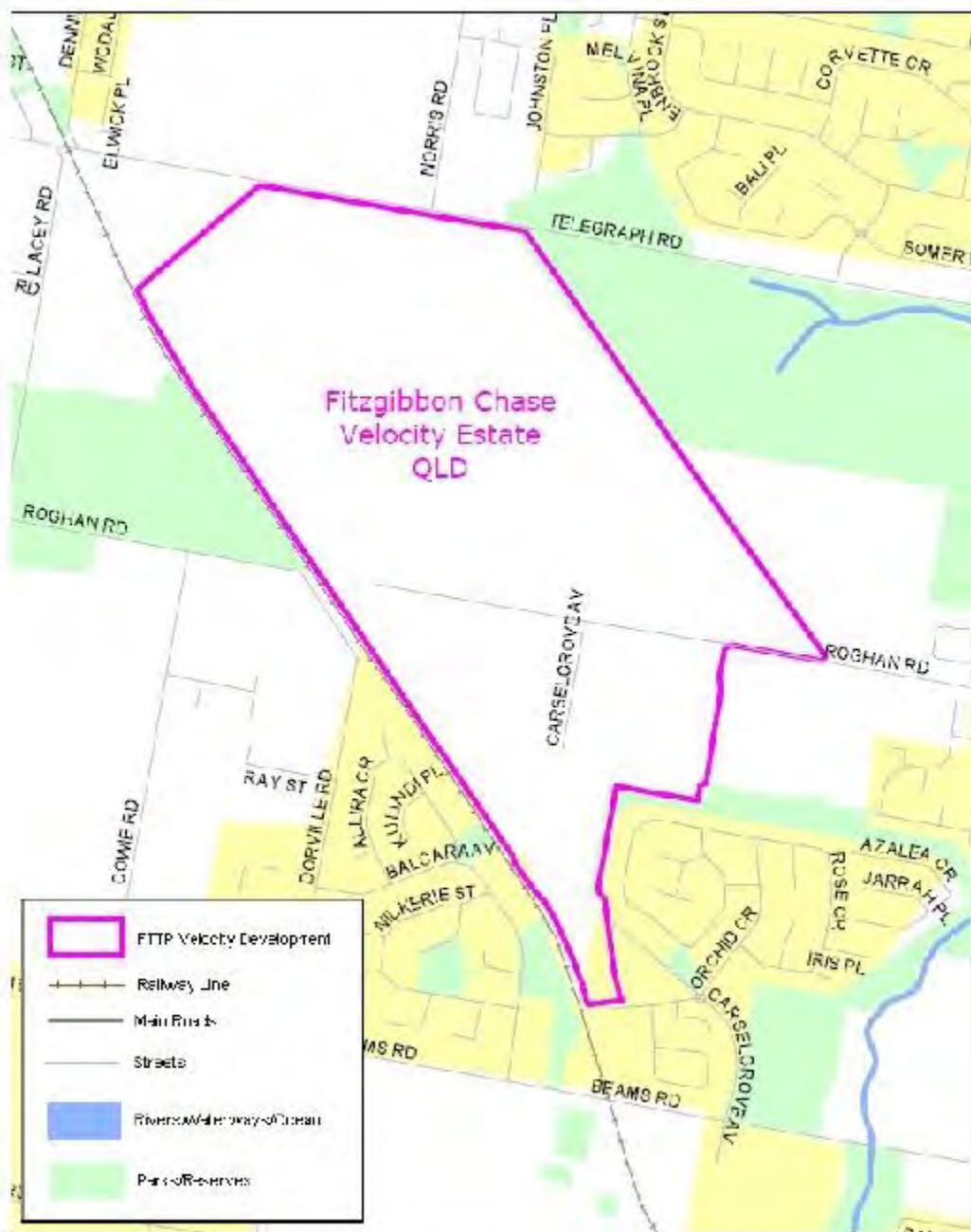


**Map 39**



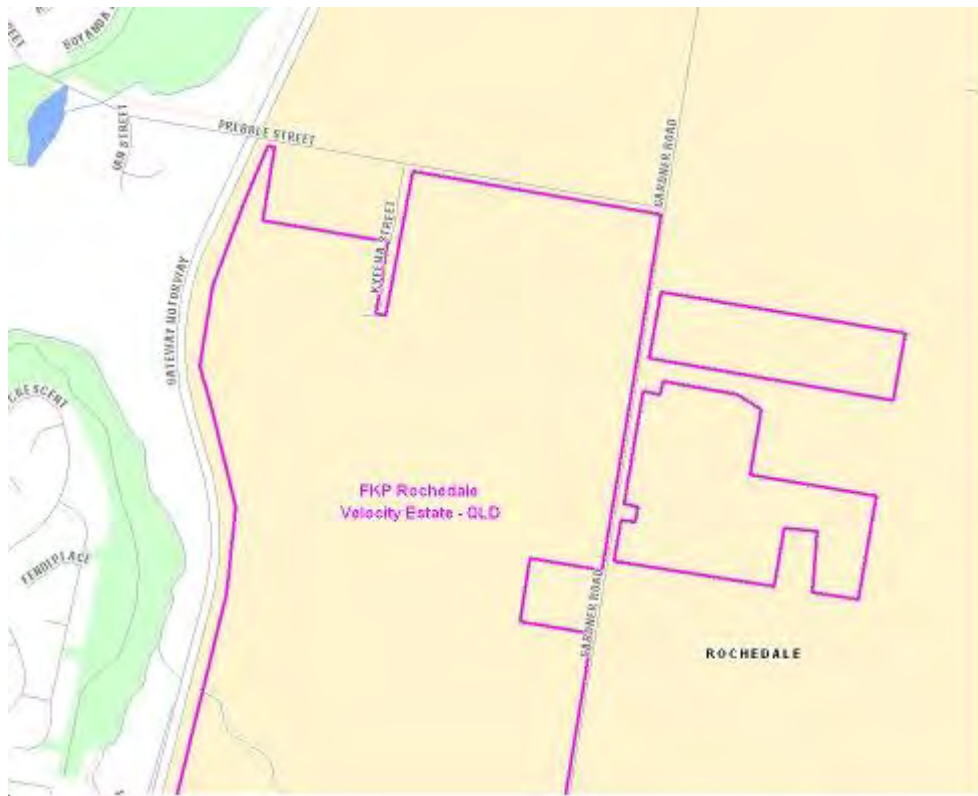


Map 41

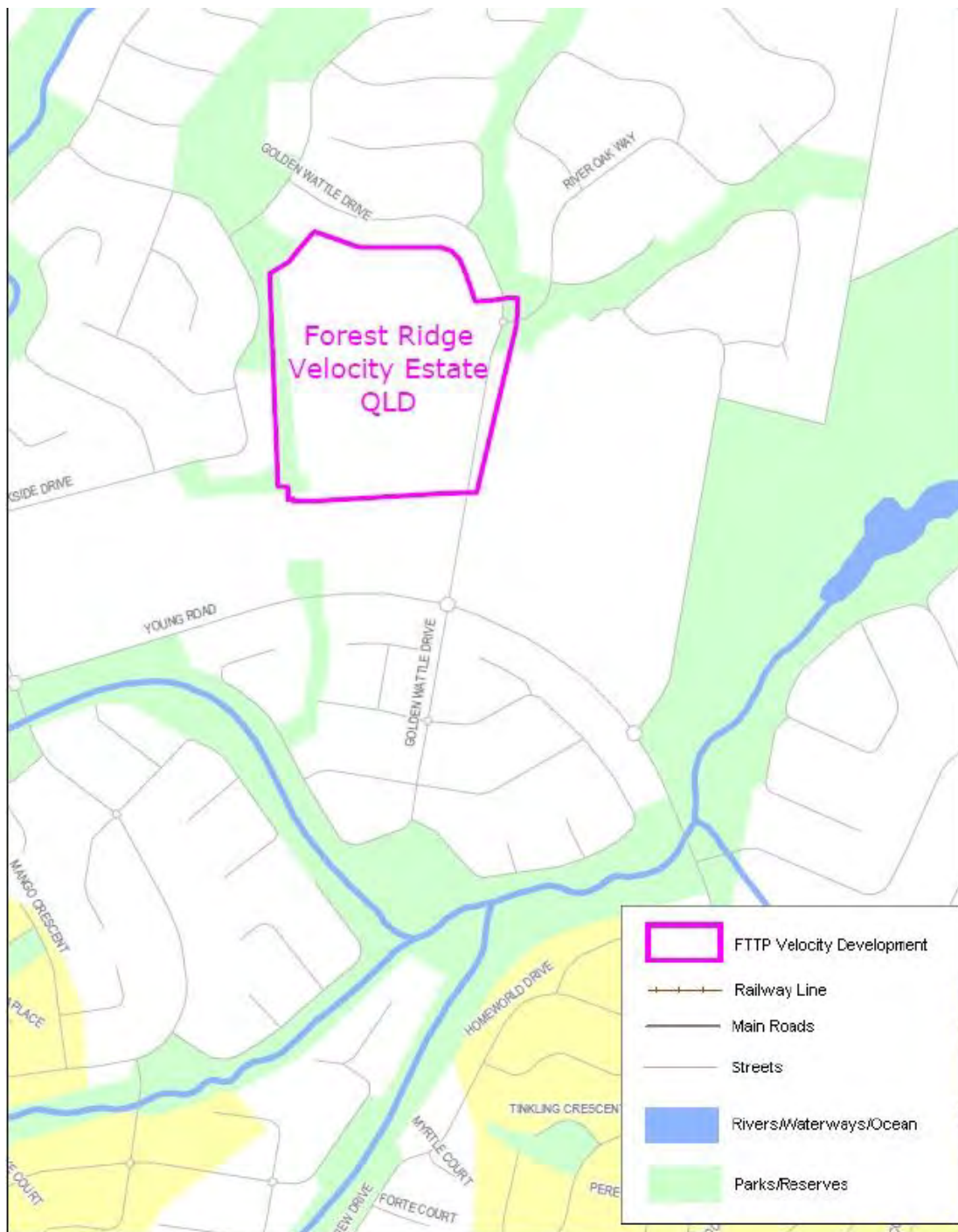




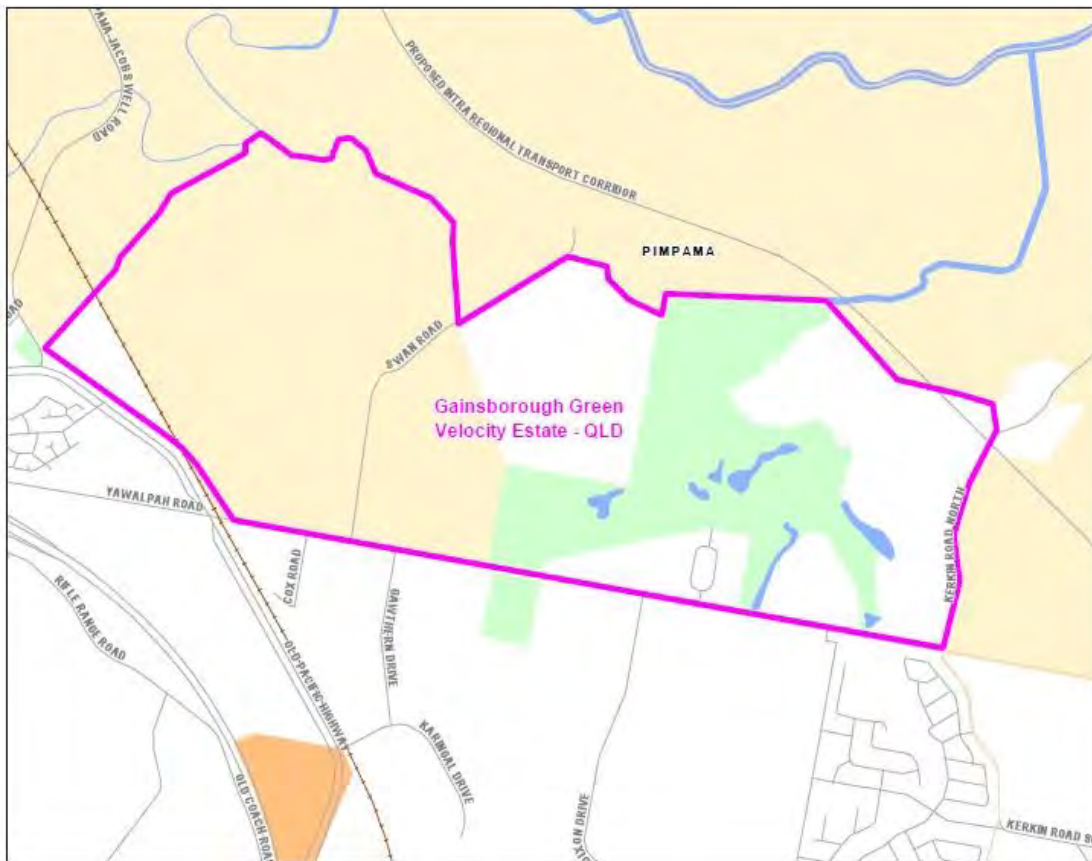
**Map 42**



**Map 43**



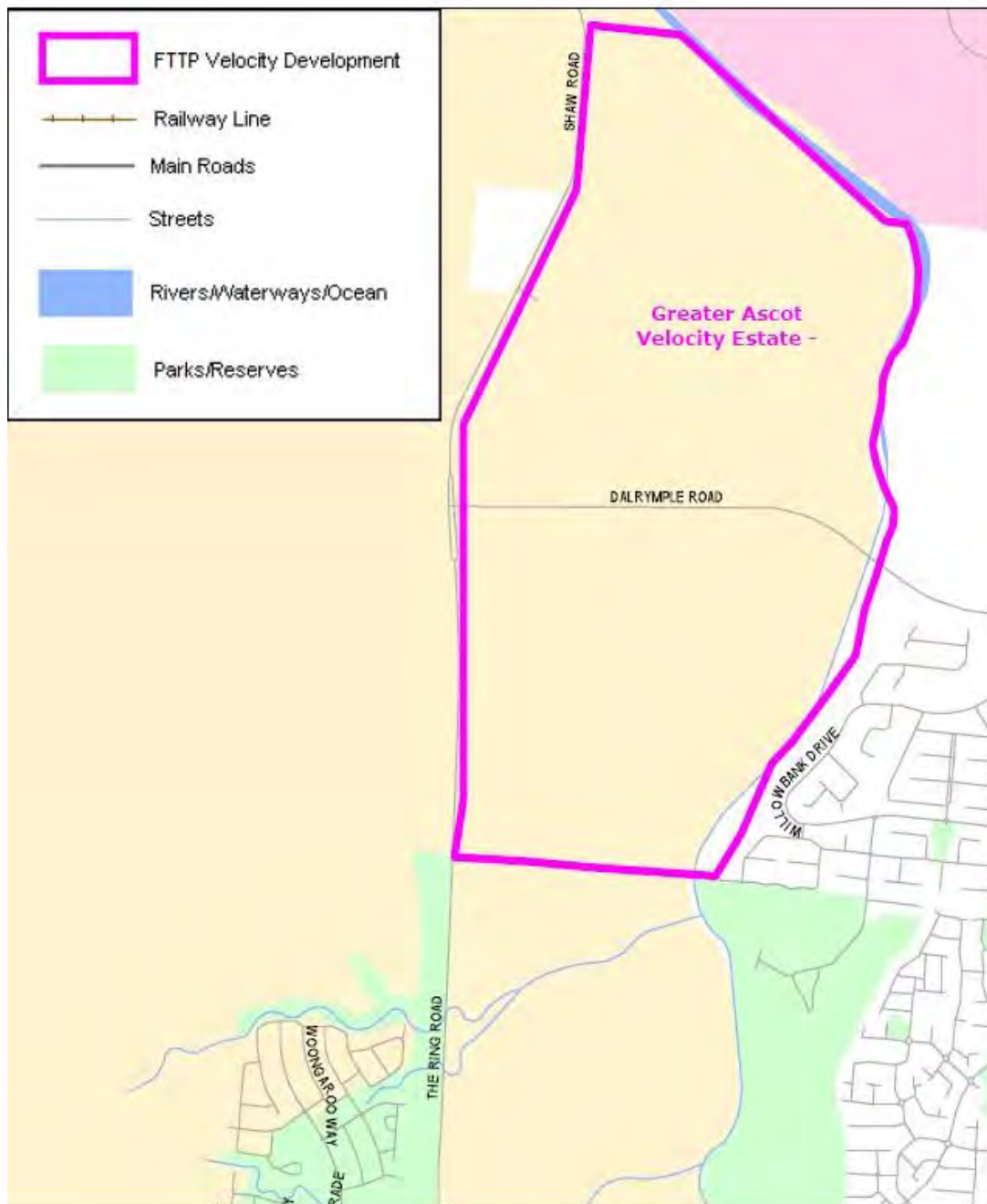
**Map 44**



**Map 45**



**Map 46**

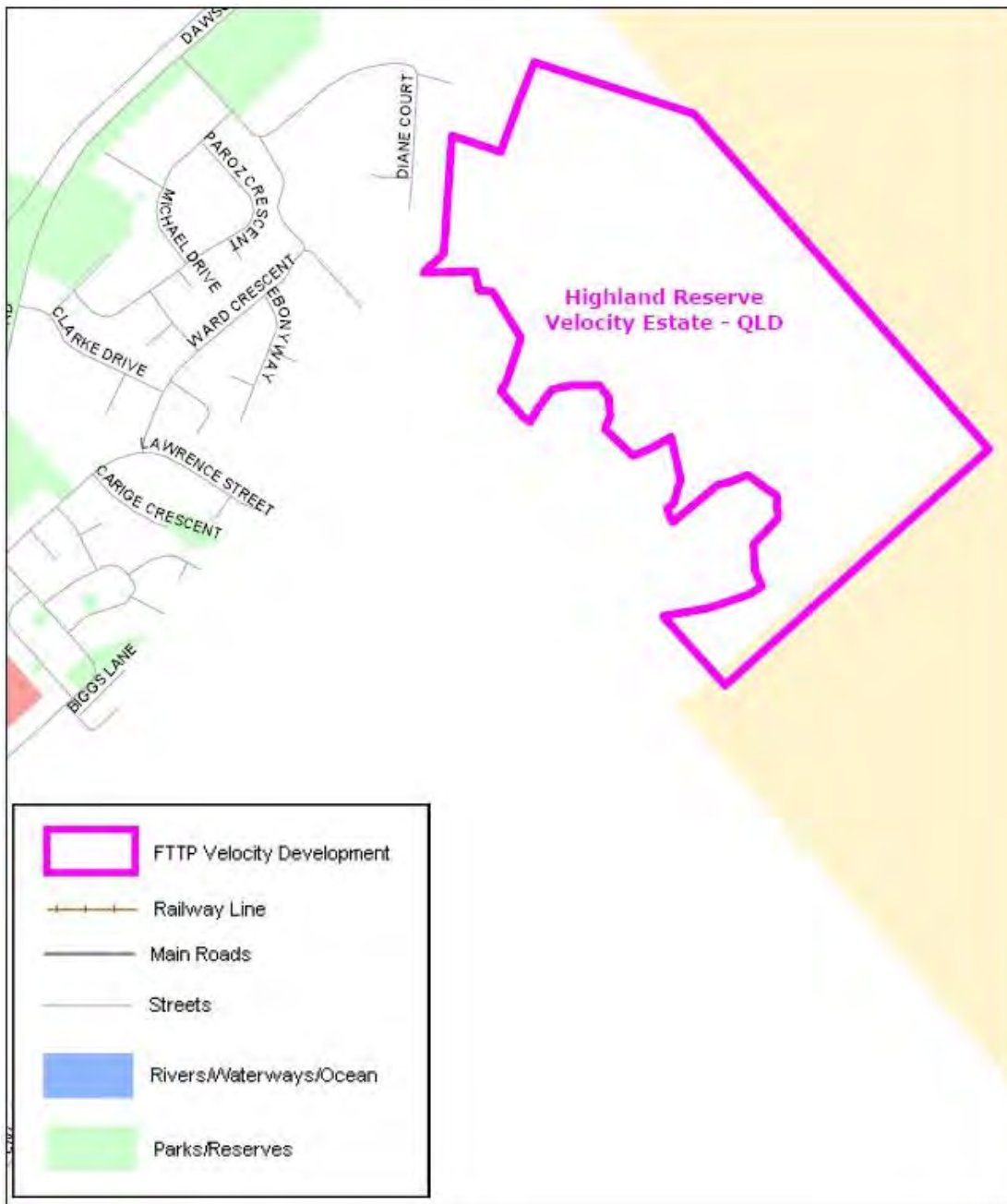


