

11.1 Telecommunications Facility - Basalt Court

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11. Civil Services Group Reports

11.1 Telecommunications Facility - Basalt Court

<b>File Reference</b>	Telecommunications Optus - 2A Basalt Court, Lennox Head
<b>CSP Linkage</b>	A built environment contributing to health and wellbeing
<b>Delivery Program</b>	Asset Management
<b>Objective</b>	To determine Council's position in respect of the installation of a telecommunications facility at Basalt Court Lennox Head

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**Background**

The purpose of this report is to provide Council with legal advice in respect of the installation of a telecommunications facility at Basalt Court Lennox Head.

This matter has been before the Council on two previous occasions being the March and May meetings earlier this year.

At the March meeting Council resolved the following.

1. *Council advise Optus of its opposition to the proposed telecommunications facility at Basalt Court Lennox Head*
2. *Council advise Optus that co-location on an existing telecommunications tower is preferred.*

The resolution from the May meeting was as follows.

1. *That Council authorises the General Manager to pursue an objection to the proposed Optus Tower with the Telecommunications Ombudsman with the objection to be based on the wide range of concerns previously expressed by community representatives and that a representative of WHAAT be invited to meet with the General Manager to include the points being raised by the local community in this regard.*
2. *That the submission include an invitation to pay the travelling costs for the Telecommunications Ombudsman to inspect the site.*

**Key Issues**

- Options available for Council to legally stop the project

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**Information**

Response from the Regulators

A submission was sent to the Telecommunications Industry Ombudsman (TIO) in accordance with the above resolution. A copy of the submission and the reply from the TIO are provided as attachments one and two to this report.

The report presented to the May 2011 meeting described to the Council that its submission would be outside of the statutory time available for the TIO to consider the complaint. However the TIO were still asked to review the submission to enable advice to be provided to Council or Optus in respect of the issues in the submission. Optus were requested not to undertake any activities on the site until that advice had been received.

In summary, the TIO advice did not provide any support to the Council's position. The reason for this is that the matters that the TIO are able to adjudicate on are relatively narrow and are generally aimed to facilitate agreement about the implementation rather than to stop it. The reasons why Council was outside of the statutory reporting period were described in the previous report. As there was no suggested advice in Council's favour to the submission, ultimately the deadline has become immaterial in respect of the current status of this matter.

The TIO did suggest that the Council may wish to make a submission to the Australian Communications and Media Authority (ACMA). The response from the ACMA is attached (Attachment three). The key point in the ACMA advice is that only a court can adjudicate on the carrier's assessment of compliance with the low impact determination.

Furthermore, the ACMA indicated that it is necessary for Council to lodge its complaint with Optus and consider their response before making a submission to the ACMA.

From the perspective of staff, it is considered that the previous communications to Optus had provided the details of Council's objection to the proposal. At the time of writing this report a letter is being prepared to send to Optus with the aim of being an objection within the specific meaning of the Australian Communications Industry Forum Code.

Legal Advice

Council's solicitor has been consulted in respect of this matter including a request to provide advice regarding whether or not there were options available to Council to prevent the installation.

A copy of the initial advice received is provided as attachment four and is a letter dated 11 August 2011. This letter contains the following advice.

*Clause 6 of Division 3 of Schedule of the Telecommunications Act 1997 Commonwealth allows the holder of a telecommunications carrier licence granted under section 56 of the Telecommunications Act to enter onto and occupy land for the purposes of carrying out the installation of a low impact facility. A low impact facility is as defined in the Telecommunications (Low*

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*Impact Facilities) Determination 1997. That is, if the facility is low impact Council cannot stop Optus proceeding.*

*If the self classification of the facility as a low impact facility is valid then whilst entry onto the land remains subject to compliance with the Telecommunications Code of Practice 1997, these provisions are largely procedural and do not interfere with the carriers substantive right to enter and carry out the installation of the low impact facility.*

This letter went on to examine the self classification of low impact and suggested that the relevant sections of the low impact determination were open to four interpretations.

On this basis of this advice a letter was sent to Optus seeking further information in respect of the compliance of their project with the determination. Attachment five is a copy of the reply to Council's letter.

Attachment six is a second letter from Council's solicitor dated 16 August 2011. This letter reviews the information provided by Optus and relevant court decisions. The conclusion in the letter states;

*Accordingly we are of the opinion that the self classification by Optus of the facility as a low impact facility is valid and Council cannot lawfully stop Optus proceeding.*

**Sustainability Considerations**

- **Environment**  
The environmental impacts resulting from this proposal relate only to existing built infrastructure.
- **Social**  
Community members have identified concerns in respect of reduced amenity for those living adjacent to the site. Wireless technology has a high demand by the community for social purposes and this proposal is required to meet the service levels expected by the community.
- **Economic**  
Wireless technology is important to support business activity and economic growth.

