



9 November 2023

The Director
Telecommunications Deployment Policy Section
Department of Infrastructure, Transport, Regional Development, Communications and the Arts
GPO Box 594
Canberra ACT 2601

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

Dear Director

Submission: Possible amendments to the Telecommunications in New Developments Policy

The National Growth Areas Alliance (NGAA) welcomes the opportunity to respond to the *Possible amendments to the Telecommunications in New Developments Policy – Mobile Connectivity and Other Measures Consultation Paper* (Consultation Paper).

The NGAA is the peak body for local governments in Australia's outer metropolitan growth areas and advocates to state and federal governments on growth area challenges and opportunities. Together, we represent more than five million people living in Australia's fast-growing suburbs and are united by shared experiences of population growth rates at double the national average and long-term under-investment in vital infrastructure.

We take an evidence-based approach, with a Policy Platform built on the foundations of our comprehensive research strategy. We also help to develop Alliance Councils' capacity to deliver good growth through best practice case studies, policy discussions, and extensive networks.

We understand that the Australian Government has formed a Mobile Telecommunications Working Group (Working Group) in conjunction with a number of state and territory governments. In parallel with this, we urge the Australian Government to continue to engage with growth area councils as the policy develops, and other measures are considered, given these councils will be implementing the policy through the planning approvals process for the urban design and master plan of proposed developments.

Access to adequate mobile telecommunications infrastructure is vital for Australia's growth areas. These areas are disproportionately impacted by extreme weather events as a result of climate change, and in the past year alone these areas have experienced bushfires, storms, floods and record heatwaves. Access to reliable mobile phone coverage is essential to receiving early warning messages, and to sending and receiving communications about evacuations and emergency responses. It also enables residents to more fully participate in activities related to employment, education and social connections.

In this context, we agree that a coherent approach is required for prioritising planning and approvals for communications infrastructure, especially in growth areas. Overall, we support the amendment of

the Telecommunications in New Developments (TIND) Policy to explicitly include mobile telecommunications as part of the broader communications infrastructure which currently includes fixed infrastructure requirements to enable voice and broadband services.

We also broadly support the proposed amendments to the TIND Policy so 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.

Other proposed changes to the TIND Policy that are relevant to growth area councils include:

- allow NBN Co to spread backhaul costs across different developments in the area.

Outlined below is our overarching feedback and also specific feedback in response to the questions outlined in the Consultation Paper.

Overarching Feedback

In general, we welcome clearer guidance about the responsibility for providing adequate mobile telecommunications infrastructure in new developments in Australia's growth areas.

We are aware of a recent situation in the City of Cockburn in Western Australia (WA) where the council ultimately had to source and rezone land on behalf of a telecommunications provider so they could install mobile telecommunications infrastructure.

In this situation, there were multiple providers in the municipality however one of the biggest national carriers did not provide mobile infrastructure in the new housing development. This carrier later reconsidered their decision and engaged in lobbying both State and Federal Members of Parliament with misinformation to acquire land for a new mobile phone tower site and circumvent due process.

In response to this lobbying, and community pressure, including examples where emergency services were not contactable, the City of Cockburn worked with the State and Commonwealth agencies to locate and provide the land for the provider who did not have mobile infrastructure.

The Council then progressed a Local Planning Policy to address this issue during the structure planning process - [City of Cockburn LPS5.19 of 2023 – Structure Plans and Mobile Telecommunications Infrastructure](#). The City of Cockburn experience should not be considered normal practice for any other new housing developments.

However, we are aware of this occurring in other LGAs across Australia as well as other developments within the City of Cockburn. In our view there is a growing reliance on this approach, and it appears to be an identified pattern of behaviour from certain telecommunication providers. We urge the Australian Government to ensure this does not become standard practice for these – or other - telecommunications providers.