**Map 47**

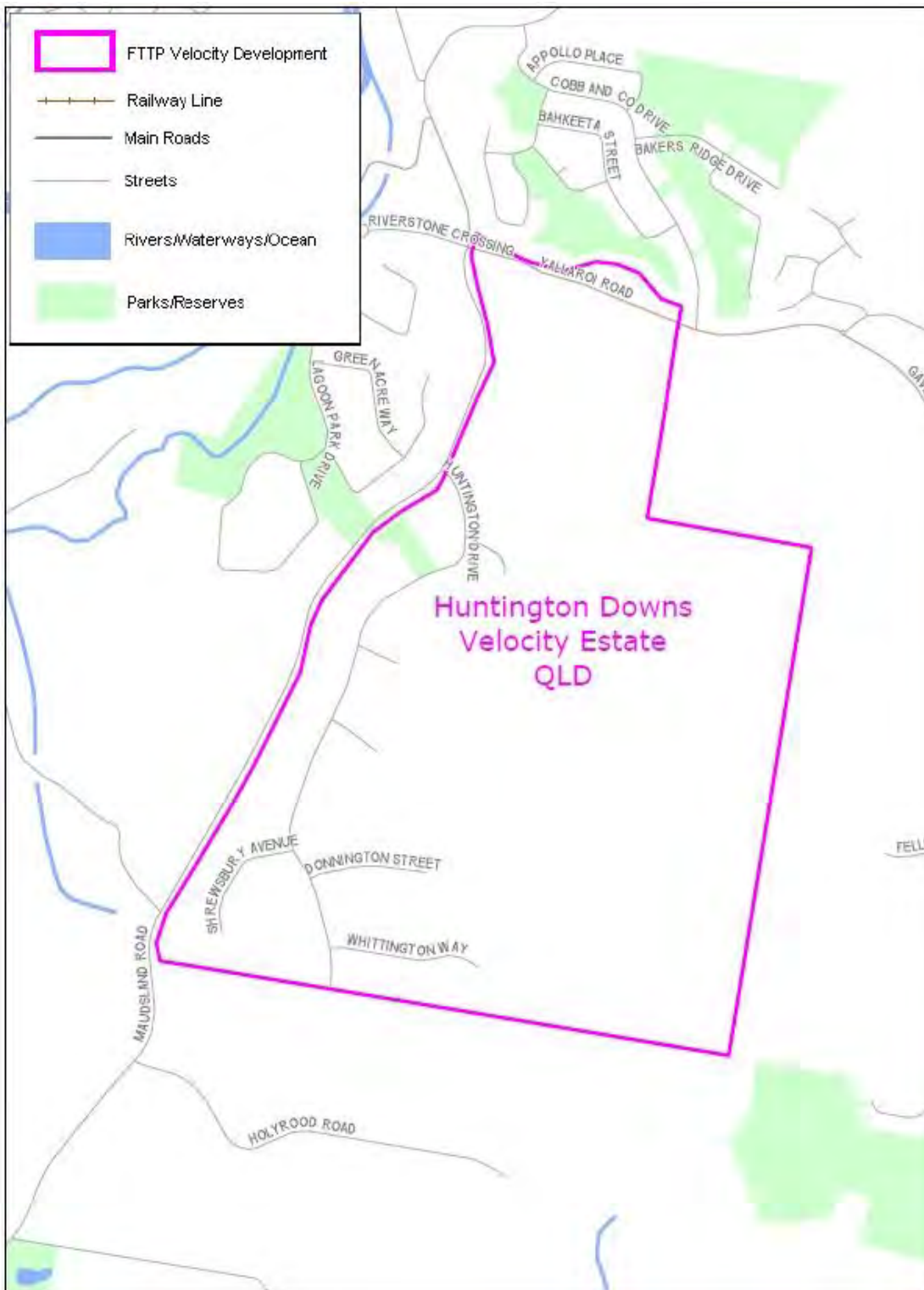




**Map 48**

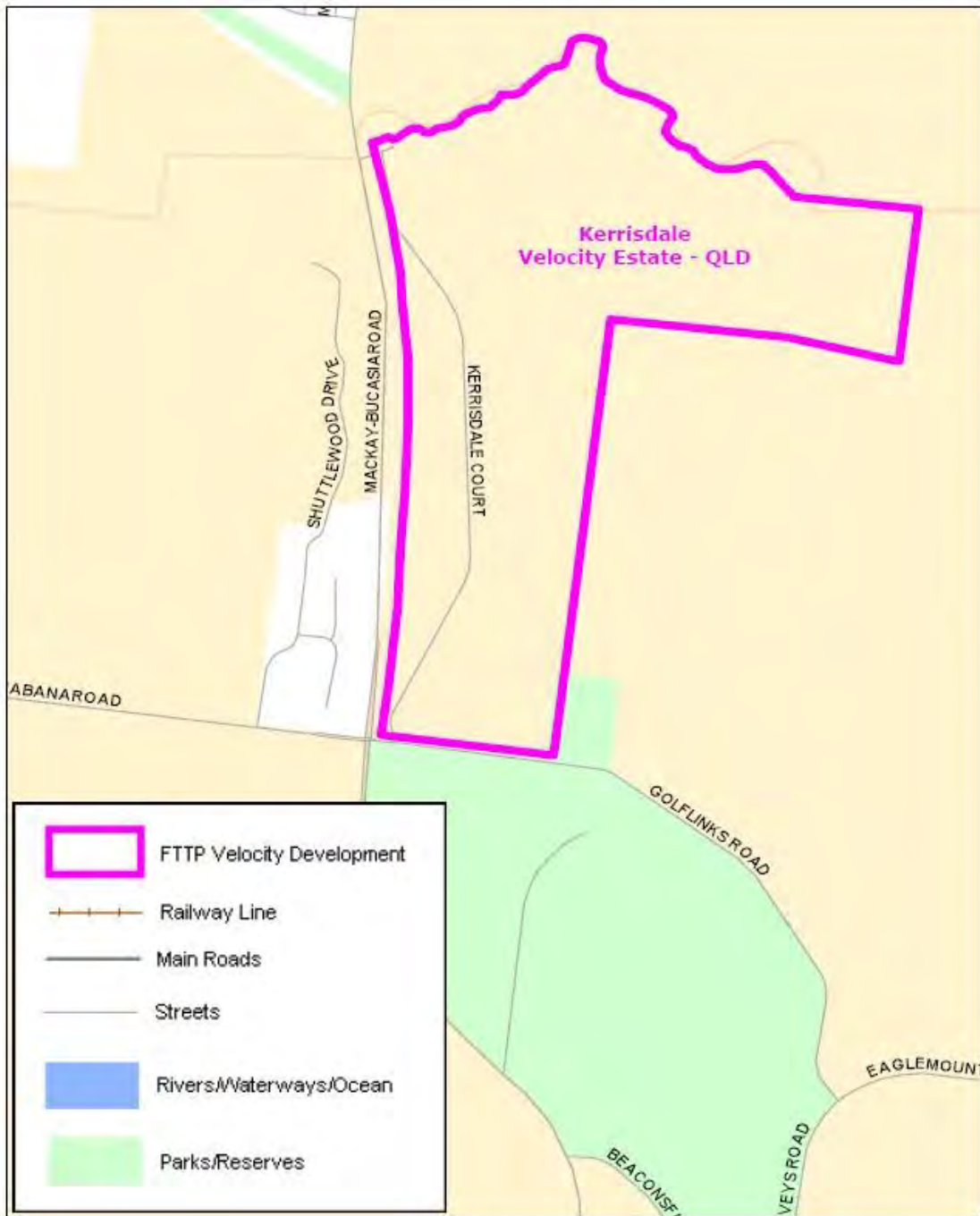


**Map 49**





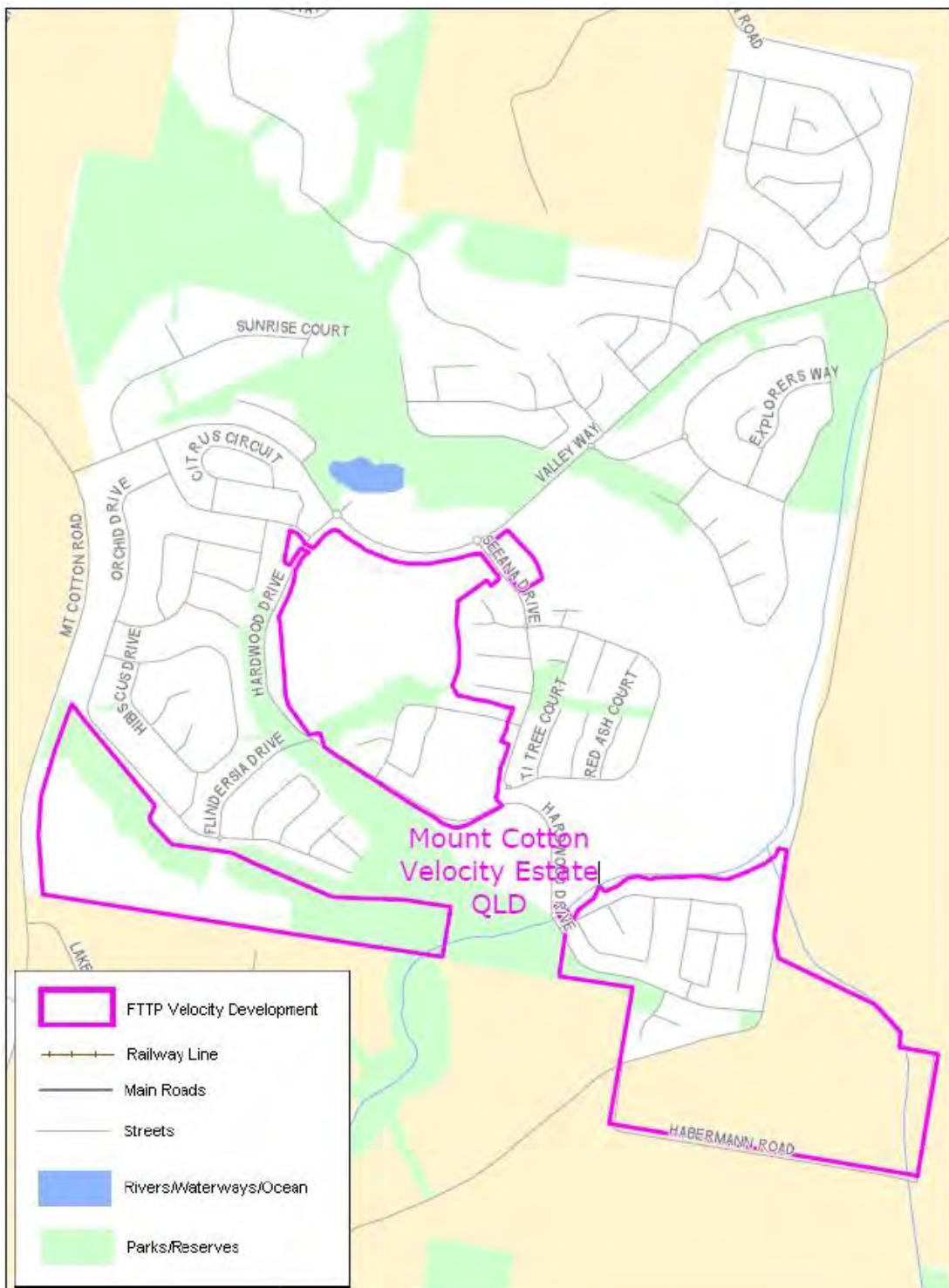
**Map 50**



**Map 51**



**Map 52**



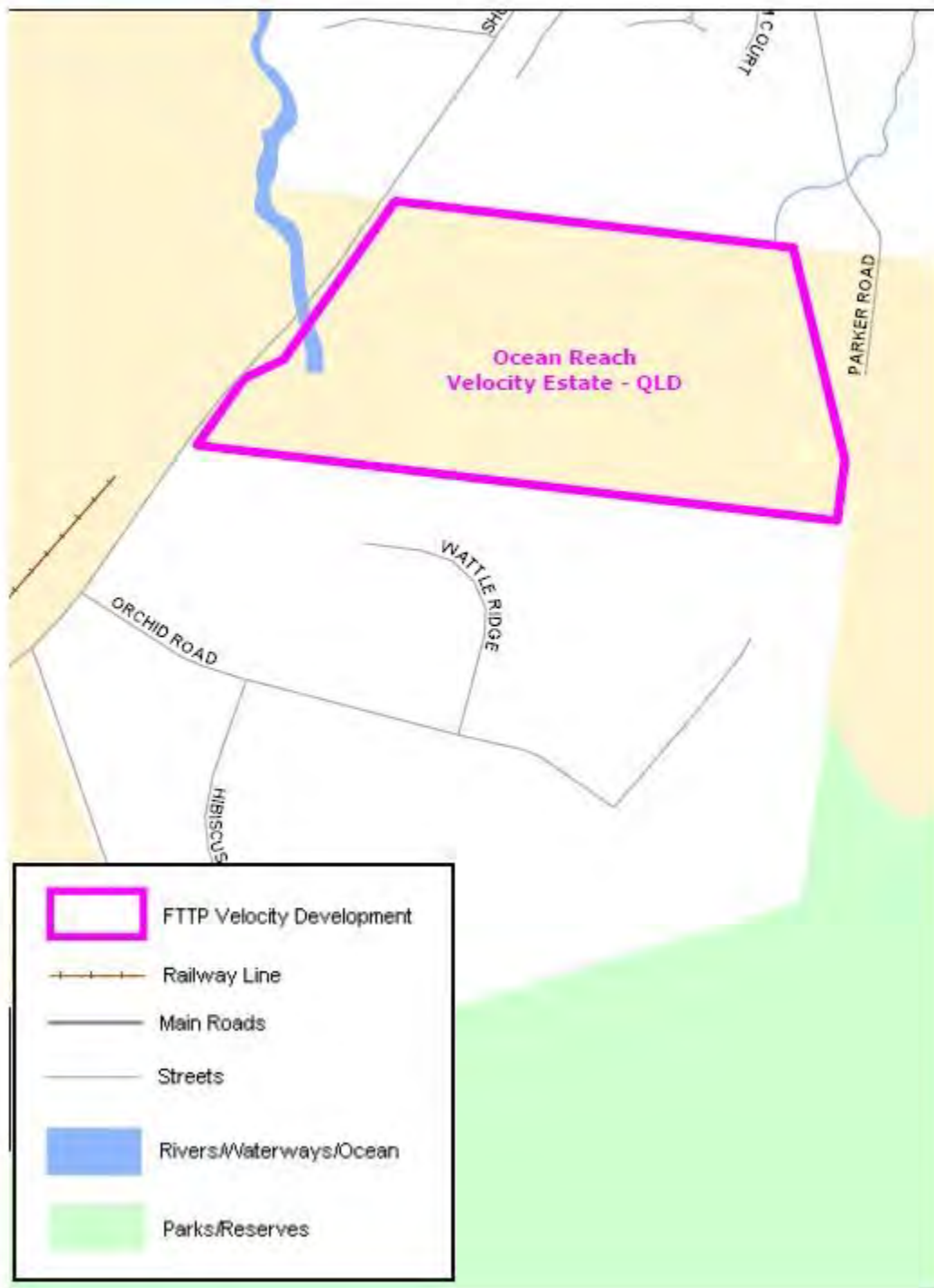


### Map 54





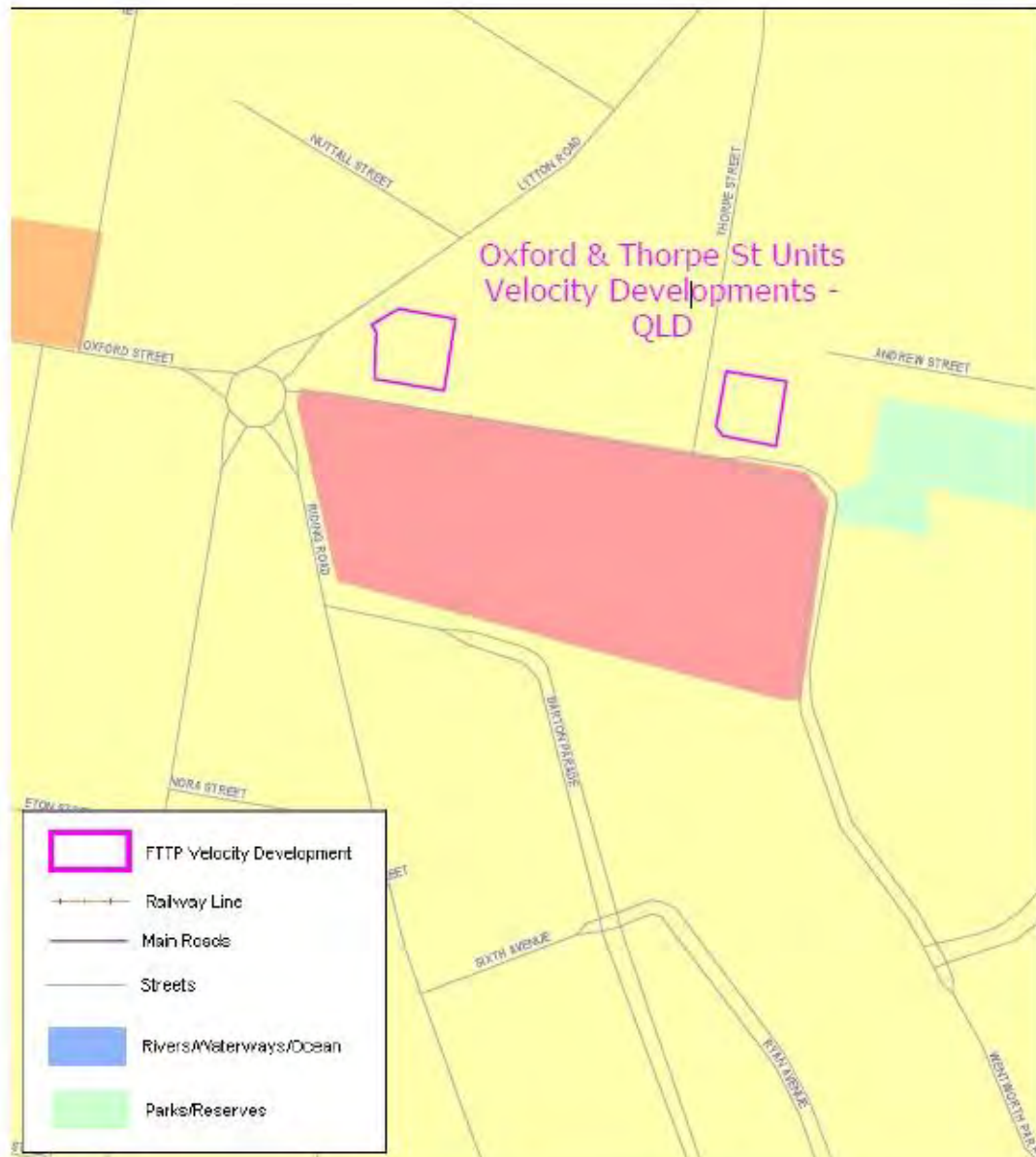
