

ACTION KIT

Campaigning for the safe and sensible siting of mobile phone towers

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1. Foreword

Across Sydney and Australia, community groups have sprung up to stop mobile phone carriers such as Hutchison Telecommunications (Australia) and Hutchison 3G Australia building mobile phone towers, and especially video phone towers near their schools, homes and in their parks.

From Oatley Park, to Woolooware, to Lane Cove, residents have banded together and taken on the multinationals.

Many community groups in cities across Australia, and groups such as Mast Sanity in the UK are fighting the location of these towers.

These groups are not anti-mobile phones, but they do object to the reckless way in which the Federal government has allowed the carriers to steam-roll their way into local communities without adequate consultation and in total disregard of planning laws.

The Greens, along with the community are campaigning for the safe and sensible siting of mobile phone towers.

This kit is designed to inform you of the issues to help you stop carriers like Hutchison from installing unwanted phone transmitters in your area.

In November 2003, I gave notice in the NSW Parliament of a motion calling on the Government to take action against illegal

towers and legislate to ban towers that are closer than 300m to schools.

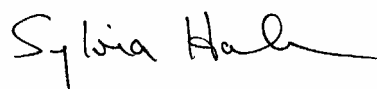
The motion also calls on the state government to show leadership on this issue and lobby the federal government to tighten Australia's telecommunications laws. Further details on the Greens motion are included later in the kit.

The motion will be debated in Parliament this year.

Last year, I worked with the Oatley Park Defenders, who were instrumental in persuading Hurstville Council to take action against Hutchison. The case went all the way to the High Court, and resulted in Hutchison being forced to remove an illegally constructed tower.

The case demonstrates what united, determined and informed communities can achieve.

I thank the Oatley Park Defenders for their contribution for this kit - it would never have happened but for their inspiration and input.



Sylvia Hale MLC

Greens Member of the NSW Upper House



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2. About 3G

➤ What is 3G technology?

3G (3rd Generation) mobile technology allows video images to be transmitted via mobile phones. 3G waves use a different frequency to 2G (ordinary mobile phones), which makes it possible to carry more information. Users are able to connect with office databases, the internet or live, high-speed video. But because of the higher frequency, **3G radio waves cover a smaller area**. This means that **more videophone antennas** (and more equipment sheds) are needed than for 2G networks.

2G antennas for the ordinary mobile phone network are about 3km to 5km apart. Because 3G antennas for the mobile videophone network need to be much closer, most 3G antennas are less than 2km apart, with some as close as 600m. Recent Hutchison 3G installations and proposals are less than 1km away from existing facilities. This results in a **very intensive and often invasive infrastructure** beaming through our suburbs, into our local shopping centres, parks, sports ovals, schools and homes.

Timeline: developments in 3G technology

1997	Telecommunications Act passed in Federal Parliament. Only 3 mobile carriers in Australia (there are now about 133). Govt sells 49.9% of Telstra.
2001	Federal Govt makes over \$1billion when the ACA auctions off the 3G spectrum: Telstra pays \$300 million Optus and Vodafone each pay \$250 million 3G Investments (Australia) pays \$159 million CKW Wireless Pty Ltd pays \$9 million Hutchison pays \$196 million
2002	Govt approves new safety standards for human exposure to Electromagnetic Radiation. The new limit is for the 3G frequency is about 5 times higher than the previous limit of 200 microwatts per cm ² .
2003	ACA adopts the new standards, just 6 weeks before Labor Premiers Bob Carr and Steve Bracks launch Hutchison's '3' promotional campaign. Hutchison announces a \$409.8 million loss, its 3rd consecutive loss of over \$1 million. Community activists in Sydney defeat Hutchison in court and Hutchison is forced to remove a phone tower.
2004	Govt announces plans to merge ACA with the ABA, creating a new regulator for media and communications The new ABA Board has only 5 members, 7 fewer than the ACA. There are now about 133 mobile carriers operating in Australia (up from 3 in 1997).



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A 3G facility generally consists of a set of 3 panel antennas and a parabolic antenna, with equipment housed inside an air-conditioned, prefabricated, tin shed, in industrial sites and on tops of apartment and office blocks, hospitals, pubs, clubs and local shops. When the facility is on public land, the antennas are usually located on a floodlighting tower on the community oval with the equipment nearby, either housed in an air-conditioned, brick shed or inside cyclone fencing topped with barbed wire.

Hutchison has 3G facilities in about 35 local parks in Sydney. Optus has about 25 and Vodafone about 10. Telstra has no facilities in local parks ... yet.

