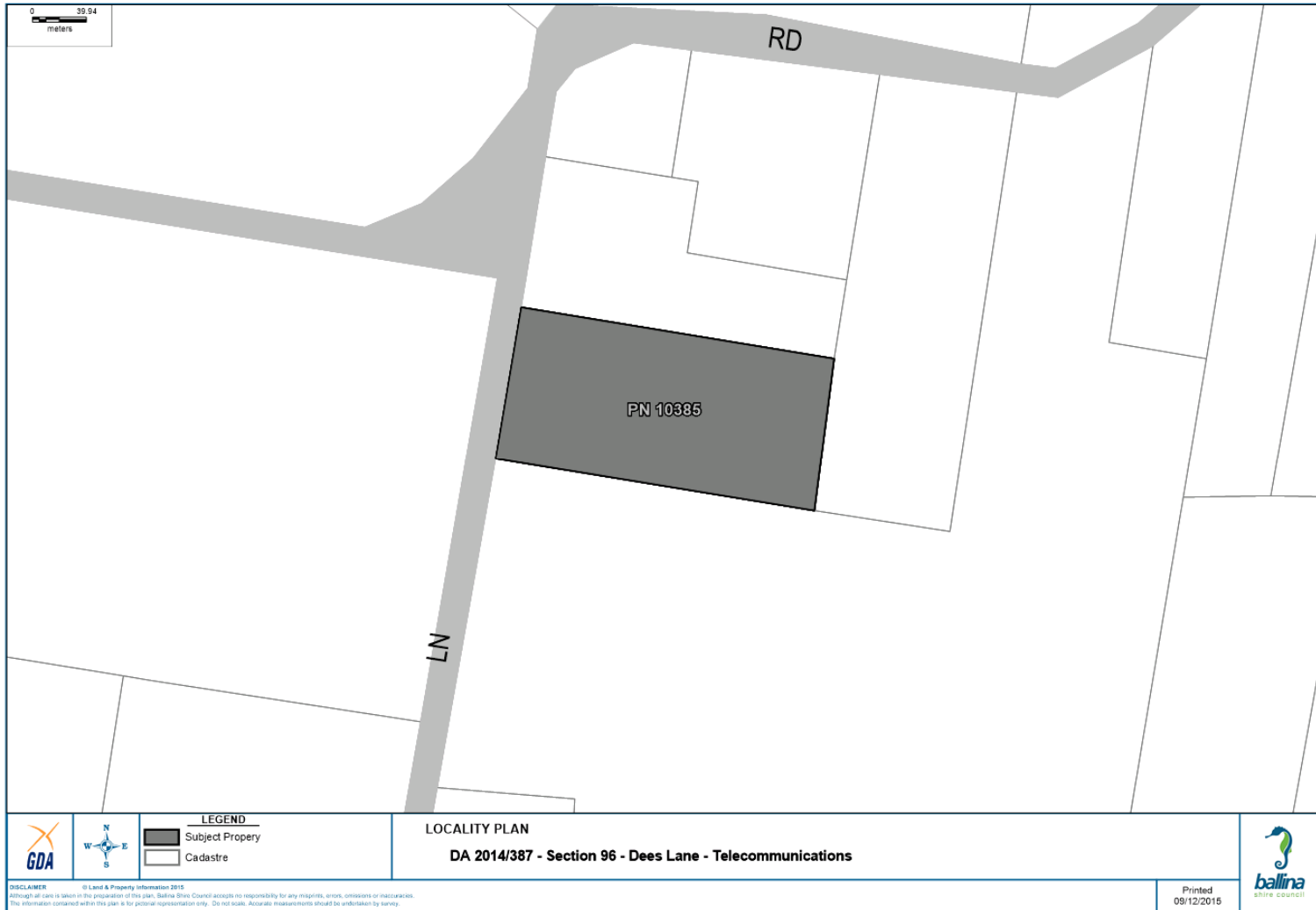


8.1 DA 2014/387 - Sec 96 - Dees Lane Lynwood - Telecommunications.DOC



**Advice for NBN Co Limited**

Prepared for: Kylie Brown, GM Legal Counsel, People, Property & Governance  
Peter Delaney, Legal Counsel, People, Property & Governance

Prepared by: Louise Camenzuli and Daniel Webster

CORRS  
CHAMBERS  
WESTGARTH  
lawyers

6 July 2015

*Privileged and confidential*

## DA 2014/387: Advice on validity of conditions of consent requiring the indemnification of Ballina Shire Council

### Question

Ballina Shire Council (**Council**) issued a notice of determination of development application, which granted consent to a development application lodged by Visionstream Pty Ltd (**Visionstream**) on behalf of NBN Co Limited (**nbn**) for the erection of a telecommunications facility comprising a 45m high lattice tower (**Tower**) and ancillary equipment, being DA 2014/387 (**DA**).

Deferred commencement condition 1 of the DA requires the demonstration that nbn can legally indemnify Council and the Ballina Byron Gateway Airport (**Airport**) in perpetuity from liabilities concerning the Tower's intrusion through the Airport's obstacle limitation surface (**Deferred Commencement Condition**).

Condition 9 of the DA then requires Visionstream and nbn to legally indemnify Council and the Airport as contemplated by the Deferred Commencement Condition (**DA Condition**).

You have asked us to advise on:

- (a) the lawfulness of the Deferred Commencement Condition and the DA Condition (together, **Indemnity Conditions**); and
- (b) whether the Indemnity Conditions are severable from the DA and should be removed by way of a modification application under section 96 (**Modification Application**) of the *Environmental Planning and Assessment Act 1979* (**EPA Act**).

### Answer

- (a) The Indemnity Conditions are unlawful. The Land and Environment Court (**Court**) has made it clear, in *Galandon Pty Ltd v Narrabri Shire Council* (1983) 51 LGRA 5 (**Galandon**) and *Hutchison 3G Australia Pty Ltd v Waverley Council* [2002] NSWLEC 151 (**Hutchison**), that the requirement to indemnify a consent authority in a condition of development consent does not fulfil a valid planning purpose and is *ultra vires*.
- (b) The Indemnity Conditions are not fundamental to, nor do they go to the root of, the DA, and a Modification Application should be made to Council to remove them from the DA on this basis.

Our ref: LC/DW /PL02-PL02  
13783547/2



**What this advice covers**

This advice focuses on the following issues:

Are the Indemnity Conditions unlawful? ..... 2

Are the Indemnity Conditions severable from the DA? ..... 4

**Are the Indemnity Conditions unlawful?**

**The Indemnity Conditions are unlawful. The Court has made it clear, in Galandon and Hutchison, that the requirement to indemnify a consent authority in a condition of development consent does not fulfil a valid planning purpose and is *ultra vires*.**

**Power to impose conditions**

- 1 To be valid, a condition of development consent must:
  - (a) have a planning purpose;
  - (b) fairly and reasonably relate to a development; and
  - (c) not be so unreasonable that no reasonable planning authority could have imposed it.
- 2 This principle was established in the English case of *Newbury District Council v Secretary of State for the Environment* [1981] AC 578 and has been applied in this country by numerous authorities.
- 3 Those considerations that a consent authority may take into account when imposing a condition of development consent are set out in section 79C of the EPA Act and section 80A of the EPA Act sets out an exhaustive list of the types of conditions that may be imposed in a development consent.
- 4 Neither the Newbury Decision (and the cases implementing it in Australia) nor section 80A of the EPA Act authorise a condition of development consent requiring the indemnification of a consent authority.
- 5 Judicial consideration of attempts at requiring the indemnification of a consent authority by way of a condition of consent is considered below.

**Case law**

*Galandon Pty Ltd v Narrabri Shire Council*

- 7 In the case of *Galandon Pty Ltd v Narrabri Shire Council* (1983) 51 LGRA 5 (**Galandon**), Narrabri Shire Council granted development consent for the erection of a motel on floodprone land. A condition of that development consent required the applicant to provide an indemnity in favour of council, to secure it in the event that an action in negligence was brought against it as a result of the grant of development consent.

- 8 McClelland CJ stated [at 9]:

*"In my view, an indemnity ... the object of which was to secure a consent authority under the Environmental Planning and Assessment Act against liability in an action in negligence which might be brought as a result of a*

authority with a release or indemnity will not serve a proper planning purpose and, consequently, be *ultra vires* and unlawful.

- 14 Accordingly, in our view, the imposition of the Indemnity Conditions in nbn's DA was *ultra vires* and those Indemnity Conditions are unlawful.

**Are the Indemnity Conditions severable from the DA?**

**The Indemnity Conditions are not fundamental to, nor do they go to the root of, the DA, and a Modification Application should be made to Council to remove them from the DA on this basis.**

- 15 Having found that the Hutchison Indemnity Condition was invalid, Cowdroy J next considered whether it was severable from the consent. His Honour considered the applicable tests for severability, referring to:

- (a) *Wechsler v Auburn Council* (1997) 130 LGERA 134, in which the Court stated that:

*"The test is whether the rejection of the invalid part would have the result that the balance or remaining part of the provision would operate differently or in some other way would produce a different result."*

- (b) *Randwick Municipal Council v Pacific-Seven Pty Ltd* (1989) 69 LGRA 13, in which the Court applied a test of whether the condition was "fundamental and went to the very root of the consent."

- (c) *Winn v Director General of National Parks and Wildlife Service* [2001] NSWCA 17, in which the NSW Supreme Court of Appeal held that:

*"A condition (or part of one) may be severable where it is superimposed on a consent if it is incidental, trivial, unimportant or mere surplusage. If a condition is fundamental to the whole of the consent, it cannot be severed and the whole consent is invalid."*

- (d) *Greek Australian Finance Corp Pty Ltd v Sydney City Council* (1974) 29 LGRA 130, in which the Court held that a condition was not severable as it "was a fundamental element of the approval".

- 16 Applying these tests, Cowdroy J held that:

*"[39] In the present circumstance the [Hutchison Indemnity Condition] is irrelevant to any planning purpose, its object being directed solely to the indemnification of council. Such condition is not one which goes "to the root of the planning permission itself". Instead the interests of the council only are served by the condition. Accordingly on application of this test, the condition is severable."*

*[40] Were the Court to adopt the test for severability as enunciated by Talbot J in Wechsler the same conclusion would result. It cannot be said that the consent could not operate without the [Hutchison Indemnity Condition] or would operate in a "fundamentally different way to the original instrument" (per Talbot J in Wechsler). A condition which has no planning purpose could not be fundamental to the development. If excised, the consent would operate in precisely the same way as envisaged by council, except that council would be deprived of the indemnity to which it has no statutory entitlement. Accordingly under either test the Court determines that the indemnity condition is severable from the consent."*[emphasis added]

*development consent granted by such consent authority would constitute a breach of that Act.*" [emphasis added]

- 9 His Honour then referred to section 90 of the EPA Act, as it then was, which is comparable to the current section 79C of the EPA Act, stating:

*"Since the matters to which a consent authority is directed by s. 90 to give consideration are limited to the matters enumerated in that section the imposition of a condition, in order to be a valid exercise of the power conferred by s. 91, must relate to one or more of such matters. In other words, the condition must be such as is required to give proper effect to the conclusions which a consent authority has reached as a result of proper consideration of a matter or the matters referred to in s. 90. Since the specific enumeration of matters for consideration in s. 90 excludes all other matters there is no power to impose conditions at large. The power must be located in the Act (s. 90 or, though not here relevant, s. 94). A condition having the effect of absolving a consent authority of any legal consequences of a negligent grant of consent finds no basis in any of the matters enumerated in s. 90. Such a condition is therefore ultra vires the Act."* [emphasis added]

*Hutchison 3G Australia Pty Ltd v Waverley Council*

- 10 In *Hutchison 3G Australia Pty Ltd v Waverley Council* [2002] NSWLEC 151 (**Hutchison**), an applicant sought development consent for the erection of a telecommunications facility.

- 11 Waverley Council sought to impose the following condition on the grant of development consent:

*"That prior to the release of this consent the applicant must agree in writing to release Council from all legal liabilities from risks incurred including any possible future adverse health impacts of electric magnetic radiation [sic] associated with the erection, maintenance and operation of this infrastructure."*

**(Hutchison Indemnity Condition)**

- 12 Drawing upon the conclusion in *Galandon*, Cowdroy J observed that a consent authority is required to give consideration to those matters stipulated in the EPA Act. In *Hutchison*, as today, those matters are set out in section 79C. Cowdroy J noted that:

*"The [Hutchison Indemnity Condition] is not directed to the interests of the public safety [sic] or preservation or well being of the public. Instead it is directed solely to the issue of protecting the council from any liability in the event that a claim is made against it for damages relating to the effects of [electromagnetic radiation]. The sole beneficiary of the [Hutchison Indemnity Condition] is the council, not the residents. Such condition could not be classified as one made in "the public interest" as referred to in s79C(1)(e) of the EP&A Act since no protection whatsoever is provided to the public. It follows that the [Hutchison Indemnity Condition] does not satisfy the test of validity, namely, that it relates to a "planning purpose"."* [emphasis added]

**Conclusion**

- 13 Having regard to the decisions in *Galandon* and *Hutchison*, it is clear that a condition of development consent which seeks to provide a consent

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NBN Co Limited

6 July 2015

DA 2014/387: Advice on validity of conditions of consent requiring the indemnification of Ballina Shire Council



- 17 The Indemnity Conditions fall into the same category of severability as the Hutchison Indemnity Condition. Accordingly, they are severable from the DA and a Modification Application should be made to Council for their removal.

**Please call to discuss any aspects of this advice**

**Louise Camenzuli**  
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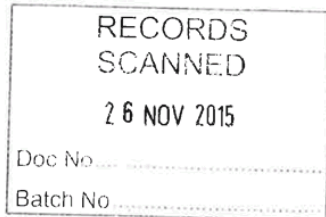
page 5 of 5



Our Ref: 2WDB-51-09-URAB - Uralba  
Your reference: DA2014/387

24<sup>th</sup> November 2015

The General Manager  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478



Dear Sir/Madam,

**nbn** is pleased to have an opportunity to respond to submissions made to Council regarding the Section 96(1A) application to modify the development consent for DA2014/387 for a proposed **nbn**<sup>™</sup> fixed wireless (telecommunications) facility at 11 Dees Lane, Lynwood, NSW (Lot 5, DP245043).

**nbn** has reviewed all submissions published on Council's website up to close of business on Friday 20 November 2015. In doing so, we note that of the 49 objections published, 43 of them are not individually made submissions in the proper sense, but are pro-forma letters simply signed by residents across the local government area, which represent little difference to a petition. Of the pro-forma letters submitted, only 8 of them came from Lynwood or Uralba.

Conversely, 25 submissions have been made in favour of the Section 96(1A) Application, and we note that these were substantive, individually-written submissions from local residents.

**Issues Raised in Submissions**

**nbn** highlights that the Section 96(1A) Application seeks a modification of consent, and by advertising the Application, Council has invited comment regarding the merits of the modification, and not the merits of the approved DA. Accordingly, it is only the conditions the subject of the modification application that are open for comment. In this respect, **nbn** notes that none of the submissions opposed to the Section 96(1A) Application have addressed the lawfulness of the indemnity conditions, which is the sole issue of the Application. None of the submissions have supplied evidence or argument to suggest that the indemnity conditions can be lawfully retained.

Most of the submissions incorrectly seek to address the merits of the approved DA. Consequently, many issues raised are therefore not pertinent to the Application before Council. These include visual impact, property values, consultation, service delivery, future plans for the airport's expansion, aviation safety, and alternative sites. These are all matters that were assessed as part of the approval of the original development application.

Visionstream Pty Limited  
ABN 80 062 604 193  
Locked Bag 4001  
Heatherton VIC 3202  
visionstream.com.au

Visual Impact and Property Values

These issues, which have been properly considered in the approval of the Development Application, are not pertinent to the Section 96(1A) Application.

Consultation

This issue is not relevant to the Section 96(1A) Application. Nevertheless, **nbn** respectfully maintains that appropriate consultation, significantly in excess of statutory requirements, has been undertaken at Uralba.

