

SUBMISSION TO THE STANDING COMMITTEE ON INFRASTRUCTURE AND COMMUNICATIONS WITH RESPECT TO :

THE TELECOMMUNICATIONS AMENDMENT (ENHANCING CONSULTATION) BILL 2011

SUBMITTED BY : Tower Action Group Inc., (TAG),

APPROVED SITE FOR OPTUS MOBILE PHONE BASE STATION AT 10605 NEW ENGLAND HIGHWAY, HIGHFIELDS, QLD.

BACKGROUND :

The Highfields community is part of the Toowoomba Regional Council, Queensland. On the 9th September 2011 adjoining landowners to the (approved) site for an Optus Mobile Base Station/Tower, became aware for the first time of this project.

After notifying and enquiry of households in the vicinity of the location it became apparent that no one in the community, apart from the Landowner of the property from which Optus was leasing an area, had knowledge of the application.

Toowoomba Regional Council had approved this under “Code Assessable Development” and signed off on the Application on 9 June 2011.

Documents were accessed via the Toowoomba Regional Council website. A public neighbourhood meeting took place and from that meeting a group of eight people formed a group now known as the Tower Action Group Inc. (TAG). This group has prepared a 19 page document highlighting errors, omissions and inaccuracies contained in the Optus Application, approved by the Toowoomba Regional Council.

TAG organised a meeting with the Mayor, Deputy Mayor and Councillors on Monday 26th September. At this meeting the Mayor instructed a member of the Planning and Development Department of Council to investigate the CPA Act to find a reason to enable the Council to rescind the Approval. The information was to be reported back to the Mayor and members of TAG.

On Friday 30th September, after the insistence of members of our group, we had another meeting with the Manager of the Planning & Development and a Senior Planner of the Toowoomba Regional Council. After lengthy discussion, sometimes in agreement, that the application was flawed with errors and omissions the Council staff reluctantly agreed to investigate further but that we would need to consider taking legal action against the Toowoomba Regional Council if we wished to have the decision overturned.

The Application had not complied with sections of the applicable Planning Scheme and no identification had taken place with regard to community sensitive areas such as a swim school, a residence 10 m from the tower site, seven residences within a 100m radius and a child care centre, a veterinary surgery and the site itself which is part of a real estate office.

It appears likely that this document had been copied from another site-application along the New England Highway which was rejected by the landowners, with subtle changes made to tailor it to the proposed site. Errors contained in the report refer directly to this other site.

To date the only official person interested and proactive in our cause is our Federal Member, Mr Ian Macfarlane. He has lobbied on our behalf to Optus and only last week arranged a meeting between the Toowoomba Regional Council, Optus and our group. At this meeting our group was asked to provide a list of alternative sites for the tower. We deem that it is not the job of a community group to ascertain a suitable site for a telecommunication tower.

In all our dealings with Optus they have treated the community with contempt and have only been dragged into consultation begrudgingly. Correspondence we have had with Optus contains contradictory claims made in their own Development Application and Precautionary Approach Checklist. There have also been blatant errors of fact, medalled as truth, in an attempt to satisfy themselves that they have acted appropriately.

RECOMMENDATION

We would therefore like to submit the following :

- To be compulsory that Telecommunication Carriers must notify any owner or occupier of land within 500 metres of a proposed site.
- That all notified owners and occupiers have 30 days in which to respond to a proposed development
- That community consultation takes place prior to applications being submitted to relevant authorities for consideration.
- That community sensitive area be clearly defined and highlighted in all applications.
- That within local government areas these applications be made “Impact Assessable” and not “Code Assessable”.
- All telecommunication facilities should be deemed “high impact” and must require community consultation regardless of the Local Government Bylaws.

Mr Ian Bullock
President
Tower Action Group Inc.