Local Government Advocacy

We are aware of a number of growth area councils who are actively advocating for improved mobile telecommunications infrastructure in their municipalities, including the following:

City of Whittlesea, Victoria

The City of Whittlesea has eight identified blackspots with limited connectivity, and six future growth areas that require mobile and broadband coverage. The council is advocating for adequate or improved mobile coverage in these specific areas to increase resident access to employment, business, education and community safety information.

City of Casey, Victoria

The City of Casey is advocating for improved mobile connectivity in the municipality, especially in the blackspots in Clyde and Clyde North which are two of the fastest growing suburbs in Melbourne's south east. The council considers high-speed internet and reliable mobile infrastructure critical to accelerating economic and social opportunities in the region. As an increasing number of residents work from home, the economic and social impacts of poor internet and mobile coverage are exacerbated.

Wollondilly Shire Council, New South Wales

Wollondilly Shire Council advocated politically and at a staff level for a decade seeking improvements to mobile infrastructure for Wilton which was finally delivered in 2020. Prior to this, the existing town had a population of around 5,000 and Council was unable to live stream a community forum in Wilton due to the lack of mobile infrastructure.

Whilst Wollondilly is a designated growth area, due to the existing geography and typography, much of Wollondilly is viewed as rural or rural living, and unfortunately many of the existing towns and villages remain insufficiently connected to telecommunications and internet infrastructure.

This growth area, like many others around Australia are strategically located along the national transport corridor, and play a pivotal role before, during and after growth periods. Wollondilly Shire Council views this type of infrastructure as catalytic and essential to the projected growth, and highlights the need for this infrastructure to be in place before the growth takes place.

Consultation Paper Questions

1. *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.*

As noted above, we broadly support the proposed amendments to the TIND Policy so 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.

Of relevance to the example noted above, we especially support the proposed amendment so that developers will identify appropriate sites for mobile infrastructure.

2. *Are there other criteria that could be considered as well?*

The *Telecommunications Act 1997* only refers to fixed line infrastructure requirements. Given the evolution and developments in telecommunications technology since the implementation of the Act in 1997, and considering that many households no longer have a fixed line telephone, relying on their mobile phone, a minimum requirement should be both fixed line **and mobile infrastructure** requirements. We suggest amending the *Telecommunications Act 1997* to include a provision for fixed line and mobile infrastructure requirements to encompass both. Consideration will need to be made for the vast expanses of regional Australia without residential population centres.

3. *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?*

No, the policy is not binding.

4. *Do you have any concerns regarding compliance with the proposed changes to the TIND Policy that you would like to raise?*

Yes. The proposed changes are just a policy, setting out the government's expectations. They are not mandatory or enforceable by any regulations, therefore there is no incentive to comply. As noted previously, we are aware of situations where carriers have lobbied for land after a new development plan has been approved.

5. *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.*

There should be an expectation for a minimum mobile reception service to residents upon occupation of the properties, however the business case for operating complex infrastructure for twelve months before customers are in the area may not be viable.

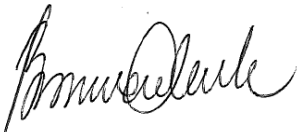
The situation in the City of Cockburn (WA) where the existing mobile infrastructure was insufficient for demand was the result of the occupation of homes faster than council had planned for. The existing network was unable to handle the increase of data traffic which then de-prioritised the bandwidth. The congested network was unable to cope and customers could not access the available service.

Ideally, the network provisions would grow with the increase in home occupation to ensure a minimum level of service from the date of occupation of the first resident/commercial tenant.

Contact

The NGAA welcomes the opportunity to respond to the Consultation Paper and provide the Local Government perspective on policies relating to the planning and approvals for communications infrastructure in growth areas. Should you wish to discuss any of the matters raised in this response, please contact Caroline Speed, National Research and Policy Lead, on caroline.speed@ngaa.org.au.

Yours faithfully



Bronwen Clark
Executive Officer
National Growth Areas Alliance