Service Delivery

This issue is not relevant to the Section 96(1A) Application. However, it is noted that a number of the objections suggest that the approved facility should now be considered redundant, because some residents of Uralba are able to connect to the adjoining network facility at Teven.

**nbn** respectfully advises Council that residents serviced by adjoining network facilities were never the intended recipients of service from this approved facility. **nbn** has advised Council that the facility in Dees Lane is designed to provide service to more than 210 local premises across Lynwood and Uralba, and this continues to be the case. These premises cannot receive a service from Teven. The number of submissions in support of the original application and the modification application from local residents who cannot connect to reliable broadband underscores the need for this facility.

Airport Expansion Plans

This issue, which has been properly considered in the approval of the Development Application, is not relevant to the Section 96(1A) Application. Nevertheless, **nbn** respectfully maintains that detailed, expert analysis submitted to Council has demonstrated that the proposed facility, which is 11km away from the airport, will have no impact on future expansion of aviation operations.

Aviation Safety

This issue, which has been properly and extensively considered in the approval of the Development Application, is, again, not relevant to the Section 96(1A) Application submitted to Council, which is limited to the conditions of consent containing the indemnity.

The indemnity Ballina Shire Council has conditioned does not in any way improve community safety or aviation safety.

**nbn** highlights that Council has not sought an indemnity as part of its approval of our adjoining fixed wireless network facility at Teven, nor has it previously sought an indemnity in conjunction with other communications towers approved at Teven, all of which also protrude the airport's Obstacle Limitation Surface. In addition to the fundamental question of its lawfulness, there is no safety-based rationale that dictates that an indemnity should be sought for this structure, but not for others approved in the same circumstances.



Importantly, **nbn** is accountable for the safety of its structures, and Council's request for an indemnity has no bearing on the legal and moral responsibility we take for our own network.

#### Alternative Sites

This issue, which has been properly and extensively considered in the approval of the Development Application, is also not relevant to the Section 96(1A) Application submitted to Council, which is limited to the removal of conditions of consent containing the indemnity.

While the option of relocation to an alternative site is irrelevant to the Application to remove the consent conditions containing the indemnity, **nbn** would like to take this opportunity to address this question conclusively.

Many of the submissions, including the pro-forma letter, obliquely refer to a viable alternative site without ever actually identifying it. However, **nbn** did receive a request from Council on 21 October 2015 to consider three alternative sites off Forest Rd: in the Uralba Nature Reserve; within the private property at 166 Forest Rd, and within the road reserve off Forest Rd. **nbn** has advised Council in writing that none of three alternative locations is considered feasible, as outlined again here below:

- Locating a facility in the Uralba Nature Reserve, which is zoned E1 National Parks and Reserves, has considerably less planning merit than the approved facility.
- The landowner of 166 Forest Rd has confirmed her lack of interest in hosting a facility on her property.
- Crown Lands has confirmed to **nbn** that they will not entertain a facility within the unmade road reserve off Forest Rd.

In the past **nbn** has shown flexibility and co-operation with Council by relocating and re-designing other facilities at Teven and at Tuckombil. It is not for lack of trying, nor for a lack of cooperation that **nbn** has concluded that no other locations are viable at Uralba. Viability depends on its planning merits, accessibility (property constraints), and technical ability to provide a service, and no alternative location has been found over a 12-month period of community discussion that can be considered truly viable.

#### **Indemnity "offered by nbn"**

The pro-forma letter and individual submissions make the claim that **nbn** "offered" an indemnity to Council. This is not correct. During the application process **nbn** outlined that it is responsible for both the liability and maintenance of its own network infrastructure. **nbn** did not make an offer to indemnify Ballina Shire Council. Additionally, **nbn** did not receive or agree to any formal advice from Council ahead of the Approval that it would seek to impose conditions of consent requiring an indemnity by **nbn** as part of the Development Application being approved. Furthermore, **nbn** received no verbal or written request or advice from Council following the meeting of 28 May 2015 regarding the indemnity conditions.

**Conclusion**

**nbn** respectfully asserts that the Application for assessment does not involve an assessment of the merits of the approved DA. It strictly relates to the merits of the subject matter of the proposed modification application.

We appreciate that all of the submitters have strong views regarding the development consent, but, unfortunately, many of the submissions received incorrectly conflate issues that are not pertinent to this Application.

None of the submissions received in opposition to the Section 96(1A) Application have identified reasons why the proposed modification should be refused for legal reasons, nor do any of the objections provide any suggestion as to how Council can lawfully retain the indemnity conditions when legal precedent demonstrates such conditions are unlawful.

**nbn** respectfully maintains that the conditions containing the indemnity do not serve a proper planning purpose and consequently, are ultra vires and unlawful. We highlight that the conditions also serve no civil aviation or community safety purpose.

We respectfully request that Council assess and determine the Section 96(1A) Application as a matter of urgency, to provide certainty to anxious residents and to **nbn**.

Sincerely,



**Joel Rodski**  
Environmental Planner  
Visionstream

**Australian Government****Civil Aviation Safety Authority**

AIRSPACE AND AERODROME REGULATION

File Ref: EF12/10657-5

19/12/2014

Mr Rod Wills  
Group Manager  
Development & Environmental Health  
PO Box 450  
BALLINA  
NSW 2478

email: [cbradridge@ballina.nsw.gov.au](mailto:cbradridge@ballina.nsw.gov.au)

Dear Mr Wills

**Re:** Ballina-Gateway Airport OLS Assessment – Development Application – General Referral.

I refer to the correspondence dated July 1 2014, requesting CASA's assessment of the development planning proposal to erect a Telecommunications facility, at 11 Dees Lane Lynwood.

CASA has assessed the proposed development; the assessment included the consideration of comments from the Ballina/Byron Gateway Aerodrome, Airservices and CASA Flying Operations.

Council has calculated the proposed development, to the nominated maximum height of 225 m Australian Height Datum (AHD), will be a penetration of the of the Ballina/Byron Gateway aerodrome's Obstacle Limitation Surfaces (OLS).

As assessed by the management team of the Ballina/Byron Gateway aerodrome, the Approach Surface contour at this point is 191.5 m AHD, and at this height the development at its highest point will infringe the Approach Surface in excess of 20 m.

CASA has determined that the structure will be a hazardous object under regulation 139.370(1) of the *Civil Aviation Safety Regulations 1998*, because of its height and location within the approach surface.

CASA also supports the assessment that the airport's Take-Off/Climb and Approach Slopes are critical areas for aircraft activity and safety; and any infringement of these surfaces pose an inherent risk to aviation operations.

The aerodrome operator must take all reasonable measures to ensure the full margin of safety for aircraft in these areas, and seriously consider any development that would be likely to infringe the Take-Off/Approach surfaces.

However; if Council considers as part of your own safety and risk management approach that the application is to be approved, CASA recommends that the structure be obstacle lit by a medium intensity flashing red lights at the highest point of the structure. Obstacle lights are to be arranged so as to at least indicate the points or edges of the object to ensure the object can be observed in a 360 radius as per subsection 9.4.3 of the Manual

GPO Box 2005 Canberra ACT 2601 Telephone 131 757

Canberra, Brisbane, Darwin, Cairns, Townsville, Tamworth, Sydney, Melbourne, Adelaide, Perth

of Standards Part 139 - Aerodromes. Characteristics for medium intensity lights are stated in subsection 9.4.6.

([http://www.comlaw.gov.au/Details/F2012C00280/Html/Volume\\_2](http://www.comlaw.gov.au/Details/F2012C00280/Html/Volume_2));

CASA also recommends that the structure should be obstacle marked in alternating red and white bands of colour in accordance with subsection 8.10.2 of the Manual of Standards (MOS) – Part 139 Aerodromes.

([http://www.comlaw.gov.au/Details/F2012C00280/Html/Volume\\_1#\\_Toc324153054](http://www.comlaw.gov.au/Details/F2012C00280/Html/Volume_1#_Toc324153054)).

This assessment does not include any crane activity required during construction if approved. Any such crane activity that exceeds the OLS height of 191.5 m AHD will require a separate assessment.

If obstacle lighting is undertaken as suggested above, then In accordance with regulation 139.350(1) of the *CASR 1998* and subsection 7.1.4 and 9.4.10 of the Manual of Standards – Part 139 Aerodromes, Ballina/Byron Gateway Aerodrome is to monitor the ongoing availability of the obstacle lighting.

For detailed requirements for the monitoring of obstacle lights within the aerodrome's OLS refer to subsection 9.4.10 of MOS Part 139.

Yours sincerely,



Danny Eatock  
Aerodrome Inspector  
Brisbane Office

**SUBMISSION TO COUNCIL - Letter of Support, A & N De Marco, Uralba Residents  
8/11/2015**

**DA 2014/387 11 Dees Lane Lynwood. NBN tower.  
Proposal for council to amend the development consent by deleting the condition  
of consent requiring NBN Co to legally indemnify council.**

As affected residents, we felt relief in May of this year when council passed the application to erect an NBN Fixed wireless Tower at Lynwood, given the inferior internet services currently available in our area.

Internet speeds in our area regularly drop to as little as 0.79mbs download and 0.39mbs upload. Such speeds can make doing work-related computer-based activities and even childrens' homework impossible at times. We already find ourselves at a relative disadvantage with respect to the basic internet speeds previously enjoyed by residents in other areas. This disadvantage will be exaggerated as the rest of the community moves to speeds of 25 to 100mbs and as new programmes are designed to run at these higher speeds.

It was pleasing to see that councillors were able to recognise that the Tower indeed has planning merit in so far as;

- It is a construction which will provide critical infrastructure to over 200 residents currently receiving substandard internet services.
- From the perspective of visual and environmental impacts, it is located in a site fundamentally no different to the many similar NBN towers already approved by Ballina Council in similar semi-rural localities within the shire.
- There are no suitable alternative sites for the provision of such a facility that will provide an adequate wireless broadband signal to as many of the residents in the Uralba / Lynwood area as possible, without encountering the same aviation issues.
- Uralba residents will NOT be offered the new Satellite services of NBN (which are in any case inferior to fixed wireless broadband) and as such *Uralba will likely be left as an internet black hole.*

Following our own investigations, we were perplexed by the Ballina Airport's opposition to the Tower on the grounds it breaches the Airport's Grade 3 OLS, given that;

- OLS breaches by objects around airports are a *very common* event in aviation.
- The tower is 11km away from the airport.
- There are already trees and other structures higher than the tower in the proximate area.
- CASA have not blocked the construction of the tower, but allowed Council discretion to build the tower provided it is marked and lit.

- Aviation Projects have independently reviewed the Tower and found it to comply with Aviation guidelines.
- Ballina Council has already approved other structures that breach the Airport OLS, as have many other Councils around the country in similar circumstances.

We were impressed that councillors were able to assimilate the vast amount of technical information involved and ultimately use commonsense to see that *not only is the tower unlikely to be an aviation hazard, but in fact can improve aviation safety by serving as a beacon to identify the surrounding currently less visible trees and objects.*

Should Ballina Airport look to upgrade its operations and fly larger planes, thereby requiring a Grade 4 OLS, then even much of the ground in the surrounding area would also penetrate the OLS.

If a decision is made that the Tower poses an unacceptable risk to council then it would logically follow that *any* other protruding obstacles would also pose an unacceptable risk. Therefore the *current* existing situation would be unacceptable and any airport expansion plans requiring a Grade 4 OLS would pose an even *greater* risk and as such, should not be allowed to proceed.

Ironically, the tower as proposed would serve as a simple solution to mitigate aviation risk in all circumstances, by identifying these intruding features. *It should be considered a safety measure and not a risk or liability.*

Given the strong evidence as to the safety and merit of the tower, we are now dismayed and frustrated to find its construction further delayed by the council's express request for indemnity from NBN because;

- Our understanding is that council has not requested such a clause in other similarly approved towers.
- We believe that legal advice has deemed that this request is 'unlawful' and beyond the powers of council to request.
- Removing the clause should in no way remove NBN's fundamental legal responsibility for its infrastructure.
- Even as non-legal laypersons, it appears to us to be a *redundant* clause, if the councillors have already concluded that the tower is safe and has planning merit.

We do not wish to see this project delayed further, or ratepayers' dollars unnecessarily wasted in legal battles. Our community members are becoming increasingly disadvantaged on a daily basis by delays in approving the tower.

We believe that council drew the correct conclusion in approving the tower in May and that this approval should stand in it's own right, without the indemnity clause.

We thank you for your consideration of our point of view.

  
Drs Alessandra and Nicholas De Marco

Robert & Vicki Crosthwaite  
64 Platypus Dve  
Uralba NSW 2477

Re: DA 2014/287 Lynwood/Uralba NBN Tower

To the Planning Officer and Councillors

I wish to express my support for the amended Development Consent 2014/387.

This NBN service from Dees Lne is an important link for myself and others living in the Bottom 9% in Australia today of poor internet services

Despite Council approving the Lynwood/Uralba Tower in May this year, there have unfortunately been further delays in its development...

When Council approved the Tower they *added an unusual clause requiring NBN to indemnify Council over and above what is normally required.*

NBN have looked into this extensively and have found Councils' request for *indemnity is in fact unlawful.*

NBN has advised Council of this and applied to have the DA consent amended. However, this now has to go back to a Council meeting to once again be voted on.

***This means it is possible Council's earlier approval could be overturned, again leaving our community stranded without upgraded internet services for an indefinite period.***

A strong community response will show, not only the importance of this issue to many residents and ratepayers but also that we are all monitoring the actions of council carefully.

**Read on if you would like to understand more about the details of what has happened...**

When council approved the Tower in May of this year, they agreed that the Tower had planning merit *and deemed it safe and reasonable to construct.*

After all, it was no different to the countless thousands of structures of significance already in existence around Ballina and other airports all around Australia in similar circumstances.

It was even noted by council that it would *improve air safety* by marking surrounding currently invisible objects.

However, for some unexplained reason, the day before the meeting council added a caveat that the tower would only be approved if NBN agreed to indemnify (take legal responsibility from) the council for any incidents which arose from the tower's existence.

*NBN have taken issue with this caveat because they have legal advice that it is not only outside the council's powers to request it but actually 'unlawful' to request it.*

Whilst NBN maintain that they still assume a normal implicit liability for their infrastructure, allowing such an unnecessary written caveat would create a precedent that may cause avoidable issues with their national rollout.

**The new DA Proposal is for council to vote to remove this indemnity clause and therefore allow the approval of the Tower to stand without it. If this occurs, then construction can start as soon as practicable. However if council votes against the new proposal then a stalemate ensues.**

We understand that NBN would then likely move to legal action. Legal opinion is that NBN would ultimately win the legal action. However, in the meantime council would face perhaps half a million dollars in costs and reparations and our community would be left without a tower indefinitely as the legal process could take years before resolution.

So it is in our community's interest to ensure council make the correct decision now so that this is resolved as soon as possible.

We've have in the past proven how strong and capable our community hub is in fighting for what's right and to the best way forward.

Regards and thanks for your past contribution in advance for ALL OF US.

At Uralba and Lynwood



R Crosthwaite  
Uralba



Dear Council Members

I am a resident of Lynwood and currently have no access to NBN. Today I tried to book an airline flight between Ballina and Sydney to visit my dying brother-in-law. After more than 1 hour and 2 'time outs' I gave up and decided to drive.

A few years ago I would have considered this inconvenience a price to pay for living in a rural area. Now, I know it is not a necessary price as the NBN could be available.

Who would have thought 5 years ago, that today the mobile telephone could be used to diagnose a complaint! I hope the NBN will deliver us equally advantageous outcomes.

Sincerely

Anne Reilly (Wardell Road)

Clare Jackson  
518 Uralba Road  
LYNWOOD 2477

Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

Dear Sir/Madam

RE: DA 2014/287 LYNWOOD/URALBA NBN TOWER

I'm currently studying year 12 at Alstonville High School. I cannot do my homework and assignments quickly with the drop outs and slow internet we currently have.

I want the NBN Tower **NOW**. Please approve the NBN Tower without stupid red tape.  
Thank you.