**Legal / Resource / Financial Implications**

The information section of this report provides legal advice to the Council.

To date significant resources have been applied in communications with Optus, concerned members of the community, regulators and Council's legal advisor.

Optus has advised Council of its position in response to the Council's objection. The extent of assistance from regulatory agencies is limited and has been exhausted. Therefore, if the Council is inclined to pursue this matter further it will need to identify a case for legal proceedings.

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Informal advice from Council's solicitor indicates that an estimate of the costs to pursue a judgement in respect of the low impact determination would be \$30,000.

The advice to Council is that, outside of the low impact facility determination, the provisions of the Telecommunications Code of Practice are largely procedural. This means that even if there is a matter of non compliance, then such a matter could be attended to by Optus without being fatal to the installation of the facility.

Having regard to the above, if the Council elected to seek an outcome from legal proceedings the Council will need to carefully consider the prospects of success and the financial and resource implications of such an undertaking.

**Consultation**

In accordance with the code of practice Optus, as the proponent, has consultation obligations. As Councillors are aware, residents have communicated to Council their view that Optus has not consulted adequately. The corresponding view of Optus is that they have met and gone beyond their obligations.

In respect of Council's role in this matter, the Council has responded to the letters and submissions of the residents, arranged meetings, resolved its objection to the proposal and made representations on behalf of residents to regulatory bodies.

Optus have continued to respond to the range of submissions put to it by Council. In addition to responding to letters and submissions Optus have:

- Reduced the scale of the project from six panel antennae to three and made other amendments to the original proposal
- Provided representatives and information to meeting with residents and B Ward Councillors, facilitated by Council and chaired by Cr Meehan on behalf of the Mayor
- Deferred commencement to enable Council to consider the Notice of Motion to the March meeting of Council. Optus attended that meeting and provided a deputation to Council.
- In response to Council's objection, Optus made a presentation to Councillors to explain their position.
- At Council's request, deferred commencement until the response from the TIO was available.

**Options**

There are strong feelings from residents about this matter and in response to this Council has attempted to represent their interests to the fullest extent possible.

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From the legal opinion presented in this report, there are no options for Council to pursue its objection lawfully. No avenues for appeal have been identified, and if they were, it is likely that these would only relate to procedural matters. The costs to develop and pursue a different case would be substantial.

Therefore the recommended option for Council is to confirm its continuing objection to the proposal, however not take any further legal action in this matter as it is difficult to justify the expenditure of public monies when there appears to be no options to halt the work.

The alternate option would be for Council to allocate additional resources for further legal opinion which requested the advisor to develop the base of a case and report to Council the costs of proceeding and the prospects of success.

It is also recommended that Council write to the appropriate Federal Minister as the real issue here is that the current Federal legislation allows organisations such as Optus to over-rule the rights of local residents. It is only through this legislation being changed that councils can stop this type of action arising again. It is reasonable that if a council, on behalf of the broader community, wishes to object to such a proposal, that it should have the right to veto the works.

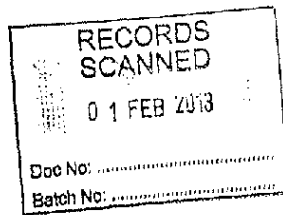
**RECOMMENDATIONS**

1. That the Council record its continued objection to the installation by Optus of a telecommunications facility at Basalt Court, Lennox Head, however due to our legal advice confirming that we have no legal right of appeal, no legal action is to be taken in respect to the work currently taking place.
2. That Council write to the relevant Federal Minister conveying our concerns that the current legislation should be amended to allow local councils the right to veto similar proposals into the future.

**Attachment(s)**

1. Submission to the TIO
2. Reply from the TIO
3. Response from ACMA
4. Advice from Council's solicitor
5. Response from Optus
6. Further advice from Council's solicitor

31st January, 2013



Mr Chris Grant  
Property Manager  
Commercial Services  
Ballina Shire Council

Dear Mr Grant

**Re: Proposal to Lease an Area of 'Community' Land Adjoining or in the near Vicinity of Your Property – Proposed Lease of Part Lot 47 DP240657, being the water reservoir site located at 2A Basalt court Lennox Head to Optus Mobile Pty Limited.**

We wish to object to the proposed lease and ask that OPTUS removes their property from the Community Land on which it is situated as the telecommunications company has breached it's agreement in ensuring the safety of the community.

Currently there is access to the telecommunication towers by way of a fallen fence on the border of the water reservoir. This allows access directly to the base of the tower and within the potentially harmful electromagnetic radiation field emitted by the phone tower.