➤ Why are so many people objecting to 3G towers?

Health impacts: The long term health impacts of electromagnetic radiation from mobile phone towers are yet to be established. Until there is more knowledge the precautionary principle should be adopted. See boxed text below for more detail.

Right to choose: You are free to choose whether or not you want a mobile phone, but you currently have no choice if a carrier wants to install a transmitter on your house or next to your house.

Poor community consultation: There are numerous examples of inadequate community consultation: few residents are informed of a proposal; carriers are difficult to contact; or carriers ignore the community's views.

3G is not even popular: Video phones have proved unpopular in Australia. Sales have been drastically below company forecasts. Many people sign up to 3G phones only because carriers, in a desperate attempt to boost their struggling customer base, have dropped call costs to less than those from an ordinary mobile.

Visual amenity: The towers are large, ugly and often on public land such as parks, sporting fields and schools. As well as the antenna, there is a shed-like structure at the bottom, which looks similar to a toilet block with no doors.

Vandalism: Mobile phone sheds and poles are vandalised and in some cases this vandalism has remained on the facility for long periods.



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Private profit from public land: People have objected to towers being built in parks, open space, school grounds and public land because of the loss of public amenity, and the inequity of companies making private profit from public assets.

Loss of property value: One of the most common objections to the installation of a mobile phone facility is that it will reduce the value of the surrounding properties.

What is electromagnetic radiation (EMR)?

Radio frequency electromagnetic radiation, or EMR, is the transfer of energy through radio waves. All electrical appliances emit EMR. Your toaster, television, digital alarm clock and electric heater all give off EMR. Mobile phones and mobile phone towers are known sources of EMR. EMR also occurs naturally, from the sun, the earth and even from our own bodies.

The frequency and power of the waves varies greatly depending on the source.

Many people are concerned about the health risks posted by EMR, and have linked it to cancer, depression, infertility, immune disorders, headaches and nausea. There has been no comprehensive study to prove whether this anecdotal evidence is right or wrong.

In the meantime, the precautionary principle should apply. Until we can prove that there are no detrimental health effects, we should not rule out the possibility.

Mobile phone towers should not be built near schools, sports fields, workplaces or houses, where the peak intensity of the emissions falls where people congregate for long periods.

➤ Whose side is the government on?

The federal government has passed laws in favour of phone carriers and made it very difficult for the community to have a say. The Telecommunications Act, which was passed in 1997 with the part-sale of Telstra, is skewed to make it easier for phone carriers. Under this law, **carriers do not have to seek council approval** for the installation of a 'low visual impact' facility. If a carrier identifies its facility as 'low-impact', it does not have to lodge a development application (DA) with the relevant local council. This enables the carrier to avoid all local and state planning laws.

Telecommunications companies are, however, required to consult with the community before erecting any new tower. They are not obliged to take any notice of community sentiment.



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The federal government has made **\$1.168** billion out of 3G technology. In 2001, the Australian Communications Authority auctioned the 3G spectrum. Hutchison paid \$196 million, Optus and Vodafone each paid \$250 million, Telstra paid \$300 million, 3G Investments (Australia) paid \$159 million, and CKW Wireless Pty Ltd \$9 million.

The corporate players: Hutchison Telecommunications

Hutchison Telecommunications (Australia) Ltd ACN 063 766 227 is the parent company of Orange. Hutchison 3G Australia Pty Ltd ACN 096 304 620 is the first major network to sell videophones. Both companies are owned by Asia's richest man, Li Ka-shing. Li Ka-shing has been involved in many controversial activities.

The infrastructure arm of his company, Cheung Kong Holdings, is building Sydney's Cross-City Tunnel. It bought South Australia's entire electricity distribution and retail assets when they were privatised in 1999. Li Ka-shing owns both ends of the Panama Canal and is a major international property developer.

Hutchison has at least 540 3G facilities in Sydney and 1750 3G facilities Australia-wide in Perth, Adelaide, Melbourne, Sydney, Brisbane and the Gold Coast, and is installing more.

Many of Hutchison's 3G facilities have been as 'low impact' installations and therefore without development approval.

By the end of 2003, Hutchison had signed up only 87,000 '3' customers, well below what analysts thought necessary. In February 2004, Hutchison announced a \$409.8 million loss, its third consecutive annual loss of more than \$100 million.

➤ So how do we challenge the carriers?

In most cases, the carrier uses the loophole in the federal legislation that allows them to avoid seeking council approval for what they say is a 'low visual impact' facility. If this is the case, it is more difficult, though not impossible, to stop a carrier from building an unwanted tower. An active community campaign can be very damaging to a carrier's brand and public image.