Yours sincerely



Clare Jackson

10.11.2015

**Craig Bradridge**

---

**From:** Vince O'Doherty <marvin3848@gmail.com>  
**Sent:** Sunday, 8 November 2015 3:21 PM  
**Subject:** DA 2014/387 NBN Co. Limited

Section 96 Application to modify consent.

In relation to the abovementioned DA I wish to put forward the following submissions as to why Council should approve of the construction of the tower without undue delay and to delete the requirements of indemnity provisions.

1. My current internet service (ADSL1 ) is very poor to say the least.
- 2 I have had my home up for sale for quite some time and on two occasions in recent times I have had prospective purchasers very interested but they declined to make any offers because NBN fast broadband was not available ( needed for their business ) either now or in the foreseeable future.
3. The "approval" given for the tower containing indemnity clauses was what could be referred to as " a clayton's approval" ... that is, an approval when you don't have an approval .... because in its present form construction cannot proceed..
4. As far as I understand, the tower has already been approved by Council as having planning merit and therefore there is no reason for any change.
5. I have serious concerns as a ratepayer for the likely waste of a considerable amount of money and prolonged legal delays if the amended proposal is not passed now.

Name: Vince O'Doherty  
101 Platypus Drive, Uralba 2477

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**Craig Bradridge**

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**From:** Dr James Cowley <crick@ozemail.com.au>  
**Sent:** Friday, 6 November 2015 4:06 PM  
**Subject:** support for the amended Development Consent 2014/387

Dear Council,

I wish to express my support for the amended Development Consent 2014/387

I am writing to ask you to **remove the indemnity clause from the approval of the NBN Tower at Uralba** as soon as possible.

The reasons are:

-the uralba plateau experiences well below the normal standard of ADSL1 broadband already creating disadvantage. Even the new plans for 4G for mobile phones miss out significant parts of the plateau. The Fixed Wireless tower as planned is the only solution to significant modern day communications issues.

-your ratepayers on the plateau are now being seriously disadvantaged in access to a critical and essential service by the delays caused by this process. We know people who are being seriously impacted by the delay in their work, education, health, banking, access to services.

-the Council made a good decision to approve the tower. However the indemnity clause has no impact at all on safety yet delays this essential service. We understand it would not stand up in Court.

*Dr James Cowley*

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**Craig Bradridge**

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**From:** Gordon Barlow <gtbarlow@gmail.com>  
**Sent:** Tuesday, 3 November 2015 1:45 PM  
**Subject:** Re: DA 2014/287 Lynwood/Uralba NBN Tower

To the Planning Officer and Councillors

We wish to express our support for the amended Development Consent 2014/387.

- We lived in Platypus Drive, Uralba for 12 years, only moving to Ballina upon the sale of our home in February this year.
- The current internet service is slow and in the bottom 9% in Australia today.
- While the current delays in establishing a service are not impacting directly on us they are impacting all our former neighbours and the purchasers of our old home.
- We understand the Tower has already been approved as having planning merit by the Council after consideration of all the relevant information. There is absolutely no reason for this to change.
- As current Ballina Council ratepayers we have serious concerns about the likely waste of possibly half a million dollars of ratepayers money and indefinite legal delays if the amended proposal is not passed now.

Kind regards

Gordon & Meriel Barlow  
1/11 Tamar Street  
BALLINA NSW 2478

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**Craig Bradridge**

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**From:** Veronica <veronica.perko@bigpond.com>  
**Sent:** Monday, 9 November 2015 11:26 AM  
**Subject:** NBN Tower Lynwood/ Uralba

Dear Sirs / Madam

I herewith request that Council pass the amended development consent for the NBN Tower , DA 2014/387 Lynwood/Uralba.

As a resident of Uralba it is imperative we get the fast service as at present the current slow speed is unacceptable for any business transactions, Banking or general research or studies via the Web.

Thank you.

Veronica Perko  
35 Davey Road  
Uralba.

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Owen Earley  
146 Forest Road  
Uralba, NSW 2477

9 November 2015

**To:** Ballina Shire Council

**Re:** DA 2014/387 - Lynwood/Uralba NBN Tower

To the Councillors and Planning Officer,

I wish to express my support for the amended Development Consent 2014/387.

Current internet services are extremely poor in this area. The best connection we can get is ADSL 1 and due to poor line quality the actual speed we can get is nowhere near the theoretical limit of ADSL1. As an example, I have previously had to upload 100MB of data for a client and the speed was 20Kb/second. The upload took over an hour to complete. This is ridiculously slow for 2015.

I work in computer programming and Geographic Information Systems (mapping). I use the internet from my home office every work day for software updates, downloading data and communicating with clients in Brisbane and Sydney.

My wife is a science teacher and also uses the internet extensively for work. As well as her normal position she also works with Southern Cross University delivering live web-cam tutorials to university students. During these tutorial sessions no-one else in the house is allowed to use the internet at all as it drops out my wife's connection and disrupts the tutorials.

I have two children at school in Alstonville that also use the internet for homework and to communicate with friends. My eldest daughter completed her HSC last year and was regularly complaining about the lack of internet speed.

The current and future importance of a reliable and fast internet connection cannot be overstated in the world that we now live in. The internet is now critical infrastructure and geographical areas with fast connections have a real competitive and financial advantage over those that don't.

I attended the previous Council meeting in May on this matter and was impressed at the common sense approach taken by councillors in approving the Lynwood/Uralba NBN Tower. There is no reason to change this approval.

It is a serious concern that Council is considering an expensive and lengthy legal process if the previous approval is revoked. This would leave the local community in a state of limbo with extremely poor internet services. The level of support that the tower received from the community clearly shows that it is an extremely important issue. In the next Council election residents would likely vote for/against councilors based entirely on this issue.

I would truly appreciate councillors having the vision to recognise the importance of the internet and to approve the amended Development Consent 2014/387 for the long term benefit of all Uralba residents.

Regards,

Owen Earley

**Craig Bradridge**

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**From:** Roger and Pam Gniel <rpgniel@bigpond.com>  
**Sent:** Monday, 9 November 2015 6:18 PM  
**Subject:** Re: DA2014/387 - Internet Tower for Uralba

For All Councillors and CEO

I am a former resident of Uralba and have maintained a keen interest in local matters in that environment through local friends since retiring to East Ballina some 20 months ago. We note that Council's previous approval for a tower to be constructed by the NBN Company to serve Uralba and nearby residents is now the subject of a rescission motion before Council's next meeting. We strongly urge ALL Councillors to reject this motion as we can attest that the internet service within the Uralba environs has been, and continues to be, appalling and the effort of the local community to successfully obtain a fast broadband service from the NBN in the future is to be applauded. The group of residents driving this proposal is by far in the local majority and have a keen interest in pursuing their children's educational needs as well as their own professional and family necessities – the community is united in this regard and a decision to threaten their endeavours may well cause a major rift in future support for all councillors in dealings of this nature – indeed no Councillor should feel comfortable in supporting this rescission motion, particularly those representing the Alstonville ward. The die has been set with the NBN who needs certainty from Council in this matter. A successful rescission motion would DA2014/387 undoubtedly cause the company to look askance at the apparent future leanings of this shire's comprehension of the need to be progressive for its residents – especially it's children. Just consider the new PM's push for the whole country to embrace an innovative society! Will Ballina compete in this environment if its local representatives do an about face in this case? There is no doubt that Council should not be persuaded to a conclusion against the need for regional assistance of this nature and Uralba residents in particular. The design and location of the tower has already been cleared by aviation authorities and Council should now put to rest any objections by a few residents who for their own selfish reasons oppose progress of this sort. Thank you for your consideration.

Roger Gniel  
43 Woodfield Cres  
East Ballina NSW 2478  
Email: [rpgniel@bigpond.com](mailto:rpgniel@bigpond.com) Mob: 0437679759

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**Craig Bradridge**

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**From:** Annette Cowley <annie49@iinet.net.au>  
**Sent:** Tuesday, 10 November 2015 9:16 AM  
**Subject:** Support for amendment of DA. 2014/387

Dear Council,

I wish to express my support for the amended Development Consent 2014/387. Please remove the indemnity clause which we understand is illegal and will not stand up if challenged in court, and let this essential infrastructure proceed.

The process for this NBN tower has significantly delayed the plateau ratepayers access to essential services. This is not just a DA. It is about the fundamental needs of your ratepayers.

Children are having to ask their schools to copy specifically to their computers because they cannot download and complete homework. Business people are frustrated regularly by an inability to carry out their work and earn their living. Elderly people trying to sell have seen people lose interest due to the lack of fast broadband. Without this people needing the new health services delivered by broadband will have no option but to sell up and move. One set of ratepayers should not be placed at this level of disadvantage.

I and my friends are impacted by your decision and we ask respectfully that you now let this proceed.

Annette Olofson

107 Platypus Drive  
Uralba  
NSW2477

Sent from my iPad

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Dear Councillors,

It saddens me to once again be in the situation where I feel I need to fight for my community's right to basic infrastructure. As you are aware our internet service in Uralba is devastatingly slow and if not resolved we will suffer: decreased property values; losses of productive people who will have to sell up and run their home businesses elsewhere; and the fact that our children will be unable to complete simple homework tasks. To say we will be **severely disadvantaged** as a result of no NBN is no exaggeration - this is a very serious and unacceptable situation.

We were elated most of you chose to stand up for absolute commonsense and vote for the Uralba NBN Tower to go ahead in May this year. However we were confused as to the addition of the requirement that NBN indemnify Council. Either the tower is safe or it isn't. You can't on one hand tell our community that the NBN Tower will **improve** our safety by adding a light to alert aircraft, not only of the Towers' existence, but of the hundreds of other objects in the vicinity that penetrate the OLS. But then on the other hand make it subject to an indemnity clause, which no other Australian council had requested before in exact circumstances, which puts into question the Tower's safety merits.

The NBN Tower was approved by 8 Councillors on its vital importance to our community and the commonsense view that... *how could this tower be too hazardous when there are already other objects similar height or higher?* And that it would in fact improve safety by providing a visual reference point as well as being marked on navigation maps. Surely this is a win for the community on both fronts: normal internet services; and improved safety for all of us living under the flight path?

In the event that the approval was overturned, what message would that send to our community? Council would have itself admitted that it currently operates a flight path unsafely, due to all the other significant OLS breaches that would remain unmarked and unlit, and putting all our lives in danger. The Uralba/Lynwood community will not accept one rule being applied in our current situation and another when it comes to the NBN Tower. CASA makes no distinction between manmade and natural hazards. And cutting down the trees will not solve the problem either as even the land penetrates the OLS. In reality, if the NBN tower is not safe, then this flight path is not safe and should be moved.

We hope, however, that this commonsense approach will continue to prevail now that Council's request for indemnity turns out to be unlawful. We hope this situation will be swiftly dealt with and Council doesn't become involved in a legal battle with NBN that would not only waste our rates, but also delay even further this vital infrastructure. And we hope Council doesn't state that we all currently live in unsafe circumstances, opening a can of worms, which our community most definitely would not be able to ignore.

Please consider carefully all the implications of this important decision. We have worked very hard to protect the reputation of the Uralba NBN tower and Council throughout the constant barrage of opposition by a few very tenacious Dees lane residents. We hope all our efforts, passion and careful research into the issue hasn't been in vain.

Our family, along with hundreds of others, are waiting anxiously to once again hope that commonsense will prevail.

Yours sincerely,

Sam and Mel Kirkby

Uralba

**Craig Bradridge**

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**From:** Roger Occomore <occo@ozemail.com.au>  
**Sent:** Tuesday, 10 November 2015 8:39 AM  
**Subject:** FW: Development Application DA2014/387

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**From:** Roger Occomore [mailto:occo@ozemail.com.au]  
**Sent:** Thursday, 5 November 2015 10:22 AM  
**To:** council@ballina.nsw.gov.au  
**Subject:** Development Application DA2014/387

TO THE PLANNING OFFICER AND COUNCILLORS

From Roger and Jasmine Occomore  
44 Davey Road  
URALBA

We are writing to express our strong support for the speedy construction of the NBN Tower in Uralba and specifically for Council to pass the amended development consent.

The situation with regard to the provision of fast internet services in this area is becoming absurd. The service that we receive is absolutely appalling.

- For much of each day we are unable to conduct our business using the net as we are unable to connect
- Local school children are unable to submit home work to their teachers by internet as requested
- People trying to sell their houses report that prospective buyers are put off by the lack of fast internet
- The wide range of information and entertainment on the net is denied to residents of this area for much of the time

With reference specifically to the proposed amendment and the issue of the danger of the tower to aircraft, we can see the site of the proposed tower from our front veranda. We can report that low flying planes do not come within hundreds, probably thousands, of feet of tall trees in the area some of which we understand are taller than the tower.

For these reasons we strongly support the speedy construction of the NBN tower and we support Council passing the proposed amendment.

Roger and Jasmine Occomore

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**Craig Bradridge**

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**From:** STREDDER, David <D.STREDDER@ncxllbjv.com.au>  
**Sent:** Tuesday, 10 November 2015 9:51 AM  
**Subject:** DA 2014/387 Lynwood / Uralba NBN Tower

**Attention: To the Planning Officer and Councillors**

I am writing to you to express my support for the amended Development Consent 2014/387

My family and I have recently moved from Sydney and have we purchased a property in Uralba (41 Davey Road).

I wish to voice my concern over the current poor internet services that we have in the area (ADSL)

I have heard about possible delays with passing plans to build the new NBN tower and this really worries me and disrupts my business plans and the time I want to spend with my family working from home.

I was planning on working from home for 2 days a week and then spend the rest of my time at the office in Sydney, but due to the current poor internet in Uralba, I will not be able to do this until such time as there is a "modern" internet connection that is consistent and has adequate internet speed without any disruptions.

We also have children that depend on reliable internet to do their homework and school projects. They currently have to stay on the school premises to complete their homework as the internet in Uralba is so poor. This is unacceptable, given that we are now in 2015 and in Australia. I understand that the area is in the bottom 9% when it comes to internet service in Australia.

We have a son studying at the UNSW in Sydney and he never wants to come and visit us in Uralba, as he cannot complete his University assignments online because of the poor internet. He says coming to Uralba is like "going back to the future". This cannot be good for the areas growth.

My understanding is that the plans to build the tower have already been approved as having planning merit by the council after the consideration of all relevant information and that the best site has already been selected. It is critical that the plans are not delayed and there is absolutely no reason for this to change. If a delay were to occur, it would indeed be very unfortunate and very unfair to further deprive a growing community of a very basic facility that we all rely upon every day to function effectively in our daily business lives.

As a ratepayer, I also have serious concerns about the likely waste of ratepayers money and indefinite legal delays if the amended proposal is not passed now.

Regards

**David Stredder | HR Manager | Lend Lease Bouygues Joint Venture**  
Level 4, Building G, 55 Coonara Avenue, West Pennant Hills, NSW, 2125, Australia.  
Locked Bag 1001, West Pennant Hills, NSW, 2125  
M +61 437 368 232  
[d.stredder@ncxllbjv.com.au](mailto:d.stredder@ncxllbjv.com.au) | [www.northconnex.com.au](http://www.northconnex.com.au)

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**Craig Bradridge**

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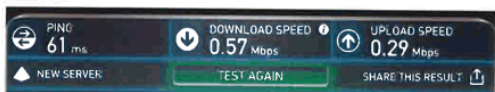
**From:** Eva Stredder <estredder@gmail.com>  
**Sent:** Tuesday, 10 November 2015 10:10 AM  
**Subject:** Re: DA 2014/287 Lynwood/Uralba NBN Tower

To the Planning Officer and Councillors

I am hereby expressing my support for the amended Development Consent 2014/387.

As a new resident of Uralba (41 Davey Road), I find it necessary to express my concern over the current poor internet service experienced in this area (Telstra ADSL). I am hearing about possible delays with passing plans to build the new NBN tower and this is really worrying to myself and my family. I work from home several days per week so am totally reliant on a consistent and adequate internet speed without disruption. In addition, my two children depend on a reliable internet connection at home so that they can complete online homework and project tasks for school. At the moment we all have to stay behind at the school to do such work as the home internet is too slow.