Currently residents INCLUDING CHILDREN can enter the site and walk right up to the base of the tower and to the telecommunications shed. There were children in the vicinity of the towers only yesterday! This has been the situation for 4 days now and nothing has been done to rectify the safety issue.

This is an obvious BREACH OF PUBLIC SAFETY and as such OPTUS should be required by law to remove their property immediately to protect the safety of the community as they CANNOT GUARANTEE the security of the site, and obviously have no concern for the community and their safety.

This breach of public health and safety not only puts the community at immediate risk of injury, it also puts Ballina Shire ratepayers in a perilous situation because of the possibility of litigation.

OPTUS has not had their equipment there for two years and already they have put members of the community at serious risk by not ensuring the safety of their site. There is no way that they can be entrusted with a lease on this site!

The community overwhelmingly rejected the installation of these towers back in 2011 and stands strongly against OPTUS leasing the community land under any conditions.

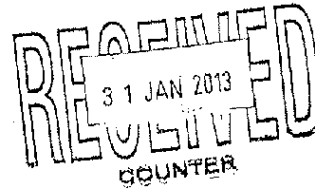
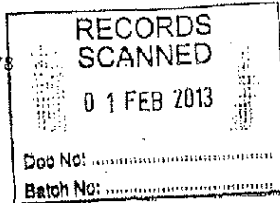
Yours faithfully



Jarrah Griffith and Rebekah Hermann for WHAAT! (Worried Householders Action Against Tower)



Mr Chris Grant  
Property Manager  
PO Box 450  
Ballina NSW 2478  
31/01/2013



Dear Sir,

Regarding the Lennox Head Optus communication tower

I would like to oppose to Optus towers in Basalt Court at Lennox Head water tower.

The reasons for this decision are:

The health reasons – Optus has installed three antennas on a water tower, within metres of some homes, this is a residential area.

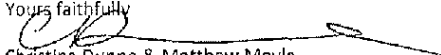
If we allow small antennas, what happens to these sites in the future as we demand for faster, better mobile service, without consideration of the cost to human health and the environment, are we just hoping that mobile phones and the towers that make them work, are safe. Within a small amount of time, we have seen massive telecommunications infrastructure spring to existence.

This is what the residents deal with knowing everyday - phone radiation is constantly bombarding us from all directions. The greater the population density, which Optus is a large phone distributor network, the more exposed we are to radiation from the tower, other people's phone calls, Wi-Fi etc. Since we are not able to completely insulate ourselves from the tower radiation, short of moving to a isolated area and living, what are the measures that Optus/Ballina Council can take to provide us with a healthy environment again. Is there any restrictions eg height, tower sizes etc

Visual Pollution - our back verandah faces the tower and we are constantly in sight of these large hideous towers. We have purchased an expensive property because we enjoy living a decent area and want to enjoy the surrounds with our family and friends, this has been destroyed by these telecommunication towers looking at these towers every day is visually unappealing and is a constant reminder of the radiation we are living with. It is very stressful and disappointing.

Federal Government Study – is releasing a study of these towers on the health affects later in the year 2013 and from a community health perspective the least the Ballina Council can do is delay the contract with Optus until the finding of the study are provided.

Yours faithfully

  
Christina Dunne & Matthew Moyle

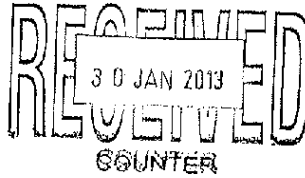
143 North Creek Rd

Lennox Head NSW 2478



8 Sandstone Cres.  
Lennox Head. 2478  
29th January, 2013  
Ph: 66 87 4232

Mr. Chris Grant  
Property Manager  
PO Box 450  
Ballina. NSW. 2478



Dear Mr. Grant,  
I am writing to you to express our deep concern with the proposal to grant a twenty year lease to Optus telecommunications on the site of 2A Basalt Court, Lennox Head.

Our home is approximately 75 metres from this site and we were very disappointed at the lack of consultation with the proposed lease process. We were only made aware of this process through a concerned neighbour who had received a letter from your department.

As parents of three teenage children, we are very concerned about the health issues associated with this telecommunications tower. To our knowledge, there have been no recent studies disclosing the emissions produced from this tower and the health concerns related to such emissions.

Please consider the health and well being of the residents before the profits to council. As ratepayers, we expect the interests of the community to be protected.

Yours faithfully,

*Mark Lee*  
Mark Lee

*Jennifer Lee*  
Jennifer Lee

140 Sandstone Cres  
Lennox Head 2478.  
24 Jan 2013

Mr Chris Grant  
Property manager  
P.O. Box 450  
Ballina 2478.

— Please don't GRANT this lease!!

Re: community land 2A Basalt Court.