Against the odds, residents have taken on the carriers and won. Hutchison was forced to remove a tower in Oatley Park, after residents working with Hurstville Council won a High Court case.



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Low impact facilities

Carriers are not allowed to erect their towers if they have a 'high visual impact'.

This means that, although we can't stop them building on public or private land, or because of health concerns or general community opposition, we can fight them on the appearance of the tower. This includes considerations such as:

- length (an antenna which is not flush mounted can be no longer than 2.8m long);
- size (the shed cannot have a surface area of more than 7.5m²);
- colour scheme (must meld in with its surroundings);
- heritage value of surrounding structures (must be sympathetic); and
- views.

To be "low-impact", facilities must be installed on existing structures, such as a building or a light pole. It appears that the Carriers look for soft targets such as cash strapped RSL and sporting Clubs, local shops with absentee landlords, council owned/managed ovals and parks. So beware of any new floodlight tower on your community oval. It may turn into new mobile phone tower the next day!

You can find the definition of a low impact facility in the *Telecommunications (Low-impact Facilities) Determination 1997*, which can be found at www.dcita.gov.au/Article/0,,0_1-2_3-3_213-4_107340,00.html. The determination has detailed information about the size and scale of what is a low impact facility. The Determination was amended in 1999, and you can read the amendment at http://www.dcita.gov.au/Article/0%2C%2C0_1-1_1-2_3-4_107348%2C00.html.

It is essential for communities to challenge carrier assertions that an installation is 'low impact'. Don't be fooled into accepting what the carrier says. It ain't necessarily so. The failure of the carriers to comply with 'high impact' requirements (limited though they are) provides one of the few opportunities for communities and councils to prevent their construction. Councils can require carriers to submit a development application for a 'high impact' facility. The application will then have to go through the normal DA process. Councils also have the right to deny a carrier access to council owned land where the mobile phone facility is not low impact.

The rules for carriers

Carriers seeking to install low-impact facilities are required to comply with the **rules of conduct** set out in Schedule 3 to the Act and in the Telecommunications Code of



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Practice 1997 (the Code). The code can be found at <http://scaleplus.law.gov.au/html/instruments/0/30/0/2003102801.htm>.

Some facilities do not comply with the legislation, even if the carriers might say that they do. We believe that some of the facilities already built do not comply with the legislation. For example

- their size exceeds that allowed in the Determination (cf Monash Council, Victoria www.vcat.vic.gov.au/2003-vcap-pl-508.htm) and/or
- the original pole has been removed and replaced by the carrier, which is not allowed under the maintenance clause of Schedule 3 to the Act (cf Oatley Park case www.oatleypark.com)

You need to check that the dimensions of the components of a "low-impact" facility such as the antennas, mounts and equipment sheds fit within the guidelines set down in the Determination and Schedule 3.

Schedule 3 to the Act, which deals with carriers' powers and immunities, can be found at <http://scaleplus.law.gov.au/html/pasteact/2/3021/1/PA006290.htm>.

Carriers are required to abide by the **ACIF (Australian Communications Industry Forum) Deployment of Radiocommunications Infrastructure Code**. Carriers are required to notify the council before commencing the proposed work for a "low-impact" facility at a new site. If the council agrees with the plan, or if it fails to address any issues with the plan within 5 working days, then the carrier is obliged to notify only those schools and residences identified in this plan.

If you believe that the ACIF-DRI Code has been breached, you should complain to the Radiocommunications Team of the ACA. The ACA prefers that initially you write a formal complaint to the carrier outlining your concerns that the DRI Code has been breached, and identifying how you believe the DRI Code has been breached. The carrier is required to provide a written response to this letter addressing the concerns that were raised. If you still feel that your concerns have not been adequately addressed then you should write a formal complaint to the ACA, detailing what sections of the DRI Code you believe have been breached and how they have been breached. You should attach to this letter a copy of the written complaint to the carrier and the carrier's written response.



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Write to:

ACA Radiocommunications Standards Team

PO Box 78

Belconnen ACT 2616

Ph: 02 6219 5555, Fx: 02 6219 5353, email emrcode@aca.gov.au

Refer to Section 7 of the ACIF Code for further information. You can find the ACIF code at http://www.aca.gov.au/telcomm/industry_codes/codes/c564.pdf.

Things to watch out for

The notification letter to the residents (and even school principals) is generally in an A4 envelope with only "To the Resident/householder" on the front. Sometimes the letter may not even be put inside your letterbox. It may be placed under your door or it may be even left on top of the letterbox, exposed to the weather and passers by. Sometimes you might receive the notification letter just before school holidays allowing inadequate time for the school community to get together.