The download/upload speeds as in the screenshot below are indeed shockingly poor (just performed a random test as of this moment). This is Australia after all in the year of 2015!



My understanding is that the plans to build the tower have already been approved after consideration of all relevant information and that the most suitable site has already been selected, but that that the matter could still be delayed. This would indeed be very unfortunate and very unfair to deprive a community of in today's terms such basic facility. I am sure that a delay would be a very costly process for the tax payers and individuals alike due to lost revenue (you just can't do business without being able to connect to the internet these days). As my 9 year put it when my 11 year old said we should look up the name of a bird they saw: "I don't know if it will work today, the ipad doesn't work since we moved here".

I am also concerned that the property I just purchased will fall behind in value or even be impossible to sell due to this as internet is an essential infrastructure to people today.

Sincerely

Eva Stredder  
41 Davey Road  
Uralba 2477

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Eva Stredder

[+61457009669](tel:+61457009669)  
[estredder@gmail.com](mailto:estredder@gmail.com)

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Tamsin Jackson  
518 Uralba Road  
LYNWOOD 2477

Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

Dear Sir/Madam

RE: DA 2014/287 LYNWOOD/URALBA NBN TOWER

The on again, off again approval of this tower has become a joke. We the residents of the area expect access to the internet, access that does not involve drop outs and the slow internet we currently have.

These are basic things that you and most people in the district take for granted. These are the basic requirements as set out in the Regional Telecommunications (RTIRC) 2015.

There are a zillion towers located everywhere – in this area, the state, the country, not to mention the world! Many council areas have towers, have airports and they don't waste valuable time and ratepayers money on opposing and fighting a tower; **a tower which is safe to air traffic and residents.**

Get on and approve the NBN Tower without conditions, without delay. Thanks.

Yours sincerely



Tamsin Jackson

10.11.2015

Ian Jackson  
518 Uralba Road  
LYNWOOD 2477

Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

Dear Sir/Madam

RE: DA 2014/287 LYNWOOD/URALBA NBN TOWER

I'm currently operating a successful small business from home. I have trouble accessing the internet which is necessary for my business with the drop outs and the slow internet we currently have.

Accessing internet banking and wifi for recreational purposes is impossible. These are basic things that you and most people in the district take for granted.

If the main issue of the tower is the height, well the pilots should not be flying that low!

Get on and approve the NBN Tower without conditions, without delay.

My patience is running out. Thank you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Jackson', with a long horizontal flourish extending to the right.

Ian Jackson

10.11.2015

**Craig Bradridge**

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**From:** Eddie Loong <edmal03@gmail.com>  
**Sent:** Tuesday, 10 November 2015 12:52 PM  
**Subject:** DA 2014/387

Dear Council,

We wish to support the application by NBN to modify the development consent for DA2014/387 for the fixed wireless NBN tower at 11 Dees Lane, Lynwood

NBN has legal advice that inclusion of the indemnity conditions by Ballina Shire Council is beyond the scope of the Council's corporate powers and is therefore illegal.

The conditions are not fundamental to the DA which Council approved 6 months ago after protracted and careful deliberation, concurring with CASA and Airservices Australia that an illuminated tower lower than many other objects which penetrate the OLS does not present an unacceptable hazard to aircraft using Ballina Airport.

We therefore submit that Councillors should vote to remove the unlawful indemnity conditions and allow the original development to finally proceed.

Eddie Loong

Margaret Loong

409 Uralba Rd  
Uralba

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<BR



Date: 10/11/2015

Marc Schwartz - 16 Platypus Drive, Uralba N.S.W 2477

NBN Tower Lynwood/Uralba.

We now live in a world where like it or not technology greatly impacts our lives in everything we do on a day to day basis. Technology is constantly evolving and we as a society need to understand that we must also evolve with this technology but to move forward with the rest of the world we require the infrastructure to enable us with the opportunity.

When moving to a new location a very big consideration for people is access to high speed broadband, especially those with younger children who require broadband for school. It is also a very big consideration for business owners who require the use of high speed broadband to successfully run their businesses. Without the NBN this will be detrimental the economic growth of the area impacting real estate prices, schooling / education & employment.

Commonly used day to day devices which require broadband.  
Mobile Phones, iPads & Tablets, Notebooks, E-readers (such as Kindle), Desktop PC's, Game Consoles, Media Players, Foxtel, Smart TV's.

My brother and I are planning on attending university next year and the current ADSL service in Uralba is inadequate for our requirements which is going to force us to spend more time on campus completing assigned work and less time at home with family.

I hope council members will think about this issue very carefully and grasp the full gravity and reality of this issue and make decisions based upon fact and not based upon bias or personal opinion.

Yours Sincerely,

Raymond Schwartz



Gayle Schwartz



Nathan Schwartz



Marc Schwartz



**Craig Bradridge**

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**From:** Geoff Jacobs <gajacobs@bigpond.com.au>  
**Sent:** Thursday, 12 November 2015 1:35 PM  
**Subject:** DA2014/387

I have just watched the Jetstar flight to Melbourne from Ballina take off and followed it on flight tracker on my iphone. As it flew over Uralba it was at 1160metres above sea level. The tower needs to be lower than this or it might get hit. When these planes come in they are still 500metres above sea level as they fly over Uralba so Councils requirement of liability insurance is not required. As such people of Uralba should be afforded the same NBN speed that others in the Shire are given. We think Council should approve the amendment to the original DA.

Geoff and Carole Jacobs

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**Craig Bradridge**

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**From:** T & A Bazzana <bazzana1@bigpond.com>  
**Sent:** Thursday, 12 November 2015 2:29 PM  
**Subject:** DA 2014/387 Lynwood/ Uralba NBN Tower

Dear Planning Officer and Councillors of Ballina Shire

**Re: DA 2014/387 Lynwood/Uralba NBN Tower**

As a resident and landowner of Uralba, I wish to express my support for the proposed amendments to Development Consent 2014/387.

I understand that the proposed NBN tower has already been approved as having planning merit by Ballina Shire Council after consideration of all the relevant information and stakeholders. There is absolutely no reason for this to change.

It has come to my attention that there is now an application for modification of the prior approved Development Application before Council as the conditions imposed by Council indemnifying Ballina Shire Council and the Ballina Byron Gateway Airport are considered to be "unlawful". Given that the modification will only remove the indemnity conditions and will not alter any other aspect of the development that was originally approved *I would ask that you vote to support these modifications to the Development Consent for the same reasons that you voted to approve the original Development Application.*

The majority of the local residents and ratepayers of Uralba have been voicing their views on this topic for some time now and as a long term resident of the Uralba community I believe the construction of this vital infrastructure will ensure Uralba isn't left as the only NBN black spot in the local region. Over 200 residents & ratepayers of Uralba have voiced their support for the implementation of the NBN tower at Uralba, and even the very small number of local opponents now admit that the need for high speed broadband is essential for the Uralba area which contains many children, business people, young families and retirees. High speed broadband is now an essential part of everyday life just as electricity and telephone are, and to not pass these amendments would effectively put all of the ratepayers of Uralba at a significant disadvantage to the rest of the Ballina shire community.

I wish to congratulate the majority of councillors who listened to the needs of the community and carefully reviewed all advice and reports from both government and independent bodies such as CASA. My understanding is that all advice previously received is still current and relevant and as such I see no reason why the initial decision be questioned. The councillors support for these amendments would be appreciated. NBN has made it very clear that after exhaustive testing and community consultation the existing site is the most appropriate site available. This vital infrastructure that so many Australians already have access to and take for granted is absolutely essential for so many reasons such as supporting the elderly to live in their homes longer, to educate our children and university students, to run our businesses and our households, and so much more.

I look forward to councils continued support of this tower and confirm as a local resident and ratepayer my support to the proposed amendments to Development Consent 2014/387

Yours faithfully

Amanda Bazzana

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**Craig Bradridge**

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**From:** Stuart Picken <stuart@turnstonemigration.com>  
**Sent:** Thursday, 12 November 2015 11:33 AM  
**Subject:** DA2014/387

Dear Councillors,

I recently noticed an agenda item regarding the DA for the NBN tower for Uralba Valley (DA2014/387).

I was under the assumption this was already approved on the basis of overwhelming benefit to the community and commerce in the region.

I attended the council meeting earlier this year where the DA was initially approved. Indeed several councillors discussed the fact that whilst the tower was high (as most towers are) that it would act as a safety beacon rather than be a safety hazard as objectors had proposed.

I trust you can see your way forward to removing the indemnity provision that council sought from NBN in relation to airport safety, which will in turn expedite the towers commissioning. Without the NBN service conducting business in the area is extremely difficult and significantly impeded by the lack of communication and has to date required us to use contractors and employees based outside the region.

Kind regards,

Stuart Picken - MBA LLB(hons)

M: +61 459 105 230

E: [stuart@turnstonemigration.com](mailto:stuart@turnstonemigration.com)

[www.turnstonemigration.com](http://www.turnstonemigration.com)

[www.livinglearningaustralia.com.au](http://www.livinglearningaustralia.com.au)



**Craig Bradridge**

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**From:** dave\_hegerty <dave\_hegerty@hotmail.com>  
**Sent:** Thursday, 12 November 2015 7:52 AM  
**Subject:** Lynwood tower

Hi councillors,

I applaud your common sense approach to the decision several months back to approve the tower at Lynwood.

It most certainly is a significant piece of infrastructure for our region.

Since the approval, our service has become so bad that I have given up on our internet access at home. I now take anything I need to send to work and send it from there. Simple text email still works, but anything other than these forms of email fails to send or internet sites simply time out.

I should reiterate that an obstacle limitation surface is simply a surface that is a reference plane. It does not limit construction exceeding the surface. It simply means that objects protruding the surface need to be documented for pilots using the airspace.

Has the construction of all other structures within the ols been covered by an indemnity clause in Ballina Shire? I would be surprised if this is the case.

Please consider approving our tower!

Regards  
Dave Hegerty

---

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**Craig Bradridge**

---

**From:** bobsuecoleman <bobsuecoleman@bigpond.com>  
**Sent:** Wednesday, 11 November 2015 7:06 PM  
**Subject:** DA2014/387

I am writing to you re the above development. I feel we deserve to have the tower built. We don't want to be the only Australian residents without access to the internet.

Our children will not be able to do their studies efficiently and complete homework.

I trust that the go ahead will be given as soon as possible for the commencement of construction.

Many thanks for your attention to this matter. We look forward to your early confirmation that works have commenced.

Yours sincerely

Bob and Sue Coleman

61 Platypus Drive

Uralba NSW 2477

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---

**Craig Bradridge**

---

**From:** Richard Moxey <ddmoxey@outlook.com>  
**Sent:** Wednesday, 11 November 2015 10:08 AM  
**Subject:** NBN Tower DA2014/387

To whom it may concern.

We at Towalbyn Place Request that the NBN tower to be constructed under DA 2014/387 should go ahead and that the NBN company be totally responsible for the air safety control.

We are on the end of a Telstra line which is just outside the maximum distance for reasonable speed reception. Our need for the internet is important to us because we have a son and his family in Canada who we talk to on Skype

Richard & Deirdre Moxey  
26 Towalbyn Place  
Uralba 2477  
12.11.2015 10.06 am

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Mark Jackson  
518 Uralba Road  
LYNWOOD 2477

Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

Dear Sir/Madam

RE: DA 2014/287 LYNWOOD/URALBA NBN TOWER

I want the NBN Tower **NOW**. I cannot do my homework and assignments quickly with our ancient internet access. I cannot connect to the wifi and the internet most of the time as it is so slow and drops out all the time.

Please, please approve the NBN Tower and hurry up! Thanks.

Yours sincerely

*Mark Jackson*

Mark Jackson

10.11.2015





PARTNERS Robert Warren, Ben Crawford, Guy Latham, Sean Radburn, Ben Robin  
ASSOCIATES Claudia Combé, Kate Flanagan, Luke Warren, Nathan Job, Joshua Allan,  
Emma Babbage, Steve Spinks, Rob Manitta, Greg McBurney, Myfanwy Sewell  
CONSULTANTS Carolyn Hunt, Dan McOmish, Peter Carmont

13 November 2015

Our Ref: PWC:MS:21401388 (Lismore Office)

Your Ref:

**ATTENTION: CRAIG BRADRIDGE**

The General Manager  
Ballina Shire Council  
DX 27789  
BALLINA

Dear Sir

**RE: DA 2014/387 Proposed Telecommunication Facility Comprising of 45 Metre High Lattice Tower at 11 Dees lane, Lynwood Application pursuant to S. 96 EP&A Act**

We refer to the letter of objection filed by us on behalf of Lynwood Residents Group Inc in this matter yesterday.

We have briefed Craig Simpson of Counsel in this matter. Our letter was forwarded to Counsel to be settled. No reply was received and we were unable to contact him. Today we have been informed that Craig has suffered a heart attack and is hospitalised.

We have today received from him an amended version of our objection which we attach and ask that you accept this as a variation of the objection filed yesterday.



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Yours faithfully  
**SOMERVILLE LAUNDRY LOMAX**



**Peter W Carmont**  
**Nationally Accredited Mediator**  
peter.carmont@sll.com.au

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PARTNERS Robert Warren, Ben Crawford, Guy Latham, Sean Radburn, Ben Robin  
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CONSULTANTS Carolyn Hunt, Dan McOmish, Peter Carmont

10 November 2015

Our Ref: PWC:MS:21401388 (Lismore Office)

Your Ref:

The General Manager  
Ballina Shire Council  
DX 27789  
BALLINA

Dear Sir

**RE: DA 2014/387 Proposed Telecommunication Facility Comprising of 45 Metre High Lattice Tower at 11 Dees lane, Lynwood Application pursuant to S. 96 EP&A Act**

Thank you for your letter to us of 21 October 2015.

We act for Lynwood Residents Group Inc an objector to DA 2014/387.

We are instructed by our clients to formally object to the requested variation of the conditions of consent pursuant to S. 96 of the Environment Planning and Assessment Act 1979.

The condition that is sought to be removed is that which requires the Applicant to provide an indemnity to Ballina Shire Council and the Ballina Byron Gateway Airport from liability concerning the intrusion of the proposed tower through the airport's obstacle limitation surface.

The S.96 Application states:

"We are seeking the modification of the consent by removing these conditions because a condition of development consent requiring a release or indemnity of a planning authority does not serve a proper planning purpose and

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consequently, is *ultra vires* and unlawful. Furthermore, the conditions are not fundamental to the DA and are therefore severable from the consent."

Our client submits by way of objection that if the applicant is correct in its assertion that the conditions of approval were unlawful then it cannot be the case that the conditions are severable from the consent. It is clear from what passed at the meeting on 28 May 2015 when the consent was given that the provision of the indemnity was fundamental to the decision reached by Council. If that indemnity is now removed, it takes away the whole basis on which the consent was provided.

In our client's submission, if the conditions are indeed void, it must follow that the entire consent is a nullity and void.

Yours faithfully  
**SOMERVILLE LAUNDRY LOMAX**



**Peter W Carmont**  
**Nationally Accredited Mediator**  
peter.carmont@sll.com.au

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PARTNERS Robert Warren, Ben Crawford, Guy Latham, Sean Radburn, Ben Robin  
ASSOCIATES Claudia Combé, Kate Flanagan, Luke Warren, Nathan Job, Joshua Allan,  
Emma Babbage, Steve Spinks, Rob Manitta, Greg McBurney, Myfanwy Sewell  
CONSULTANTS Carolyn Hunt, Dan McOmish, Peter Carmont

4 December 2015

Our Ref: PWC:MS:21401388 (Lismore Office)

Your Ref:



The General Manager  
Ballina Shire Council  
DX 27789  
BALLINA

Dear Sir

**RE: Lynwood Residents Group Inc – Proposed NBN Tower**

We have been provided with a copy of a letter dated 24 November 2015 from Visionstream to you commenting on the submissions objecting to the approval of the S.96(1A) application and are instructed to comment as follows :

**Issues Raised in Submissions:**

Visionstream state:

"None of the submissions opposed to the Section 96(1A) Application have addressed the lawfulness of the indemnity conditions, which is the sole issue of the application."

