



Telecommunications (Fibre-ready Facilities — Exempt Real Estate Development Projects) Instrument 2021

I, Paul Fletcher, Minister for Communications, Urban Infrastructure, Cities and the Arts,
make the following Instrument.

Dated 2 February 2021

Paul Fletcher
Minister for Communications, Urban Infrastructure, Cities and the Arts

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1 Name

This instrument is the *Telecommunications (Fibre-ready Facilities — Exempt Real Estate Development Projects) Instrument 2021*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	On 1 January 2021	1 January 2021

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under paragraphs 372K(1)(b), (c), (d), (e) and (f) of the *Telecommunications Act 1997*.

4 Interpretation

- (1) In this Instrument:

electrical supply network infrastructure does not include any infrastructure directly forming part of an electrical transmission grid.

NBN Co means NBN Co Limited (ACN 136 533 741), as the company exists from time to time (even if its name is later changed).

NBN Co fixed-line network has the same meaning as in the *Telecommunications (Migration Plan Principles) Determination 2015* published on the Department's website.

region ready for service date in relation to a rollout region, means the date published by NBN Co on its website as the disconnection commencement date for that region.

rollout region means a geographic region with an ascertainable boundary that has been determined by NBN Co within which the NBN Co fixed-line network is deployed or planned to be deployed.

- (2) The street frontage distance of a building lot is:
- (a) for a building lot which is a battle-axe block — the distance of the rear side of the building lot running parallel to the public street;
 - (b) for a building lot that has more than one street frontage — the distance of the longest side of the boundary lot facing a public street; and
 - (c) in all other cases—the distance of the side of the building lot facing a public street.

Note 1: Several other words and expressions used in this Instrument have the meaning given by section 7 of the Act (see subsection 13(1) of the *Legislation Act 2003*). For example:

- building lot
- building unit
- facility
- project area
- real estate development project.

Note 2: The term ‘proximity’ has the same meaning as in section 372Y of the Act (subsection 13(1) of the *Legislation Act 2003*).

5 Exempt real estate development projects

- (1) Pursuant to paragraph 372K(1)(b) of the Act, a real estate development project ascertained in accordance with the following table, is exempt from the requirements in sections 372E, 372F, 372G and 372H of the Act, provided that subsection (2) is satisfied.

Item	Exemption
1	<p data-bbox="368 342 1166 380">Any real estate development project in which (at the relevant time):</p> <ul style="list-style-type: none"> <li data-bbox="443 387 480 425">(a) either: <ul style="list-style-type: none"> <li data-bbox="539 432 1350 607">(i) the only kind of utility infrastructure installed or planned to be installed in proximity to each building lot situated in the project area is substantially above-ground electricity lines that form part of electrical supply network infrastructure (other than electrical lead-ins to each building unit); or <li data-bbox="539 613 1350 719">(ii) there is no kind of utility infrastructure installed or planned to be installed in proximity to each building lot situated in the project area; <li data-bbox="443 725 1350 831">(b) there is no kerb and channelling constructed (or planned to be constructed) in proximity to each building lot situated in the project area; <li data-bbox="443 837 1350 909">(c) the average length of the street frontages of the building lots within the project is 60 metres or greater; and <li data-bbox="443 916 1350 1214">(d) no part of the project area is located inside an NBN Co fixed-line network rollout region in which the region ready for service date: <ul style="list-style-type: none"> <li data-bbox="539 987 783 1025">(i) has occurred; or <li data-bbox="539 1032 1350 1214">(ii) will occur within 3 years from the date the project received planning approval or consent under the applicable State or Territory law, as based on public announcements made by NBN Co or information provided by NBN Co to the person responsible for the project.

Note: Subsection 13(3) of the *Legislation Act 2003* allows specification of matters by class or classes of matters.

- (2) The person responsible for the real estate development project (or a person on its behalf) has provided to the Secretary of the Department a written notice setting out the following details about the project for which the exemption under this Instrument is claimed:
- (a) the name of the development (if available);
 - (b) the development's stage name or number (if available);
 - (c) the development type, in terms of whether it is 'residential', 'commercial', 'industrial', 'mixed development', 'public/private institution' or 'other';
 - (d) the total estimated number of building lots or building units in the development;
 - (e) the average length of the street frontages of the building lots within the development; and
 - (f) any of the following:
 - (i) the location and boundary of the development; or
 - (ii) the lot/plan number of the development; or
 - (iii) the address of the development.