**Map 55**



**Map 56**

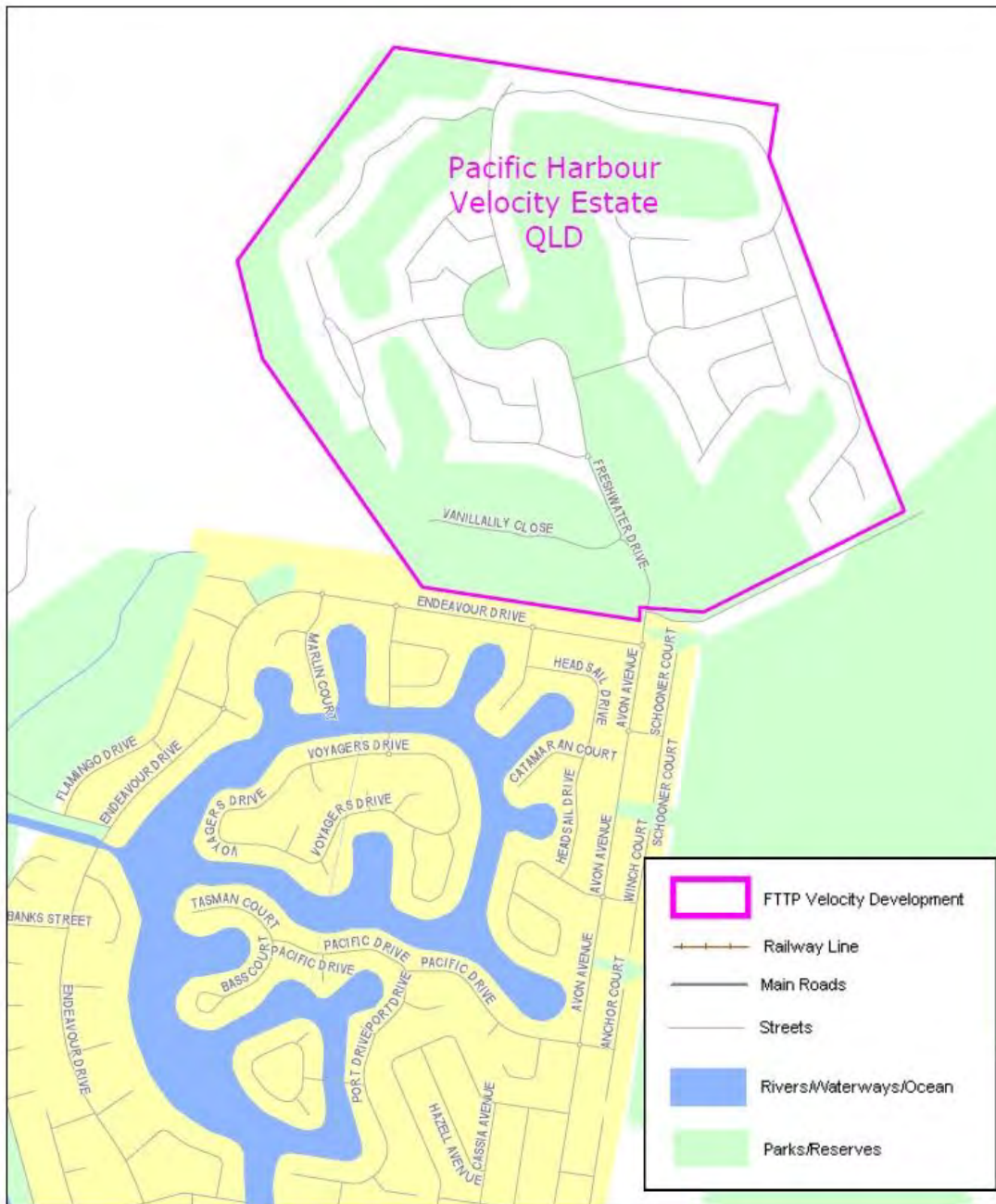


**Map 57**

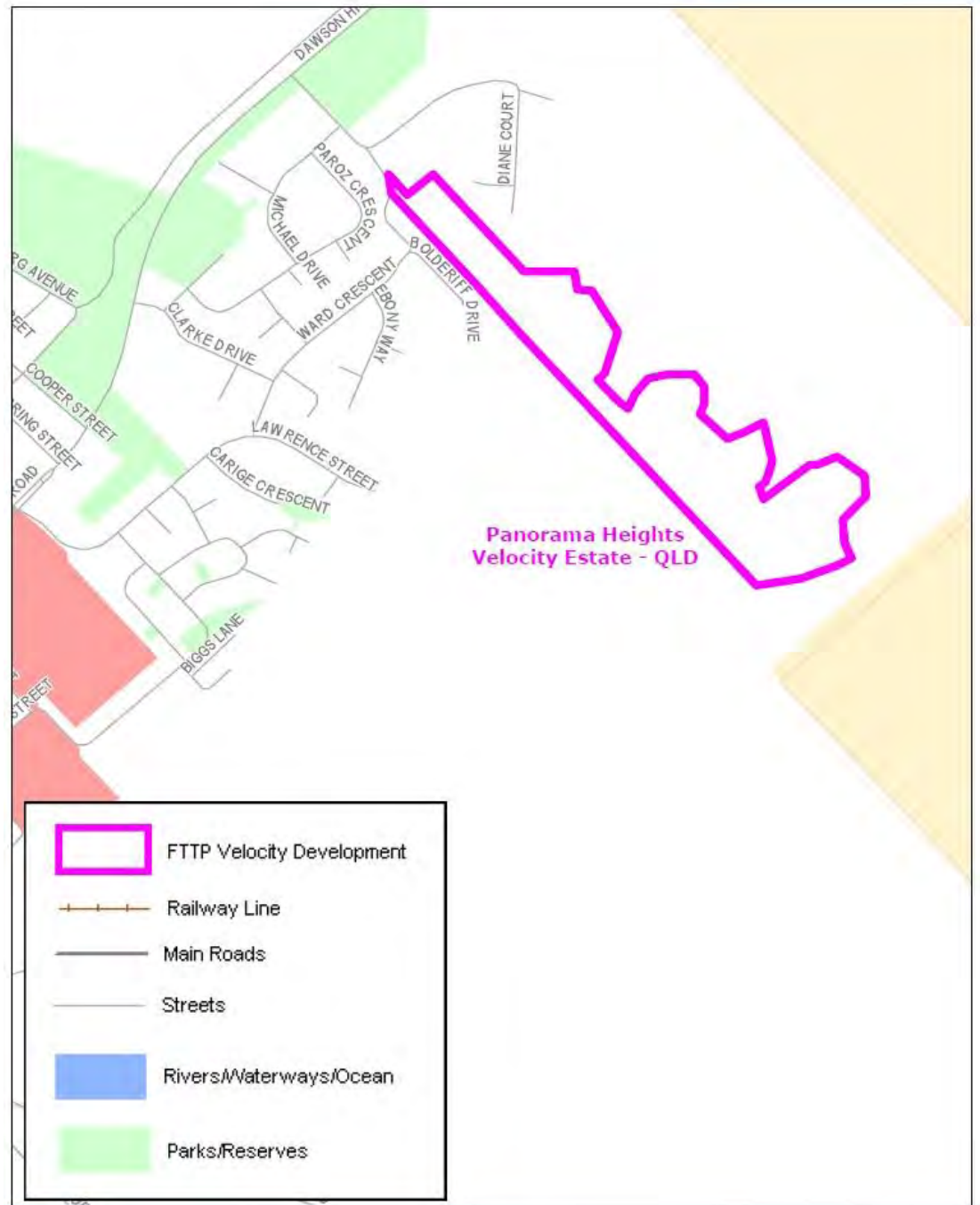




Map 58



**Map 59**

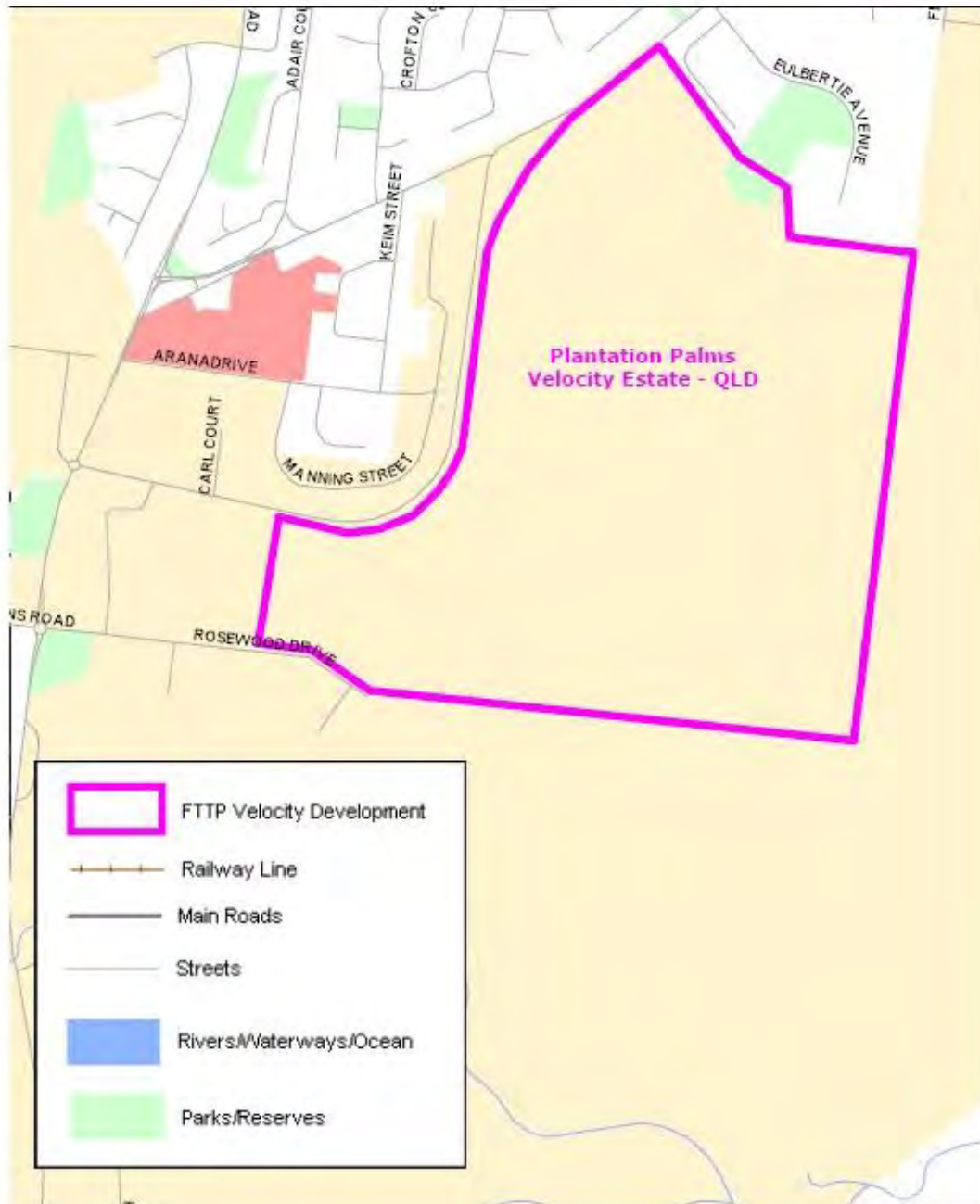


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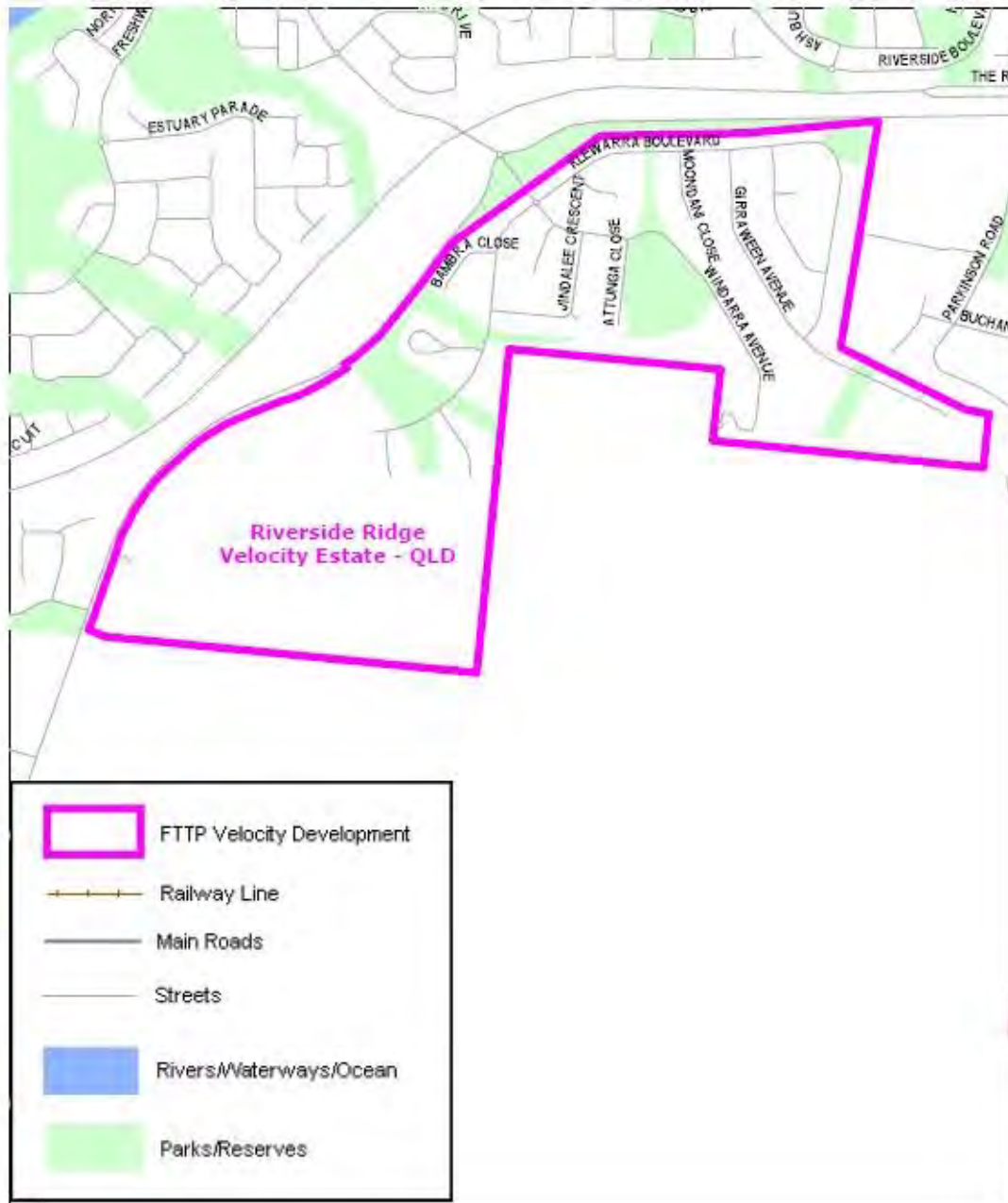
**Map 60**