We have in the past directed your attention to untrue and misleading statements made by Visionstream during the DA process. This is another.

The objection filed by us on behalf of the Lynwood Residents Group specifically addresses the lawfulness of the indemnity condition.



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The objection states:

"Our client submits by way of objection that if the applicant is correct in its assertion that the conditions of approval were unlawful then it cannot be the case that the conditions are severable from the consent . It is clear from what passed at the meeting on 28 may 2015 when the consent was given that the provision of an indemnity was fundamental to the decision reached by Council . If that indemnity is now removed , it takes away the whole basis on which the consent was provided .

In our client's submission , if the conditions are indeed void , it must follow that the entire consent is a nullity and void ."

**Indemnity "offered by NBN".**

Visionstream purports to speak on behalf of NBN. Such a report is hearsay. NBN can speak on its own behalf.

Council should expect nothing less than an explanation by NBN as to how the Mayor misunderstood the outcome of the negotiations.

There are certain things that are abundantly clear from the video recording of the Council meeting on 28 May 2015, namely:

1. The Mayor informed Councillors that he had reached an agreement with the Acting General Manager of NBN that if Council approved the DA that NBN would provide an indemnity.
2. Based on this a Senior Councillor, Keith Johnson, moved the approval of the DA subject to a condition requiring the provision by NBN of an indemnity as agreed.
3. Representatives of NBN were present in the Council Chamber and did not seek to correct the information provided by the Mayor to Councillors regarding the agreement which the Mayor understood had been made.
4. Councillors embraced the conditional motion of approval and voted in support of it.

It matters not whether an offer was made by NBN or by the Mayor. The elements of a binding agreement are an offer by one party accepted by the other.

Prior to the Council meeting ,the Mayor met with the Acting General Manager of NBN in an attempt to overcome issues which appeared to stand in the way of approval of the DA.

The mayor left the meeting with NBN believing that an agreement had been reached and related this to his fellow Councillors at the Council meeting immediately before the vote was taken to grant approval subject the provision of an indemnity .NBN now denies that any such agreement was reached.

**Conclusion:**

Paragraph 3 is incorrect. The submission by Lynwood Residents Group clearly sets out the legal reasons why the Section 96 (1A) application should be refused.

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The inclusion of the condition requiring provision of an indemnity was fundamental to Council's decision to approve the DA. If the condition is unlawful or ultra vires then so also is the motion to approve the DA.

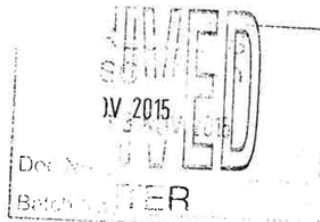
Yours faithfully  
**SOMERVILLE LAUNDRY LOMAX**



**Peter W Carmont**  
**Nationally Accredited Mediator**  
peter.carmont@sll.com.au

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15/81408



Ballina Shire Council

Ref. D.A. 2014/387.

We, the undersigned being residents and/or ratepayers of Ballina Shire Council wish to object to the application to amend the development consent 2014/387 submitted by NBN Co asking for the deletion of the Indemnity which was a condition placed on the approval by Ballina Shire Council.


We are of the opinion that should this tower go ahead on the Dees Lane site that this indemnity offered by NBN would cover both the Ballina/Byron Airport, the Council and ultimately the ratepayers from any claims that could be made in the future.

Cr Sharon Cadwallader, in full support of the indemnity, said in her own words "the Mayor has done an excellent job in negotiating the better outcome so that liability is removed from the Council...the liability that does exist... we have worked out a way that we can actually facilitate this."

In view of the excellent comments put forward by the N.S.W. Government regarding some of the Northern N.S.W. Councils it would be a shame to "blot their copy book" by the removal of this indemnity thereby jeopardizing their excellent financial standing.

To facilitate fast broadband coverage for Uralba residents who have not yet accessed NBN from nearby recently erected towers, there is another site available which would seem to satisfy the requirements for all concerned. The following comments should add weight to re-locating the tower:

1. The site is outside the OLS - is public land - owned by the Council, not part of the koala habitat and is higher than the proposed site in Dees Lane. It should be noted that the Aeronautical Study prepared by Visionstream and Surveyors maps clearly show that this site is OUTSIDE the OLS - hence no need for an indemnity.
2. If this site is used, then Council would gain income from the tower.
3. Because the ground is higher, the tower would not need to be 45M high and would probably not require lights or be painted in red and white bands.
4. There are no households in close proximity to the site.
5. A relevant point that should also be made is that quite a lot of residents in Uralba/Lynwood are already getting NBN Broadband from other towers.

MICHELLE BYRNE  
  
 55 NORTHCOTT CRESC  
 AUSTONVILLE 2474



**Jemma Orchard**

---

**From:** "Richard Moxey" <ddmoxey@outlook.com>  
**Date:** Wednesday, 11 November 2015 10:07 AM  
**To:** "Ballina Shire Council" <council@ballina.nsw.gov.au>  
**Subject:** NBN Tower DA2014/387

To whom it may concern.

We at Towalbyn Place Request that the NBN tower to be constructed under DA 2014/387 should go ahead and that the NBN company be totally responsible for the air safety control.

We are on the end of a Telstra line which is just outside the maximum distance for reasonable speed reception. Our need for the internet is important to us because we have a son and his family in Canada who we talk to on Skype

Richard & Deirdre Moxey  
26 Towalbyn Place  
Uralba 2477  
12.11.2015 10.06 am



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11 November 2015  
The General Manager  
Ballina Shire Council  
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COUNTER

Dear Sir

**RE: DA 2014/387 Proposed Telecommunication Facility Comprising of 45 Metre High Lattice Tower at 11 Dees lane, Lynwood Application pursuant to S. 96 EP&A Act**

I wish to lodge the following objection to the proposed S. 96 Application.

The Process of Development Approval

The whole process of approval is tainted and NBN should be legally restrained from implementing the approval regardless of whether the condition of consent "does not serve a proper planning purpose".

DA 2014/387 was submitted to Council and reported on by Council's Professional Officers and the Manager of the Ballina Byron Gateway, all of whom recommended to Council that the application be refused.

The application came before Council on 28 May 2015. During the discussion in Council the issue was raised that as the tower when built would not comply with Civil Aviation Safety Regulations that in the event of an incident involving the tower, Council might be held liable in damages.

Indeed, a transcript of an address made to Councillors by Mayor Wright during the meeting records him making the following comments to his fellow Councillors before a vote was taken:

"I was really worried about liability of Council for damages if an incident occurred involving the tower and I was really worried about maintenance and things like that. Because we were told at our briefing that if Council approved this structure .... it would .. the wording stated that it had to be in our safety report and that Council would be responsible, the Airport would be responsible that means every single rate payer would be responsible for everything that goes on.

So that's virtually his wording. I said could I have something like that. So that wording 'subject to appropriate conditions including that the proponent that NBN is responsible for maintenance and liabilities associated with the tower and indemnifies Ballina Council and Ballina Byron Bay Airport from any liabilities concerning the tower protrusion above the OLS'.

Now that might have to be finessed by our Executive Officers and by NBN. But that is what I was promised yesterday. And I think, if what would happen, if that didn't get promised there most likely be a re-visit to the matter because that is the essential part of it, taking it from his word yesterday."

The Mayor stated regarding the indemnity:

"But that is what I was promised yesterday."

Mayor Wright informed Councillors prior to their vote that he had been promised by the Acting General Manager of NBN and the local Federal Government Member that an indemnity would be provided against any damages claimed as a result of an incident involving the proposed tower and the cost of maintaining it.

This was clearly a representation made to Council by the Applicant to induce Council to grant an approval.

It has been pointed out to you that NBN did not have the legal power to provide such an indemnity.

When the representative of NBN, the Acting General Manager, made the offer of indemnity to Council he knew, or ought to have known, that the representation was false.

It follows that the conditional approval obtained by the Applicant was the result of a false representation to Council and the offer of an inducement. Clearly the process of approval is tainted and Council could not be forced to give legal effect to it.

Consequences for Council if condition is removed:

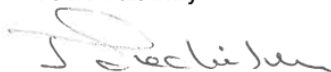
REPCON has confirmed that CASA does not have the legislative power to block the building of the tower nor does the hazard marking of the tower make it compliant with the Civil Aviation Safety Regulations. If the tower is erected, as proposed, and the question is posed:

"Does the Ballina Byron Gateway Airport comply with Civil Aviation Safety Regulations?"

The answer must be "No".

Should Council wish at some time in the future to lease or sell the airport then this could well be an impediment to sale or serve to reduce the sale price.

Yours Faithfully



Jill Frederiksen  
71 Dees Lane  
Lynwood NSW 2477



Ballina Shire Council

Ref. D.A. 2014/387.

We, the undersigned being residents and/or ratepayers of Ballina Shire Council wish to object to the application to amend the development consent 2014/387 submitted by NBN Co asking for the deletion of the Indemnity which was a condition placed on the approval by Ballina Shire Council.

We are of the opinion that should this tower go ahead on the Dees Lane site that this indemnity offered by NBN would cover both the Ballina/Byron Airport, the Council and ultimately the ratepayers from any claims that could be made in the future.

Cr Sharon Cadwallader, in full support of the indemnity, said in her own words "the Mayor has done an excellent job in negotiating the better outcome so that liability is removed from the Council...the liability that does exist... we have worked out a way that we can actually facilitate this."

In view of the excellent comments put forward by the N.S.W. Government regarding some of the Northern N.S.W. Councils it would be a shame to "blot their copy book" by the removal of this indemnity thereby jeopardizing their excellent financial standing.

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4. There are no households in close proximity to the site.
5. A relevant point that should also be made is that quite a lot of residents in Uralba/Lynwood are already getting NBN Broadband from other towers.

<u>P. Mandeville</u> P. MANDEVILLE	<u>J. Potts</u> J. POTTS	<u>J. Gillies</u> Jean GILLIES
<u>B. Mandeville</u> B. MANDEVILLE	<u>L. Potts</u> L. POTTS	<u>J. Mueller</u> JANE MUELLER
<u>Margaret Kohlmetz</u> MARGARET KOHLMETZ	<u>P. Kohlmetz</u> P. KOHLMETZ	<u>David Kohlmetz</u> DAVID KOHLMETZ
<u>Susan Kohlmetz</u> SUSAN KOHLMETZ	<u>Josef Kohlmetz</u> JOSEF KOHLMETZ	<u>M. Currey</u> MARGARET CURREY
<u>Garry J. Rodwell</u> Garry J. Rodwell	<u>M.L. Heffernan</u> M.L. HEFFERNAN	

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Ballina Shire Council

Ref. D.A. 2014/387.

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*[Signature]*  
H. BRACEY  
*[Signature]*

*3 WATTS AV  
ALSTONVILLE  
2477.*

Ballina Shire Council

Ref. D.A. 2014/387.

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**ACKNOWLEDGED**

Doc No. 15/80052

15/80541 Batch No.

We, the undersigned being residents and/or ratepayers of Ballina Shire Council wish to object to the application to amend the development consent 2014/387 submitted by NBN Co asking for the deletion of the Indemnity which was a condition placed on the approval by Ballina Shire Council.

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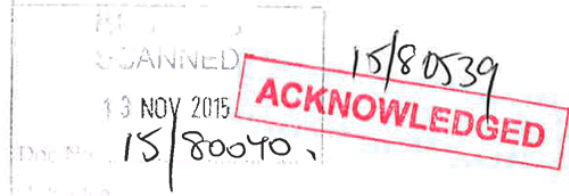
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256 River st  
Ballina NSW  
Adam Pearce  
2478  
AP

Ballina Shire Council

Ref. D.A. 2014/387.



We, the undersigned being residents and/or ratepayers of Ballina Shire Council wish to object to the application to amend the development consent 2014/387 submitted by NBN Co asking for the deletion of the Indemnity which was a condition placed on the approval by Ballina Shire Council.

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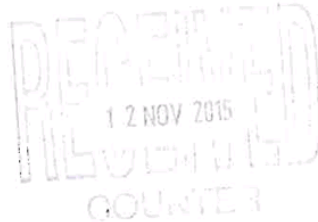
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*[Handwritten signature]*  
 JAMES GRAYSON  
 1/20 Kays Lane  
 ARSTOVILLE NSW 2477



Ballina Shire Council

Ref. D.A. 2014/387.

**ACKNOWLEDGED**

15/80537

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Batch No

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RECEIVED  
12 NOV 2015  
COUNCIL

*[Handwritten signature]*  
NEXT summer  
*[Handwritten signature]*

9th Nov 29 ALSTONVILLE  
PLATEA



Ballina Shire Council

Ref. D.A. 2014/387.

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<u>P Mandaville</u> P MANDAVILLE D. M.	<u>J. Jeffries</u> J. JEFFRIES K. J.	<u>J. J. J.</u> J. J. J.
<u>B. Mandaville</u> B. MANDAVILLE	<u>L. Potts</u> L. POTTS	<u>Jane Mueller</u> JANE MUELLER
<u>David Kohlmetz</u> DAVID KOHLMETZ	<u>P. Kohlmetz</u> P. KOHLMETZ	<u>David Kohlmetz</u> DAVID KOHLMETZ
<u>Joseph Kohlmetz</u> JOSEPH KOHLMETZ	<u>Joseph Kohlmetz</u> JOSEPH KOHLMETZ	<u>Margaret Gurrey</u> MARGARET GURREY
<u>Garry J. Rodwell</u> GARRY J. RODWELL	<u>M. L. Heffernan</u> M. L. HEFFERNAN	

15/80542

ACKNOWLEDGED	RECORDS SCANNED
	16 NOV 2015
	Doc No. 15/80505
	Batch No. ....

Ballina Shire Council

Ref. D.A. 2014/387.

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*P Mandeville*  
P. M. MANDEVILLE  
643 URALBA RD.  
LYNWOOD 2177

*Jim*  
B.C. MANDEVILLE  
643 URALBA ROAD  
LYNWOOD

Ballina Shire Council

Ref. D.A. 2014/387.

15/80544  
**ACKNOWLEDGED**

RECORDS SCANNED
16 NOV 2015
Doc No. 15/80507
Batch No.

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Diane Mueller  
667 Uralba Road  
Lynwood 2477

15/80545

**ACKNOWLEDGED**

RECORDS  
SCANNED

16 NOV 2015

Doc No. 15/80508

Batch No.

Ballina Shire Council

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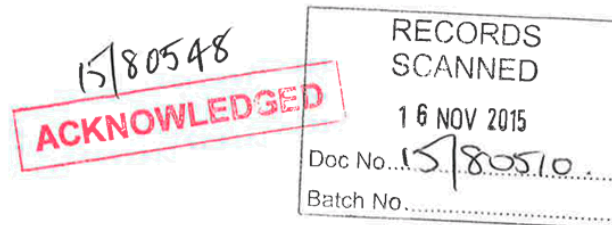
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Jean GILLIES  
634 Uralba Road  
LYNWOOD

*J Gillies*

Ballina Shire Council

Ref. D.A. 2014/387.



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*J. Aitken (Jan Aitken)*  
 633 Uralba Road,  
 Altonville N.S.W  
 2477

Ballina Shire Council

Ref. D.A. 2014/387.

15/80550  
**ACKNOWLEDGED**

RECORDS  
SCANNED  
16 NOV 2015  
Doc No. 15/80511  
Batch No.

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*E. Potts*     *K. L. Potts*  
*K. L. POTTS*  
698 URALBA RD  
LYNWOOD

Ballina Shire Council

Ref. D.A. 2014/387.

15/80554

RECORDS  
SCANNED

16 NOV 2015

Doc No... 15/80513

Batch No.....

ACKNOWLEDGED

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M. Currey  
M. CURREY  
21643 URALBA RD  
ALSTONVILLE

M. Currey  
21643 URALBA RD  
ALSTONVILLE

Ballina Shire Council

Ref. D.A. 2014/387.

**ACKNOWLEDGED**

15/80555

RECORDS SCANNED
16 NOV 2015
Doc No. 15/80514
Batch No. ....

