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Committee Secretary
House of Representatives Standing Committee on
Infrastructure and Communications
PO Box 6021
Parliament House
Canberra ACT 2600

Dear Sir/Madam

INQUIRY INTO TELECOMMUNICATIONS AMENDMENT (ENHANCING COMMUNITY CONSULTATION) BILL

Thank you for the opportunity to make a submission into the Bill. The Bill's implications are significant to the telecommunications industry, and the efficient deployment of telecommunications infrastructure in Australia.

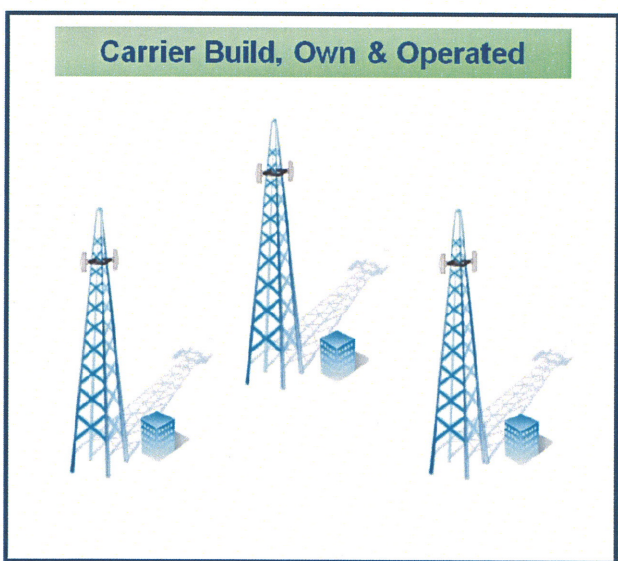
Crown Castle Background

Crown Castle owns and operates approximately 1,600 communications towers and rooftops in Australia, which are used by telecommunications carriers and other communication service providers on a shared basis. Crown Castle is the largest independent tower company in Australia.

Crown Castle also manages and maintains over 2,500 VHA mobile telecommunications sites throughout Australia.

As an independent shared infrastructure supplier, Crown Castle facilitates the maximum use of towers on a competitively neutral basis as between individual service providers.

Our aim is to make infrastructure available to co-users for the environmentally and economically efficient deployment of communication services throughout Australia. This is best described in pictorial form – see below:





Crown Castle Submission

1. Important Background

- (a) New “towers” cannot be constructed via the “low impact” provisions under Schedule 1 of the Telecommunications Act. New towers require local planning approval. The current regime already makes it extremely difficult and expensive to build new towers in Australia, particularly in metro areas. In light of this, new towers are only pursued when there is a clear and pressing need to improve mobile phone coverage.
- (b) It can take well over a year to construct a new tower via a local government approval process. If low impact is “watered down”, more installations will be forced to follow the same process and suffer the same delays.
- (c) The Committee would be aware that there has been a recent groundswell of community concern regarding the quality of mobile phone networks in Australia. This has been well publicised and there is no need to repeat the details here. Needless to say, hundreds of thousands of Australians have been demanding better network performance and coverage from their chosen carrier. As mobile phone technology evolves to 4G, cell sites shrink and, therefore, more sites are required. If these sites cannot be deployed, the networks will not provide a quality of service the community demands and expects.
- (d) The majority of emergency calls (“000” etc) are now made via mobile networks. The networks need to be reliable at any time of day or night on an ubiquitous basis. The ability to communicate via SMS is also now an important part of how emergency services agencies operate in Australia. The views of fire, police and ambulance service agencies should therefore be considered as part of this Inquiry.
- (e) There are now more mobile broadband subscribers than fixed broadband subscribers in Australia. The community expects broadband to work and that requires an efficient deployment of new sites to ensure mobile networks perform effectively over the long term. The rise of mobile broadband has led to new applications such a mobile banking that obviously rely on reliable network coverage. This is only the beginning of a new wave of mobile products and services that will be used by millions of Australians every day. This is part of a global trend that should be considered by the Committee.