Dear Sir,

It is with great concern that I write to you concerning the decision to lease the site of 2A Basalt Court Lennox Head, to Optus Telecommunications.

Our community has protested against use by Optus of this area from the beginning, due to untested results from emissions & possible health effects, mental and/or physical to residents of this densely populated area.

I am dismayed now to find that despite this land title as "community land", you propose leasing to Optus, especially that the lease may actually extend for up to twenty years.

This means that no matter what disadvantages to our residents arise, be they health, noise, loss of property value, the damage will have been done. In this event, who will recompense us?

My fear also is that once the lease had been granted, Optus might sub-lease to other ~~community~~ communication systems, increasing the possibility of serious detriment to the surrounding residents.

Please don't rush into this agreement before the Minister has fully assessed the situation.

Yours faithfully,  
Jean E. Frasers

**Chris Grant**

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**From:** Ian Watt [wattygray@ozemail.com.au]  
**Sent:** Sunday, 27 January 2013 4:05 PM  
**To:** Ballina Shire Council  
**Subject:** Proposed lease of Lot 47 DP240657 to Optus

Mr Paul Hickey,  
General Manager,  
Ballina Shire Council,  
PO Box 450,  
Ballina NSW 2478

I have attached a letter of even date to Mr Chris Grant of Ballina Council regarding Council's proposed leasing of land at 2A Basalt Court to Optus.

As the General Manager of Council, I urge you to vote against this proposal.

I welcome your insights on this matter.

Regards,  
Ian Watt

14 Kings Court  
Lennox Head NSW 2478  
27<sup>th</sup> January, 2013

Mr Chris Grant  
Property Manager  
Commercial Services  
Ballina Shire Council

**Re: Proposal to Lease an Area of "Community" Land Adjoining or in the near vicinity of family homes – Proposed Lease of Part Lot 47 DP240657, being the water reservoir site located at 2A Basalt court Lennox Head to Optus Mobile Pty Limited.**

Dear Mr Grant,

I urge you and Ballina Council to NOT proceed with the proposed lease of any part of Lot 47 DP240657 to Optus Mobile Pty Limited.

The Local Government Act 2000 required Councils to classify appropriate land as "community land" by 2002. This classification would then protect the interests of the community in the land for current and future generations.

Community land, as defined by this Act is land managed or owned by Council for the enjoyment or benefit of the community. It is intended to be used by the public and may be used by sporting groups or non-profit organisations for the benefit of the community.

You state in your recent correspondence that "the land on which the lease is proposed to be granted is classified as 'community land'."

Since August/September 2011 the Basalt Court water reservoir site has had 7 Optus antennas and one air conditioning shed operating 24 hours a day. These are not community facilities.

## 10.7 Lease - Telecommunications Facility, Basalt Court Water Reservoir.DOC

SingTel, the owner of Optus, is listed as one of the top ten stocks on the Stock Exchange. Optus is a commercial business and does not fit the criteria for "community" under the Act.

Optus is currently unlawfully trespassing on the site classified as community land. Changing this classification would require amending the Environmental Plan and a transparent community consultation.

Council have put the community in a perilous situation by allowing Optus to trespass on this land. Optus may not be liable for any litigation arising from an accident to person or property arising from this trespass. Who will bear the costs?

To reiterate, I urge you and Ballina Council to NOT proceed with the proposed lease of any part of Lot 47 DP240657 to Optus Mobile Pty Limited.

Yours faithfully,  
Ian Watt

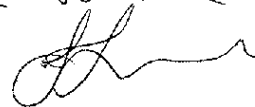
S. Frears  
145 Northcreek Rd  
Kennex Head 2478  
02: 66875902

To : Mr. Chris Grant

As a resident of Sandstone Crescent, my family and I live in direct line of the communication towers. We view the unsightly things from our living area, back deck and my bedroom.

Besides the towers being an eye-sore and ugly, I'm extremely concerned about the health-risks the towers pose being in such close proximity to my home, my family and their families. The towers are within 30 metres of the electrical power lines, surely that is way to close??

I strongly oppose Ballina council extending the lease on our 'Community Land' and ultimately finding a new site for Optus to operate from, one that isn't so close to my home!!! I'm sure if Mr. Grant lived so close he would show concern!!



13<sup>th</sup> January, 2013

Mr Chris Grant  
Property Manager  
Commercial Services  
Ballina Shire Council

Dear Mr Grant

**Re: Proposal to Lease an Area of "Community" Land Adjoining or in the near vicinity of family homes – Proposed Lease of Part Lot 47 DP240657, being the water reservoir site located at 2A Basalt court Lennox Head to Optus Mobile Pty Limited.**

Thank you for your letter.