**Map 61**

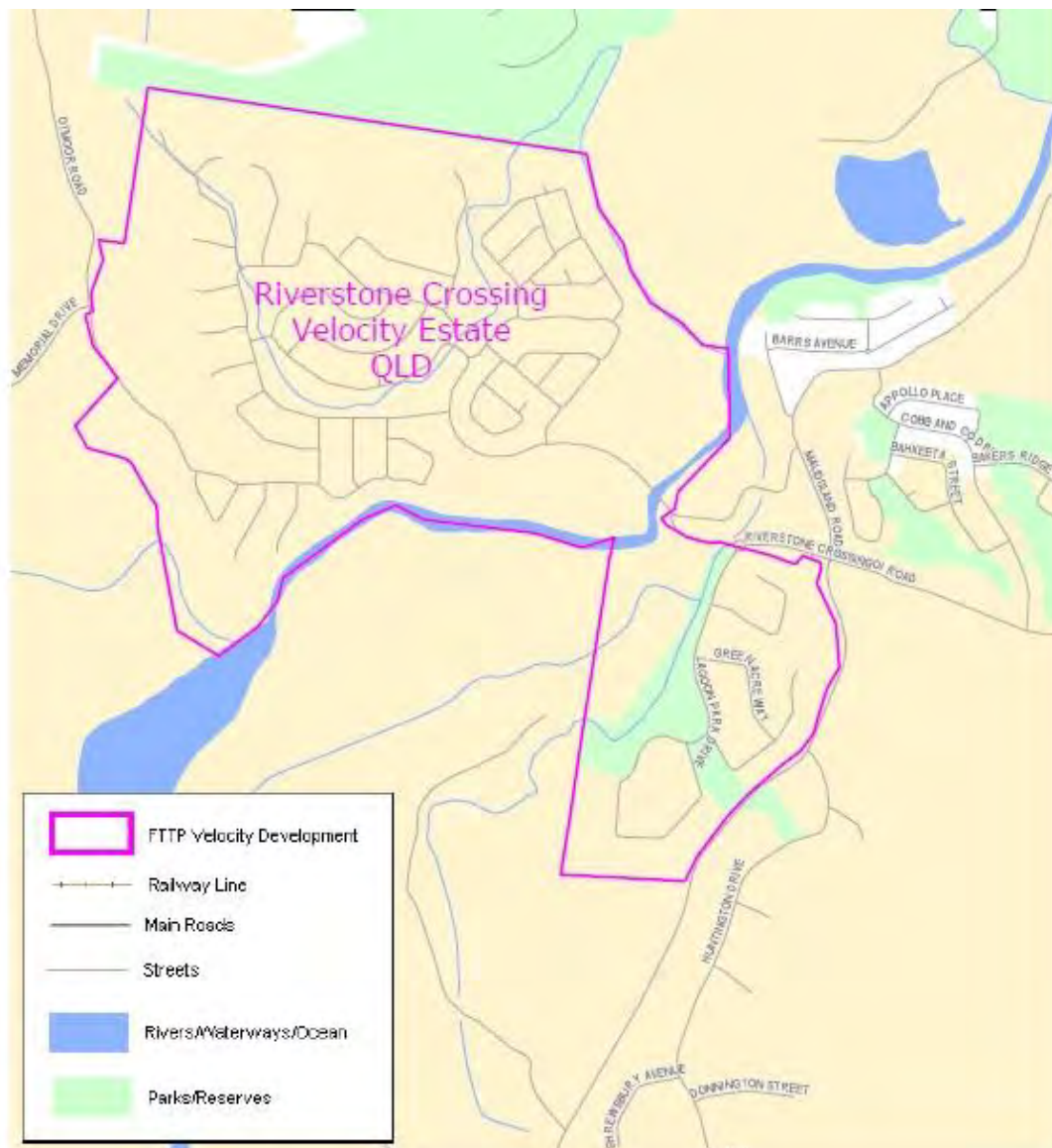


**Map 62**

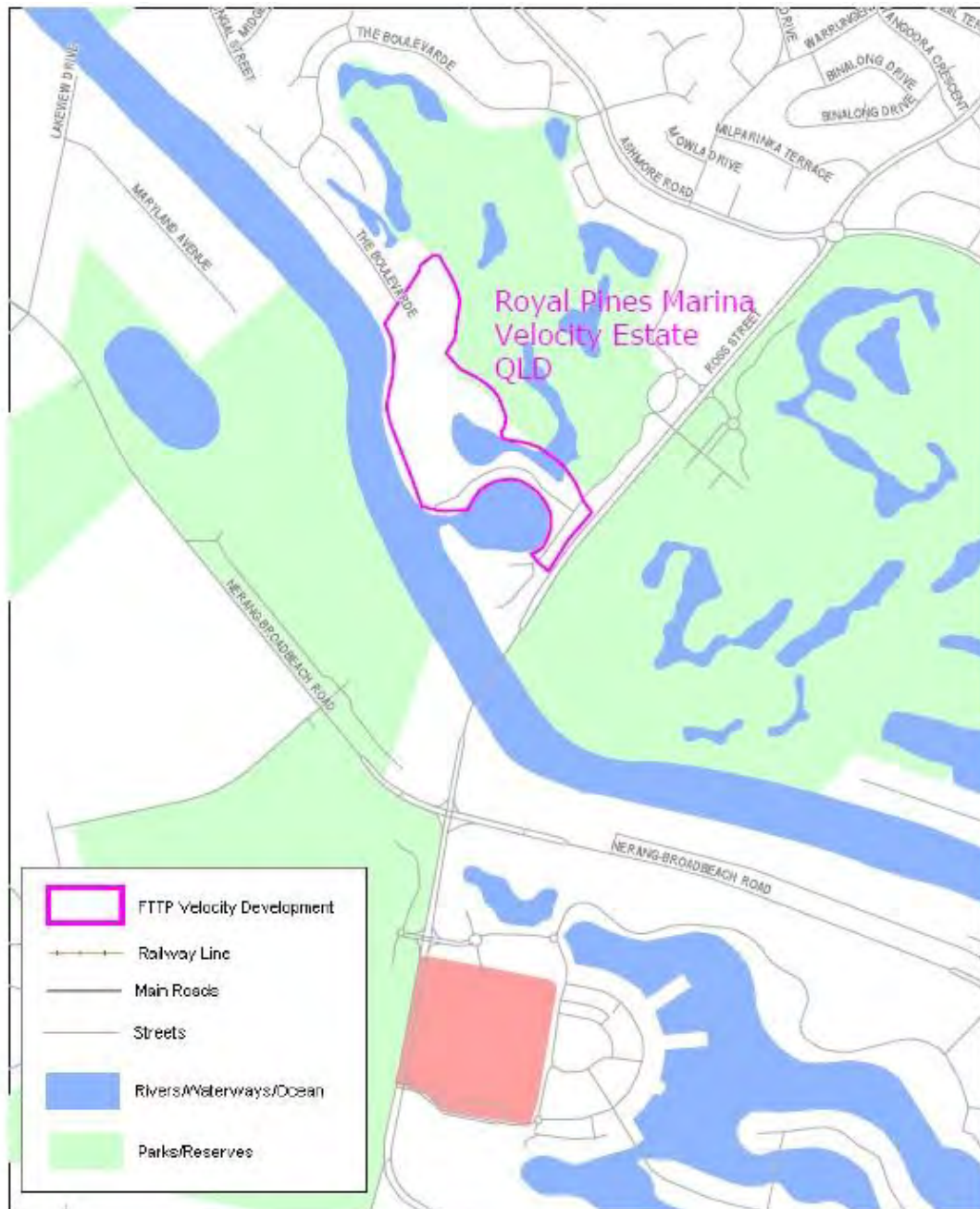




**Map 63**



**Map 64**



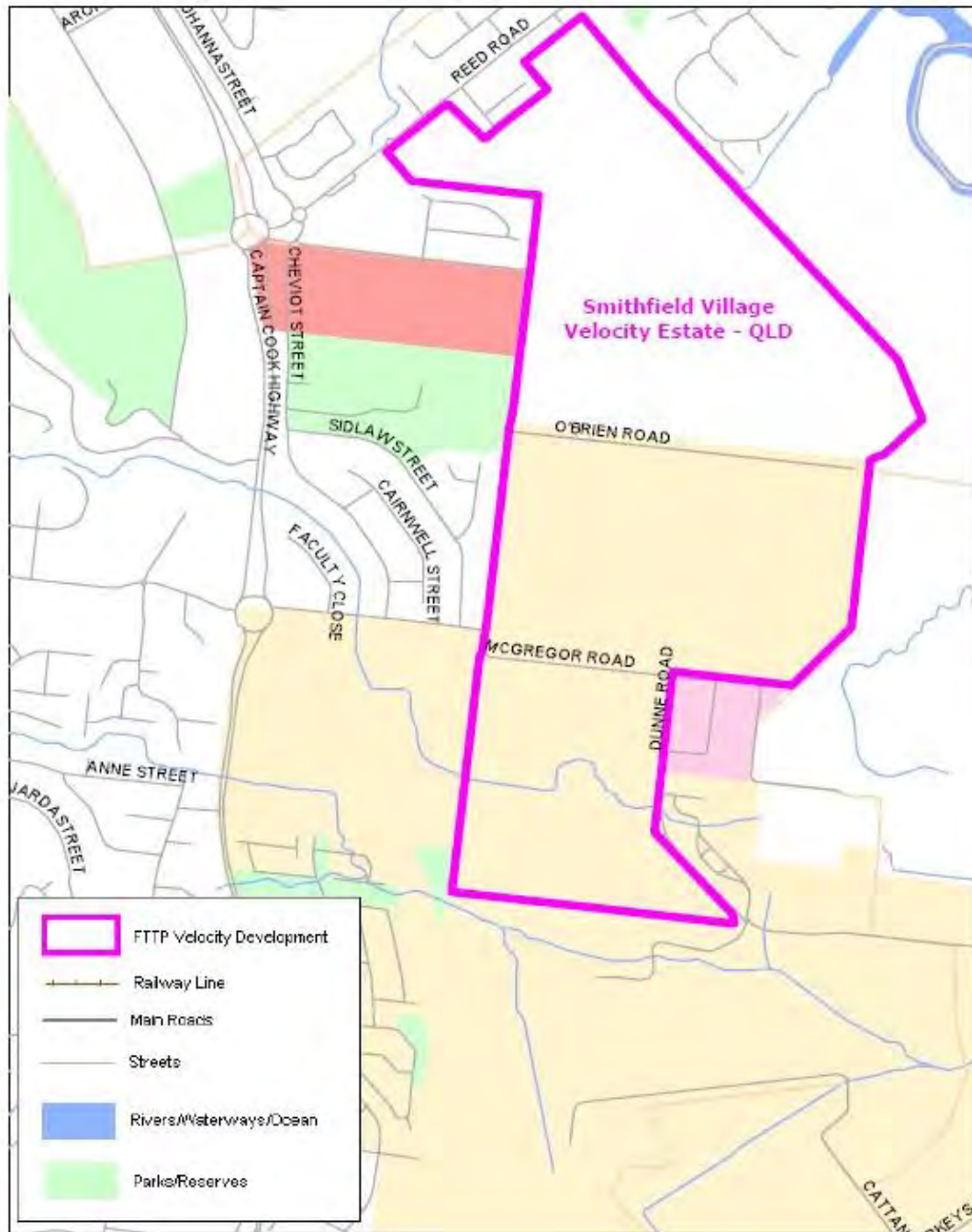




**Map 66**



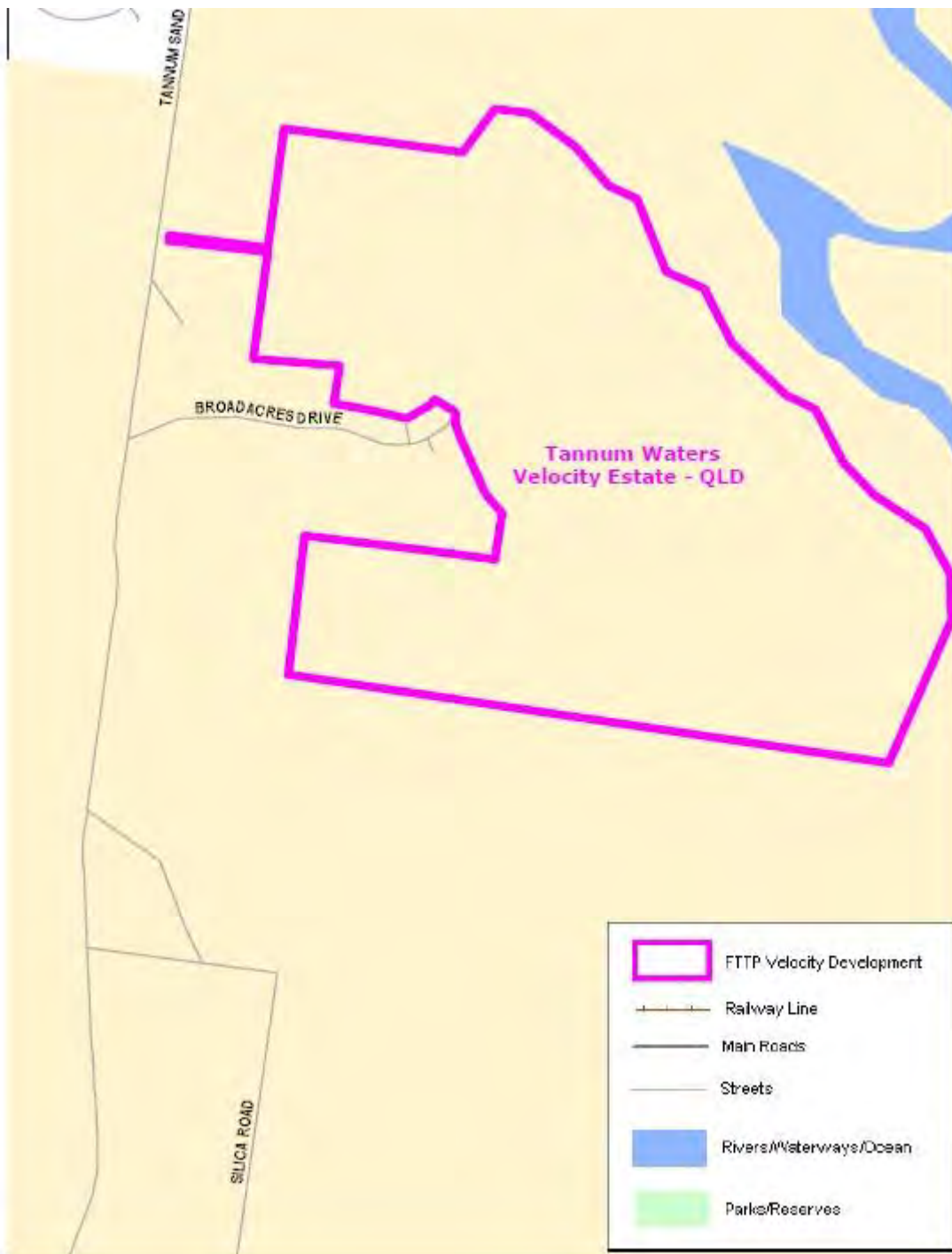
**Map 67**



**Map 68**



**Map 69**





**Map 70**

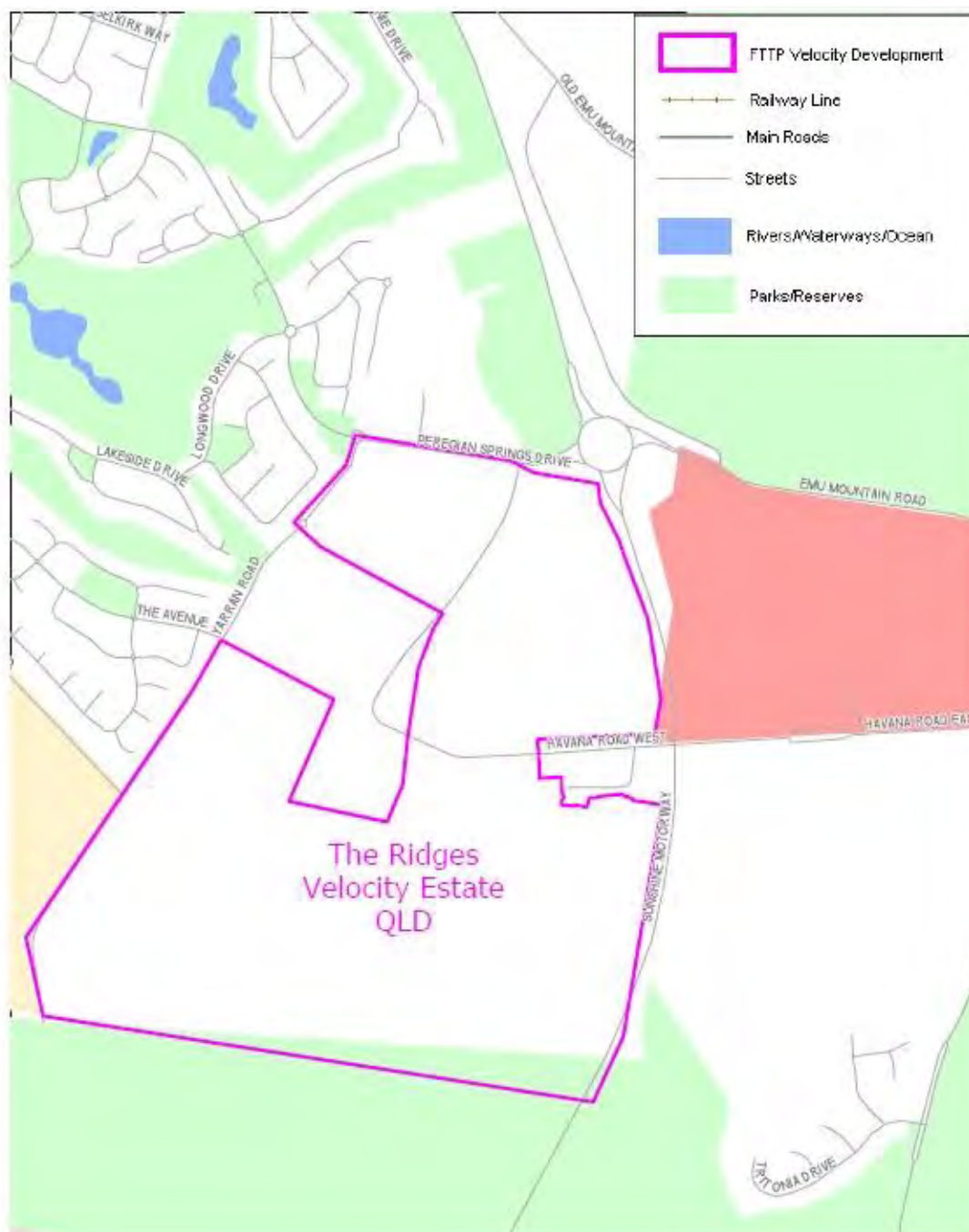








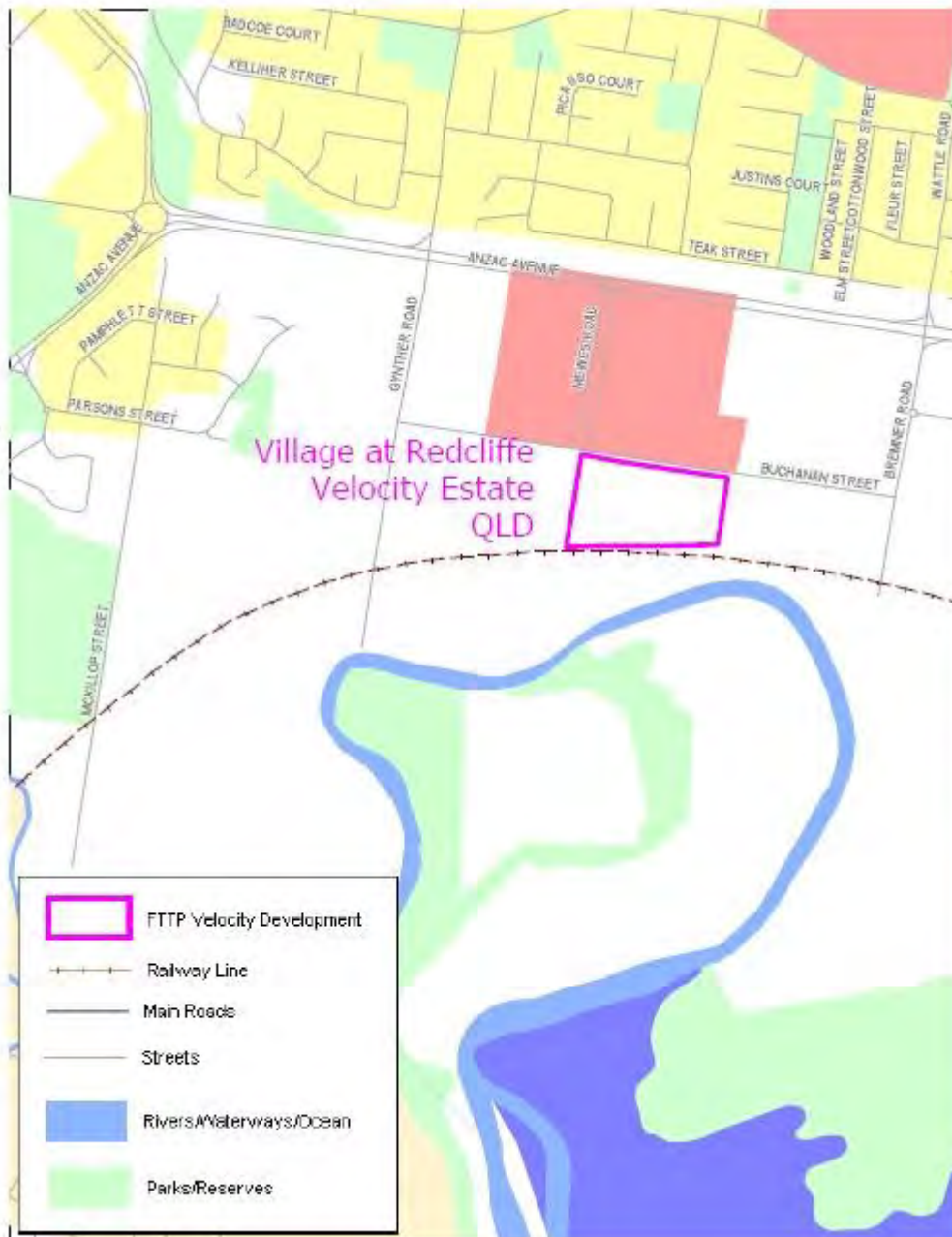
**Map 73**



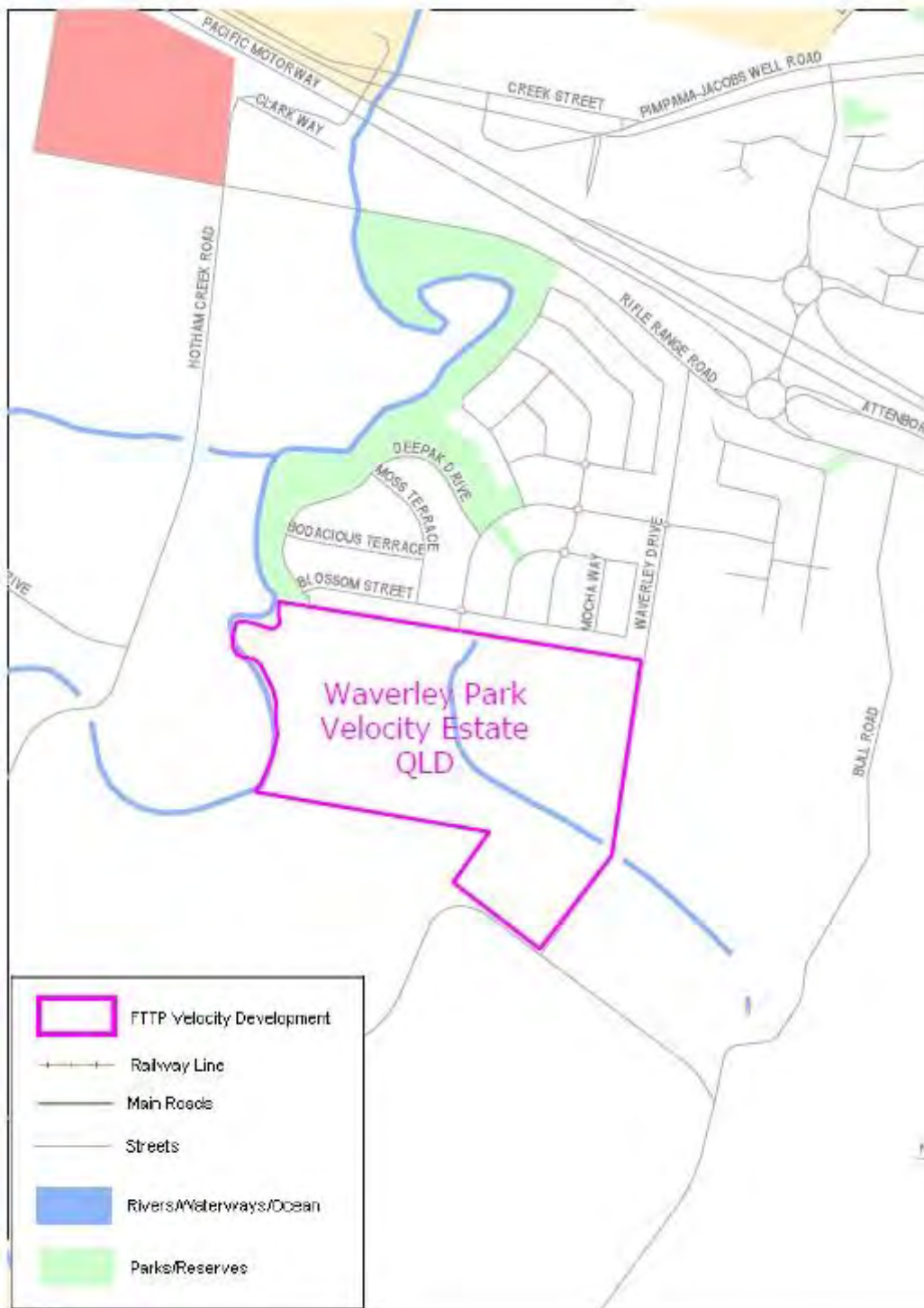
**Map 74**



Map 75



