

2nd April 2024

Independent Pricing & Regulatory Tribunal, NSW, (IPART)
Attention: Mr Matthew Tsikrikas
On-Line submission

Dear Matthew,

Optus Mobile Pty Ltd. (Optus), Submission: IPART Review of Rents for Communications Sites on certain Crown Land 2023/24

I refer to the IPART review of the rents for communications sites on Crown Land managed by three NSW land management agencies. Optus understands that the Australian Mobile Telecommunications Association, (AMTA), will be providing a comprehensive submission to this Review.

Optus has seen and supports the AMTA submission. It generally reflects Optus' views in this matter.

In Optus' view the rent charged for communications towers located on the NSW Crown Land the subject of this Review should be determined solely on the unimproved capital value of that land and the amount of land a user occupies. No other basis for determining rent can be justified, given:

- i) Mobile telecommunications are considered by many to be an essential service;
- ii) It allows the application of a non-discriminatory approach to the rent a Carrier is obliged to pay for Government owned land, as required by Clause 44 in Schedule 3 to the Telecommunication Act, (Commonwealth), 1997;
- iii) This Clause 44 provision reflects the fact that Carriers are providing an important and widely demanded public utility service;
- iv) The perceived value of a specific site to a Carrier is irrelevant, as Mobile Carriers, sell a Network, not, as a generalisation, individual sites; and
- v) The Crown Land agencies covered by this review, contribute nothing to the success or otherwise of a Network beyond unimproved land. They bear none of the capital and operational costs, they have no role in marketing, customer care or any other inputs required for a successful Network. Further, they bear no risk in the matter.

Similarly, co-user charges cannot be justified, in Optus' opinion. Provided a Carrier, or indeed any Co-User, occupies space entirely within the Primary User's lease area, no additional rent can be justified as the Crown Land agency provides nothing but unimproved land. Compensation for use of that land has already been provided, by way of rent being paid by the Primary User.

Optus looks forward to IPART's draft report and does intend to participate in the Public Hearing. We welcome the opportunity to provide further input to assist in IPART's rent review process.

Yours Sincerely



Howard Game
National Site Acquisition & Regulatory Manager
Network Deployment