Submission 007
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Submission regarding changes to the Acts and Codes regulating the installation of telecommunications towers.

November 2011

A Submission to protect the environment, landowner and community rights and the health and wellbeing of the Australian People.

Prepared For:

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Executive Summary

- We support all bills for an Act to enhance community consultation for all telecommunication facilities.
- We believe the proposed amendments are a step forward in gaining greater protection for communities across Australia
- We fully endorse the amendments proposed under Items number 1,2,3,4,6,8,9.
- Item 5, we suggest it needs to also stipulate a 2 kilometre notification radius in semi rural and rural zones.
- Item 7. We suggest it needs to be further extended from 100 metres to 300 metres.

Introduction of the Committee – The TTCCV

We are a group of community representatives formed to assess and comment on a Telstra application for a high impact Telecommunications Tower in the Currumbin Valley in Queensland Australia. Our professional skills include planning, property development, environmental consultation and community development.

The result of our investigations was that the application was improperly made on many planning reasons, and in the process, Telstra had breached a number of codes and practices. The application was eventually recommended for refusal by the Gold Coast City Council Planning Department and subsequently withdrawn by the carrier.

During this long process, it became evident that the regulations surrounding these Code Assessable applications (i.e. those that do not require a Development Approval process), do not protect the interests of the council, the environment, residents health, the visual attributes of a community and landowner's property values.

We support the development of the infrastructure but insist that it be done on proper planning principles and with openness and transparency. The arrival of a tower in any community is an emotive issue and the community needs to have fair input and objector rights to ensure these applications do not descend into political or commercially convenient solutions.

We make the following recommendations for changes to the process.

Recommendations

1. **All facility applications must require and adhere to a full development application process to ensure full public consultation procedures are applied.**

   Explanation: Many applications are assessable by council and require minimal public notification by carriers. This has produced 'surprise' towers arriving in neighbourhoods without any reasonable level of public notification or consultation. This needs to stop. Given the stress, reduction in property values and detracting amenity, it is only reasonable that the community have fair warning to provide educated input into the application. Too many

times, it is a case of luck as to whether people find out about these applications that are made direct to council.

2. **Public notification to comply with full DA requirements, including large prominent signage, newspaper notices, and landowner direct notification to be a specific requirement for all owners within a 500 metre radius in built up areas(residential zones) and a 2 kilometre radius in other areas (non residential zones).**

   Explanation: Notification requirements are currently vague and discretionary, requiring only that immediate owners and adjoining owners be notified. It leaves it open to interpretation by the carrier as to who further interested parties and stakeholders are. It is fair to say that the entire community is a stakeholder in the case of high impact facilities.

3. **Landowner Access and Activity Notices (LAANS), when required, to be altered to allow a reasonable period for respondents to object.** This to be:

   a. 30 business days prior to any carrier activity (currently 10)
   b. Objector reply to remain at 5 business days prior to activity
   c. Notification business days to take into account the relevant formal holiday and school holiday periods for all landowners (currently only applies to schools)

   Explanation: The current notice periods provide almost no realistic opportunity for an owner to object within the required time frames. It is unfairly biased towards the carrier and should be the other way round. Also, there are rising instances across Australia of access notifications being submitted at the start of and during school holidays, when many residential owners are absent and unable to protect their landowner interests. Consequently our recommendation C. as above.

4. **Electromagnetic radiation (EMR) reports to be required to use appropriate EME software to model and predict the cumulative effects of the maximum amount of equipment allowed to be installed at the site.**
   Explanation: A recent application had Telstra installing an initial 3 antennae, with future plans to increase to 12. But as they were only installing 3 at the time of application, the EMR report reflected 3 only. This is highly misleading, inaccurate and creates a health risk if these EMRs are understated.
5. **No application to be granted approval subject to environmental planning investigations. These are to be submitted as part of an application and take into account the access to the site and the construction area.**
   Explanation: Various applications have no environmental merit, requiring destruction of protected species and site degradation. Particularly in environmentally significant areas. Consequently the carrier should be required to show up front how this will be managed.
6. **The removal of the provision to apply to ACMA for a Facilities Installation Permit (FIP), which gives carriers the ability to erect an installation without state, territory or local approval.**
   Explanation. A properly made approval should always require public notification and council review to protect all interests.

7. **No tower to be erected within 500 metres of a school, child care or similar facility. This to be standardised as law across Australia.**
   Explanation. This was a recommendation by the NSW government some 10 years ago but has never been enforced. The minimum distances, even when stipulated in local planning requirements have in the past been lessened and compromised for the carrier's commercial benefits. This needs to be enforced.
8. **No tower is to be allowed when breaching the minimum distances from neighbouring properties as defined in the planning laws.**
   Explanation. In the recent application reviewed, the carrier was strongly arguing that the 400 metre distance be dropped to under 100 metres. This was given some merit because there are precedents of this in the past. Given the known risk of EMRs, the distances should not be compromised.