**Map 76**





**Map 77**

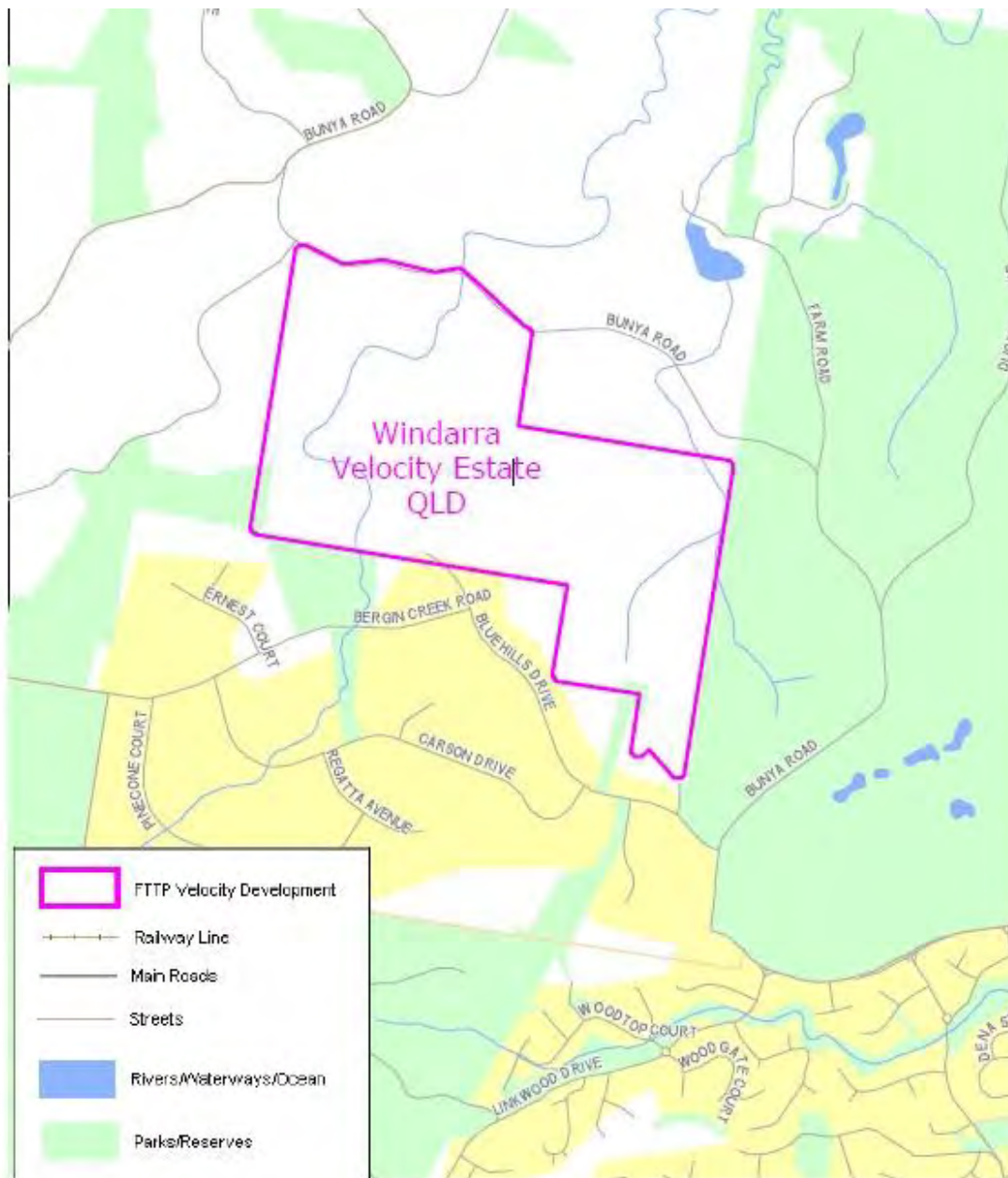


Map 78

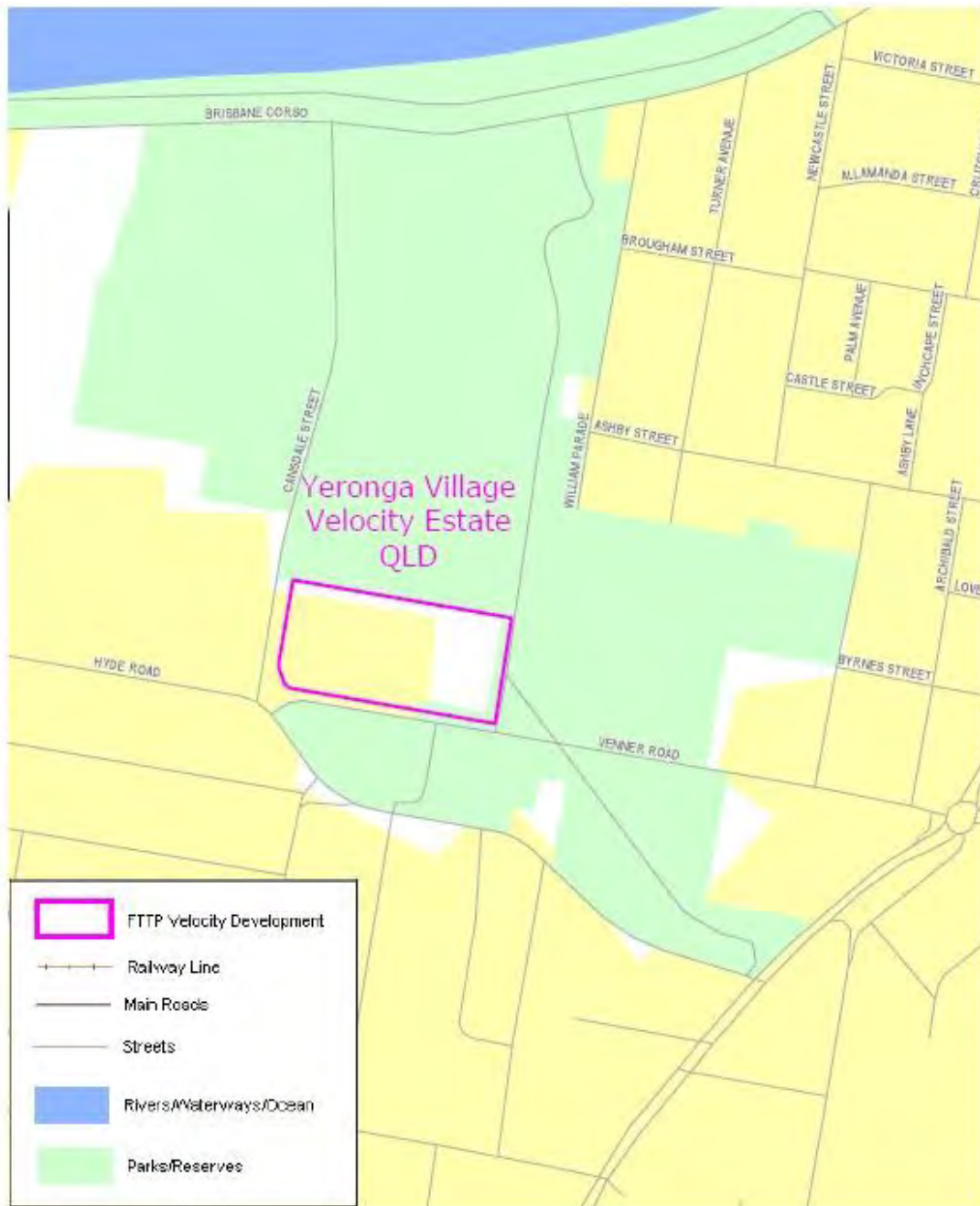




**Map 79**



**Map 80**



**Map 81**



## **Annexure A to Schedule 1 – Specified Velocity Networks – Area Maps – South Australia**

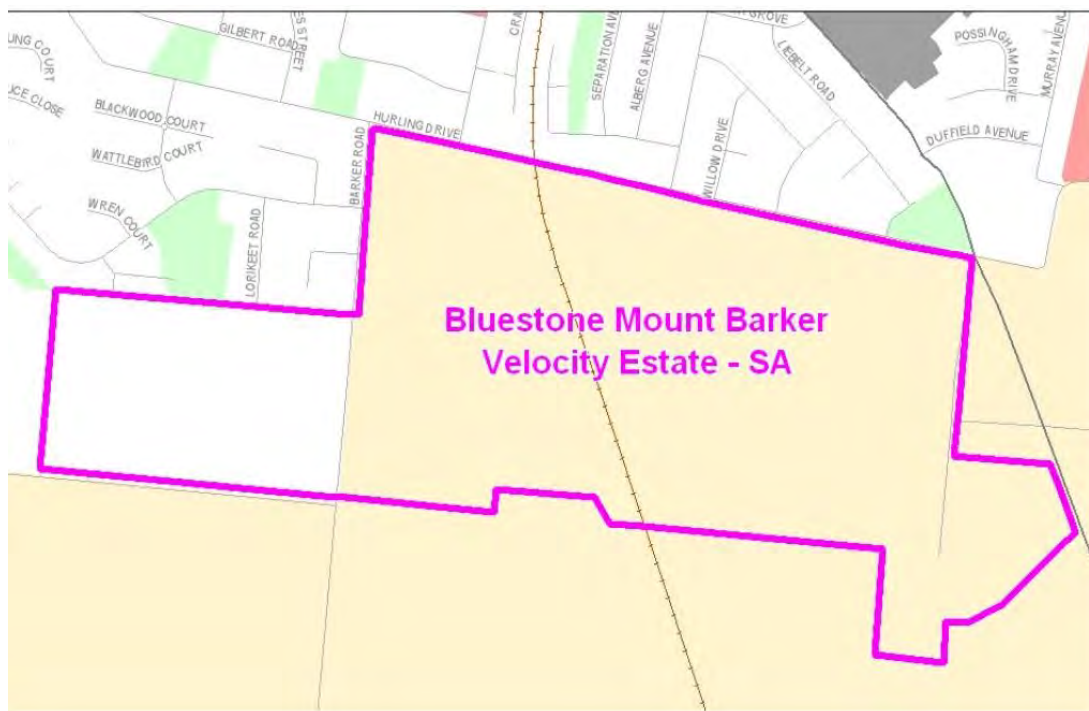
Legend for FTTP Velocity development maps is shown in Figure 1



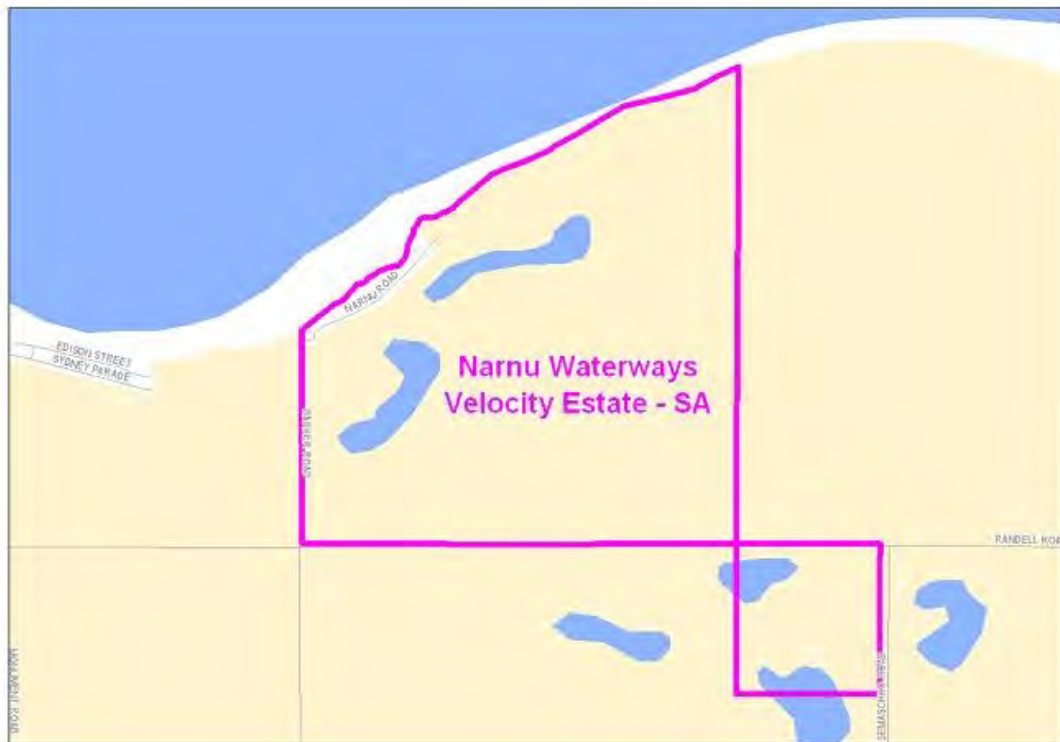
Figure 1 - Legend for FTTP Velocity development maps

Note: All FTTP Velocity development maps included in this Annexure A are oriented so that North to South is the vertical axis.