If a carrier proposes to install a facility at an existing site the carrier is only obliged to notify the council (Section 5.6.2) and place a public notice in the local newspaper (section 5.6.3). It is not obliged to notify, let alone consult with the community. So you need to constantly scan public notices in your local rag.

You also need to ensure that the notification letter to the council and residents contains the same information as that in the site plans eg 'using an existing pole' in the letter but according to the site plans the carrier intends to replace the existing pole with one of its own.

If you believe that the facility does not comply with the Determination or Schedule 3 of the Act, you need to point this out to your council and the carrier.

The Greens are campaigning to ensure that all phone towers, not just 'low impact' facilities, are subject to local council planning processes. For more detailed information on challenging contentious DAs, please contact Sylvia Hale's office on (02) 9230 3030 for a copy of the **Greens Overdevelopment Action Kit**.



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3. Tips on getting active

So you're concerned about a phone tower that's being built in your area but don't know what to do? Not sure that you can really make a difference?

Your contribution is vital to protecting your community. When citizens take a stand against rich and powerful companies they can ensure that corporate activities are exposed to public scrutiny. By writing letters, tabling petitions, lobbying Councillors and using the media to draw attention to your issue, it becomes more difficult for corporations, Councillors and state politicians to ignore your arguments; however reluctantly, they may yield to public pressure.

What to do?

There are many ways that you can get active in your local area. Included in this kit are a few 'how to' points and materials to help you:

- Lobby your local councillors
- Organise a petition
- Hold a stall in your local area
- Lobby your local MP
- Contact the media
- Make a flier
- Form a local residents group
- Take legal action

These are just some tips and suggestions - your own common sense is the best guide.

If you would like any more advice, contact the office of Greens MP Sylvia Hale (02 9230 3030, sylvia.hale@parliament.nsw.gov.au).

➤ Take part in the Carrier's 'community consultation'

By law, telecommunications companies are required to consult with the community before erecting a tower. In many cases, the 'consultation' is designed to shut out community members and decrease opposition to their proposal. However, it is



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important to be involved in this stage, because if the company is swamped with negative feedback, they will find it difficult to defend themselves if they are found to have ignored an overwhelming community response. The Carrier has to notify council of their community consultation plan. **Council has the power to request a more exhaustive consultation plan than the carrier has proposed.**

- If you receive a letter from the operator, **approach neighbours** and others in the vicinity and establish whether the issue is wider than just your individual concerns. If there are a lot of people in the area who have similar concerns, you have a better chance of stopping or modifying the tower.
- **Make sure that everyone in the area has received a copy of the letter.** A common tactic of companies is to 'consult' with only a limited section of the community, and particularly people who are less likely to object. If this is the case, you could make photocopies to letterbox households who haven't received it. You could also **put copies on community noticeboards**, and ask local businesses and community centres if they will place copies in their windows.
- **Encourage other people to write responses.** The more negative responses the company receives, the more embarrassing it will be for them if they are forced to admit this publicly. Individual letters are the most effective, but you might consider writing a form letter for people who are not as confident to write their own, or to give people some ideas. There is a sample submission letter in the **Sample Materials** section of this kit.
- Remember, 'community consultation' is often used by companies as a public relations exercise to quell community concerns - but you can use the opportunity to your advantage and make life hard for the carriers.

➤ Lobby your local Councillors

Although federal law means that telecommunications companies can construct low impact mobile phone facilities without normal council consent, **Councils are able to question an application if it deems that it has a 'high visual impact.'** They are also able to **ensure that the Carrier has undertaken acceptable community consultation and notification.**



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If you are concerned about a particular construction in your area:

- **Ring your local Council** to find out if they have received a DA or notification from the carrier.
- Visit your local Council and **inspect the Development Application**, or ask for a copy of the carriers notification.
- Find out the **details of the application**. Will it share an existing tower? Will it be built on existing open space? How far is it from schools or homes? How far away is the nearest tower? Look at the coverage maps of the area, available from the carrier. If there is already overlapping coverage, there may not be justifiable need to build a new tower.
- Find out if there are any **sympathetic Councillors** on your Council and ask them for support.
- **Find out who is making the decision on Council**. If it has been delegated to a Park Manager or Town Planner, you will need to pressure the councillors through letters, petitions and phone calls to assess the proposal at a full meeting of council. This means that the elected Council will make the decision at a Council meeting.
- **Write to Council** detailing your objections and outlining how the tower will affect you. When you are writing a submission, keep in mind that Council can only object on the grounds of visual impact. This can include issues such as overshadowing, height, location and size.
- **Encourage your neighbours to write letters and to phone Councillors**. If Councillors receive letters from lots of residents they become aware the tower is an issue they can't ignore. It makes a stronger impression if the letters are not identical, so it is best for everyone to write their own letter rather than rely on a form letter. Even so, a form letter is far better than no letter at all.
- Get your neighbours and local residents to **sign a petition** against the tower and present it to Council. For more detail on preparing and presenting petitions, see below.
- Ring Council and **ask what its policy is about site inspections**. Some Councils may arrange an inspection before the matter comes before Council, others may require the matter to go to Council for it to agree to an inspection.
- **Ask individual Councillors to come and look at the site** before the Council meeting so you can show them exactly what you object to. Remember, your main



