

11.4 Proposed Telecommunication Facility - Basalt Court



Our Ref: B8997 Skennars Head

April 21, 2011

John Truman | Group Manager
Civil Services Group
Ballina Shire Council
PO Box 450
BALLINA NSW 2478



Sent Via: Email / Registered Post

Dear Mr. Truman,

Summary of Site Selection Process for B8997 Skennars Head

This report has been produced to summarise and respond to the key issues affecting the site selection process undertaken by Optus in response to your request dated 8th April 2011 for the above mentioned site.

1) A summary of the site selection process undertaken for this locality

Optus and Daly International have undertaken a wide ranging site selection process throughout the Skennars /Lennox Head area which involved the following activities:

Identification of areas with poor service and / or performance

- Optus use a number of methods to identify those parts in the 3G network that require improved coverage, capacity and call performance. These methods include: physical surveys, statistical measures, computer modelling of coverage, and the evaluation of customer complaints. When an area within the Optus network is identified as providing poor levels of service and performance, investigations are undertaken to determine the measures required to rectify these service and performance deficiencies. In this case Optus has identified the Lennox Head area as requiring 3G mobile coverage, as there are significant deficiencies in existing coverage.

Remedial measures

- Optus Radio Frequency (RF) engineers assess deficiencies in coverage, and devise measures necessary to address it. The first stage of the process is to examine whether the deficiency may be improved through optimisation of the existing network infrastructure (that is, by modifying existing facilities surrounding Lennox Head to enhance local coverage), to avoid the requirement for deployment of additional infrastructure. In this instance, optimisation could not deliver a satisfactory outcome and deployment of a new site is necessary as a result. The initial research undertaken is then used to define the scope of the network deficiency and the performance objective of the proposed new facility.

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Site Parameters

- Optus identifies an area where the requirement for a telecommunications facility would be highest (a 'search ring') and undertakes a preliminary investigation in conjunction with its planning / environmental and property consultants, RF engineers and designer of the search ring, to identify possible locations and options for the facility.

Additionally, in relation to site selection, key considerations typically include:

- visual amenity;
- co-location;
- the availability and suitability of land and a willing site provider;
- occupational Health and Safety;
- construction issues – structural and loading feasibility;
- access for maintenance purposes, topographical constraints;
- legislative/ policy constraints;
- environmental impacts; and
- cost implications.

Alternative Sites Considered

A total of eight (8) candidate options were examined (A to H) in-depth for their potential to accommodate the Optus proposal, taking into account co-location options as well as potential new greenfield sites. A summary of each candidate, its location, its description and suitability is provided as **Appendix 1**.

Importantly there is only one other Optus mobile facility within the locality, attached to a water reservoir approximately 1km to the north. This facility is located on terrain lower in elevation than the required targeted black spot area, and consequently unable able provide adequate Optus 3G coverage required in the search ring area.

Co location options are always investigated as preferred candidates for supporting additional infrastructure, however in the Skennars Head region no other monopoles or vertical structures are present to enable co-location options.

2) Provide details of your assessment of the covenant arrangements for the site proposed adjacent to North Creek Road

A detailed investigation on the covenant affecting Lot 11 on DP627149 was undertaken including legal advice on the likelihood of obtaining a lease over the site and undertaking building work. The third page of the Transfer of Easement/Covenant which incorporates Lot 11 on DP627149 provides the following comment under number 1:-

1. *That no building or structure shall be erected on the land hereby transferred.*

The transfer also states:

2. *That no trees of the Norfolk pines variety shall be destroyed except with the consent of the Transferor first had and received in writing.*

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3. *That the said land shall not be used for the purpose of public parking or public picnics nor shall the public be invited to use it for occupation or enjoyment*

The land to which this covenant is appurtenant is Lot 12 in DP627149 being the whole of the land in CT V14907 F233

The land the subject of this covenant is Lot 11 DP627149 being the whole of the land in CT V14907 F32

it is this clause that has prevented Optus progressing further with any lease over the site. A copy of the covenant is attached as **Appendix 2**.

3) Information of the EME risk assessment for the proposed location

In relation to EME and public health, all telecommunications carriers operate within the operational standards set by the Australian Communications and Media Authority (ACMA), Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the World Health Organisation (WHO).

For all potential mobile base stations Carriers are obliged to produce an ARPANSA report which is registered on a National database. The ARPANSA report outlines the maximum predicted EME readings for that particular location.

In the case of Skennars Head the maximum EME reading is 1.095% of the maximum allowable limit (maximum allowable limit is 100%) and occurs at a distance of 72.038m from the mobile base station. In addition to the ARPANSA report Optus also undertook additional EME predictions at different locations for affected residents. The previously provided EME report has been attached as **Appendix 3** to this report.

Other EME considerations included:

- The potential impact on maintenance activities has been raised by other Councils to Optus in the past. In response, Optus has designed the facility so that cabling and other Optus equipment does not intrude over the roof of the water reservoir or climbing apparatus. This is achievable and Optus has presented examples of other sites where this approach has been implemented.
- The Optus equipment will not cause an RF hazard over the water reservoir roof as the panel antennas used are directional and hence the signal is emanating from the front of the panel antenna outwards (not backwards over the roof of the water reservoir).
- The proposed antennas will not create any RF hazard in any location adjacent to the vertical wall of the reservoir as the proposed panels will be mounted 3 metres above the highest point of attachment to the reservoir.

In its national roll-out, Optus deploys hundreds of sites Australia wide. The two key issues that are often raised by the community are related to public health and visual amenity. The Water Reservoir at Skennars Head represents a topographical high point in the terrain, and hence provides the most superior coverage with minimal visual impact. Achieving a balance between visual impact and the obvious benefits of

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mobile and wireless broadband to the community as a whole is the accepted balancing act that has been established by case law history throughout Australia.

It should be considered that other potential locations may require a substantial monopole or two mobile base stations, which represents increased visual impact, to achieve the same level of coverage the low impact solution provides.

4) Details confirming your claims in respect of meeting the low impact determination

The proposed facility is deemed to meet the requirements of the *Telecommunications (Low-impact Facilities) Determination 1997*. The reasons for this conclusion are based on the classification of the components of the facility in relation to the determination. Notification of this assessment was sent to Council on the 21st of July 2010. A copy of this correspondence is attached as **Appendix 4**.

5) The service demands you are seeking to respond to via the proposal.

The service demands for wireless mobile coverage for the Lennox/Skennars Head region has been growing in tune with the demands Australia wide. As previously mentioned Optus has identified the regions as requiring upgraded coverage and capacity in its network specifically for the Skennars Head area. Figure 1 below indicates the area that Optus are attempting to introduce 3G wireless and mobile broadband coverage. Currently there is extremely limited coverage within this encircled area.

As mentioned previously there is an Optus facility located on a water reservoir 1km north as indicated by yellow symbol on figure 1. The current facility located on an existing water reservoir is located on lower elevation than that of the targets black spot area enclosed by the green circle and cannot provide 3G coverage to Skennars Head.