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Margaret Kohlmetz  
MARGARET KOHLMETZ  
655 Uralba Road  
Lynwood 2477  
N.S.W.

P. Kohlmetz  
Peter Kohlmetz  
655 Uralba Road  
Lynwood 2477  
NSW



Ballina Shire Council

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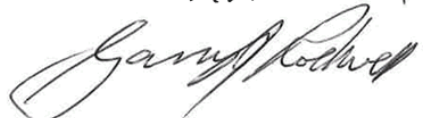
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Garry J. Rodwell  
58 Dou-Jean Lane  
Alstonville 2477  


15/80558

RECORDS SCANNED
16 NOV 2015
Doc No. 15/80520
Batch No.

Ballina Shire Council

**ACKNOWLEDGED**

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Margie Heffernan



8/3 Jameson Ave  
East Ballina. NSW. 2478

Duck Creek M<sup>n</sup> T<sup>l</sup>.  
Shop 4, 80 Main St  
Alstonville. NSW 2477.

15/80145

**ACKNOWLEDGED**

RECORDS  
SCANNED

13 NOV 2015

Doc No. 15/80079

Batch No.

Ballina Shire Council

Ref. D.A. 2014/387.

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*Bev Melverton*  
 Bev Melverton, Ballina  
 107 River St.      0491 103 963

**RECEIVED**  
 12 NOV 2015  
 COUNTER

15/80086  
**ACKNOWLEDGED**

RECORDS  
SCANNED  
13 NOV 2015  
Doc No. 15/80059  
Serial No.

Ballina Shire Council

Ref. D.A. 2014/387.

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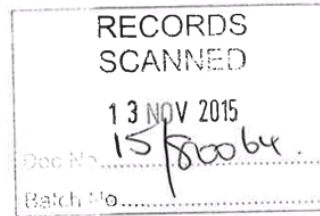
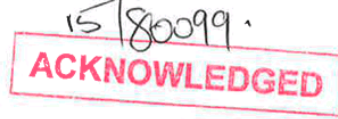
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S GRAYNOR,  
26 Cooks Ave  
Ararat VIC

*[Handwritten Signature]*  
12/11/15

RECEIVED  
12 NOV 2015  
COUNTER



Ballina Shire Council

Ref. D.A. 2014/387.

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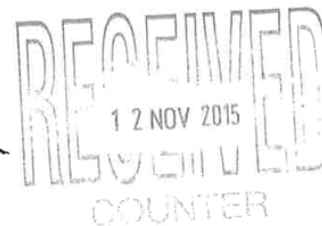
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Paul J. Lander

175 GPP RD

ALSTONVILLE NSW



15/80102

ACKNOWLEDGED

RECORDS  
SCANNED

13 NOV 2015

15/80066

Ballina Shire Council

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Instyle Tiles  
8 Russellton Dr  
Alstonville  
*[Signature]*

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12 NOV 2015  
COUNTER

1578011

**ACKNOWLEDGED**

RECORDS  
SCANNED  
13 NOV 2015  
Doc No. 15780067  
Batch No. ....

Ballina Shire Council

Ref. D.A. 2014/387.

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COUNTER

CASSIE HILL  
40 ALSTON AVE  
ALSTONVILLE

12/11/15

Ballina Shire Council

Ref. D.A. 2014/387.

RECORDS  
SCANNED

13 NOV 2015

Doc No. 15/80070

Batch No. ....

15/8015

ACKNOWLEDGED

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*[Signature]*  
BRONWYN GELFIUS.  
413 ROUS ROAD.  
ROUS. 2477.



Ballina Shire Council

Ref. D.A. 2014/387.

RECORDS SCANNED
13 NOV 2015
Doc No. 15/80073
Batch No. ....

15/80073  
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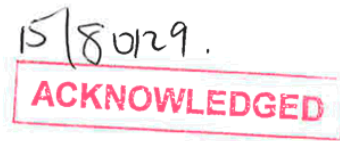
TAMARA COOPER  
15 SHARPER ST  
BALLINA  
NSW

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12 NOV 2015  
COUNTER

Ballina Shire Council

Ref. D.A. 2014/387.

RECORDS SCANNED	
13 NOV 2015	
Doc No.	15/80075
Batch No.	



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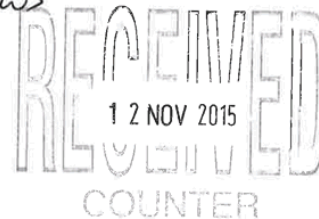
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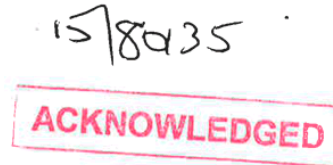
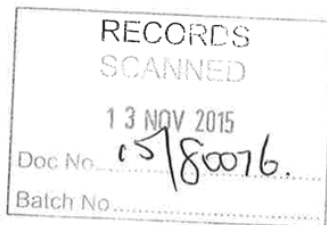
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ALUMALITE WINDOWS  
3 HOGAN ST  
BALLINA.  
*[Signature]*





Ballina Shire Council

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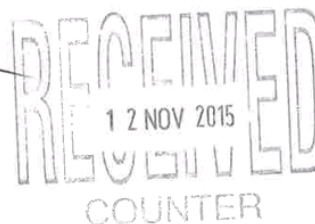
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WOW SUSHI 3/140 RIVER ST BALLINA

MAURIZIO GASBARONE



Ballina Shire Council  
Ref. D.A. 2014/387.

RECORDS  
SCANNED  
13 NOV 2015  
Doc No. 15/80077  
Batch No.

15/80140,  
**ACKNOWLEDG**

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COUNTER

*Tony Lemke*  
31 Dees Lane  
Uralba

15180074

**ACKNOWLEDGED**

Ballina Shire Council

Ref. D.A. 2014/387.

RECORDS  
SCANNED  
13 NOV 2015  
Doc No. 15179997  
Batch No.

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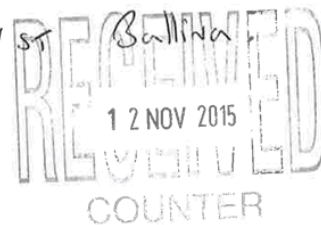
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Riverside clothing. 3/5 cherry st  
E L Edwards.



Ballina Shire Council	15/80080	RECORDS SCANNED
		13 NOV 2015 Doc No. 15/79999 Patch No.

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*Natalie Macey*  
Natalie Macey.  
249 River Street  
Ballina 2478.

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15/8 0083  
**ACKNOWLEDGED**

RECORDS  
SCANNED  
15/ 13 NOV 2015  
Doc No. 80006  
Batch No.

Ballina Shire Council

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*Jan McClintock* ~~14/11/15~~ 377 SNEAKS RD

**ACKNOWLEDGED**

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12 NOV 2015  
COUNTER

Ballina Shire Council

Ref. D.A. 2014/387.

15/80088  
**ACKNOWLEDGED**

RECORDS  
SCANNED  
13 NOV 2015  
Doc No. 15/80026  
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Kate Sanders.  
175 GAP ROAD,  
ALSTONVILLE.

*K Sanders*

**RECEIVED**  
12 NOV 2015  
COUNTER



Ballina Shire Council

**ACKNOWLEDGED**

Ref. D.A. 2014/387.

15/80092

RECORDS SCANNED
13 NOV 2015
Doc No... 15/80028
Batch No.....

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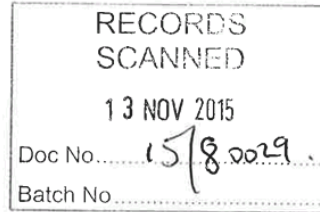
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Nees. OUBERBRIDGE

*[Signature]*

90 MAIN ST

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12 NOV 2015  
COUNTER



Ballina Shire Council  
Ref. D.A. 2014/387.

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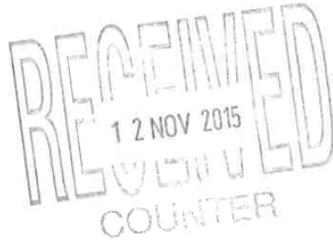
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15/80095  
**ACKNOWLEDGED**  
Ashley Manson  
1A/76 Main Street  
Alstonville

15/80/00  
**ACKNOWLEDGED**

RECORDS  
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13 NOV 2015  
Doc No... 15180030  
Batch No.....

Ballina Shire Council

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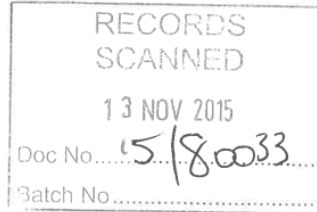
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*Julie Speedel*  
Julie Speedel  
Alstonvale NSW 2477.  
121 Alstonvale Road

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Ballina Shire Council

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*[Handwritten signature]*

9 Nov 29 ALSTONVILLE  
PLATEA

Ballina Shire Council

**ACKNOWLEDGED**  
15/8004

Ref. D.A. 2014/387.

RECORDS  
SCANNED  
13 NOV 2015  
Doc No. 15/80035  
Batch No.

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*Mark Sargent*  
MARK SARGENT  
55 NORTH COTT CREES,  
ALSTONVILLE NSW 2477

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15/8009

Ballina Shire Council

**ACKNOWLEDGED**

Ref. D.A. 2014/387.

RECORDS  
SCANNED  
13 NOV 2015  
Doc No... 15/80037  
Batch No...

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R & K Plumbing P/L

55 NORTHCOTT CRES  
ALSTONVILLE 2474

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Ballina Shire Council

15/80114  
**ACKNOWLEDGED**

Ref. D.A. 2014/387.

RECORDS SCANNED
13 NOV 2015
Doc No... 15/80039
Batch No

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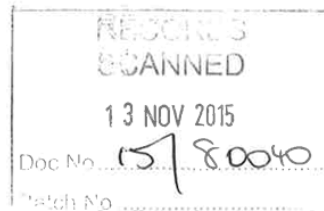
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12 NOV 2015  
COUNTER



3 WHIPPS AV  
ALSTONVILLE  
2477.

Ballina Shire Council

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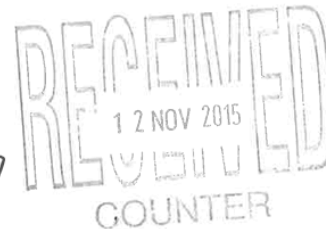
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 1/20 Koys Lane  
 AKSTOVILLE NSW 2477





Ballina Shire Council

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15/80119  
ACKNOWLEDGED

*[Signature]*  
B. RENSEN  
22 Kay's Lane

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12 NOV 2015  
COUNTER

15/80122  
**ACKNOWLEDGED**

RECORDS  
SCANNED  
13 NOV 2015  
Doc No. 15780042  
Batch No.

Ballina Shire Council

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*Craig Lusagh*

~~3~~ 3 Lisimore Rd Alstonville

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**ACKNOWLEDGED**

15/80128

Ballina Shire Council

Ref. D.A. 2014/387.

RECORDS  
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13 NOV 2015  
Doc No. 15780043  
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Carol Potter-Barnes  
19 Lindsay Cres  
Wardell

CPB.

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COUNTER

15/80132  
**ACKNOWLEDGED**

RECORDS  
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13 NOV 2015  
Doc No. 15/80044  
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Jennifer Baboik  
Owner A. & Floral Fusion  
31 River st  
*[Signature]*

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15/80136  
**ACKNOWLEDGED**

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13 NOV 2015  
Doc No. 15/80046  
Sheet No.

Ballina Shire Council

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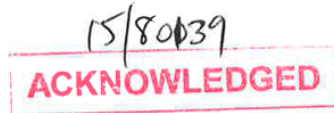
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GARY GRAHAM  
3 HIGH ST ASTONVILLE NSW 2477.

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Ballina Shire Council

Ref. D.A. 2014/387.

RECORDS SCANNED
13 NOV 2015
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Batch No. ....

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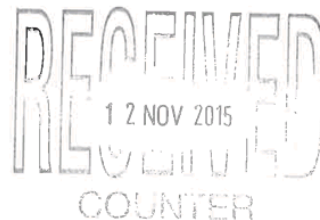
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*[Handwritten Signature]*  
2/2 Ray O'Neill c/o  
Stunnerland Screens  
Lukas James.



**ACKNOWLEDGED**  
15/80141

RECORDS  
SCANNED  
13 NOV 2015  
Doc No. 15/80051  
SERIAL NO.

Ballina Shire Council

Ref. D.A. 2014/387.

We, the undersigned being residents and/or ratepayers of Ballina Shire Council wish to object to the application to amend the development consent 2014/387 submitted by NBN Co asking for the deletion of the Indemnity which was a condition placed on the approval by Ballina Shire Council.

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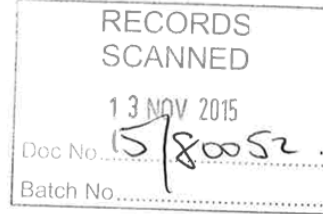
Cr Sharon Cadwallader, in full support of the indemnity, said in her own words "the Mayor has done an excellent job in negotiating the better outcome so that liability is removed from the Council...the liability that does exist... we have worked out a way that we can actually facilitate this."

In view of the excellent comments put forward by the N.S.W. Government regarding some of the Northern N.S.W. Councils it would be a shame to "blot their copy book" by the removal of this indemnity thereby jeopardizing their excellent financial standing.

To facilitate fast broadband coverage for Uralba residents who have not yet accessed NBN from nearby recently erected towers, there is another site available which would seem to satisfy the requirements for all concerned. The following comments should add weight to re-locating the tower:

1. The site is outside the OLS - is public land - owned by the Council, not part of the koala habitat and is higher than the proposed site in Dees Lane. It should be noted that the Aeronautical Study prepared by Visionstream and Surveyors maps clearly show that this site is OUTSIDE the OLS - hence no need for an indemnity.
2. If this site is used, then Council would gain income from the tower.
3. Because the ground is higher, the tower would not need to be 45M high and would probably not require lights or be painted in red and white bands.
4. There are no households in close proximity to the site.
5. A relevant point that should also be made is that quite a lot of residents in Uralba/Lynwood are already getting NBN Broadband from other towers.

RECEIVED  
12 NOV 2015  
COUNTER  
Jamon - 1/81 TAMAR ST BALLINA  
PO Box 1299  
BALLINA 2478  
JANELLE MOSS.



Ballina Shire Council

Ref. D.A. 2014/387.

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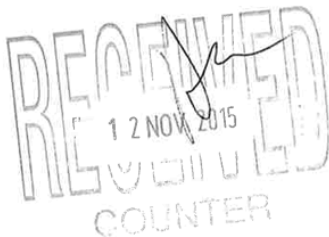
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256 River st  
Ballina NSW  
2478



15/80144  
**ACKNOWLEDGED**

RECORDS  
SCANNED  
13 NOV 2015  
Doc No. 15/80054  
Batch No.

Ballina Shire Council

Ref. D.A. 2014/387.

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RECEIVED  
12 NOV 2015  
COUNTER

*[Signature]*  
ANASTASI

FoukARE  
& Kell

Mather Drive  
Lynch Head 2478

**ACKNOWLEDGED**

1579229

RECORDS  
SCANNED  
11 NOV 2015  
Doc No. 1579218  
Batch No. ....

Michael Grant.  
350 Uralba Rd  
Uralba 2477  
6628 6841

To Rod Willis.  
Ballina Council.  
Re, DA No. 2014/387  
Lot 5 DP 245043 Dees Lane, Lynwood.

In answer to your letter 21 October 2015, I find the letter confusing. Does this mean Ballina Council must accept full liability for the tower in Lynwood, or does this mean Council will reject the NBNco request for this tower?

I submit my objection to this tower on the following grounds –

I am one of the fortunate properties that I can get NBN wireless from Teven. I understand that anyone from this area can do the same and therefore the use of the tower in Lynwood is limited. Council records has indicated that the tower will only serve 220 customers.

I have had a lifetime of experience in the television industry, in a professional capacity, and this type of tower for this type of service is ridiculous. It appears to me that NBNco have other reasons for this tower. I know that it makes good business sense that to hire tower space for other services is a good thing, and I feel that this is the major objective for NBNco and not fast broadband. If Ballina Council allow this project to continue, then this tower will be there for the next generation.