It was disappointing to receive your letter in the lead up to Christmas and approaching the school holidays. It was curious to the residents that you asked for submissions to be sent to you by the 10<sup>th</sup> January, but you were on leave until 14<sup>th</sup> January, thereby not being available for consultation by the local community.

After bringing this to the attention of the General Manager, Paul Hickey, he extended the submission date to Thursday, 31<sup>st</sup> January. Mr Hickey offered to be available up until the 14<sup>th</sup> January, but was on leave on 11<sup>th</sup> January when I called to look at the lease proposal, on exhibition, at the Council Chambers. The lease proposal was neither on exhibition nor on the Council website. I have still not seen the proposal in any form.

I had made a special trip to Ballina for the purpose of viewing the proposal. Other residents do not have the flexibility of transport that I have available.

I have also spoken to a number of residents living near the water reservoir who are unaware of this process.

This mismanagement does not bode well with working together with the community served by Council nor does it mirror the transparency of a valid consultation process. At face value, it appears there is a conspiracy by Council employees to prevent all Ballina constituents access to the lease proposal information.

In the third paragraph of your letter you stated "the land on which the lease is proposed to be granted is classified as 'community land'.

Community land, as defined by the Local Government Act 2000 is land managed or owned by Council for the enjoyment or benefit of the community.

The Act required Councils to classify appropriate land as "community land" by 2002. This classification protects the interests of the community in the land for current and future generations.

Community land is intended to be used by the public. Community land may be used by sporting groups or non-profit organisations, for the benefit of the community.

Since August/September 2011 the Basalt Court water reservoir site has had 7 Optus antennas and one air conditioning shed operating 24 hours a day. These are not community facilities.

No one can say Optus is a non – profit organisation. Optus is a commercial business, with paying customers. SingTel, the owner of Optus, is listed as one of the top ten stocks on the Stock Exchange. Optus does not fit the criteria for “community” under the Act.

Until the land is reclassified, Optus is unlawfully using the community site. Currently there must be a Management Plan for the community classification and changing the classification would require amending the Environmental Plan and a transparent community consultation.

You stated in your letter the “Ballina Shire Council is now proposing to enter a lease agreement” (with Optus). While the Telecommunications Act may be interpreted as giving Optus the right to co – locate on the water reservoir, the Act does not give Optus the right to trespass on community land. No citizen or corporation can enter any land without agreement with the landowner, whoever that may be.

Council have put the community in a perilous situation.

For over one year Optus have been trespassing, without agreement, on community land. An Optus employee could step on a piece of equipment left on the site, something as simple as a rake, or an Optus employee could fall, or an Optus employee could be electrocuted, or an Optus employee could contaminate the water in the reservoir. Optus would not be liable, as they are trespassing on community land. Who bears the cost of the litigation by the employee? Is the cost borne by the ratepayers of Ballina Shire? Currently there has been no identification of who is responsible if a law claim is made – is it Council or Optus?

Optus is demanding a lease to access their antennas which they erected against a huge community protest. Residents vehemently reject placing antennas on the Basalt Court water reservoir within 4 metres of residential homes.

Optus cannot access the water reservoir without a lease because the community of Ballina do not give them permission, through the Council process, to access land that belongs to the community, land meant to promote their health and wellbeing. An analogy can be drawn with the owners of coal seam gas licences. The licence holders want access to property, but Council can deny access to council roads that take the licence holders to the property. No lease, access denied.

I speak on behalf of hundreds of Ballina Shire residents who do not want an industrial site beside residential homes in Basalt Court or throughout the Shire. These residents are part of the highly visible WHAAT (Worried Householders Action Against Towers) group who have a high media presence after being one of 5 organisations to speak at Parliament House in Canberra in 2012.

**10.7 Lease - Telecommunications Facility, Basalt Court Water Reservoir.DOC**

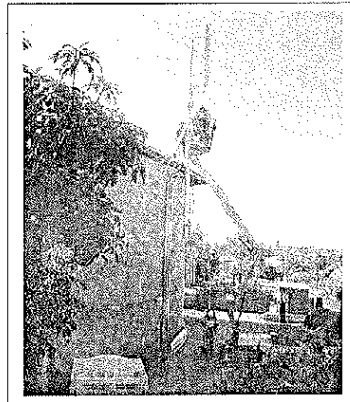
Optus is unlawfully stepping on land that they have no right to enter. They are trespassing. Their antennas and air conditioning shed must be removed from the water reservoir because of the many transgressions of trespass by Optus and the billowing cloud of litigation hanging over the ratepayers of Ballina Shire.

On Thursday, I leave for a three week overseas family function. The timing of this matter seems designed to thwart the system and cause great inconvenience to me.