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focus should be on the Councillors you need to convince - ie. those likely to support the tower!

- Ring Council or friendly Councillors to **find out the procedure for addressing Council meetings** about the matter. Different Councils have different requirements.
- Try to **persuade lots of residents to attend the Council meeting** and, if possible, speak at it.
- **Alert the local media** to the issue and ask them to attend the council meeting.
- **Ask your local council to amend its Local Environment Plan** to require all mobile phone tower applications to be considered by a full meeting of council and for minimum community consultation standards to be applied so that communities are aware of all applications.

➤ Organise a petition

This is an easy and effective way to get people involved. Included in this kit is a sample petition you can adapt to your needs. All you need for a petition is a clear statement in a basic format, and a good idea of what to do with it when it's signed.

The act of getting people to read and sign a petition alerts them to your issue. Even if your request is ultimately ignored, the petition is a key means of raising your concerns with the community at large.

A petition to Council. A petition may be sent to your Council, in which case the actual format is not critical. You can use the sample petition in this kit as a guide. If you know you will be able to address Council about the tower, you could present your petition when you speak.

A petition to Parliament. You can petition State or Federal parliament. A petition is basically a request for action. For example, a petition may ask the Parliament to introduce legislation, to repeal or change existing legislation, or to take action for a certain purpose or for the benefit of particular persons.



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The subject of a petition must be a matter on which the Parliament has the power to act - that is, it must be a State or Federal matter (depending on which Parliament you are petitioning) involving legislation or government administration.

Any **statement** that is going to be used in a petition should be:

- Short - no more than two or three paragraphs
- Clear - use simple, direct language
- Action oriented - a petition should make a specific demand for action, for example: "That the House will repeal legislation allowing telecommunications companies to build mobile phone towers without Council approval."

A petition usually follows a **basic format**. It must:

- be on one side only of each sheet of paper be addressed to the appropriate parties: the Mayor and Councillors; or The Senate; or The House of Representatives; or the President and Members of the NSW Legislative Council; or the Speaker and Members of the NSW Legislative Assembly
- have the names, addresses AND signatures of people who sign (make sure you clearly indicate and leave enough room for all this information)
- have a copy of the statement at the top of each page

There may be **specific requirements**, like a certain form of words, for petitions to Parliament. This kit includes an example of the format used to lodge a petition to the NSW Upper House and the Australian Senate. For detailed advice, ask your local MP.

It is essential to be clear about **what you're going to do with the petition** when it's signed. This sounds simple, but it can be tricky. Usually, you can simply send your petition into your Council. But if you wish it to be presented to Parliament, you need to make sure it complies with the relevant rules. You also need a Member of Parliament to present it for you. This kit sets out the rules for the Legislative Council (Upper House) of the NSW Parliament, and the Senate (Upper House) of the Australian Parliament. In the NSW Legislative Council a Greens MLC, such as Sylvia Hale, Lee Rhiannon or Ian Cohen, can present it for you. Petitions to the Senate should be sent to a relevant senator such as Greens Senator Kerry Nettle. See the back of this kit for a full list of senators and their contacts.

You may want to **get in touch with the people who have signed the petition** to let them know about your group or local events you are planning. It is an infringement of people's privacy to add their names to a database simply because they have signed a



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petition. Instead, you should ask people when they are signing if they would like more information about your group's meetings or activities, and keep a separate list.

See the **Sample Materials** section of this kit for some template petitions.

➤ Hold a public meeting

If the tower is of widespread community concern, you may want to hold a public meeting. This requires planning.

Things to consider are:

- accessible location, date, starting time, and length of meeting
- prior publicity: fliers, letterboxing, media release
- agenda
- one or two speakers or a panel?
- time for questions and discussion
- will you invite a representative from the carrier to speak?
- motions or future actions to come out of the meeting.