2. A precautionary approach should be taken to regulatory change

- (a) The existing regulatory regime associated with the deployment of telecommunications network infrastructure has been carefully developed over the last two decades. Any change to the “balance” achieved should be carefully considered with industry input and independent expert technical advice as required.
- (b) In the period 1 July 2010 to 30 June 2011, there were 4,432 “Low Impact” installations undertaken by Optus, Telstra and VHA throughout Australia. The MCF estimates that less than 1 per cent of these installations have led to complaints under section 7 of the ACIF Code.
- (c) Restricting “low impact” tower extensions to 1 metre (from 5 metres) has a particular impact as:
 - i) antennas typically range between 1.2m to 2.6m and so a limit of “1 metre” means the limit is actually “0”;



- ii) tower extensions will therefore require the same planning approval process as brand new towers. This impacts on the long established regulatory preference for colocation rather than “over build” – perhaps contradicting the underlying purpose of the legislation.
 - iii) NBN Co’s wireless network is a “line of sight” network and tower extensions will be required to deploy that network.
- (d) Given the importance of the telecommunications industry to sustainable GDP growth in Australia, any additional regulatory burden should be referred to the Productivity Commission prior to implementation. The Committee should be aware that the US Congress is currently considering a bill which will even further facilitate “colocation” to more efficiently enable network deployment and leverage the opportunities and productivity growth associated with next generation wireless services.

3. Impact on Industry

- (a) The bill creates considerable uncertainty for the wireless telecommunications industry at a time when critical investment decisions are being made.
- (b) The proposed bill impacts on the proposed timing of upcoming spectrum auctions and renewal processes and the associated value of that spectrum. An uncertain regulatory environment increases the cost of equity associated with bidding for spectrum and, therefore, reduces the bid price and the ultimate returns to taxpayers on that valuable community asset.
- (c) Giving notification to any owner or occupier within 500ms of a low impact activity creates an unrealistic burden on the industry. We understand the MCF will provide a cost estimate in relation to this aspect of the Bill.

4. Impact on Local Government

If the use of “low impact” for network deployment declines, more installations will then obviously require local government approval. This would in turn drive the need for more training and resourcing in local government agencies.

5. Impact on Community

- (a) As mentioned above, there is significant community concern about the reliability and availability of mobile networks. The carriers are making huge investments to improve network coverage and reliability to address this issue. If they are unable to efficiently upgrade networks, we may be left with sub-standard network performance in Australia.
- (b) Any adverse impact on NBN’s wireless deployment in regional Australia will further exacerbate the “broadband divide” in Australia. This is an issue various Governments have been trying to solve over the last decade.

6. Improved Consultation is already part of the new ACIF Code

- (a) Communications Alliance recently released a new draft *Mobile Phone Base Station Deployment* Industry Code for public comment.
- (b) The Code requires carriers to consult with the local community and government as part of the low impact installation process. The new Code enhances these obligations by



extending the required timeframes for consultation with the community and with local councils.

- (c) The draft Code has been developed over the past six months by industry, community and consumer representatives with extensive experience in the field.
- (d) Communications Alliance has also described other improvements in the new Code:
 - i) *new and revised methods of communicating with local councils and the community (e.g. via the Radio Frequency National Site Archive (RFNSA) and Communications Alliance websites, simpler notification letters and better signage);*
 - ii) *better guidance and examples of the type of letters, plans, signs and reports which Carriers will use when notifying and consulting with local council and the community;*
 - iii) *up-to-date RF Electro-Magnetic Radiation (EMR) Health and Safety information, reports and signage in keeping with the current and relevant standards;*
 - iv) *information on notice to inspect the land, maintain facilities and install low impact facilities, Facilities Installation Permit, compensation and land owners' rights.*
- (e) Crown Castle believes the process associated with the development and implementation of a new Code should be allowed to continue. This is a more efficient and considered method of addressing concerns relating to the deployment of mobile phone infrastructure in Australia.

Once again, thank you for the opportunity to make a submission in relation to the Bill.

If you have any questions in relation to Crown Castle's submission, please do not hesitate to contact me on the details set out below.

Regards

David McKean
Crown Castle Australia
Director, Corporate Development