### **Map 82**



**Map 83**



**Map 84**





**Map 85**





## Annexure A to Schedule 1 – Specified Velocity Networks – Area Maps – Western Australia

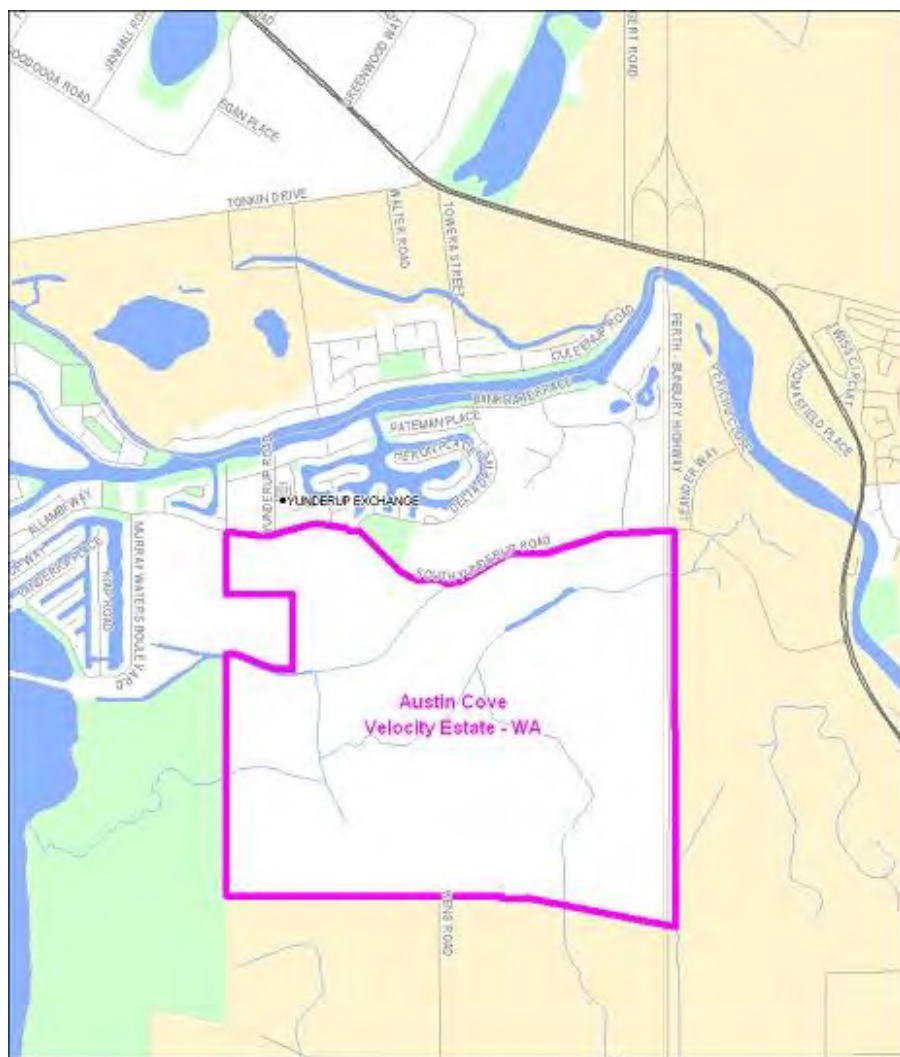
Legend for FTTP Velocity development maps is shown in Figure 1



Figure 1 - Legend for FTTP Velocity development maps

Note: All FTTP Velocity development maps included in this Annexure A are oriented so that North to South is the vertical axis.