You will usually want to have the assistance of other people in organising a public meeting. This can be a great start-up activity for your residents group, to raise the profile of your issue and attract other interested people.

➤ Hold a stall in your local area

A stall is a great way to inform the general public and locate people who may want to get involved.

Often all you have to do is set up your stall in a spot where people are likely to stop and chat. There may be instances where you need permission to use an area: always check with the owners or managers if it is private property and the Council or government agency if it is a public area.

You may have a **great location** to run a stall where there will be lots of passers-by with time to stop and browse, like a busy shopping area. If not, it may be useful to



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consider booking a stall somewhere that people will come to you, such as at a local fete, street fair, or a church or school social day.

The next step is to **staff and stock your stall**. Some items that are useful are: fliers, newsletters, petitions and letter writing material; free information and brochures (which you might be able to get from community groups in other areas who are fighting mobile phone towers); a donations tin (to pay for photocopying and incidental costs); paperweights (stones or rocks will do); plenty of pens and clipboards for people to use; colourful stickers, badges or posters to give away (if you have any).

Essential items for any stall are: a card table or similar, and maybe some fold up chairs; material that includes the contact details for your local group/ main organisation; a handout with details of your next meeting or event; a big sign or banner clearly saying what you're there for and your group's name; friends to help out, especially at meal times; enthusiasm and a clear understanding of what your stall is all about.

Finally, there are a few **just-in-case items**: clear plastic sheet for the stall in case it rains; a copy of your written authorisation or the phone number of the official who gave you permission to hold the stall; phone number of the local police station in case of hassle (unlikely but be prepared); masking tape is always useful; sunscreen; snacks and a thermos of your chosen beverage.

Presentation should be neat and accessible. A few items clearly displayed are better than piles of papers. One tip is to keep more voluminous or detailed information nearby for those who ask. Clearly mark any items that are for sale with their price. A colourful display is a bonus but not really necessary - people will be curious about what you have to say without the need for fancy props.

If you don't have time to run a stall you can often get the same information out to the community by putting it on public **notice boards** in your workplace, local shopping centre, school, church etc. Don't forget to leave details of your next meeting or a contact number so that people who are interested can get involved.



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➤ Lobby your local MPs

Your local State and Federal Member can raise your issue in parliament.

State MPs:

- Federal law hampers the State Government's ability to intervene with siting of telecommunication towers. However, State Government is responsible for **enforcing breaches in the Federal law, and can legislate to stop towers from being built on or near school grounds.** If there has been a breach in the law, the State Government can force the company to remove the tower.
- Urge your MP to **support the Greens campaign** to ban mobile phone towers less than 300m from schools.

Your local State Member can support you by presenting a petition, making a speech in parliament and adding profile to your campaign.

Federal MPs:

- If they are a Member of the Government, you can lobby them to repeal the legislation allowing telecommunication companies to build without council consent. If they are in the Opposition, or are an independent or minor party Member you can ask them support your campaign in other ways. They can make speeches, ask questions of the Minister, table your petitions and add profile to your campaign. For more information on what MPs can do, see **Involving the State and Federal Parliament** later in this kit.

Most MPs do not have access to special polling or targeted information about the views of their electorate, except at election time. Your personal message is therefore very important. Information about what electorate you are in and contacts for your local NSW state MP are at www.parliament.nsw.gov.au. Contacts for federal MPs are at www.aph.gov.au.

Make an appointment with the MP at his or her office. Take a few friends. Calmly and clearly explain your position, and ask if they are aware of the development, and what your MP is doing about it. After the meeting write a letter thanking the MP and include a reference to what they promised or told you. If you ask for their



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suggestions or assistance in meeting with relevant government officials or departments, they will have to respond to your request.

Invite an MP to an event such as a meeting, launch, or opening. Organise it through your group and ask him or her to be a guest speaker and answer questions. Many of the tips applying to public meetings will be useful for smaller events.

Organise a site visit. Ask the MP to come with you to inspect the site. If s/he agrees, prepare for the event so that the MP will leave with detailed information, maps, site knowledge and an awareness of community concerns.

Write a letter or send a fax. Your letter should be no more than one or two pages long, have one clear message and include a specific question or demand. Presentation counts: avoid excessive underlining, exclamation marks or use of capitals. A dot list of points will help to focus the reader's attention on your concerns. A calm and rational letter will get a better response. If you do not get a satisfactory reply, ring the MP's office to follow up.