The search ring (green circle) encloses an area comprising of predominantly residential uses. For the technology to effectively service this area the antenna are required to be within a certain distance, by locating the antenna a further distance away a loss in signal strength will be visible.

As mentioned in previous correspondence co-locating on a utility such as a water reservoir is in keeping with best practice as outlined by the *Telecommunications Code of Practice 1997 Part 3 section 3.13 Co-location*. It should be noted that section 3.13 also includes public utilities as structures, not just other carriers infrastructure, to be included for co-location consideration.

Figure 1. Area targeted for Optus 3G services indicated by green circle



Source: Optus Radiofrequency department

We trust this summary of specific elements of the Skennars Head proposal is sufficient for your requirements at this stage. If you have any questions on the information provided please don't hesitate to contact Optus representative Douglas Trope or the undersigned.

Yours faithfully,

Andrew Kardash
Senior Town Planner

Daly International
Phone: 07 3832 5333
E-mail: akardash@dalyinternational.com.au

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Appendix 1 – Candidate Selection

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211 852 5


CANDIDATE	ADDRESS & LOT NUMBER	DEVELOPMENT TYPE	DESCRIPTION	SUITABILITY
A	2A Basalt Court Lennox Head LOT 47 DP240657	Ballina Council Water Reservoir	Low impact on tank rooftop, poled up maximum height above the roof, mounted to the side of the structure.	The site is considered to be the most suitable candidate, able to prove a high level of coverage at a minimal visual impact utilising existing infrastructure. The water reservoir also represents the high point in the terrain enclosed within the black spot area.
				

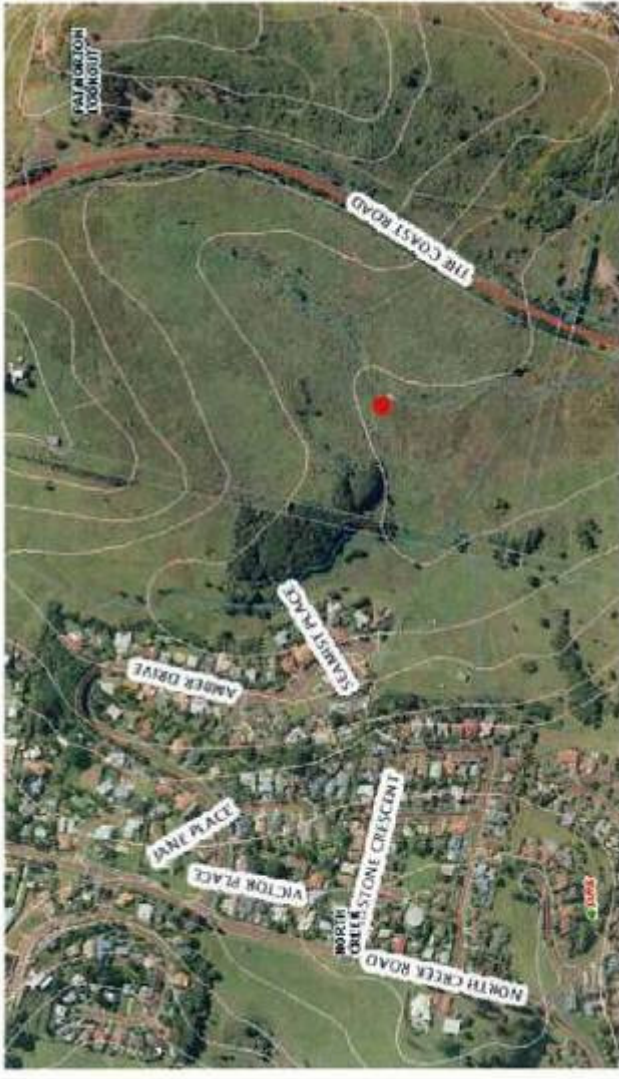
CANDIDATE	ADDRESS & LOT NUMBER	DEVELOPMENT TYPE	DESCRIPTION	SUITABILITY
B	Lot 11 North Creek Rd LENNOX HEAD NSW 2478 LOT 11 DP627149	30m monopole	Greenfield on Council land. A possible fake tree to compliment surroundings was floated as an option.	<p>The candidate was considered to be un achievable due to a covenant issues affecting all built structures over the land and prohibiting the erecting of any facility.</p> <p>The title deed reveals a Covenant affecting the part shown so burdened in the Title Diagram (M624992) & second Covenant (T906057).</p>
				


CANDIDATE	ADDRESS & LOT NUMBER	DEVELOPMENT TYPE	DESCRIPTION	SUITABILITY
C	Lot 11 North Creek Rd LENNOX HEAD NSW 2478 LOT 11 DP627149	Light pole swap-out	Like for like swap-out of power pole with aircraft warning lights.	<p>The candidate was considered to be un achievable due to a covenant issues affecting all built structures over the land and prohibiting the erecting of any facility.</p> <p>The title deed reveals a Covenant affecting the part shown so burdened in the Title Diagram (M624992) & second Covenant (T906057).</p>
				


CANDIDATE	ADDRESS & LOT NUMBER	DEVELOPMENT TYPE	DESCRIPTION	SUITABILITY
D	2A Basalt Court Lennox Head LOT 47 DP240657	Ballina Council Water Reservoir	Greenfield site adjacent to the water reservoir and still within the compound	The candidate was deemed unsuitable when compared to the low-impact option located on the water tower infrastructure. It is deemed that the low impact solution results in less visual impact than that of a monopole.
				

CANDIDATE	ADDRESS & LOT NUMBER	DEVELOPMENT TYPE	DESCRIPTION	SUITABILITY
E	Lot 1 on DP 831017	50m Lattice Tower	Sewerage Treatment Plant	<p>The site was deemed unsuitable given the ground elevation is between 10 and 15 metres resulting in the need for a structure of at least 50m. Due to the low elevation of the terrain Optus would require a second site to provide the level of coverage provided by the Basalt Crf proposal.</p> <p>In addition this area is located within/near the Obstacle Limitation Surface of Ballina Airport were it would be unlikely that a 50m structure would be viewed favourably by CASA.</p>
				

CANDIDATE	ADDRESS & LOT NUMBER	DEVELOPMENT TYPE	DESCRIPTION	SUITABILITY
F	Various	Low impact/ collocation	A low impact opportunity was investigated within the Skennars Head township.	No low impact opportunities (other than the water reservoir) within the Skennars Head residential area could be identified. The township has limited opportunity for tenure due to future subdivision expectations. This area is also close to the scenic foreshore.
			<p>Ground Elevation Varies between 2m to 33m adjacent to the coast road, Optus would require a second site to provide the level of coverage provided by the Basalt Crf proposal.</p>	

CANDIDATE	ADDRESS & LOT NUMBER	DEVELOPMENT TYPE	DESCRIPTION	SUITABILITY
G	42 BLUE SEAS PARADE LENNOX HEAD 2478 Lot: 2 Plan Number: 587685	30m Monopole	A portion of a large parcel of land, currently for sale towards the Lennox Headland.	<p>Limited opportunity for tenure and, the area is also close to the scenic foreshore and will not provide the required coverage for the residential area to the west of North Creek Road.</p> <p>Ground Elevation Varies between 10m and 60m adjacent to the coast road Optus would require a least 30m pole to provide effective coverage. A second site would be required to provide the level of coverage provided by the Basalt Cr proposal.</p>
				

CANDIDATE	ADDRESS & LOT NUMBER	DEVELOPMENT TYPE	DESCRIPTION	SUITABILITY
H	140 NORTH CREEK ROAD LENNOX HEAD 2478 Lot: 233 Plan Number: 1104071	30m monopole	Privately owned a large parcel of land providing good elevation and coverage.	No opportunity for tenure was available.
				

