



23 August 2018

Christine McDonald
Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Christine,

RE: Senate Environment and Communications Legislation Committee - Inquiry into the Telecommunications Legislation Amendment Bill 2018

I am writing to you in response to your invitation for submissions (your email dated 17 August 2018) regarding the Telecommunications Legislation Bill 2018 and the questions raised by the Environment and Communications Legislation Committee.

Thank you for the opportunity to provide input on these questions. The responses noted below have been provided on behalf of both Communications Alliance (CA) and the Australian Mobile Telecommunications Association (AMTA) members.

We look forward to assisting the work of the Committee further if we can.

What benefits would arise from streamlining local government approvals processes for the deployment of temporary mobile infrastructure. Please provide practical examples where possible.

The benefits of exemption via Carrier Powers and Immunities from state and local government planning requirements are primarily reduced costs and delays in planning processes, which are overwhelmingly designed to cater for more permanent buildings and infrastructure.

The temporary nature of the facilities that are the subject of Schedule 2 of the TLAB Bill does not warrant this level of governance as the impacts on amenity for the community are limited both by the reduced construction activity involved in both commissioning and removal, and in the limited amount of time that the facility presents any visual or operational impacts.

The reduction in costs to deploy can be an important factor in determining whether the facility is economically viable. When this is not the case, the community for which the service is intended (those attending an event or holidaying in a tourist region for example) may be denied the benefits of the mobile and wireless services delivered by the proposed facility (including the ability to receive emergency alerts and make calls to Triple Zero to access emergency services). Importantly, this also includes impacts on businesses who commonly use mobile and wireless communications in the delivery of their services to customers or in the billing and other management of their business.

The economic viability of a service is not the only factor that may determine whether a facility is deployed optimally or at all. Uncertainty of timing and the prospects of success

inherent in the current regime can cause Carriers to hold off committing resources to deployments that would otherwise have been scheduled to meet the requirements of planned events such as sporting events and music or cultural festivals. These resources include the proper planning of facilities within a complex network to optimally meet the needs of consumers and businesses in the locality. The impact of the uncertainty can be poor customer experience and difficulty in accessing mobile and wireless services at all, including for regular users of the networks in the area, not just attendees at the events in question.

Finally, Carriers report that local governments may often be supportive of the proposed temporary facilities which benefit their communities but have no discretion within local government or state planning laws to provide a facilitated pathway through regular DA processes, meaning unnecessary administrative burden and costs on both Carriers and local government authorities to achieve an outcome on which they already have consensus.

What is the average approval timeframe for requests to deploy temporary mobile infrastructure?

Timeframes to gain approval for the deployment of temporary facilities vary between jurisdictions, both at a state and local government level. Delays may vary from weeks to months and also depend on how long the facility is intended to be in operation (for example, some states such as Victoria have Codes which permit temporary facilities to be exempt from planning for limited periods of time). Local government processes vary widely.

A key advantage of permitting temporary towers to come under the LIFD provisions as proposed in the amendment in Schedule 2 of the bill is that planning, and consultation processes will then be harmonised nationally using existing provisions in Codes applying to other Low Impact facilities and therefore providing much greater certainty for carriers who must still make significant investments even when deploying temporary facilities. As mentioned above, uncertainty for the deployment of temporary mobile and wireless facilities in the current regime may make the deployment of such a facility sub-optimal or totally uneconomic.

What are the most common reasons for the deployment of temporary mobile infrastructure? Please rank the below in order.

Note: Carriers consider that the most common use of temporary facilities is highly variable and dependent on many factors which may not be consistent between Carriers or over any period of time. Ranking is therefore provided in the order that Carriers consider to be the most *important* uses of temporary facilities:

1. Emergency situations to minimise disruption, such as following a natural or other disaster
2. To minimise disruption during maintenance of existing facilities including maintaining continuity of service during site relocation operations
3. Improve service at sporting events, musical events, during peak holiday periods and occasions of national significance

Please provide examples of situations where temporary infrastructure, which required local Government approval, had been deployed for an emergency type situation?

Example: WA bushfires 2016 – In 2016 Yarloop bushfires in WA, fire burnt more than 69,000 hectares, destroying 181 properties and vast tracts of farming land, including areas of the prime dairy and beef region of Harvey. Temporary mobile phone facilities were deployed to provide additional coverage for the emergency workers to aid with the firefighting efforts.