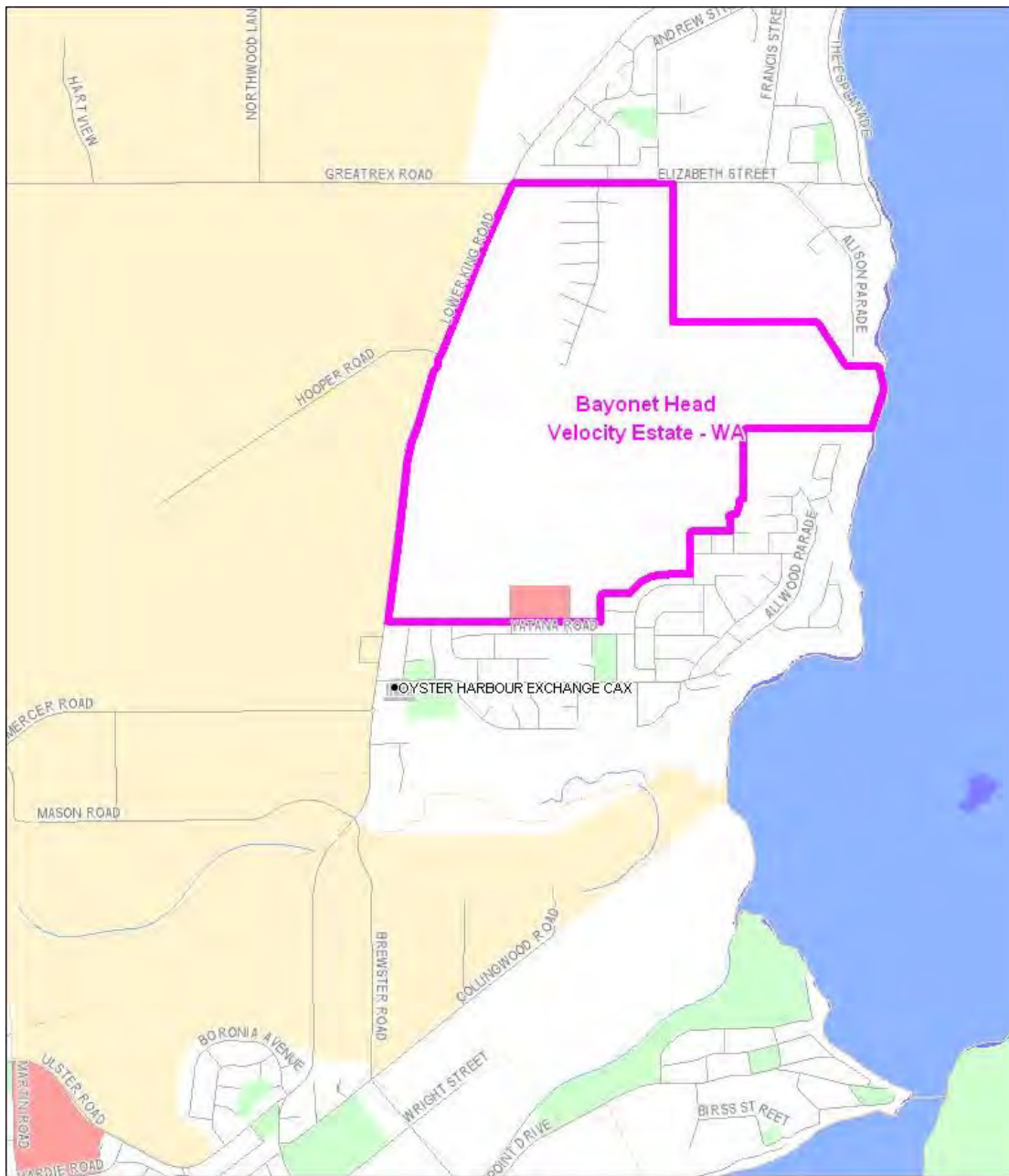
### Map 86



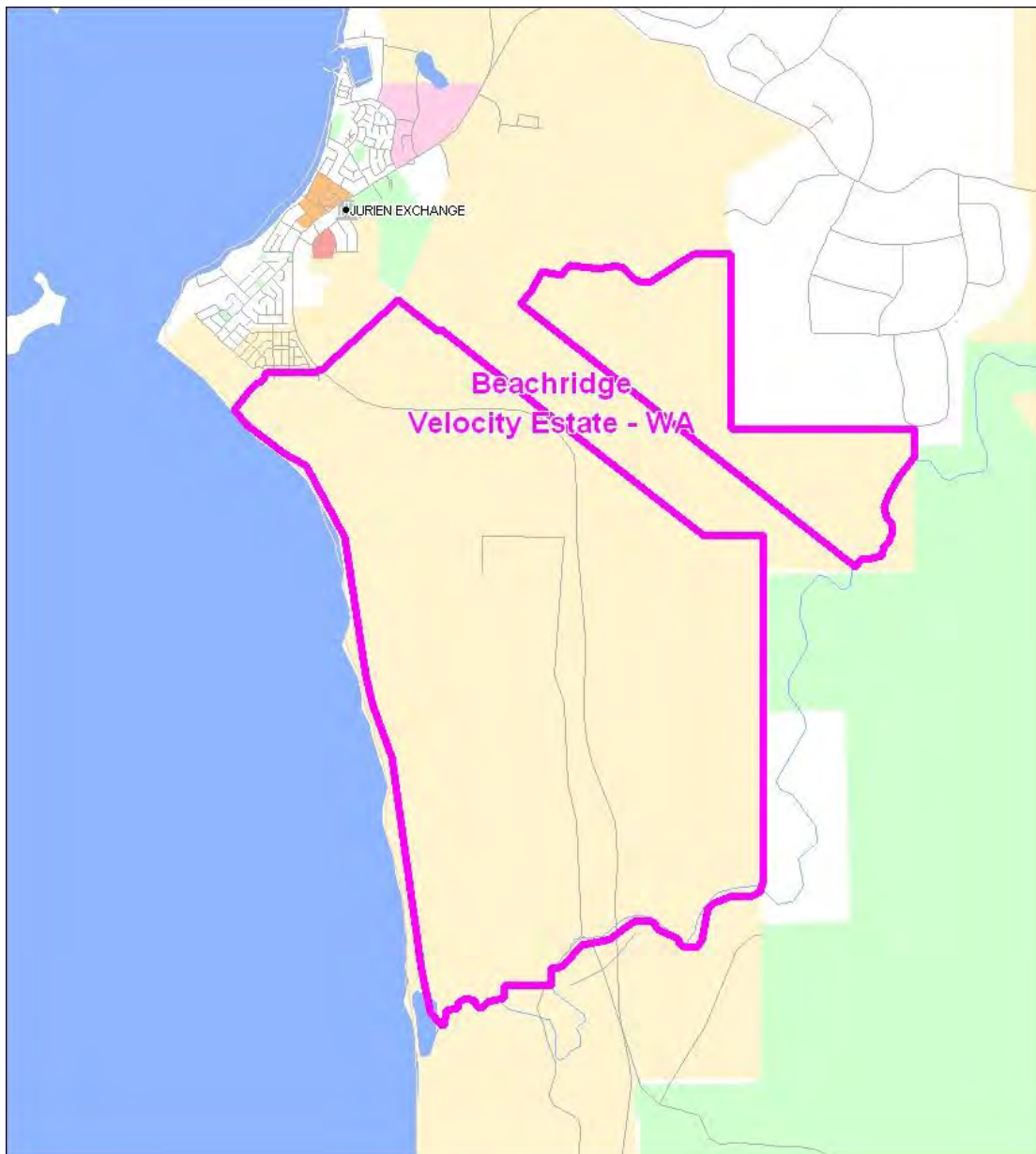
**Map 87**



**Map 88**



**Map 89**

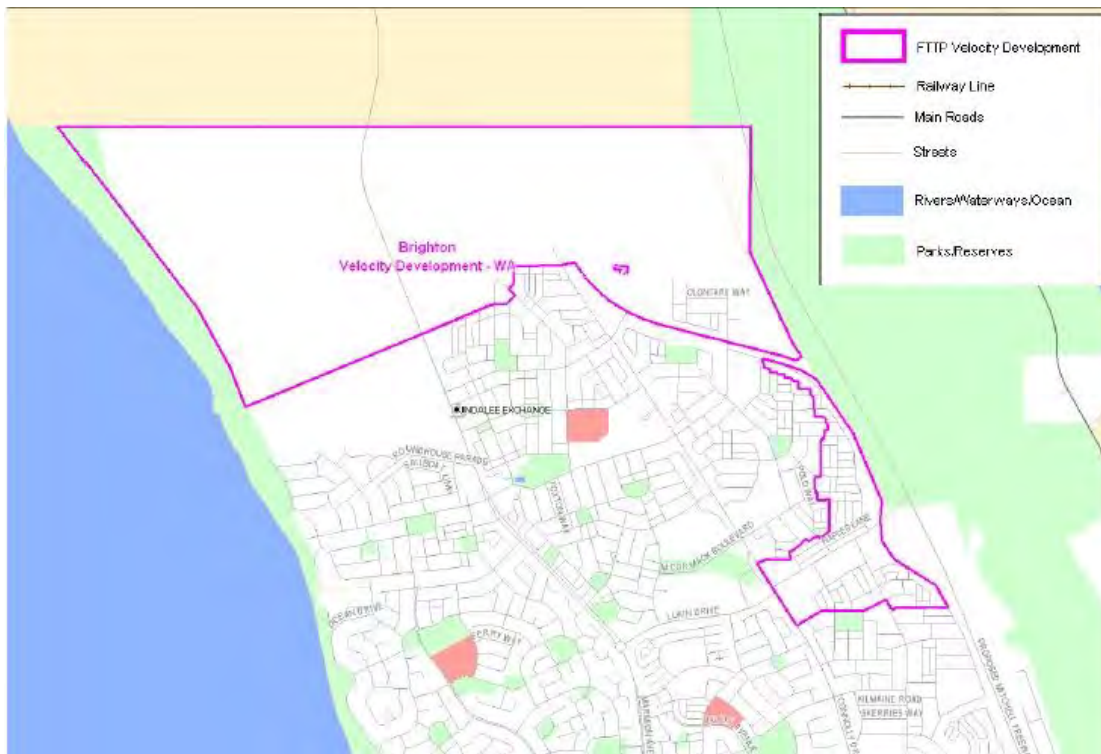


### Map 90



*Telecommunications (Network Exemption—Specified Velocity Networks)  
Instrument 2012*

**Map 91**





*Telecommunications (Network Exemption—Specified Velocity Networks)  
Instrument 2012*

**Map 92**



*Telecommunications (Network Exemption—Specified Velocity Networks)  
Instrument 2012*

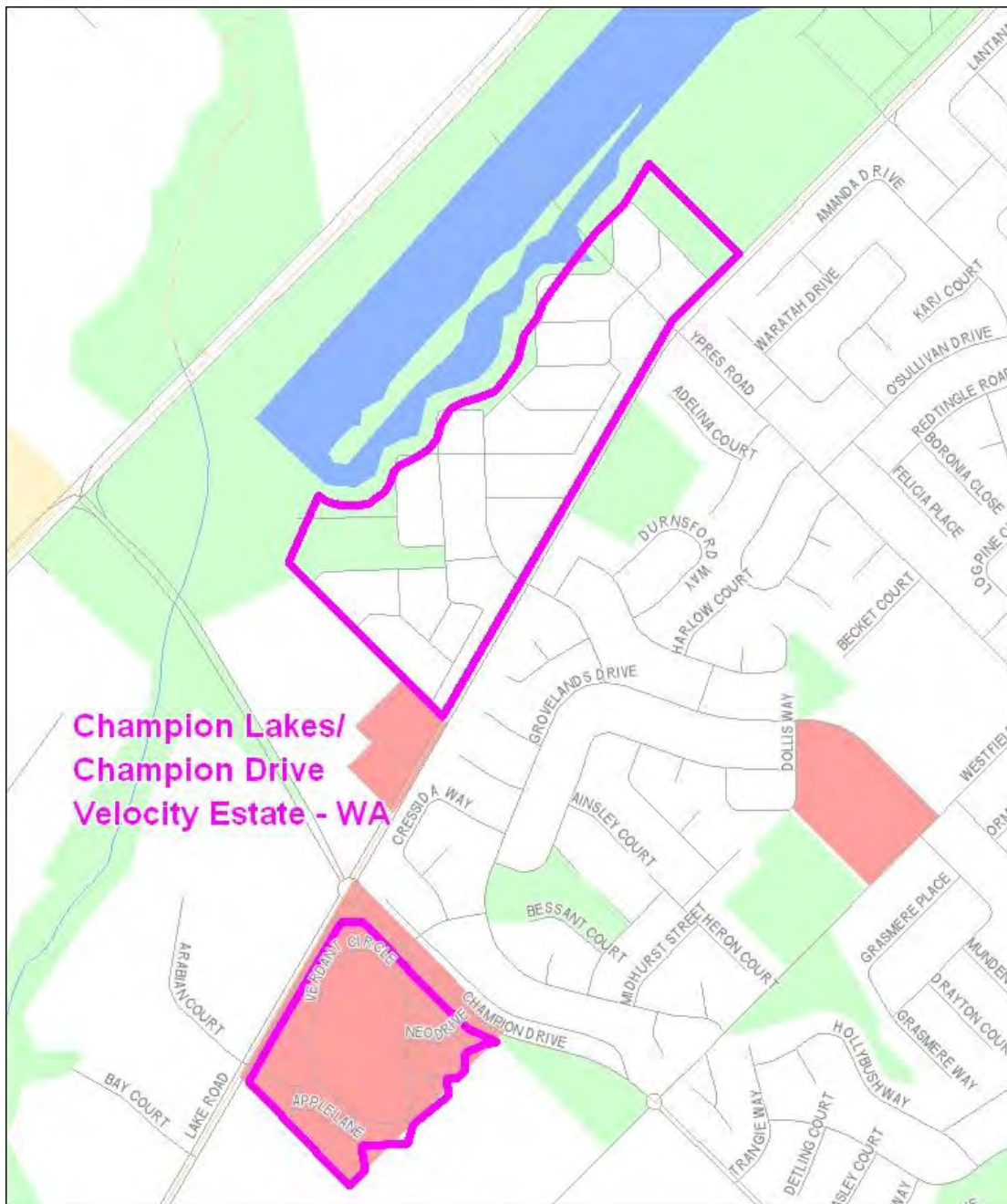
**Map 93**



**Map 94**



**Map 95**



*Telecommunications (Network Exemption—Specified Velocity Networks)  
Instrument 2012*

**Map 96**







## Map 98







*Telecommunications (Network Exemption—Specified Velocity Networks)  
Instrument 2012*

**Map 101**



**Map 102**





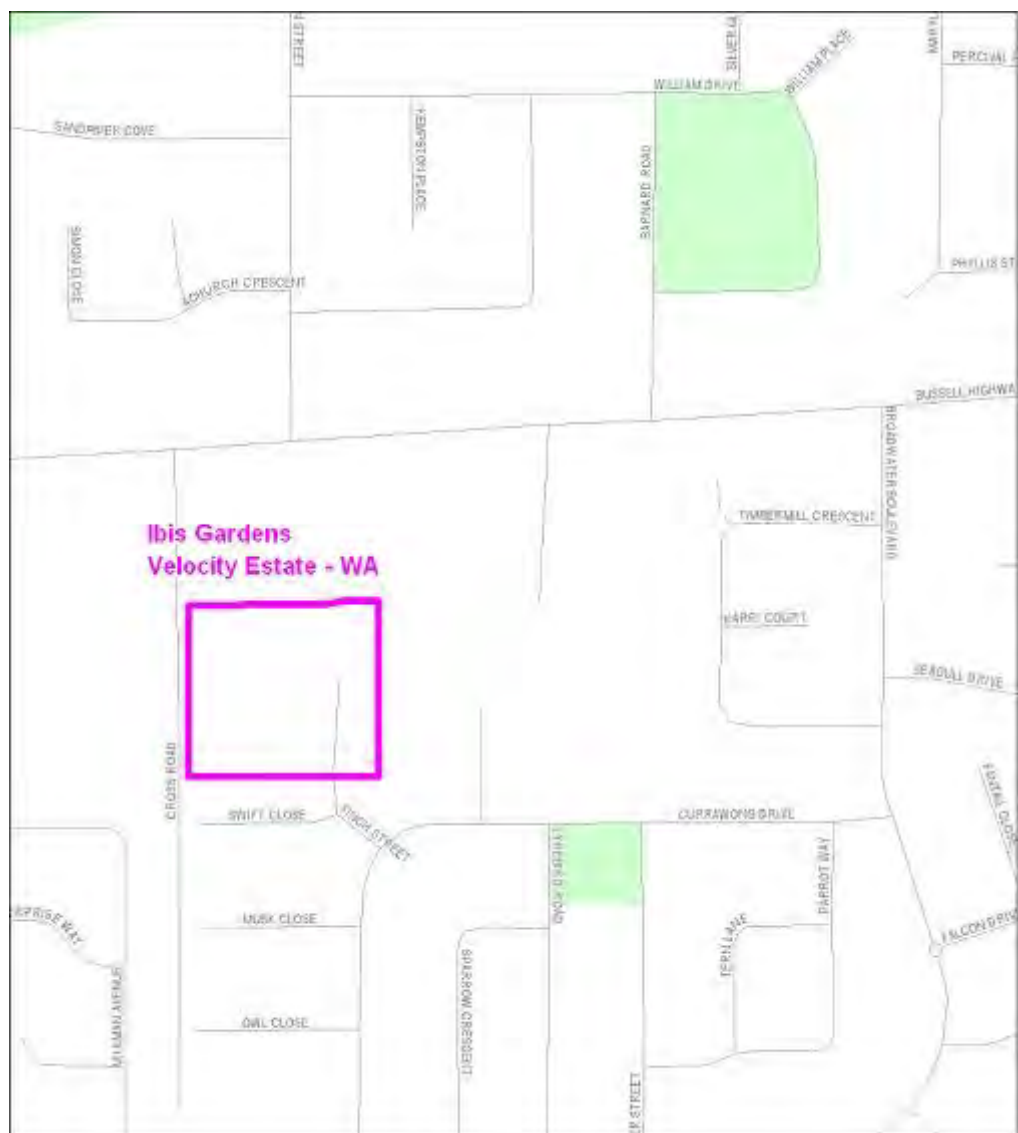
*Telecommunications (Network Exemption—Specified Velocity Networks)  
Instrument 2012*