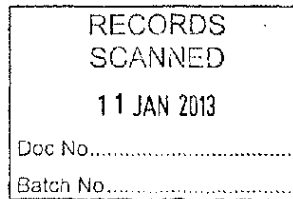
I ask that this matter not be resolved until I return and have the opportunity to make future comment or view council's response.

Yours faithfully,

Sue Hetherington for WHAAT! (Worried Householders Action Against Tower).







64 Sandstone Crescent  
Lennox Head.2478  
7<sup>th</sup> January, 2013

**Dear Mr. Grant**

Re: Proposal to Lease an Area of 'Community' Land Adjoining or in the near Vicinity of Your Property – Proposed Lease of Part Lot 47 DP240657, being The Water Reservoir Site Located at 2A Basalt Court Lennox Head to Optus Mobile Pty Limited.

**I wish to strongly object to Ballina Council entering into a long term lease with Optus Mobile Pty Limited for the site at 2a Basalt Court Lennox Head.**

**The legislation relating to the use of 'Community' Land for such purposes is currently under review and Council should wait the outcome of this review before entering into any agreement.**

**I also object to the way in which the neighbourhood was notified of the proposal. I live within seventy metres of the site and did not receive notification at all. It would appear that Council operates on the principle of stealth when matters relating to Optus are considered. Keep the parties in the dark and hope for the best. It is interesting to note that Mr. Grant will not be back at work until 14<sup>th</sup> January, which is four days after submissions close. We have been 'Mushroomed' again.**

**I understand that Optus should have been in contact with residents and consulted with them. Like last time this has not happened.**

**I would very much appreciate Council refusing to grant the lease.**

Yours faithfully

*R. J. O'Shea*

Roger O'Shea

cc. Ward representatives

Mayor.

Chris Grant

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From: Heather and David Walker [heathdave@bigpond.com]  
Sent: Saturday, 5 January 2013 10:23 AM  
To: Ballina Shire Council  
Subject: OPTUS lease lot DP240657

5th Jan 2013

General Manager  
Ballina Shire Council

Att: General Manager

Att: Chris Grant  
Property manager  
Commercial Services

Dear Mr Hickey and Mr Grant,

I strongly oppose the re- leasing of 2A Basalt Crt Lennox Head to Optus for phone towers.

New Legislation is before Parliament in 2013. Why not wait for this outcome.

Who knows what impact this has on adjoining residents especially the young kids living close buy!

Would you let your kids live next door or close to these phone towers?

Also the impact on the value of properties in adjacent area.

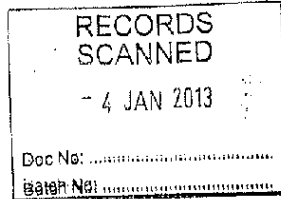
Does Council have any Scientific Evidence (other than what is written by Telstra and Optus etc) that these Towers pose no threat to nearby residents health and wellbeing?

Council possibly need to contact their insurance company and talk to them regarding risk. In years to come these Towers could put council at risk.

Could be why I have been getting a lot of headaches of late!

Regards

David Walker  
Granite St Lennox Head



Lauren Jones  
Locked Bag 333  
Coorparoo DC QLD 4151

Mr. Chris Grant  
Property Manager  
P.O. Box 450  
Ballina NSW 2478

12/27/2012

Dear Mr. Grant,

I write in relation to correspondence issued by your office dated the 10<sup>th</sup> of December 2012, regarding the proposal to lease an area of "Community" land 2A Basalt Court Lennox Head.

The community outrage regarding the installation of the mobile telecommunication towers has been adverse over the past 2 years. The installation of the towers has caused members of 3 adjoining households to move residences over the last year.

Questions regarding the conduct of Ballina council throughout this ordeal have been debatable, since the recent correspondence received; many householders have been troubled by the following points.

- 1) The letter correspondence was issued at a time that many residents are on holidays.
- 2) The proposal date is set prior to the adjustments to the telecommunications ACT.

Given the land title is "Community Land", it provides the entitlement for local residents to question the current monitoring of the Optus telecommunication towers. Information on this subject has been requested by the residents on several prior occasions, though residents are yet to receive any information on this subject. Given the contractual obligations Ballina Council holds with Optus, it is therefore the responsibility of Ballina Council to freely provide this information upon request.

Whilst I acknowledge alterations to legislative acts are not a responsibility of Ballina council, part of the responsibility is to represent the local householder's views within the council's vicinity & to address the views accordingly. Throughout the disagreement of the telecommunication towers, the council has been extremely disappointing in their lack of support to address householder's views that may not be contained within the telecommunications act 1997, relying on many householders to take matters into their own hands.