Ballina Council needs to make its mind up whether the future is with this tower or the Ballina airport with future expansions for more tourism. I know which I would prefer.

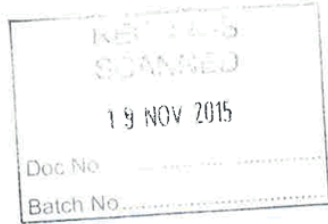
I suggest to Council that this proposal be rejected and NBNco offered an alternative site for fast broadband only. Also Council request that NBNco give a full explanation whether this can or cannot be accepted.

November 9, 2015  
Yours sincerely.

Michael Grant.



15/81814



Ballina Shire Council

Ref. D.A. 2014/387.

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*Susan Kohlmetz*  
Susan Kohlmetz

*David Kohlmetz*  
DAVID KOHLMETZ

*Josef Kohlmetz*  
JOSEF KOHLMETZ

655 URALBA RD  
LYNWOOD NSW 2477

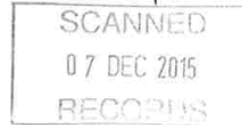


15/8 6260.

ACKNOWLEDGED

Ballina Shire Council  
Ref. D.A. 2014/387.

15/8 6204



To Council & All Councillors,

Being a resident/ratepayer of Ballina Shire Council wish to object to the application to amend the development consent 2014/387 submitted by NBN Co.

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To facilitate NBN roll out in the Ballina Shire another site has been identified & deemed suitable:

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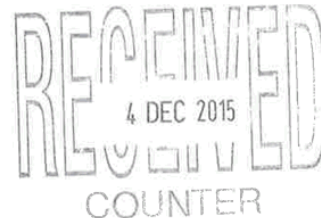
**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: Samantha Stevenson

Address: 4 Cornwall Place, Wollongbar

Signature: 



Ballina Shire Council  
Ref. D.A. 2014/387.

15786262  
**ACKNOWLEDGED**



To Council & All Councillors,

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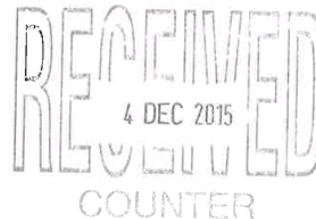
**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: Ashley Manson

Address: 1A/76 Main Street Motoneville

Signature:

15/86264  
**ACKNOWLEDGED**

15/86206  
 SCANNED  
 07 DEC 2015  
 RECORDS

Ballina Shire Council  
 Ref. D.A. 2014/387.

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
 Sincerely,

Name: ROBERT MILLER

Address: 74 Man St Alstonville

Signature: 

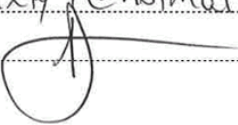
RECEIVED  
 4 DEC 2015  
 COUNTER

15/8/2015  
**ACKNOWLEDGED**

To: Ballina Shire Council  
Re: DA 2014/387

15/8/2015  
SCANNED  
07 DEC 2015  
RECORDS

I support the Alternative Site outside the flightpath

Name: MAURIZIO GASBARRONE  
Address: 6 IBIS PLACE LENNOX HEAD  
Email: masixty9@hotmail.com  
Signature: 

RECEIVED  
4 DEC 2015  
COUNTER

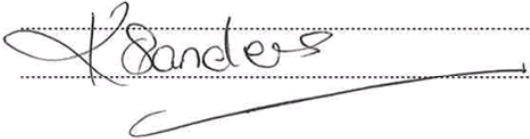
15/86268.  
**ACKNOWLEDGED**

To: Ballina Shire Council

15/86209.  
SCANNED  
07 DEC 2015  
RECORDS

Re: DA 2014/387

I support the Alternative Site outside the flightpath

Name: KATE SANDERS  
Address: 222 RIVER ST BALLINA  
Email:  
Signature: 

RECEIVED  
4 DEC 2015  
COUNTER



15/86296.

**ACKNOWLEDGED**

To: Ballina Shire Council

Re: DA 2014/387

15/86211  
SCANNED  
07 DEC 2015  
RECORDS

I support the Alternative Site outside the flightpath

Name:

BERNADETTE LAWSON

Address:

89 RIDGE ST, BALLINA

Email:

bernadette@fontaid.com.au

Signature:

*[Handwritten Signature]*

RECEIVED  
4 DEC 2015  
COUNCIL  
COUNTER

15786299.

15786212

ACKNOWLEDGED

SCANNED  
07 DEC 2015  
RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *Brendan Hill*

Address: *Shop 1/79 Main St  
Abstonville*

Signature: *[Handwritten Signature]*

RECEIVED  
4 DEC 2015  
COUNTER

15786300

15786214

ACKNOWLEDGED

SCANNED  
07 DEC 2015  
RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

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Thank you for your consideration  
Sincerely,

Name: David Boates

Address: 58 Hellyar Drive  
Wollangbar  
NSW 2877

Signature: David Boates

RECEIVED  
4 DEC 2015  
COUNTER

15/86302

ACKNOWLEDGED

15/86217

SCANNED

07 DEC 2015

RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

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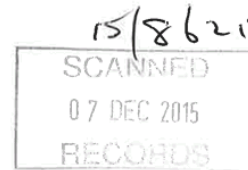
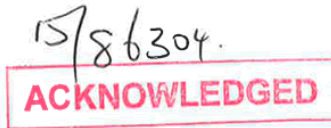
Thank you for your consideration  
Sincerely,

Name: *Maddison Lee*

Address: *9 Cunningham Street*

Signature: *M. Lee*

RECEIVED  
4 DEC 2015  
COUNTER



Ballina Shire Council  
Ref. D.A. 2014/387.

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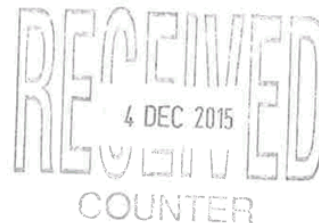
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Thank you for your consideration  
Sincerely,

Name: Ashley Thompson  
A. Thompson

Address: 83c Main St ALSTONVILLE

Signature:



15/86307  
**ACKNOWLEDGED**

15/86220  
SCANNED  
07 DEC 2015  
RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

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Thank you for your consideration  
Sincerely,

Name: *Cathy Pualisi*

Address: *28 Catherine Cres, Ballina NSW 2478*

Signature: *C. Pualisi*

RECEIVED  
4 DEC 2015  
COUNTER

15/8 6309.

ACKNOWLEDGED

15/86223

SCANNED  
07 DEC 2015  
RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

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Thank you for your consideration  
Sincerely,

Name: Cathy Ward

Address: 75 Main Street, Alstonville

Signature: 

RECEIVED  
4 DEC 2015  
COUNTER

Ballina Shire Council  
Ref. D.A. 2014/387.

15786315  
**ACKNOWLEDGED**

15786225  
SCANNED  
07 DEC 2015  
RECORDS

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name:

LAURA REBAN

Address:

7 KARDELLA AVE EAST BALLINA

Signature:



RECEIVED  
4 DEC 2015  
COUNTER



15/86320.  
**ACKNOWLEDGED**

15/86226.  
SCANNED  
07 DEC 2015  
RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

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Sincerely,

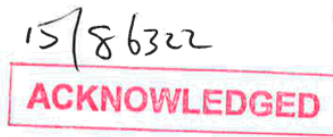
Name: *MARK TOZER*

Address: *104 DILLONS LANE ALSTONVILLE*

Signature: *MT*

RECEIVED  
4 DEC 2015  
COUNTER

Ballina Shire Council  
Ref. D.A. 2014/387.



To Council & All Councillors,

Being a resident/ratepayer of Ballina Shire Council wish to object to the application to amend the development consent 2014/387 submitted by NBN Co.

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4. There are no households in close proximity to the site.
5. The site provides improved coverage of the service area.

**I support the identified alternative site as the preferred option to resolve this DA.**

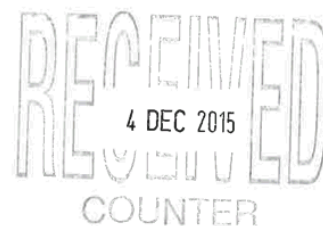
Thank you for your consideration  
Sincerely,

Name: BEN MORRIS

Address: 8 KYLA ST ALSTONVILLE

Signature:

alstcellars@gmail.com.



15786323.  
**ACKNOWLEDGED**Ballina Shire Council  
Ref. D.A. 2014/387.15786229.  
SCANNED  
07 DEC 2015  
RECORDS

To Council &amp; All Councillors,

Being a resident/ratepayer of Ballina Shire Council wish to object to the application to amend the development consent 2014/387 submitted by NBN Co.


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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *Horan Coombs*Address: *14 RUBINSON ST WOLLONGBAR*Signature: RECEIVED  
4 DEC 2015  
COUNTER

J'

joe2747au@yahoo.com.au

15786326.

1578632

Ballina Shire Council  
Ref. D.A. 2014/387.

**ACKNOWLEDGED**

SCANNED  
07 DEC 2015  
RECORDS

To Council & All Councillors,

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *Phil Garred*

Address: *shop 3 Alsterville Plaza*

Signature: *[Handwritten Signature]*

RECEIVED  
4 DEC 2015  
COUNTER

Ballina Shire Council  
Ref. D.A. 2014/387.

15/8 6328  
**ACKNOWLEDGED**

15/8 6233  
SCANNED  
07 DEC 2015  
RECORDS

To Council & All Councillors,

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: Shirley Taylor

Address: 1/30 Adele ST Alstoullie

Signature: 

RECEIVED  
4 DEC 2015  
COUNTER

15/8 6330 .  
**ACKNOWLEDGED**

15/8 6235 .  
SCANNED  
07 DEC 2015  
RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *Cory Byrne*

Address: *3 Maluta Place, Lismore Heights  
Shop 9 Altonville Plaza, Altonville*

Signature: *[Handwritten Signature]*

RECEIVED  
4 DEC 2015  
COUNTER

15786333  
**ACKNOWLEDGED**

15786237  
SCANNED  
07 DEC 2015  
RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

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Thank you for your consideration  
Sincerely,

Name: Janet Jenner

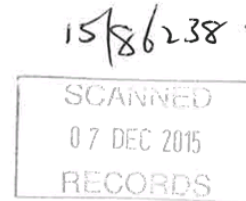
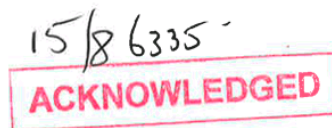
Address: 38 Grant St  
Ballina NSW 2478

Signature:



Janet.jenner@bigpond.com

RECEIVED  
4 DEC 2015  
COUNTER



Ballina Shire Council  
Ref. D.A. 2014/387.

To Council & All Councillors,

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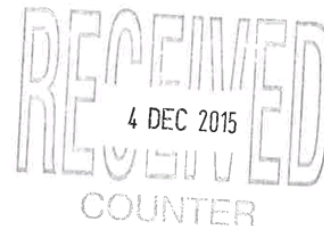
**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *Pamela R. Spencer*

Address: *1387 Bruxner highway Lindendale*

Signature: *[Handwritten Signature]*





Ballina Shire Council  
Ref. D.A. 2014/387.

15/8 6338  
**ACKNOWLEDGED**

15/8 6240.  
SCANNED  
07 DEC 2015  
RECORDED

To Council & All Councillors,

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *JOSHUA PANDENO*

Address: *Shop 9 Alstonville Plaza, Alstonville*

Signature:



RECEIVED  
4 DEC 2015  
COUNTER

Ballina Shire Council  
Ref. D.A. 2014/387.

15/86344  
**ACKNOWLEDGED**

15/86241  
SCANNED  
07 DEC 2015  
RECORDS

To Council & All Councillors,

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: Sandro Ragusa.

Address: 5 Owens Cst.

Signature: 

RECEIVED  
4 DEC 2015  
COUNTER

1578 6346.  
**ACKNOWLEDGED**

15786242.  
SCANNED  
07 DEC 2015  
RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

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Thank you for your consideration  
Sincerely,

Name: G. deVoigt

Address: 4 Higgin Place, Cumbalum.

Signature: 

3-12-15

**RECEIVED**  
4 DEC 2015  
**RECEIVED**  
COUNTER

15786348  
**ACKNOWLEDGED**

15786243  
SCANNED  
07 DEC 2015  
RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *Jaobs Anderso*

Address: *4 Owens Crescent Alstonville. 2477*

Signature: *Ad*

RECEIVED  
4 DEC 2015  
COUNTER

15786349.

ACKNOWLEDGED

15786247.

SCANNED  
07 DEC 2015  
RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

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Thank you for your consideration  
Sincerely,

  
Name: R CASSON

Address: 2/19 KAYS LANE ALSTONVILLE

Signature: 

RECEIVED  
4 DEC 2015  
COUNTER

1578 6351

ACKNOWLEDGED

To: Ballina Shire Council

Re: DA 2014/387

1578 6245

SCANNED  
07 DEC 2015  
RECORDED

I support the Alternative Site outside the flightpath

Name: Tracy King

Address: 116 River st Ballina (choklat)

Email: tracy@koala-farms.com

Signature: 

RECEIVED  
4 DEC 2015  
COUNTER

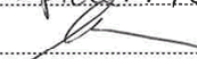
15786357.

**ACKNOWLEDGED** To: Ballina Shire Council  
Re: DA 2014/387

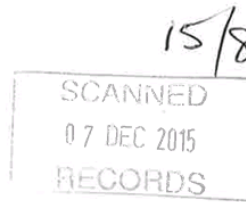
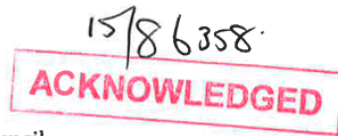
15786247.

SCANNED  
07 DEC 2015  
RECORDS

I support the Alternative Site outside the flightpath

Name: Craig Taylor  
Address: 152 River St Ballina  
Email: epiderm8@bigpond.com  
Signature: 

RECEIVED  
4 DEC 2015  
RECEIVED  
COUNTER



Ballina Shire Council  
Ref. D.A. 2014/387.

To Council & All Councillors,

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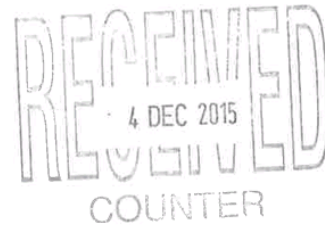
**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: SUE JAMES

Address: 813 HELW COURT  
BALLINA NSW 2478

Signature: S. James





1578 6361

**ACKNOWLEDGED**

To: Ballina Shire Council

15786249  
SCANNED  
07 DEC 2015  
RECORDS

Re: DA 2014/387

I support the Alternative Site outside the flightpath

Name: G. RHODES  
Address: 23 LEESON AV BAWWAN  
Email: \_\_\_\_\_  
Signature: G. Rhodes

RECEIVED  
4 DEC 2015  
RECEIVED  
COUNTER

15/86363 -

**ACKNOWLEDGED**

To: Ballina Shire Council

Re: DA 2014/387

15/86250.

SCANNED  
07 DEC 2015  
RECORDS

I support the Alternative Site outside the flightpath

Name: CAROL GILBERT  
Address: 6A BALEATOR ST BALUNNA  
Email: CAROL.GILBERT@bigpond.com.au  
Signature: [Handwritten Signature]

RECEIVED  
4 DEC 2015  
RECEIVED  
COUNTER

15/86366  
**ACKNOWLEDGED**

To: Ballina Shire Council

Re: DA 2014/387

15/86252  
SCAN  
07 Dec 2015  
RECEIVED

I support the Alternative Site outside the flightpath

Name: DILLY VAN NIMWAGEN  
Address: 76 HELLMAN DRIVE WOLLONGAH  
Email: JANAPABI@YAHOO.COM.AU  
Signature: [Handwritten Signature]

RECEIVED  
4 DEC 2015  
COUNTER

15/86367.