**Map 103**





## Map 104





**Map 106**





**Map 108**



*Telecommunications (Network Exemption—Specified Velocity Networks)  
Instrument 2012*

**Map 109**





**Map 110**

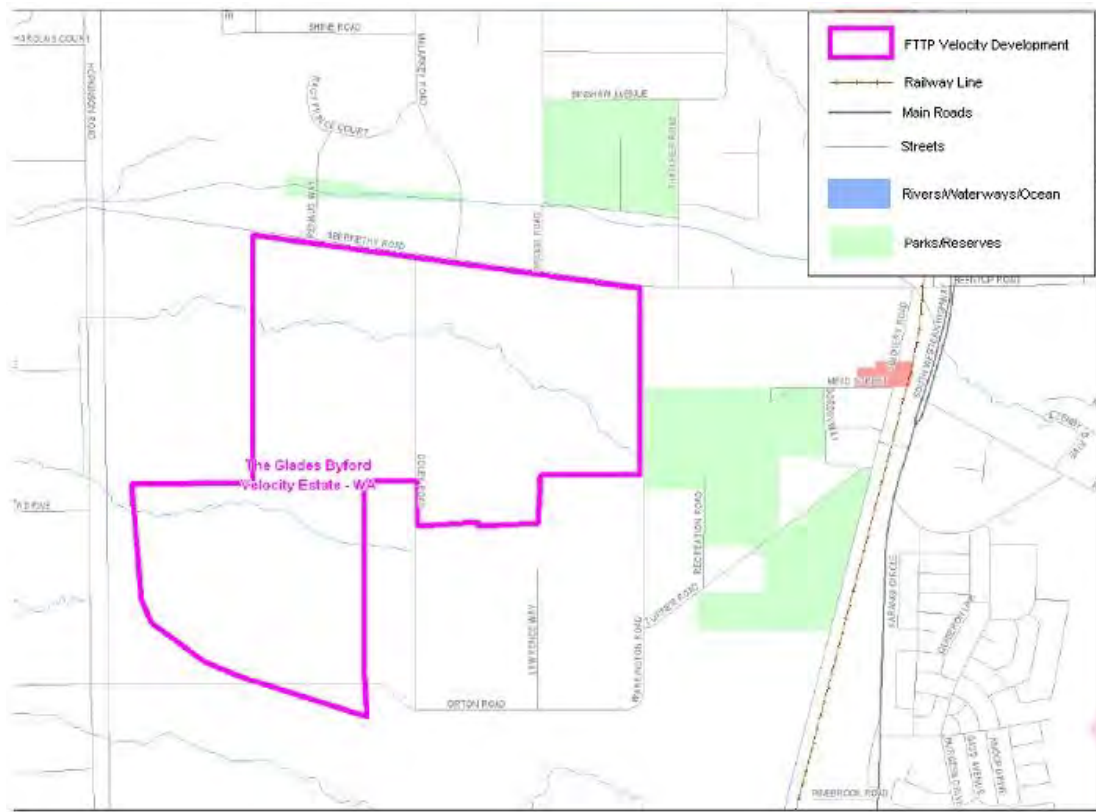


### Map 111



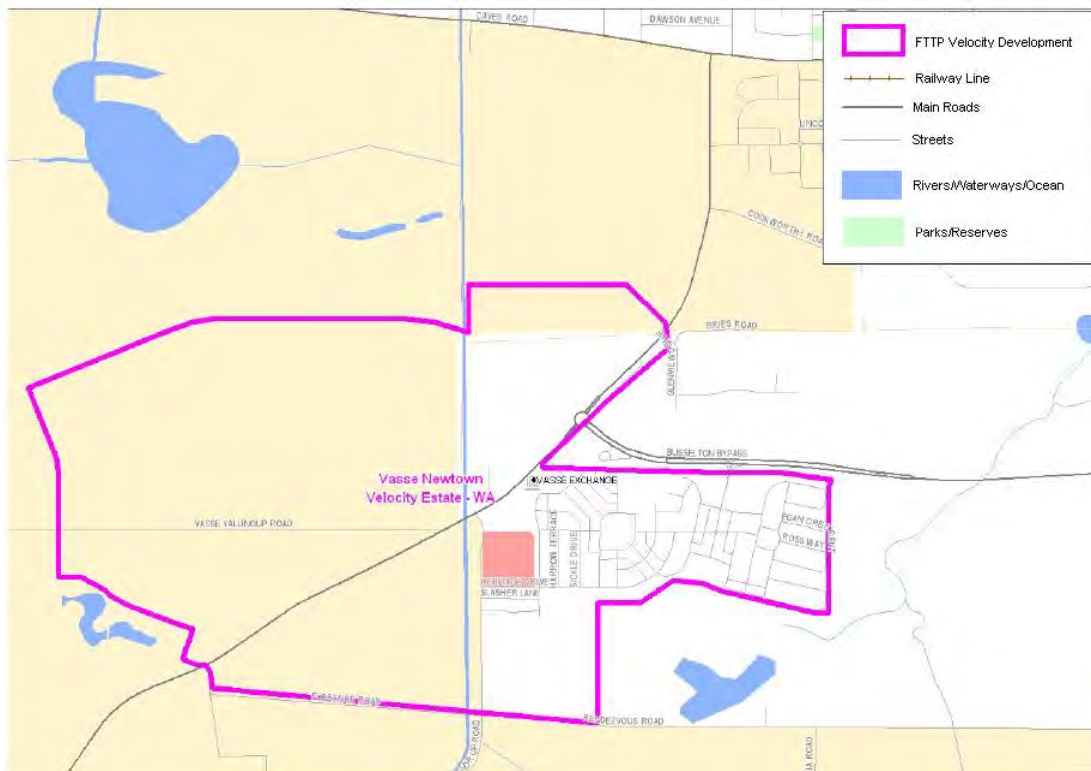
*Telecommunications (Network Exemption—Specified Velocity Networks)  
Instrument 2012*

**Map 112**

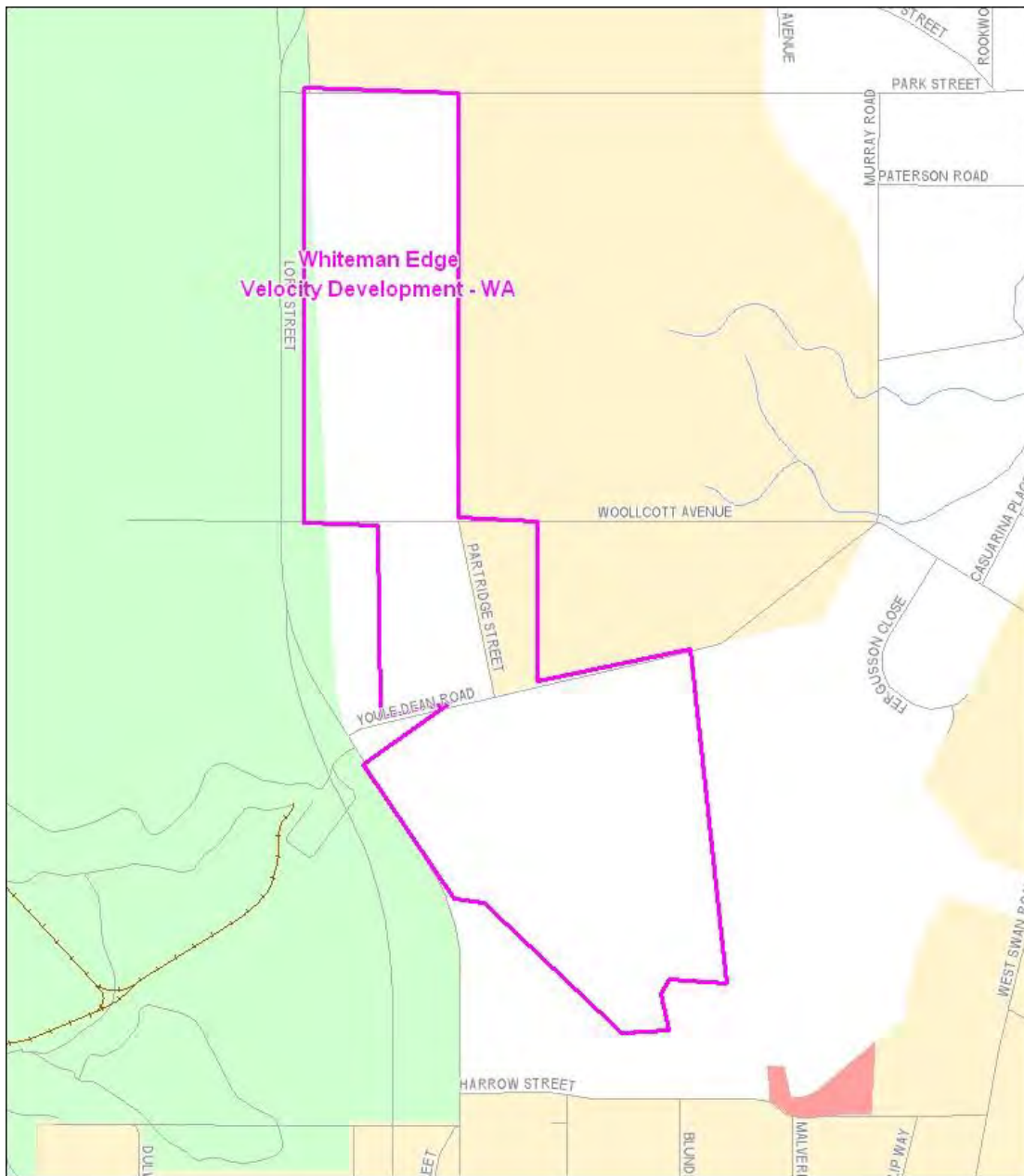


*Telecommunications (Network Exemption—Specified Velocity Networks)  
Instrument 2012*

**Map 113**



**Map 114**



**Map 115**





## Annexure A to Schedule 1 – Specified Velocity Networks – Area Maps – Northern Territory

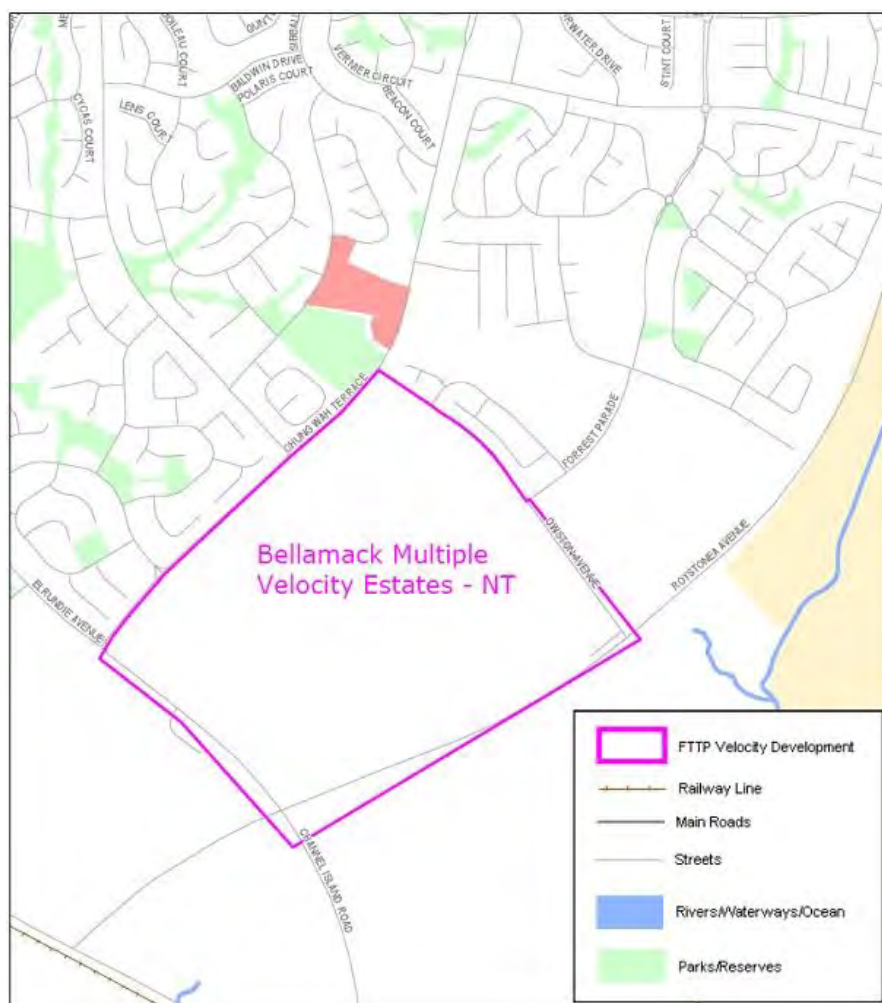
Legend for FTTP Velocity development maps is shown in Figure 1



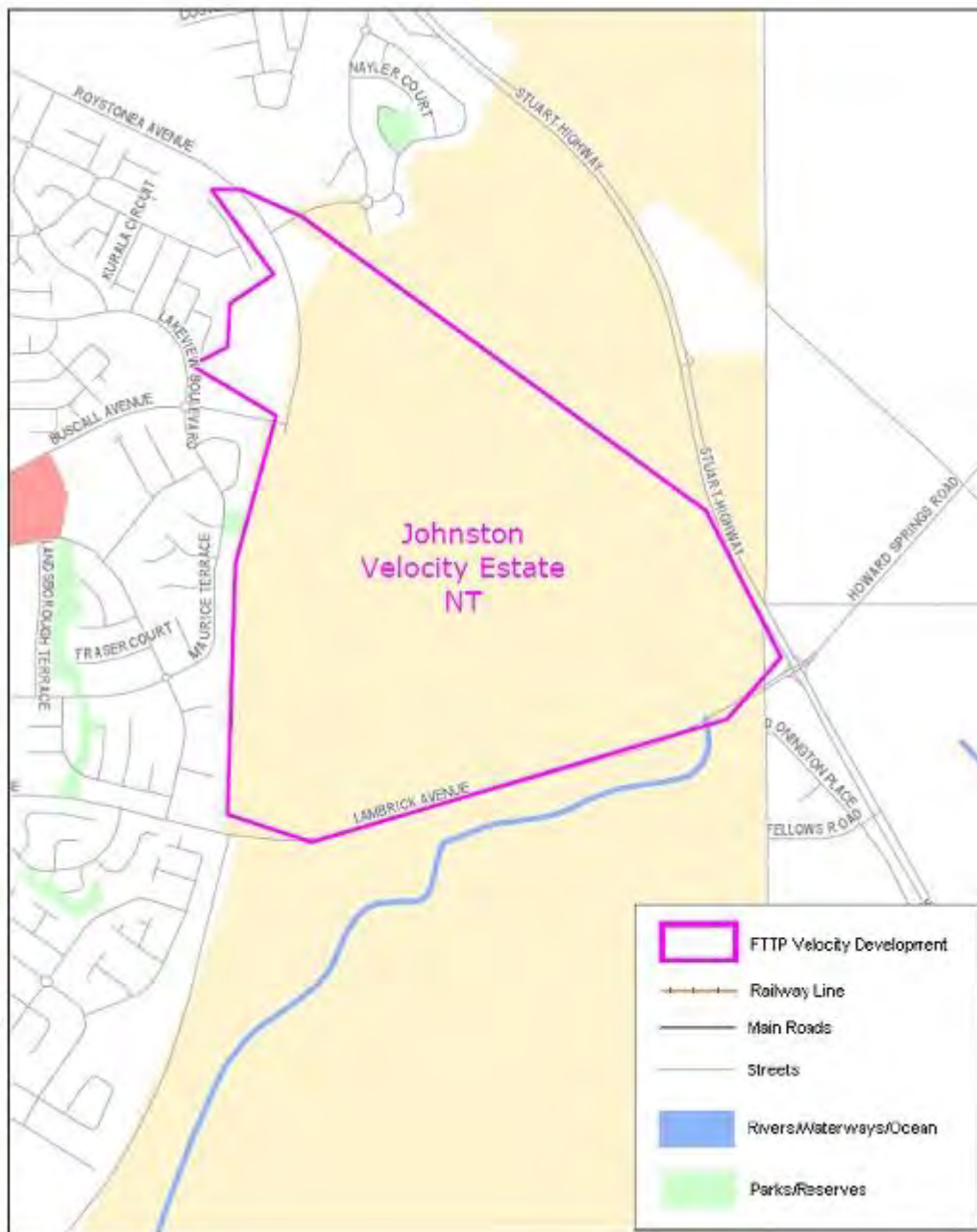
Figure 1 - Legend for FTTP Velocity development maps

Note: All FTTP Velocity development maps included in this Annexure A are oriented so that North to South is the vertical axis.

### Map 116



Map 117



**Map 118**

