

Late Addendum Report

REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE DIRECTOR TECHNOLOGY AND CORPORATE SERVICES

a38 [TCS-CM] Federal Senate Standing Committee on Environment and Communications invited public submissions on the Federal Telecommunications Amendment (Mobile Phone Towers) Bill 2011

SUBMITTED BY: Business and Economic Development

FILE NUMBER: Not Applicable



Strengthening the Economy

SUMMARY OF REPORT:

The Federal Senate Standing Committee on Environment and Communications invited public submissions on the Federal Telecommunications Amendment (Mobile Phone Towers) Bill 2011. Submissions closed on 12 March 2012. Council was not formally made aware of the Inquiry and have subsequently found of its short submission timing this week.

Discussions with the Senate Committee have allowed Council to make a late submission tomorrow, 21 March 2012.

This Bill was introduced into parliament last year by Senator Bob Brown and has been referred to the Committee for review. This particular topic has seen keen interest by the Tweed Community and as a result several development applications have been refused for Mobile Phone towers within the Tweed over the past few years.

The proposed amendment to the Telecommunications Act represents a major shift towards implementing the Precautionary Principle, removal of State Government controls and consultation measures that are far more onerous on the carriers.

This report recommends making a late submission to the Federal Senate Standing Committee on Environment and Communications invited public submissions on the Federal Telecommunications Amendment (Mobile Phone Towers) Bill 2011.

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RECOMMENDATION:

That Council makes a late submission to the Federal Senate Standing Committee on Environment and Communications in relation to the Federal Telecommunications Amendment (Mobile Phone Towers) Bill 201, in line with the three points raised within this report.

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REPORT:

This Bill represents a severe restriction on the development of a very important infrastructure in the Tweed which is already severely lacking.

Further NBN Co. will rely on wireless towers within the Tweed to provide over two thirds of the Federal Government's NBN network. If this Bill is passed it will severely restrict the roll out of the NBN within the Tweed.

It is recommended that Council make a late submission to the Standing Committee on these three following points.

1. Removal of State Planning exemptions

The Department of Planning, State Government of Western Australia made the following comment in their submission;

"However, the proposals to remove the exemption for low-impact facilities from State and Local Government planning processes and to remove the exemption on the application of State and Territory planning and environment laws are not explained by the Bill's sponsor. The removal of these exemptions is not supported as it will have significant adverse impacts as discussed below."

The Bills position on State and Government planning processes is not clearly identified. It is recommended that Council not support the removal of the State Planning exemptions and recommends that further investigation and discussion with State governments in respect to this issue.

2. Precautionary Principle

The Bill proposes that each proposal must take into consideration the Precautionary Principle. It is considered unnecessary to articulate this position within the Telecommunications Act, a Federal Act, as the Precautionary Principle, must be considered when Council considers any Development Applications as required by the Environmental Planning and Assessment Act (NSW).

3. Consultation

The Bill requires that consultation be carried out with residents within a 500 metre radius of the proposed development and then further negotiations with any submitters requiring a third party intermediary with unresolved issues raised by submitters. This process in densely urbanised areas would result in a costly drawn out exercise, which could also include the Telecommunications Industry Ombudsman to resolve issues raised by objectors.

If such a requirement is to be retained in the Bill the radius should be reduced to 200 metres in densely urbanised areas and 500 metres for rural areas, while noting a 200 metre exclusion is proposed for community sensitive sites such as schools.

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OPTIONS:

1. Make a submission to the Committee in relation to the points raised above allowing Council's position on the points raised above to be publically recorded.
2. Do nothing and Council's position will not be publically recorded by the Committee

CONCLUSION:

This report recommends making a late submission to the Federal Senate Standing Committee on Environment and Communications invited public submissions on the Federal Telecommunications Amendment (Mobile Phone Towers) Bill 2011.

COUNCIL IMPLICATIONS:

a. Policy:

Not Applicable

b. Budget/Long Term Financial Plan:

Not Applicable

c. Legal:

No-Legal advice has not been received

Attachment of Legal Advice-Not Applicable

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 Strengthening the Economy
 - 3.1 Expand employment, tourism and education opportunities
 - 3.1.8 Promote improved telecommunications and broadband access
 - 3.1.8.1 Promote the importance of Broadband as an essential infrastructure and promote its upgrade and redevelopment at all levels in the Tweed
 - 3.1.8.1.1 Monitor broadband telecommunications within the shire and promote improved services through the Mobile Carriers Forum, Telecommunication Providers and NBN Co

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.