Send an email. Letters get more attention than emails, but if you are going to write an email make sure you include your full name and postal address so the MP knows you live in his or her electorate. Make it clear that you want a reply. Don't be tempted to be too informal just because it is an email. The same rules apply as for letters and faxes.

You would be surprised how effective it can be if you write, phone, email, fax or visit your local Member of Parliament to lobby them about important issues.

Contacts for NSW State and Federal Members are in the **Useful Contacts** section of this kit.

➤ **Contact the Media**

The local media can be a great place to draw attention to your issue and put pressure on Councillors. Many local papers are under-resourced, and will sometimes print stories if you present them with a finished product. This could be a media release or a complete story that you have written. It helps to have a photo. Make sure the



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photo tells the story, that it's clear and will reproduce well when printed. It helps if it looks good in black and white, in case people photocopy the media story.

If one paper or station picks up your story, it can be easier to get others to take notice of you. If you manage to get onto local radio in the morning, the local TV news might pick it up that night, or the paper might do a story the next day or on the weekend. It is a good idea to **blitz all the media outlets at the same time** so that they don't feel like it's "old news" if someone else covered it earlier.

Media releases are written in a standard format. In general, a media release should:

- Begin with a statement that sums up what you want to say and introduces who you are
- Use one paragraph for each sentence
- Use colourful, interesting language that will make good quotes
- Fit onto one A4 page, preferably in size 12 font
- Include your contact phone number at the bottom of the page
- Include a short, punchy heading in a larger font than the rest of your release/story.
- Be accurate.

See the sample media release in this kit.

Another way to attract media attention to your story is to use talkback radio. If you are aware that a local radio station will be discussing your issue, let as many people know as possible.

It can be really exciting but also a bit daunting if you do start getting media attention. It's a good idea to have a friend with you if you are doing interviews to give you moral support and feedback.

➤ **Make a flier**

Fliers are a great way to get your message out to people. You can letterbox your neighbourhood, hand them out at train stations or other busy places, use them on stalls or at public meetings.



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Here are a few tips for writing a flier:

- **Use pictures or logos** to break up the text. It's much easier to look at a page that is broken up by images than a page that is too full of writing.
- **Less is more.** People will respond better if your information is condensed and easy to understand. For an A5 flier (half A4 size), six one-sentence bullet points is about the upper limit. Use a large font size.
- **Print double sided** if you can. That way you can fit on a lot of information and save on paper. Always put the vital information on the front.
- **Coloured paper** is more eye-catching than white paper.
- Make sure you include a **contact phone number and/or email address** so that people can contact you for more information or to offer help.
- Include the **details of your next meeting or action** - fliers can be a great way to get people to come along
- If you are handing out fliers, **mornings are generally better than evenings**, especially if you are handing out to people getting on a train. They have the whole train trip to read your information and let it sink in!

➤ **Form a local residents group**

If you haven't already formed a community group, it can be really helpful in spreading the workload among a number of people. It doesn't have to be a big deal - you just need a group of keen people and a name!

It can be a good idea to:

- **Give yourselves a name** which is catchy and which sums up what you are doing.
- Assign someone (not necessarily the same person each time) to **take minutes** of your meetings so that you have a record of what you agreed to do, when, and who was to do it. Usually you will need only minimal notes.
- **Assign someone as the main contact** for the group so that you can have the same contact number on any fliers, newspaper stories, media releases etc.



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- **Spread the work around** - make sure everyone has something they are responsible for doing before the next meeting.
- **Keep meetings as brief** and constructive as possible - and don't forget to laugh and have fun!

➤ Take legal action

Legal action is expensive and exhausting, and should only be used as a last ditch resort.

If someone in your group has legal expertise, it can be really helpful. If you can understand the carriers legal speak, and point out to them how their actions are illegal, you can frighten them off.

Getting your council to take legal action is the only way many residents can afford to pursue this option. The successful campaign in Oatley Park was won through cooperation between residents and Hurstville Council.

Consult the Environmental Defenders Office in your state to see what legal avenues are open to residents and to councils. **If there are legal grounds for action, pressure your council to pursue them.**

➤ Get active!

It doesn't matter if you take up all or only one of these suggestions, or if you invent your own strategies - every little bit counts to make big business and decision-makers accountable. Remember, if you don't take action and make your voice heard, your interests cannot be taken into account. Good luck!



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4. Handling threats

The sad fact is that those who are standing up against big corporations are often subjected to threats of various kinds. In the overwhelming majority of cases these come to nothing, but can cause disruption to your campaign and unhappiness to the people involved. If you know how to respond you can avoid unnecessary delays and distress.