**ACKNOWLEDGED**

To: Ballina Shire Council

Re: DA 2014/387

15/86253.  
SCANNED  
07 DEC 2015  
RECORDS

I support the Alternative Site outside the flightpath

Name: Clint McQueen

Address: 1/17 Southern Cross Dr

Email: Balbear@bigpond.net.au

Signature: Clint McQueen


RECEIVED  
4 DEC 2015  
RECEIVED  
COUNTER

15/86369  
**ACKNOWLEDGED**

To: Ballina Shire Council  
Re: DA 2014/387

15/86256.  
SC/  
07  
RE

I support the Alternative Site outside the flightpath

Name: David Barder  
Address: 20/69 Jameson Ave Ballina  
Email: dardb\_58@hotmail.com  
Signature: 

RECEIVED  
4 DEC 2015  
RECEIVED  
COUNTER

15786257.

15786371

SCANNED  
07 DEC 2015  
RECORDS

**ACKNOWLEDGED**

To: Ballina Shire Council


Re: DA 2014/387

I support the Alternative Site outside the flightpath

Name: Mick Boyd

Address: 45 Southern Cross Drive Ballina

Email: mick@ballinape.com.au

Signature: 

RECEIVED  
4 DEC 2015  
COUNTER

15/8/866

Ballina Shire Council  
Ref. D.A. 2014/387.



To Council & All Councillors,

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Sincerely,

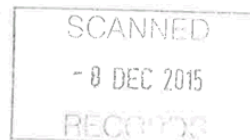
Name: *ROSS DE MARIA.*

Address: *1154 RIVER DR.*

*KEITH HALL*

Email: *ROSCOB68@HOTMAIL.COM*

Signature: *Ross De Maria*



*15786725*

15/86868  
**ACKNOWLEDGED**

Ballina Shire Council  
Ref. D.A. 2014/387.

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: WENDY KEEL

Address: 6 RUSSELTON DRIVE,  
WOLLONGBAR.

Email:

Signature: 

15/86726  
SCANNED  
- 8 DEC 2015  
RECC 37



15/86871  
**ACKNOWLEDGED**

Ballina Shire Council  
Ref. D.A. 2014/387.

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *Kerry Sparkz*

Address: *306 Dalwood Rd  
Alstonville*

Signature: *[Handwritten Signature]*

15/86727  
SCANNED  
- 8 DEC 2015  
RECORDED

15/8 6873

ACKNOWLEDGED

Ballina Shire Council  
Ref. D.A. 2014/387.

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5. The site provides improved coverage of the service area.

**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

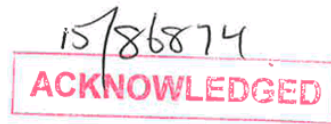
Name: T. Crowe Crowe

Address: 475 Parkers Cir Rd.  
Ararua

Signature: 

15/86728  
SCANNED  
- 8 DEC 2015  
RECEIVED

Ballina Shire Council  
Ref. D.A. 2014/387.



To Council & All Councillors,

Being a resident/ratepayer of Ballina Shire Council wish to object to the application to amend the development consent 2014/387 submitted by NBN Co.

I understand that should this tower go ahead on the Dees Lane site that the indemnity offered by NBN would cover the Ballina/Byron Airport, the Council and ultimately the ratepayers from any claims that could be made in the future.

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: MALCOLM TOLSON

Address: 33 NORTHCOTT CRES

Email: AAS.64@HOTMAIL.COM

Signature: 



15/86875

ACKNOWLEDGED

Ballina Shire Council  
Ref. D.A. 2014/387.

To Council & All Councillors,

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: HAROLD PATSON

Address: PO BOX 306 ALSTONVILLE  
16 NORTH CREEK CRES. ALSTONVILLE

Email:

Signature:



15/86730  
SCANNED  
- 8 DEC 2015  
RECORDED

15/86877  
**ACKNOWLEDGED**

Ballina Shire Council  
Ref. D.A. 2014/387.

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

15/86732  
SCANNED  
- 8 DEC 2015  
RECORDS

Name: Jeffrey Gifford

Address: 17 Northcott Crescent Alstonville.

Email: enquiry@northernlight.com.au 2477.

Signature: [Handwritten Signature]

Ballina Shire Council  
Ref. D.A. 2014/387.

15/86879.  
**ACKNOWLEDGED**

To Council & All Councillors,

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name:

JAMES McLEARN

Address:

11 OWEN CREES. ALSTONVILLE

Signature:



15/86733



15/86741

ACKNOWLEDGED

Ballina Shire Council  
Ref. D.A. 2014/387.

To Council & All Councillors,

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5. The site provides improved coverage of the service area.

**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: NATHAN ROSSAU

Address: 355 WARDLE ROAD

Email: nespate@gmail.com

Signature: [Handwritten Signature]

Check it out  
guys - could  
be the perfect  
site.

15/86676  
SCANNED  
- 8 DEC 2015  
RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

15/86754  
**ACKNOWLEDGED**

To Council & All Councillors,

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5. The site provides improved coverage of the service area.

**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *Andrew Gillies*

Address: *534 Cloath Road, Alstonville*

Email:

Signature: *Andrew Gillies*

SCANNED  
- 8 DEC 2015  
RECORDED  
15/86678



Ballina Shire Council  
Ref. D.A. 2014/387.

15/86756  
**ACKNOWLEDGED**

To Council & All Councillors,

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5. The site provides improved coverage of the service area.

**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: Tony Lembke  
Address: 81 Dees Lane  
Lynwood  
Email: tony@lemlink.com.au  
Signature: 

15/86680  
SCANNED  
- 8 DEC 2015  
RECEIVED

Ballina Shire Council  
Ref. D.A. 2014/387.

15/86757  
**ACKNOWLEDGED**

To Council & All Councillors,

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *Ann Leah Leah*  
Address: *432 Waddell Rd - Lynwood.*  
Email: *quidibam@bigpond.com.*  
Signature: *[Handwritten Signature]*

15/86684  
SCANNED  
- 8 DEC 2015  
RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

To Council & All Councillors,

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Thank you for your consideration  
Sincerely,

Name: GGRANT

Address: 15 DEES LN

Email: ggrant@bigpond.com

Signature: 

15/86773  
**ACKNOWLEDGED**

15/86685  
SCANNED  
- 8 DEC 2015  
RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

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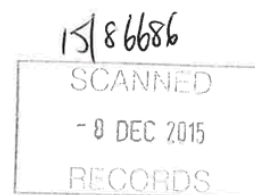
Thank you for your consideration  
Sincerely,

Name: *R. Lane*

Address: *357 Wardell Rd Oramba*

Email: *romiek69@yahoo.com.au*

Signature: *R Lane*



Ballina Shire Council  
Ref. D.A. 2014/387.

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *D. McMurray*  
Address: *357 Wardell rd*  
              *Alstonville*  
Email:  
Signature: *[Handwritten Signature]*

*15/86775*  
**ACKNOWLEDGED**

*15/86687*  
SCANNED  
- 8 DEC 2015  
RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

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Thank you for your consideration  
Sincerely,

Name:

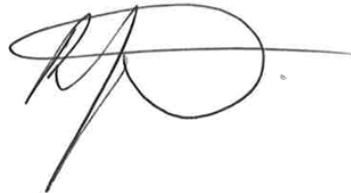
RG SMITH

Address:

WARDILL RD  
MORRISVILLE

Email:

Signature:



Ballina Shire Council  
Ref. D.A. 2014/387.

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

15/86777  
**ACKNOWLEDGED**

Name: Sally Healey

Address: 25 Dalmacia Drive Welby  
NSW 2477

Email: sally-burgess@hotmail.com

Signature: *Sally Healey*

15/86689  
SCANNED  
- 8 DEC 2015  
RECORDED

Ballina Shire Council  
Ref. D.A. 2014/387.

To Council & All Councillors,

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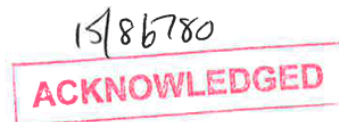
Thank you for your consideration  
Sincerely,

Name: E. KRENUELS

Address: 3/33-35 GREEN ST. A'VILLE

Email: KRENUELS@RIS POND.COM

Signature: J. Krenuels





Ballina Shire Council  
Ref. D.A. 2014/387.

To Council & All Councillors,

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

15/86781  
**ACKNOWLEDGED**

Name: *Thomas White*

Address: *1/107 Oliver Avenue Coonellabah*

Email: *Tomno25286@gmail.com*

Signature: *[Handwritten Signature]*

15/86692  
SCANNED  
- 8 DEC 2015  
RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *MARK D. SARGENT*

15/86783  
**ACKNOWLEDGED**

Address: *55 NORTH COTT CRES  
ALSTONVILLE. NSW 2477*

Email:

Signature:

*[Handwritten Signature]*

SCANNED  
- 8 DEC 2015  
RECORDS  
1586695

To: Ballina Shire Council

Re: DA 2014/387

I support the Alternative Site outside the flightpath

Name: MITCHELL WATKINS  
Address: 1/5 ROBINDALE BR, WALLONGBAR  
Email: N/A  
Signature: m.watkins

15/86784  
**ACKNOWLEDGED**

15/86696  
SCANNED  
- 8 DEC 2015  
RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

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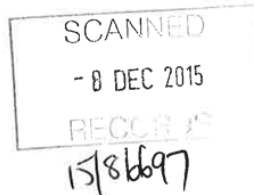
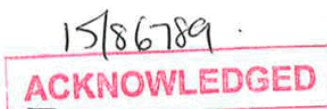
Thank you for your consideration  
Sincerely,

Name: MICHELLE BYRNE

Address: 55 NORTH COTT CREES,  
ASTONVILLE NSW 2477

Email:

Signature:



Ballina Shire Council  
Ref. D.A. 2014/387.

To Council & All Councillors,

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *Rob Todd*

Address: *1 CLOVELLY PL  
WOLLONGBAR*

Email:

Signature: *By Rob Todd  
AS REPAIR@bigpond.net.au*

*15/86818*  
**ACKNOWLEDGED**

*15/86698*  
SCANNED  
- 8 DEC 2015  
RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

15/86821  
**ACKNOWLEDGED**

Name: *Bernard Julian*

Address: *31 Pearce Ave Goorellabah.*

Email:

Signature: *[Handwritten Signature]*

15/86699  
SCANNED  
- 8 DEC 2015  
RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

**ACKNOWLEDGED**  
15/86823

Name: *Donna Partington*

Address: *24 Kays Lane Wollongbar*

Email: *packhouse@mountainblue.com.au*

Signature: *D. Partington*

15/86700  
SCANNED  
- 8 DEC 2015  
RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

To Council & All Councillors,

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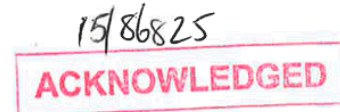
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4. There are no households in close proximity to the site.
5. The site provides improved coverage of the service area.

**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,



Name: Alana Sheridan

Address: 53 Newbridge st South Lismore

Email:

Signature:





Ballina Shire Council  
Ref. D.A. 2014/387.

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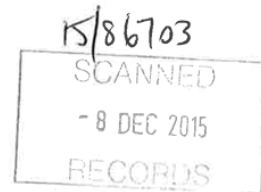
Thank you for your consideration  
Sincerely,

Name: *Renae Black*

Address: *Wattle St Evans Head*

Email:

Signature: 



Ballina Shire Council  
Ref. D.A. 2014/387.

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4. There are no households in close proximity to the site.
5. The site provides improved coverage of the service area.

**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *S White*

Address: *17 Owens Cr Alstonville*

Signature: *[Handwritten Signature]*

*15/86892*  
**ACKNOWLEDGED**

*15/86705*  
SCANNED  
- 8 DEC 2015  
RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *N. Sallie*

15/86844  
**ACKNOWLEDGED**

Address: *1/12 Smiths lane, wollagbar, 2477*

Signature: *[Handwritten Signature]*

15/86706  
SCANNED  
- 8 DEC 2015  
RECEIVED

Ballina Shire Council  
Ref. D.A. 2014/387.

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *JOHN ATKINSON*

Address: *12 MAW ST  
BROADWATER*

Signature:



*15186846*  
**ACKNOWLEDGED**

*15186708*  
SCANNED  
- 8 DEC 2015  
RECORDED

Ballina Shire Council  
Ref. D.A. 2014/387.

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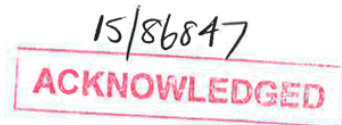
**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *Aaron Jackson*

Address: *16 Owens crescent*

Signature: *A Jackson*



Ballina Shire Council  
Ref. D.A. 2014/387.

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name:

Robert Hammond

Address:

73 main st Australia

Signature:

Robert Hammond

robert@autopart.com.au

15/86850

ACKNOWLEDGED

15/8676

SCANNED

- 8 DEC 2015

RECORDS

Ballina Shire Council  
Ref. D.A. 2014/387.

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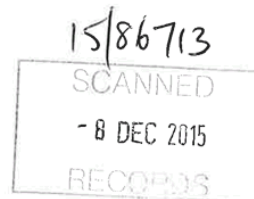
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Thank you for your consideration  
Sincerely,

Name: *J. Newton*

Address: *15 cloudy place  
Wallingba*

Signature: *J. Newton*



Ballina Shire Council  
Ref. D.A. 2014/387.

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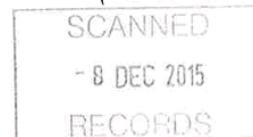
Thank you for your consideration  
Sincerely,

Name: *Sim Roberson*

Address: *328 Tregeagle Rd*

Signature: *[Handwritten Signature]*

*15/86714*



*15/86853*





Ballina Shire Council  
Ref. D.A. 2014/387.

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *Margaret Adams*

Address: *5 Parker St  
Wollongbar NSW  
2477*

Signature: *M.R. Adams*

15/8685A  
**ACKNOWLEDGED**

15/86716  
SCANNED  
- 8 DEC 2015  
RECORDED

Ballina Shire Council  
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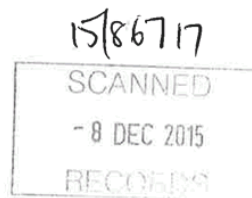
**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *Patricia Sanott*

Address: *75 Main St  
Alstonville*

Signature: *Patricia Sanott*



Ballina Shire Council  
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Thank you for your consideration  
Sincerely,

Name: *Merilee Allis*

Address: *75 MANOOSA -  
Alstonville*

Signature: *M. Allis*

*15/86857*  
**ACKNOWLEDGED**

*15/86719*  
SCANNED  
- 8 DEC 2015  
RECORDED

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: Allan VIRTUE

Address: 9 SHOWVIEW ST LISMONZ

Signature: 

15/86858  
**ACKNOWLEDGED**

15(8672)  
SCANNED  
- 8 DEC 2015  
RECORDS

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

15/86859  
**ACKNOWLEDGED**

Name: Sonya Brown

Address: 9 ROBINDALE DRIVE, WOLONGBAR

Email:

15/86722  
SCANNED  
- 8 DEC 2015  
RECOG

Signature:



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Ref. D.A. 2014/387.

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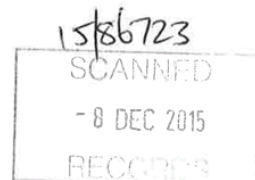
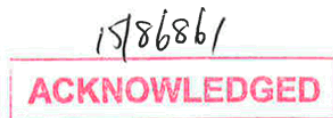
Thank you for your consideration  
Sincerely,

Name: *Mark Yager*

Address: *10 Russeton Dr.  
Austonsville*

Email: *yagerx4@bigpond.com*

Signature: *[Handwritten Signature]*



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Ref. D.A. 2014/387.

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *KEN DOWNS*

Address: *6 RUSSELTON DRIVE  
WOLLONGBAR*

Email:

Signature: 

*15/86862*  
**ACKNOWLEDGED**

*15/86724*  
SCANNED  
- 8 DEC 2015  
RECORDS

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**I support the identified alternative site as the preferred option to resolve this DA.**

Thank you for your consideration  
Sincerely,

Name: *Rose Robinson*

Address:

Email: *dentull1@bigpond.com*

Signature: *[Handwritten Signature]*