Mobile phone network infrastructure is being built at a rapid rate to deliver new telecommunications services to an increasingly large customer base, 15 years have lapsed since the introduction of the telecommunications act and significant updates are currently pending within parliament regarding the proximity of low impact facilities to adjoining households, set to be released within 2013.

In closing, I will be in contact after the holiday period to set up a conference to address the householder's main concerns of the proposal.

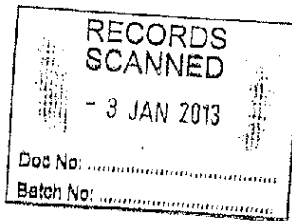
Kind Regards,



Lauren Jones

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Mr. Brian Jones  
3 Sandston Crescent  
Lennox Head 2478 NSW

Mr. Chris Grant  
Property Manager  
P.o Box 450  
Ballina NSW 2478

12/29/2012

Dear Mr. Grant

I write in relation to correspondence issued by your office dated the 10<sup>th</sup> of December 2012, regarding the proposal to lease an area of "Community" land 2A basalt Crescent Lennox Head.

As you may be aware, I have been highly dedicated in the dispute of the Optus telecommunication towers, and therefore I am extremely disappointed to receive your correspondence.

The Sandstone Crescent community has spent a significant amount of time and money, against the implementation of the telecommunication towers, the support of the Ballina Council has been nonexistent throughout this time.

The Lennox Head community is concerned regarding the current towers in existence and the lack of historical evidence that demonstrates the environmental & health impacts of the telecommunication towers. Questions by the community have been posed to Ballina Council & Optus on prior occasions, though no response has been provided.


I would like the following points to be answered.

- 1) Evidence the increased benefit of the mobile service coverage.
- 2) Reporting to stipulate the monitoring of the current telecommunication towers.
- 3) Evaluations of alternative sites within the local area including the reasoning for the decline.

Given the closure date for correspondence is by the 10<sup>th</sup> of January, I ask that you provide the requested information noted above by this closure date.

If you would like to discuss this in more detail, please contact Lauren Jones on 0421786109, alternatively she will be in contact with your office in the New Year to arrange a telephone conference.

Yours sincerely,

  
Mr. Brian Jones

10.7 Lease - Telecommunications Facility, Basalt Court Water Reservoir.DOC

31 Jan 2013 6:51PM SYDNEY IVF LTD

61266228454

P. 1

To Whom It May Concern

Dear Sir/Madam,

Re the proposed lease of an Area of Community Land, Part Lot 47 DP240657, being the The Water Reservoir Site Located at 2A Basalt Court Lennox Head to Optus Mobile Pty Limited.

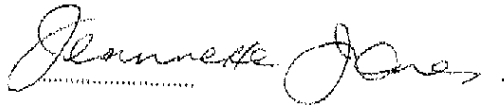
We most strongly object to the extension of this lease. We were against the original lease to Optus, which we were not consulted about, AND this lease was granted by Council, without consultation to the residents or the impact these towers would have to residents in the immediate vicinity of the water reservoir.

Our home adjoins the land which the water tower stands on, and already we receive unwanted radiation from the Optus towers. There is no reporting by the Council or Optus of the emission levels from these towers which are with 3 metres of our families sleeping and living arrangements.

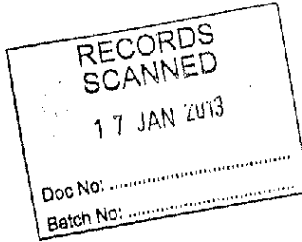
The Ballina Shire Council has already let the residents down by granting the lease to Optus in the first instance. We strongly suggest that Council insist that Optus find another site and remove the existing towers from the residential area.

There are plenty of other sites outside existing residential land areas that would be more suitable. These Optus towers are a health risk, an environmental eyesore, and abomination intruding into our back yard, and all back yards of the residential home adjoining the Basalt Court Community Land site.

Signed



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JE Harding  
PO Box 379  
BALLINA NSW 2478  
1 Granite Street Lennox Hd.

16 January 2013

Your Ref: Paul Hickey/Chris Grant 660

Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

**Re: Proposed Lease of Part Lot 47 DP 240657 Water Reservoir Site**

Dear Sir

Thank you for your letter of 4 January 2013 and extension of time for submissions.

I understand that Council has no legal authority due to the Federal Communications Act to have stopped Optus from placing their telecommunications infrastructure on the above site and trust that the Council will continue to pursue avenues to stop this type of infrastructure construction being taken out of our local Council's hands.

If a Lease will assist Council to maximise rental return to ensure revenue is generated for the benefit of the broader community then I am not opposed but how long would the Lease be for and if there is a Lease in place will this stop Optus or other entities applying for further infrastructure construction on this site.