CANDIDATE	ADDRESS & LOT NUMBER	DEVELOPMENT TYPE	DESCRIPTION	SUITABILITY
H	CASTLE DRIVE LENNOX HEAD 2478 Lot: 29 Plan Number: 261848	25m monopole	Council owned Parkland bordered by King Ct Castle Dr. And North creek Rd.	The site had limited opportunity for tenure under the covenant for public use.
				



Appendix 2 – Lot 11 North Creek Road Covenant

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RP 13A
 (1/1)

STAMP ONLY

1906057
 12 01

TRANSFER
 (INCLUDING EASEMENT/COVENANTS)
 REAL PROPERTY ACT, 1900
 (See instructions for Completion on back of form)

1906057
 12 01

Volume 14067 Folio 208
 Now Volume 14907 Folio 232

That part of Lot 11 in S.P. 82149 as was formerly contained in

Lennox Bend

Services Tenement (Land burdened by easement)
 Common Tenement (Land benefited by easement)

TRANSFEROR
 Note (i)
 ROBERT JOHN P. DOCK of River Street, Ballina, Real Estate Agent and
 JUDITH MARY P. DOCK his wife

OFFICE USE ONLY
 N

TRANSFEEE
 Note (ii)
 THE COUNCIL OF THE SHIRE OF BALLINA

OFFICE USE ONLY
 S

INCUMBRANCES
 Note (i)
 AND the TRANSFEROR...
 (i) GRANTS/RESERVE as contained in set out in SCHEDULE ONE hereto
 (ii) COVENANTS with the TRANSFEEE as set out in SCHEDULE TWO hereto
 AND the TRANSFEEE COVENANTS with the TRANSFEROR as set out in SCHEDULE THREE hereto

Date of Transfer: 28 November 1993

EXECUTION
 Note (i)
 Signed in my presence by the Transferor personally known to me.
 D. P. ...
 Solicitor General

Note (ii)
 Signed in my presence by the Transferee who is personally known to me.
 The Common Seal of the Council of the Shire of Ballina was hereunto affixed pursuant to a resolution of the Council.
 ... Clerk ... President

3280728

LOADED BY
 Morris, Hayes & Edgar
 LAW STATIONERS
 150 PHILIP STREET
 SYDNEY
 DX 420 231-2411

LOCATION OF DOCUMENTS
 CT / OTHER
 In A.C.O. with
 Produced by

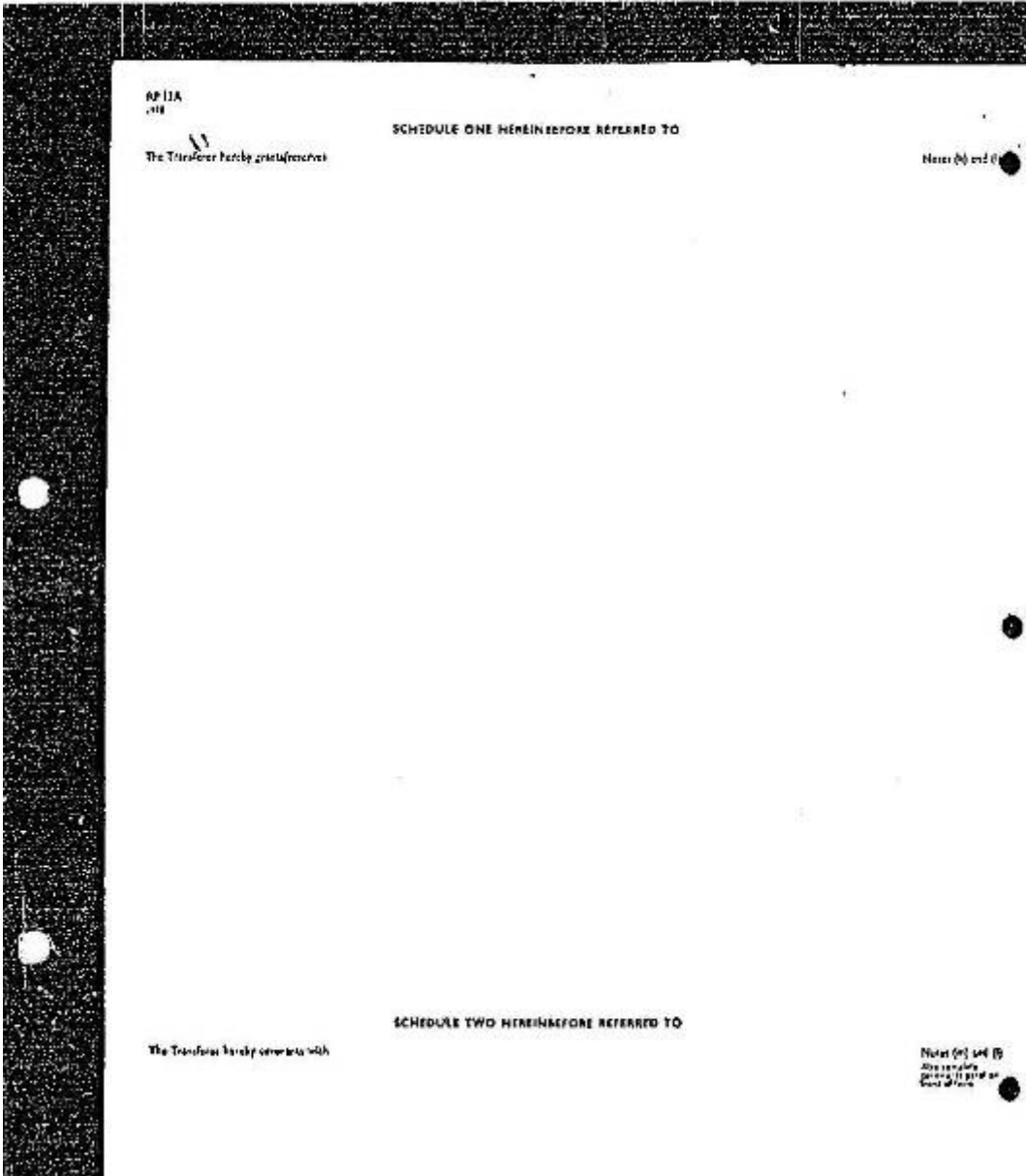
Delivery Note Number
 32 D

EXTRA FEE
 CHECKED BY
 5/11/11

REGISTERED 30-11-1984

REGISTRAR GENERAL

Q52 083



AP 11A
11

SCHEDULE ONE HEREINAFORE REFERRED TO

The Transfer Party provides

Notes (a) and (b)

