

This fact sheet has been prepared to help landowners and developers gain a broad understanding of their obligations under Commonwealth telecommunications legislation and to direct them to further information and resources.

**It is strongly recommended that landowners and developers make their own enquiries to satisfy themselves that requirements to provide fibre-ready telecommunication infrastructure pursuant to the Commonwealth *Telecommunications Act 1997* have been met.**

This fact sheet supersedes the Western Australian Planning Commission (WAPC) *Fibre Ready Telecommunications Position Statement*.

The provision of fibre-ready telecommunications infrastructure and access to the internet is important for increasing the connectivity and social mobility of communities, especially in a state as vast as Western Australia. Reliable internet facilitates access to employment and job opportunities, social services, online education, health support, and social networks.

People moving into new properties expect ready access to modern telecommunications, including broadband and voice services.

## What is fibre-ready telecommunications infrastructure?

The term 'fibre-ready' refers to the provision of underground ducting or 'pit and pipe' infrastructure, through which telecommunications lines can be fed to individual lots. A lack of access to fibre-ready telecommunications infrastructure prior to development can result in delays and increased costs associated with retrofitting.

## Where is the requirement to provide fibre-ready telecommunications infrastructure set out?

The Commonwealth *Telecommunications Act 1997* (Telecommunications Act) sets out the obligations on property developers to ensure developments have modern telecommunication infrastructure in place prior to selling or leasing a property. An amendment to the Act in February 2021 extends to all developers the requirement to ensure that every lot, dwelling or unit has fibre-ready infrastructure in place before being sold or leased.

## Where can I find guidance on the Commonwealth requirements around fibre-ready infrastructure?

The Australian Government *Department of Infrastructure, Transport, Regional Development and Communications* has published a Telecommunications in *New Developments* (TIND) policy. The TIND policy outlines the following key objectives:

- To provide people moving into new developments with ready access to modern telecommunications, both voice and broadband
- To support a competitive and sustainable market for the provision of such infrastructure.

It provides that all developers, whether incorporated or unincorporated, should install fibre-ready facilities before selling or leasing building lots or units. The TIND policy can be found on the Australian Government *Department of Infrastructure, Transport, Regional Development and Communications* website at <http://www.communications.gov.au>

## What is the relationship between the Commonwealth requirement and the Western Australian subdivision process?

The Telecommunications Act provides a broad definition of development to which the requirement applies, which includes the subdivision and development of land for further sale or lease.

The WAPC may place an advice note on subdivision approvals located within the existing or proposed wired National Broadband Network (NBN) footprint, which alerts proponents to the requirements to provide fibre-ready telecommunications infrastructure under the Telecommunications Act. The advice note states:

// The applicant/landowner is advised that pursuant to the Commonwealth *Telecommunications Act 1997* there will generally be a requirement for the installation of fibre-ready telecommunications infrastructure. Exemptions can be sought for certain types of development. Further information is available from the Australian Government Department of Infrastructure, Transport, Regional Development and Communications website at [www.infrastructure.gov.au](http://www.infrastructure.gov.au) //

**IMPORTANT:** The requirement under the *Telecommunications Act* exists whether the advice note has been included on the subdivision approval or not. It is the responsibility of the landowner or developer to ensure they have met the requirements of the *Telecommunications Act*. The advice note and fact sheet are provided to assist landowners/developers in gaining a broad understanding of their obligations and to direct them to additional resources.

## Are there any exemptions to the Commonwealth requirement?

The Telecommunications Act allows for landowners/developers to claim an exemption from the requirement to install fibre-ready facilities in certain circumstances. For example, certain developments in rural or remote areas, where it is unlikely that fixed-line infrastructure will be installed, would not warrant pit and pipe infrastructure.

Landowners/developers should consult the Australian Government Department of Infrastructure, Transport, Regional Development and Communications website for more information about claiming an exemption.

## Where can I find information regarding fibre-ready pit and pipe specifications?

The Communications Alliance, a peak body for the communications industry, has published a best practice guideline: *Fibre Ready Pit and Pipe Specification for Real Estate Development Projects Industry Guideline (G645:2017)*. Licensed carriers (who operate telecommunications networks) may have their own installation specifications. NBN Co has also published its own design guidance on pit and pipe infrastructure.

## How is the requirement enforced?

The Australian Communications and Media Authority (ACMA) is responsible for monitoring compliance with the Telecommunications Act.

## I have more questions, who should I contact?

Enquiries about requirements under Commonwealth legislation - including the Telecommunications Act, the TIND policy and exemptions - should be directed to the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications at [www.infrastructure.gov.au](http://www.infrastructure.gov.au) and [www.communications.gov.au](http://www.communications.gov.au)

For enquiries about the subdivision process in Western Australia and the relationship with these requirements, you can contact the Department of Planning, Lands and Heritage Infrastructure Planning and Policy team on 6551 8002 or email [infrastructure@dplh.wa.gov.au](mailto:infrastructure@dplh.wa.gov.au)