I believe that this sort of construction should be limited with entities such as Optus and Telstra sharing existing towers and not within highly populated housing estates.

Yours faithfully

A handwritten signature in black ink, appearing to read "Judith Harding".

Judith Harding

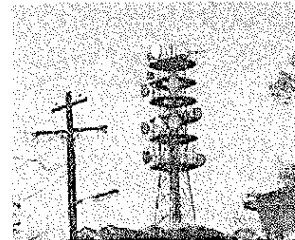
ARPANSA - Australian Radiation Protection and Nuclear Safety Agency**Radiation Protection****Mobile Telephone Communication Antennas and Health Effects**

Current research indicates that no adverse health effects should be expected from exposure to the RF radiation from mobile phone base station antennas.

[Download this Fact Sheet as a PDF \(295 kb\)](#)

**Introduction**

There are mobile phone base station antennas on towers and buildings throughout Australia's populated areas. These antennas are part of the mobile (or cellular) telephone network and they emit radiofrequency (RF) radiation. This fact sheet provides information about the possibility of adverse health effects arising from exposure to this radiation.

**Antenna Description and Operation**

When a call is made from a mobile telephone, RF signals are transmitted between its antenna and the antenna at a nearby base station. The telephone call is then routed through the telephone network (cable or radio) to the destination telephone.

Mobile telephones emit signals at the frequency of around 800 megahertz (MHz) for the WCDMA (Wideband Code Division Multiple Access) network, 900 & 1800 MHz for the GSM (Global System for Mobile Communication) network, 1800 for the LTE (Long Term Evolution) network and 2100 MHz for the UMTS (Universal Mobile Telecommunications System) network, which is also known as 3G. These signals are picked up by antennas which are on the towers. The signals may also be transmitted between base stations and are in a higher frequency range, 15 to 23 gigahertz, and radiated as a very narrow beam by dish shaped antennas, also mounted near the top of the tower.

**Radiofrequency Radiation**

RF radiation, as well as ultraviolet radiation, visible light, infrared radiation and power frequency fields, are types of non-ionising radiation. These radiations, together with ionising electromagnetic radiation (X radiation and gamma radiation) make up the electromagnetic spectrum (Download a [chart \(PDF 384kb\)](#) of the electromagnetic spectrum).

When ionising radiations collide with biological material, they create positively and negatively charged particles, which may have adverse effects. Non-ionising radiations cannot create such particles. As far as is currently known, RF radiation, for example, can only cause the molecules in biological material to vibrate and thereby generate heat.

**Exposure Levels and Recommended Limits**

The exposure levels of RF radiation are measured in watts per square meter or microwatts per square centimeter (abbreviated as  $\mu\text{W}/\text{cm}^2$ ); one  $\mu\text{W}$  is a millionth of a watt. The maximum exposure levels measured adjacent to the base station towers are less than  $2 \mu\text{W}/\text{cm}^2$ .

These levels can be compared with 450-1000  $\mu\text{W}/\text{cm}^2$ , which are the exposure limits at the different mobile telephone frequencies for members of the public in the Australian Radiation Protection and Nuclear Safety (ARPANSA) [RF Standard](#).

**Health Effects**

Current research indicates that, at the exposure levels indicated above, RF radiation is not known to have any adverse health effects.

It is considered that rises in tissue or body temperature of about 1.0 °C or more are required before any adverse effects will occur. In cases of pregnancy, rises in the temperature of the foetus of 2.5 to 5 °C are necessary before defects are seen in the newborn. These temperature rises will not occur unless the exposure level is greatly in excess of the ARPANSA RF Standard mentioned above. Exposure to the low level of RF radiation emitted from base station antennas will not, in fact, cause any noticeable temperature rise.

[http://www.arpansa.gov.au/radiationprotection/factsheets/is\\_antenna.cfm](http://www.arpansa.gov.au/radiationprotection/factsheets/is_antenna.cfm)

11/02/2013



There are many reports in the literature of research on non-thermal effects, usually of a subjective nature. Studies that have investigated if RF radiation affects biological cells, other than by heating them, are inconclusive. In addition, the exposure levels used in these studies are higher than those mentioned above.

The present concern that people have about RF exposure is whether these non-thermal effects also include cancer. While human studies to assess the possibility that RF exposure increases the risk of cancer are few in number, laboratory studies do not provide evidence to support the notion that RF fields cause cancer. Review groups evaluating the state of knowledge about possible links between RF exposure and excess risk of cancer have concluded that there is no clear evidence for any links. ARPANSA continues to closely monitor the research being conducted in this field.

**Conclusion**

No adverse health effects are expected from continuous exposure to the RF radiation emitted by the antennas on mobile telephone base station towers.

Page updated: 14 February 2012 © Commonwealth of Australia

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