SCHEDULE TWO HEREINAFORE REFERRED TO

The Transfer Party provides with

Notes (a) and (b)
The transfer party provides with

SP11A

100

SCHEDULE 11 (PART 1) DEPOSITS REFERRED TO

The Trustees hereby covenants with the Transferees their heirs administrators and assigns

- i. That no building or structure shall be erected on the land hereby transferred
- ii. That no trees of the Norfolk pine variety shall be destroyed except with the consent of the Transferee first had and received in writing
- iii. That the said land shall not be used for the purpose of public parking or public places nor shall the public be invited to use it for occupation or enjoyment

The land to which this covenant is appertenant is Lot 12 in Deposited Plan 627149 being the whole of the land in Certificate of Title Volume 14907 Folio 233

The land the subject of this covenant is Lot 11 D.P. 627149 being the whole of the land in Certificate of Title Volume 14907 Folio 232

This covenant may be released varied or modified by the said Robert John Pideock and Judith Mary Pideock their heirs administrators and assigns

(for continuation of SC-EDULE(4) see schedule(1) hereto)

RP 13A
 1978

INSTRUCTIONS FOR COMPLETION

This form is only to be used for the transfer of land together with the granting or reservation of easements and/or the creation of restrictive covenants. For other transfers see forms RP 13, RP 13B, RP 13C, as appropriate.

This dealing should be marked by the Conveyancer or Stamp Duties before lodged at the Registrar General's Office.

Typewriting and handwriting should be clear, legible and in permanent black non-erasing ink.

Alterations are not to be made by erasure; the words rejected are to be ruled through and initialed by the parties to the dealing.

If the space provided is insufficient, additional sheets of the same size and quality of paper and having the same margin as this form should be used. Each additional sheet must be identified as an annexure and signed by the parties and the attesting witnesses.

Register of mortgages, charges and leases of the relevant tenement should consent to any grant or reservation of easement; otherwise the mortgage, charge or lease that it is noted in the memorandum of prior encumbrances.

The signatures of the parties and the attesting witnesses should appear below the last provision in the last completed schedule.

Rule up all sheets.

The following instructions relate to the information on the form.

- (1) **Description of land.**
 - (a) **TORRONS TITLE REFERENCE**—insert the correct Folio Number or Volume and Folio of the Certificate of Title/Gross Grant for the land being transferred, e.g. 1154P/1215 or Vol. 8514 Fol. 1215.
 - (b) **PLAT/WHOLE**—if part only of the land is the title of the Register to be transferred, delete the word "WHOLE" and insert the lot and plan number, section 86. See also section 227 and 228AA of the Real Property Act, 1978.
 - (c) **SECTION**—insert the locality shown on the Certificate of Title/Gross Grant, e.g. at Clifton. If the locality is not shown, insert the Parish and County, e.g. 7th District Co. Down.
 - (2) **Tenement parcel**—insert the correct Folio Number or Volume and Folio of the Certificate of Title/Gross Grant for each the subject and dominant tenements of the easement, e.g. 125P/2245 or Vol. 8514 Fol. 126, etc. This parcel is also to be completed for covenants by the transferee.
 - (3) Show the full name, address and occupation or description.
 - (4) If the estate being transferred is a lesser estate than an estate in fee simple, delete "fee simple" and insert appropriate estate.
 - (5) Delete if only one transferee. If more than one transferee, delete either "joint tenants" or "tenants in common", and, if the transferees hold as tenants in common, state the shares in which they hold.
 - (6) In the memorandum of prior encumbrances, state only the registered number of any mortgage, charge or lease (except where the content of the mortgage, charge or lease is furnished) and of any writ recorded in the Register.
 - (7) Delete whichever words are inappropriate.
 - (8) **Execution.**
 - (a) **GENERALLY**—(i) Should there be insufficient space for execution of this dealing, use an annexure sheet. (ii) The certificate of declaration under the Real Property Act, 1978 must be signed by all parties to the transfer, each party by writing the date in the presence of an adult witness, and being a party to the dealing, to whom by it is to be signed. The holder for the transferee may sign the certificate and sign the certificate on behalf of the transferee, the transferee's name (not that of the donor), as his representative or principal agent or his signature. Any person that is not a party to the dealing is to be signed by the parties provided by section 117 of the Real Property Act, 1978.
 - (b) **ATTORNEY**—(i) If the transfer is executed by an attorney for the transferee (as defined pursuant to a reduced power of attorney, the form of which must set out the full name of the attorney, and the form of execution must include the name of the attorney, e.g. "AB by his attorney for power of attorney, as the real and lawful person in power of attorney, of the land") delete that it has no effect if the transferee of the land is a party to the dealing.
 - (c) **AUTHORITY**—(i) If the transfer is executed by an attorney for the transferee (as defined pursuant to a reduced power of attorney, the form of which must set out the full name of the attorney, and the form of execution must include the name of the attorney, e.g. "AB by his attorney for power of attorney, as the real and lawful person in power of attorney, of the land") delete that it has no effect if the transferee of the land is a party to the dealing.
 - (9) **CONSIDERATION**—(i) This transfer is executed by a corporation under seal, the form of execution should include a statement that the seal has been properly affixed, e.g. in accordance with the Articles of Association of the corporation. Each party executing the dealing of the seal must state his position (e.g. director, secretary) in the corporation.
- (1) Insert the name, postal address, Document Exchange reference, telephone number and delivery box number of the lodging party.
 - (2) The lodging party is to complete the LOCATION OF DOCUMENTS panel. Place a tick in the appropriate box to indicate the whereabouts of the Certificate of Title. Tick in an appropriate box, other documents lodged, e.g. stat. dec. for statutory declaration, plans for purposes, LPA for letters of administration, etc.
 - (3) State the nature of the instrument, e.g. section 121A of the Conveyancing Act, 1978 and accurately describe the date of the instrument. The grant or reservation of easement (or for that an instrument in gross) must comply with section 88 of the Conveyancing Act, 1978. If not applicable, rule through this space.
 - (4) Annexures should be of the same size and quality of paper and have the same margin as the transfer form. Each such annexure must be identified as an annexure and signed by the parties and the attesting witnesses. Any plan annexure should comply with regulation 37 of the Real Property Act regulations, 1978.
 - (5) This space is provided for any restrictive covenant by the transferee (which must comply with section 88 of the Conveyancing Act, 1978). If not applicable, rule through this space.
 - (6) This space is provided for any restrictive covenant by the transferee (which must comply with section 88 of the Conveyancing Act, 1978). If not applicable, rule through this space.