Example: Tathra bushfires 2018 – In March 2018, temporary facilities in the form of Cells on Wheels (COWs) were deployed to provide additional coverage for the emergency workers to aid with the firefighting efforts and provision of safety information to the local community.

Example: Winmalee bushfires 2013 – In October 2013 COWs were deployed in the Winmalee area to provide additional coverage for the emergency workers to aid with the firefighting efforts and provision of safety information to the local community.

Example: Gracetown WA: – A Quick Cell was deployed to improve emergency response following a fatal shark attack in South West Gracetown. A permanent site was then built.

Can you please provide examples of circumstances where delays in approvals have led to poorer outcomes for the public?

Any delays in approvals due to state or local government processes have a knock-on effect to the project schedule, and as these can be highly variable they may be difficult to plan for. This could mean insufficient time to test, optimise or resolve any previously unknown network issues.

Example: Splendour in the Grass 2017 – Delays in the project build schedule resulting from site acquisition and planning processes prevented an unexpected network issue from being resolved in time for the festival. This resulted in a reduced customer experience for mobile customers who were attending the festival.

Example: Relocations – May be required for a variety of reasons including host building redevelopment, end of lease/loss of tenure etc. Lead time for approvals has meant loss of coverage for the public/customers until temporary sites are secured and built.

- Millers Point: two months elapsed from the date that the Sydney Ports tower site was decommissioned, and the two temporary sites were secured and built. There was a significant reduction in network coverage in the Millers Point and Walsh Bay areas during this two-month period.
- East Brisbane: relocation where a site was required to be terminated/decommissioned within a short timeframe but the new candidate was delayed in the acquisition process. This facility serviced the Shaftston Ave/Wynnum Rd area which sees a high volume of traffic.
- Brookside: a shopping centre renovation had the main facility off air for a number of weeks which caused a significant impact in wireless performance in the surrounding area.

Can you provide examples of circumstances where delays in approvals have led to the inability to deploy temporary infrastructure in time for an event or an emergency situation?

Example: Thredbo Ski-fields Season 2017 – A Carrier member deployed a temporary facility to provide additional coverage to customers during peak holiday demand. Due to delays caused by local council processes, the first week of the ski-season was missed and resulted in poor customer experience.

For the carrier, it also introduced more risk for deployment teams installing the temporary facility due to increased tourist traffic and unstable weather conditions.

Example: Vivid event in Sydney in June each year – In 2017 Sydney City Council made an initial request to deploy three COWs for three weeks. However, no commercial terms could be agreed with the selected Carrier, which subsequently deployed the three COWs for the 2017 event using emergency powers.

In 2018, given the experience of the previous year, the Carrier chose not to deploy any COWs for the Vivid event, resulting in a reduction of service to affected customers, including the local community

Based on previous experience, what has been the level of community sensitivity (from ordinary members of the public) in response to temporary deployment of mobile infrastructure? Is this an issue that ordinary members of the public in non-rural areas generally do not notice?

Carriers report that they have had little or no concerns raised by members of the public for any temporary facility deployments to date. Generally, the Carriers' experience is that the local public understand the temporary facilities are in place to cope with the additional demand required to meet particular local needs and are only in operation for relatively short periods. With temporary facilities deployed to replace damaged fixed or mobile infrastructure, the Carriers are ensuring ongoing communications capability and in the event of disaster recovery are aiding the local relief effort, so as expected the public do not have any objections.

Carriers are also proactive in seeking to reduce the impact of their temporary facilities on the amenity of the local community. For example, in situations where they are deploying a temporary facility in built up areas, silent generators are used to alleviate noise concerns.

The success of Carriers' efforts to minimise their operational impacts on local communities is illustrated by Carriers' experience with major events in metro areas. Temporary sites deployed at such events have gone largely unnoticed by the general public, and this lack of public concern is particularly significant given some temporary sites have been installed at very prominent locations such as at the Domain for Christmas Carols by Candlelight and COWs installed for New Year's Eve at Sydney Harbour foreshore locations within the Royal Botanic Gardens and Dawes Point.

Yours sincerely,

John Stanton
Chief Executive Officer
Communications Alliance

Ray McKenzie
Manager
Mobile Carriers Forum
Australian Mobile Telecommunications
Association