OTHER USE ONLY

SECTION: PAGE		FIRST SCHEDULE BIRTHDATE				
No. of NAME						
(A) FOLIO IDENTIFIER	(B) No.	(C) SHARE	(D) (E)	NAME AND DESCRIPTION		
SECOND SCHEDULE & OTHER DIRECTIONS						
(A) FOLIO IDENTIFIER	(B) SECTION	(C) SHARE	(D) (E)	(F) DEALING NUMBER	DETAILS	

RP 13A IS NOW OBSOLETE

No. 0

MSG-2 449-9-2
 FEB 23 AM 10:09
 New South Wales

BC
 R.P. 134
 Fee—
 Lodgment
 Endorsement

MEMORANDUM OF TRANSFER
 (REAL PROPERTY ACT, 1900.)

I, LESTER COLIN BRIEN of Lennox Head Solicitor

bring registered as the proprietor of an estate in fee simple in the land hereinafter described, subject however, to such encumbrances, liens and interests as are notified hereunder, in consideration of **FIVE HUNDRED DOLLARS** (\$500.00) (the receipt whereof is hereby acknowledged) paid to me by THE COUNCIL OF THE SHIRE OF TENTERDEN

do hereby transfer to

THE COUNCIL OF THE SHIRE OF TENTERDEN	
- ALSTONVILLE 2477	
(herein called transferee)	

ALL such my Estate and Interest in ALL THE land mentioned in the schedule following:—

County	Parish	Reference to Title			Description of Land (if not sold)
		Whole or Part	Vol.	Fol.	
ROUSE	BALLINA	WHOLE	11687	68	

is form may be used where a registered conveyance is made or instrument created where the simple transfer form is unsuitable.

ing or handwriting in this instrument should not extend to any margin. Handwriting outside to this and legible and permanent black non-erasing ink.

should be noted up first thing.

you strike out "is" and have the required alteration.

show in BLOCK LETTERS the full name, postal address and description of the position and if more than one, whether they hold as joint tenants or tenants in common.

description may refer to registered volume of the land a certificate or grant (as And being subject after whole parcel) or may refer to parcels shown in Titles or Parts Maps issued by the Department of Lands or shown in plans filed in the Office of the Registrar General or in any other map or plan.

Under authority by Reg. 23, Conveyancing Act (Amendment) Act, 1967, a plan may not be accepted to be referred to in this transfer form.

And the transferee covenants with the transferor for itself and its assigns or other the registered proprietors for the time being of the land hereby transferred hereby covenants with the Transferor and his assigns

1. That no building or structure shall be erected on the land hereby transferred
2. That no tree of the Norfolk pine variety shall be destroyed except with the consent of the Transferor first had and received in writing.
3. That the said land shall not be used for the purpose of public parking or public picnic nor shall the public be invited to use it for occupation or enjoyment.

AND IT IS HEREBY AGREED AND DECLARED that the benefit of the foregoing Covenants shall be appurtenant to all the other land in Certificate of Title Volume 10450 Folio 8 and that the said covenants may be released varied or modified by the registered proprietors for the time being of the lands to which they are appurtenant.

4. State of if amendments
5. If any conditions are to be created or by
6. If the statutory provisions are intended to be varied or modified.
Covenants shall comply with the provisions of Section 88 of the Conveyancing Act 1919.

ENCUMBRANCES, &c., REFERRED TO.

A very clear and well written

If the Transfer of Trans-
 fer is by a sale, the
 instrument will read as if
 and explained to him, and
 that he appeared fully to
 understand the same.
 Execution is New South
 Wales may be proved if the
 instrument is signed, or
 acknowledged before the
 Registrar General, or Deputy
 Registrar General, or a Notary
 Public, a J.P., or Com-
 missioner for Affidavits, to
 whom the Transferor is
 known, or before the witness
 who should appear before
 the eye of the above
 officers, who being
 satisfied as aforesaid, shall
 sign the instrument as set out
 in Sec. 108 (1) (b) of the Real
 Property Act, and shall sign the
 certificate at the foot of this
 page.

Exceptionally, however, where
 the parties are resident
 (a) in any part of the British
 Colonies outside the State of
 New South Wales by signing
 or acknowledging before the
 Registrar General, or Registrar
 of Titles of such Possession, or
 before any Judge, Magistrate,
 Public Justice of the Peace
 for New South Wales, or
 Commissioner for taking affi-
 davits for New South Wales,
 or Mayor or C. of C. of any
 municipal or local government
 corporation of such part,
 or Justice of the Peace for
 such part, or the Governor,
 Government Resident, or
 Chief Secretary of such part,
 or a British Consular Officer
 exercising his functions in
 that part of such other person
 as the Chief Justice of New
 South Wales may appoint.

(b) in the United Kingdom
 by signing or acknowledging
 before the Mayor or Chief
 Officer of any corporation or a
 Notary Public.

(c) in any foreign place by
 signing or acknowledging
 before (i) a British Consular
 Officer (which includes a
 British Ambassador, Consul,
 Minister, Charge d'Affaires,
 Secretary of Embassy or Legation,
 Consul-General, Acting
 Consul-General, Consul,
 Acting Consul, Vice-Consul,
 Acting Vice-Consul, Pro-
 Consul, Consular Agent and
 Acting Consular Agent) (ii)
 an Australian Consular Officer
 (which includes an Ambassador,
 High Commissioner,
 Minister, Head of Mission,
 Commissioner, Charge
 d'Affaires, Consul or
 Secretary of an Embassy,
 High Commissioner's Office or
 Legation, Consul-General,
 Consul, Vice-Consul, Trade
 Commissioner and Consular
 Agent) and includes a person
 appointed to hold or act in the
 office of Consular Officer,
 Secretary or Assistant Official
 Secretary of the Australian
 Consular Officer's Office in
 Singapore or of Secretary of
 the Australian Military At-
 tachment in Berlin or of Agent
 General in London of the
 State of New South Wales or
 of Secretary, N.E.W. Govern-
 ment Office, London, who
 should affix his seal of office,
 or the attesting witness may
 make a declaration of the
 execution thereof before
 one of such persons (who
 should sign and affix his seal
 to such declaration), or such
 other person as the said Chief
 Justice may appoint.

Strike out unnecessary words.
 Ask any other matter neces-
 sary to show that the power is
 official.
 To be signed by Registrar
 General, Deputy Registrar
 General, a Notary Public, J.P.,
 Commissioner for Affidavits,
 or other functionary before
 whom the attesting witness
 appears. Not required if the
 instrument is to be signed or
 acknowledged before one of
 those parties.

* If signed by virtue of any power of attorney, the original power must be registered in the Miscellaneous Register, and produced with each instrument, and the memorandum of non-objection on back of form signed by the attesting witness before a J.P.

T.N.B. - Section 117 requires that the above Certificate be signed by each Transferor or his Solicitor or Conveyancer, and if certain cases, liability or responsibility attaching to a transfer, also in certain cases, by parties interested. Acceptance by the Solicitor or Conveyancer (who must sign his own name, and not that of his firm) is required only when the signature of the Transferor cannot be obtained without difficulty, and when the instrument does not in any way affect the legal rights of a third party. When the instrument contains some benefit conferred by the Transferor or is subject to a mortgage, conveyance or lease, the Transferor must accept personally.

No alterations should be made by erasure. The words rejected should be crossed through with the pen, and these substituted written over them, the alteration being verified by signature or initials in the margin, or noted in the attestation.

Signed at Ballina the
 23rd day of December 1971
 Signed in my presence by the transferor
 WHO IS PERSONALLY KNOWN TO ME
 D. Ball
 Solicitor
 Ballina

23rd day of December 1971
 [Signature]
 Transferor

THE SEAL OF THE COUNCIL OF THE
 SHIRE OF TENTERDEN was hereunto
 signed in my presence by the transferee
 affixed in pursuance of a
 resolution of the said Council
 in the presence of Helen M. [Signature]

Accepted, and I hereby certify the Transfer to be correct
 for the purposes of the Real Property Act.
 [Signature] President
 [Signature] Shire Clerk
 Transferor(s)

MEMORANDUM AS TO NON-REVOCATION OF POWER OF ATTORNEY.
 (To be signed at the time of executing the within instrument.)

Memorandum where by the undersigned states that he has no notice of the revocation of the Power of Attorney registered No. [Number] Miscellaneous Register under the authority of which he has just executed the within transfer.
 Signed at [Location] the [Day] day of [Month] 19 [Year]
 Signed in the presence of [Name]

CERTIFICATE OF J.P., Ac., TAKING DECLARATION OF ATTESTING WITNESS

Appeared before me, at [Location] the [Day] day of [Month] 19 [Year], one thousand nine hundred and [Number] and declared that he personally knew [Name] the person signing the same, and whose signature thereto he has attested, and if not the name purporting to be such is [Name] own handwriting, and that he was of sound mind, and freely and voluntarily signed the same.



Appendix 3 – EME Report

DALY INTERNATIONAL Pty Ltd, A.C.N. 054 002 461
Level 2, 24 Little Edward St, Spring Hill, Brisbane, QLD
Telephone: 61 7 3832 5353 Facsimile: 61 7 3832 5322 E-Mail: Team@dalyinternational.com

www.dalyinternational.com

**Summary of Estimated RF EME Levels around the Proposed
Mobile Phone Base Station at 2A Basalt Ct, Lennox Head, NSW2478, Ballina WR, NSW2478**

Introduction:

Date 11/10/2010

NSA Site No (2478012)

This report summarises the estimated maximum cumulative radiofrequency (RF) electromagnetic energy (EME) levels at ground level emitted from the proposed Mobile Phone Base Station antennas at 2A Basalt Ct, Lennox Head, NSW2478 Ballina WR, NSW2478. Maximum EME levels are estimated in 360° circular bands out to 500m from the base station. The procedures for making the estimates have been developed by the Australian Radiation Protection And Nuclear Safety Agency (ARPANSA)¹. These are documented in the ARPANSA Technical Report; 'Radio Frequency EME Exposure Levels - Prediction Methodologies' which is available at <http://www.arpansa.gov.au>

EME Health Standard

ARPANSA, an Australian Government agency in the Health and Ageing portfolio has established a Radiation Protection Standard² specifying limits for continuous exposure of the general public to RF transmissions at frequencies used by mobile phone base stations. Further information can be gained from the ARPANSA web site.

The Australian Communications and Media Authority (ACMA)³ mandates exposure limits for continuous exposure of the general public to RF EME from mobile phone base stations. Further information can be found at the ACMA website <http://emr.acma.gov.au>

Proposed Site Radio Systems

Proposed Optus GSM900	Proposed Optus WCDMA900	Proposed Optus WCDMA2100	

Table of Predicted EME Levels – Proposed

Distance from the antennas at 2A Basalt Ct, Lennox Head, NSW2478 in 360° circular bands	Maximum Cumulative EME Level – All carriers at this site (% of ARPANSA exposure limits ²) Public exposure limit = 100%
0m to 50m	0.34%
50m to 100m	1.095%
100m to 200m	0.75%
200m to 300m	0.19%
300m to 400m	0.068%
400m to 500m	0.05%
Maximum EME level 72.038 m, from the antennas at 2A Basalt Ct, Lennox Head, NSW2478	1.095%

Table: Estimation for the maximum level of RF EME at 1.5m above the ground from the proposed antennas assuming level ground. The estimated levels have been calculated on the maximum mobile phone call capacity anticipated for this site. This estimation does not include possible radio signal attenuation due to buildings and the general environment. The actual EME levels will generally be significantly less than predicted due to path losses and the base station automatically minimising transmitter power to only serve established phone calls⁴. Where applicable, particular locations of interest in the area surrounding the base station, including topographical variations, are assessed in Appendix A "Other areas of Interest" table on the last page.

Summary – Proposed Radio Systems

RF EME levels have been estimated from the proposed antennas at 2A Basalt Ct, Lennox Head, NSW2478 Ballina WR, NSW2478. The maximum cumulative EME level at 1.5 m above ground level is estimated to be 1.095 % of the ARPANSA public exposure limits.

Existing Site Radio Systems

There are currently no existing radio systems for this site.

Reference Notes:

1. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a Federal Government agency incorporated under the Health and Ageing portfolio. ARPANSA is charged with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of radiation (ionising and non-ionising).
2. Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), 2002, 'Radiation Protection Standard: Maximum Exposure Levels to Radiofrequency Fields — 3 kHz to 300 GHz', Radiation Protection Series Publication No. 3, ARPANSA, Yallambie Australia. [Printed version: ISBN 0-642-79400-6 ISSN 1445-9760] [Web version: ISBN 0-642-79402-2 ISSN 1445-9760]
3. The Australian Communications and Media Authority (ACMA) is responsible for the regulation of broadcasting, radiocommunications, telecommunications and online content. Information on EME is available at <http://emf.acma.gov.au/>
4. The EME predictions in this report assume a near worst-case scenario including:
 - base station transmitters operating at maximum power (no automatic power reduction)
 - simultaneous telephone calls on all channels
 - an unobstructed line of sight view to the antennas.In practice a worst-case scenario is rarely the case. There are often trees and buildings in the immediate vicinity, and cellular networks automatically adjust transmit power to suit the actual telephone traffic. The level of EME may also be affected where significant landscape features are present and predicted EME levels might not be the absolute maximum at all locations.
5. Further explanation of this report may be found in "Understanding the ARPANSA Environmental EME Report" and other documents on the ARPANSA web site, <http://www.arpansa.gov.au>

Issued by: Optus, Data reference file – Ballina WR, NSW2478 - 20101011145024

Appendix A

Table of Other Areas of Interest

Additional Locations	Height / Scan relative to location ground level	Maximum Cumulative EME Level All Carriers at this site (% of ARPANSA exposure limits?) Public exposure limit = 100%
75 Sandstone Crescent	0m to 5m	0.19%
2 Basalt Ct	0m to 3m	0.054%
71 Sandstone Crescent	0m to 5m	1.18%
143 North Creek Road	0m to 3m	0.8%

Table: Estimation for the maximum EME levels at selected areas of interest over a height range relative to the specific ground level at the area of interest. This table includes any existing and proposed radio systems.

Estimation Notes / Assumptions – Other Areas of Interest

Variable ground topography has been included in the assessment of the "Other Areas of Interest" as per ARPANSA methodology
Insert other data / notes as required



Appendix 4 – ACIF 5.4

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Level 2, 24 Little Edward St, Spring Hill, Brisbane, QLD
Telephone: 61 7 3832 5333 Facsimile: 61 7 3832 5322 E Mail: Team@dalyinternational.com

www.dalyinternational.com



Our reference: B8997
Skennars Head

21 July 2010

Andrew Smith
Town Planner
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Dear Sir or Madam

**Notification of Proposed Telecommunications Facility Co-location on a water reservoir
without Development Application
2A Basalt Court LENNOX HEAD NSW 2478**

In response to calls for greater council and community involvement and more information when telecommunications facilities are installed, an *Industry Code for the Deployment of Mobile Phone Network Infrastructure* has been introduced (commonly known as the "ACIF Code").

The Code cannot change the existing regulatory regime for telecommunications at local, State or Federal level. However, it supplements the carriers' existing obligations, particularly in relation to community consultation and the consideration of exposure to radio signals, sometimes known as electromagnetic energy (EME or EMR).

As defined in the Code, "**Consultation** means a process whereby Carriers seek to inform other parties about a proposed project at particular premises with the intention of giving those parties an opportunity to respond to the proposal and to have their responses considered." (P.7 ACIF C564:2004)

"**Interested and Affected Parties** includes persons who reside within the immediate vicinity of the facility and may have an interest in the proposed facility." (P.9) ACIF C564:2004)

As specified in the Code (P.17), the objectives of the consultation include:

- i. identifying and informing Interested and Affected Parties of the proposed project
- ii. providing adequate time for Interested and Affected Parties to consider and engage in meaningful dialogue on the project
- iii. maximising the level of accurate and accessible information about the project to Interested and Affected Parties;
- iv. identifying and attempting to resolve potential issues early in the site planning process; and
- v. obtaining mutually acceptable outcomes on individual projects;

The Code (P.17) also states that "a consultation program may not always:

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- i. *satisfy all participants; or*
- ii. *resolve all differences of opinion or values.*

The ACIF Code consultation framework enhances meaningful dialogue with councils and local communities so that better decisions about siting mobile telecommunications infrastructure are made.

Daly International act on behalf of Optus in relation to a proposed telecommunications facility in Ballina Shire Council area. In accordance with the Code Carriers are required to notify and consult with Council in relation to certain new telecommunications installations not requiring a development/planning approval.

Specific details of the proposed installation and relevant references are attached for your information (see Attachment 'A').

In addition to providing information & details of the facility Optus has prepared a Consultation Plan, as required under Clause 5.5.2 of the Code. A copy of the Consultation Plan is attached (see Attachment 'B'). In accordance with the Code, Council has the opportunity to provide feedback in writing on the proposed Consultation plan.

Daly International has also sent correspondence (dated 17 May 2010) outlining a response to issues raised by Council staff at a meeting held at Ballina Shire Council Chambers on the 22 February 2010 in relation to this proposal. This correspondence sent on the 17 May 2010 also included a photomontage of the proposal (please see attachment F).

If written comments are not received on the consultation plan **3 August 2010** the consultation process can proceed as planned.

If Council wishes to provide feedback on the consultation plan it must do so in writing within five (5) business days from the date of this notification. Council may also seek an extension of the additional five (5) business days to provide comment on the consultation plan if requested within five (5) business days from the date of this notification.

Please advise if there are any dominant languages other than English in the municipality that Optus need to consider as part of the consultation process with the local community and the availability of Council interpreter services.

Any questions in relation to the Consultation Plan or details of the proposed facility should be directed to:

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Level 2, 24 Little Edward Street, SPRING HILL, QLD, 4000
Telephone: 07 3832 5333 Facsimile: 07 3832 5322

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Our reference: B8997
Skennars Head

Petra Kovacs
Town Planner
Daly International

Level 2 24 Little Edward Street
Brisbane QLD 4000
pH: 07 3832 5333
Pkovacs@dalyinternational.com.au

Further Information

Further information on a range of issues relevant to the placement of mobile phone towers (including industry codes of practice and legislation, and a video clip on mobile phones and health) is available at <http://emr.acma.gov.au> or by phoning (02) 6219 5555 and asking for the EME & Telecommunications Infrastructure Section. This web portal takes you directly to the Australian Communications and Media Authority (ACMA) website. The Australian Communications and Media Authority is a government regulator of telecommunications and radiocommunications. There is a vast amount of additional information in the public domain on EME, base stations and health, care should be taken to check the validity of information to ensure it is from a recognised credible and authoritative source.

Yours sincerely

Petra Kovacs
Town Planner
Daly International

Attachments

- A. Details of proposed telecommunications facility (F5.4.4) [✓]
- B. Consultation Plan (F5.5.2) [✓]
- C. Plans of the proposal [✓]
- D. Environmental EME Report (ARPANSA Format) [✓]
- E. Sources of EMR Information [✓]
- F. Previous Correspondence to Ballina Shire Council dated 17 May 2010 [✓]

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**Notification to Council
Section 5.4
ACIF Industry Code C564:2004
for
Deployment of Mobile Phone Network Infrastructure**

Notification - Installation of a New Site without Development Application

Notification Date:	21 July 2010
Required Council Response Date:	3 August 2010

Carrier		Optus	
Zoning of Site		The site is zoned 6(a) Open Space by the Ballina Local Environmental Plan 1987.	
5.4.4(a)	Site / Proposed Location	Ballina Council Water Reservoir, Lot 4/ DP 240657, 2a Basalt Court, Lennox Head NSW 2478	
5.4.4(b)	Description of Proposed Installation	(See attached site plan and elevation – Attachment 'C').	
5.4.4(c)	Proposed Installation Classification	Optus regards the proposed installation as a Low-Impact Facility under the <i>Telecommunications (Low-Impact Facilities) Determination 1997</i> ('The Determination'). The reasons for this conclusion are based on the classification of the following components of the facility in relation to the Determination.	
		6 x panel antennas	Schedule, Part 1, Item 2 – Radio Facilities Not more than 2.8m long and not protruding from the structure by no more than 3m
		1 x 0.6m parabolic antenna	Schedule, Part 1, Item 5 – Radio Facilities No more than 1.2m in diameter and not protruding from the structure by more than 2m in total.
		Equipment Shelter	Schedule, Part 3, Item 5 – Above Ground Housing

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		Associated Infrastructure. Amplifiers, diplexers, triplexers, mounts, feeders, cable trays, and other associated infrastructure is necessary to facilitate the safe operation of the facilities and is authorised by Clause 6, Division 3, Schedule 3 of the Telecommunications Act 1997 and/or Clause 4 of Part 3 of the Telecommunications (Low-Impact Facilities) Determination 1997.
5.4.4(c)	EMR Compliance	The proposed installation will comply with the Australian Communications Authority regulatory arrangements with respect to electromagnetic radiation exposure levels.
5.4.4(c)	EMR Exposure Levels -ARPANSA Prediction Methodology and Report format	EMR Exposure Levels from this site have been calculated in accordance with the ARPANSA prediction methodology and report format. This report is attached (See Attachment 'D').
5.4.4(f)	References to information on the effects of radio emissions on health	Attached for your reference is a copy of the 'Sources of EMR Information' (See Attachment 'E')
5.4.4(g)	Carriers Contact Details	Contact name: Douglas Troop – Optus Project Manager Phone: 07 3304 6863 Address for written correspondence: 2 Burke Street, Woolloongabba QLD 4102

DALY INTERNATIONAL Pty Ltd, A.C.N. 054 002 461
Level 2, 24 (H) Edward Street, SPRING HILL, QLD, 4000
Telephone: 07 3832 5333 Facsimile: 07 3822 5822

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Attachment E – SOURCES OF EMR INFORMATION

Note: Reference to these sources of information does not indicate endorsement by ACIF of the content nor accuracy of the information contained in these sources.

AUSTRALIA

Sources of Information	Contact Details
Australian Radiation Protection and Nuclear Safety Agency	Lower Plenty Road Yallambrie VIC 3065 Tel: 03 9433 2211 Fax: 03 9432 1835 E-mail: eme.comm.ttee@health.gov.au Internet: www.arpsna.gov.au
Australian Communications & Media Authority	Radiocommunications Standards Char Street Belconnen ACT 2617 Tel: 02 6219 5451 Fax: 02 6219 5133 Internet: www.acma.gov.au
Department of Broadband, Communications & Digital Economy	Internet: http://www.dbcde.gov.au/communications_for_consumers

INTERNATIONAL

Sources of Information	Contact Details
World Health Organisation – Health Communications and Public Relations	Avenue Appia 20 1211 Geneva 27 Switzerland Tel: 0011 41 22 791 2111 Fax: 0011 41 22 791 0476 E-mail: info@who.ch Internet: www.who.ch
International Commission on Non-ionizing Radiation Protection (ICNIRP)	Internet: www.icnirp.de

ACIF 5.4/5.5 Scanners Head

Our ref: B8997 – Skennars Head
6 May 2011

Attention: Mr John Truman -
Group Manager/ Civil Services Group

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478



Dear John,

Notice Under Clause 17 Schedule 3 of the Telecommunications Act 1997 (Cth) ("the Act") and Chapter 4 of the Telecommunications Code of Practice 1997 ("the Code")
Optus Mobile Telecommunications Facility at the Ballina Council Water Reservoir, 2A Basalt Crescent, Lennox Heads, NSW 2478 and being the land described as Lot 47 DP240657 ("the Property")

On 11 March 2011 Optus served Notice to install a low-impact facility on the Property pursuant to the Act and the Code.

On 29 March 2011 you sent a Notice of Objection ("Letter") in relation to the abovementioned matter.

In your objection Letter and at our meeting of 4 April 2011, you requested Optus to investigate co-location options.

The results of the investigation into this proposed co-location have been addressed in our written response of 21 April 2011 and have also been previously discussed with you at our meeting on 4 April 2011.

In accordance with the timeframes required under the Code for dealing with the Notice served by Optus and your Objection to Notice, the parties had until 6 May 2011 to resolve the issues by agreement.

Optus have been corresponding with you on this issue since 2009 and have made every endeavour to meet your concerns, however, is not prepared to incur further delays as the site is required in order to achieve a successful mobile network.

Optus hereby advises that it plans to engage in the activity as originally proposed in the Notice served on 11 March 2011 under clause 4.35(3) of the Code and plan to commence the activity at a date to be advised.

.../2

SingTel Optus Pty Limited ABN 90 052 833 208
2 Burke Street, Woolloongabba QLD 4102 Australia • PO Box 1125, Coorparoo DC QLD 4151 Australia
Telephone: 61 7 3304 6600 **Facsimile:** 61 7 3304 6788 • optus.com.au

If you are not satisfied with our position as detailed in our correspondence of 21 April 2011, you may, within 5 business days after receiving this correspondence, ask Optus in writing to refer the objection to the Telecommunications Industry Ombudsman (TIO).

Yours faithfully



Douglas Troope
Optus Senior Project Manager

Ph: (07) 3304-6863
Fax: (07) 3304-6840
Email: douglas.troope@optus.com.au

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4151 Australia
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Our ref B8997 –Skennars Head
16th May 2011

Attention: Mr. John Truman

Dear John

**Notice under Clause 17 Schedule 3 of the Telecommunications Act 1997 (Cth) ("the Act") and Chapter 4 of the Telecommunications Code of Practice 1997 ("the Code")
Optus Mobile Telecommunications Facility at the Ballina Council Water Reservoir, 2A Basalt Crescent Lennox Heads NSW 2478 and being the land described as Lot 47 DP240657 ("the Property")**

I refer to our letter dated 6th May 2011. Council have chosen not to respond to this letter within the time line specified under 4.35(3) of the code and therefore this matter has not been referred to the Telecommunications Industry Ombudsman (TIO).

As previously stated Optus have been corresponding with Council on this issue since late 2009 and have made every endeavour to meet Council and resident concerns regarding this proposal.

Optus believe these concerns have been addressed in detail on several occasions both at meetings and via written correspondence. Optus have also addressed Council requests for additional information regarding the site selection process and collocation.

Notwithstanding the concerns mentioned above, Optus intends to move to the next stage of construction according to our Schedule 3 rights under the Telecommunications Act 1997.

Optus hereby advises that it plans to engage in the construction activity as originally proposed in the notice served on 11 March 2011 at a date to be advised.

Yours faithfully

Douglas Troope
Optus Senior Project Manager

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Fax: (07) 3304-6840
Email: douglas.troope@optus.com.au

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