Extracted below is information from the Victorian Environmental Defenders Office 'Defend the Defenders' series, about how to handle legal threats, threatening letters and phone threats. This is only a quick summary - we encourage you to get more information using the list of useful references at the end of this section.

➤ Threatening phone calls

A common form of harassment is threatening phone calls, often after 'trigger' events such as media stories or government decisions. Usually these are directed at whoever answers the phone, occasionally to a specific person and sometimes left on an answering machine.

If you receive a threatening phone call:

- Keep calm. No matter how menacing the call do not get into an argument. Write down all the observations you can about the call, the voice, background noise etc.
- Remember that it is rare for anything to happen after threatening phone calls. People making such calls thinking they can scare you but having no intention of actually doing anything.
- Once the call is over, ensure that you discuss it with someone else you trust.
- If the message is on an answering machine, don't delete it. Transcribe it and either keep the tape or make a copy. Remember to record the time and date.
- If you have a regular police liaison person, contact them as soon as possible. Never give police your only copy of notes or a tape.



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- If you get a number of calls from the same person make sure you mention this to the police. It usually takes a number of calls before police will even consider getting a trace on your line.
- You might push a number on your handset mid-call which will give a tone on the line and imply to the caller that you are activating a trace. This deters many callers.
- It can be useful to have a handheld Dictaphone with a microphone socket. An induction microphone can be obtained for a small price to attach to the back of the earpiece and record the conversation. It is illegal to record phone conversations without the consent of the other party. Informing threatening callers that you are about to tape the conversation may mean that they will hang up and not ring back.

➤ Threatening letters

More common than threatening phone calls are threatening letters. If you receive a threatening letter:

- As soon as you realise it contains a threat avoid handling the surface of the paper.
- Pick the letter up by the edges and place in and the envelope into a plastic sleeve.
- Photocopy both the envelope and the letter and keep the copy for your files.
- Place your copy into a file for such letters - over time you may notice a pattern from handwriting, postmarks or details.
- Make a note of who handled the letter and envelope before you realised it was a threatening letter - if police want to test for fingerprints this will help in isolating those of the author.

➤ Legal threats

It is all too common for community groups to receive veiled or actual legal threats. In the US these are called Strategic Lawsuits Against Public Participation (SLAPPs) - legal threats deliberately meant to hinder public campaigning.



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The good news is that only a tiny percentage of threats ever proceed beyond a letter. If you receive a legal threat:

- When you open the letter threatening legal action against you, you will probably have a sinking feeling in your stomach. Sit down, take a few breaths and remember that the letter in your hand is probably the first and last you will ever hear from the opposing lawyers. Remember only a tiny fraction of threats ever go beyond the first letter, so don't panic.
- The letter will probably refer to a specific action, media release or publication where you are supposed to have defamed the lawyer's client [defamation threats are among the most common SLAPP suits]. Quickly get a copy of this if you can. Immediately start a file in which you put all relevant material. Give a copy of the material to your lawyer, not the originals.
- Talk to your closest colleagues and let them know about the threat and ask if they know of anyone else who has received one as well. If the threat relates to a statement that was published in a media outlet, contact the media organisation to see if they received a threat as well. One of the telltale signs of a legal bluff is where they threaten legal action against the person who made the statement but not the publisher or broadcaster. If this is the case you can relax a bit - it is a signal they want to scare you but don't want to alienate the media organization.
- Organise a meeting with your legal adviser - the sooner the better and that same day if at all possible. The less time you have to worry about the matter, the better. Fax them the letter and any relevant background material.
- The media strategy for every situation is different but as a general rule you have little to lose by going public. Look for the opportunity in the threat. With a smart response, you can turn a legal threat to your advantage, allowing you to state your case again, gain public sympathy and deter your opponent and possibly others from resorting to legal threats again.

➤ A Checklist For Larger Groups

- Public statements policy
 - Clarify who is authorised to speak publicly for the group.
 - Have a procedure to check draft media releases.
- Training



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- Make sure that ALL people who may make public statements - media releases, speaking at public meetings, writing articles, editing magazines - attend training covering defamation law and how to handle legal threats.
- Legal Advice
 - Ensure you have someone on the board of your organisation who has legal skills
 - Develop a good working relationship with one or two individuals who can offer you good and quick legal advice
 - Threats could come via media releases or public statements, so have after hours numbers for your legal advisers. Don't wait to get advice.
- Incorporation
 - Consider becoming an incorporated organisation. This limits the exposure of the assets of individual members, not necessarily the directors, to a nominal amount.
- Directors Liability Insurance
 - Directors liability insurance can protect members of the board or the executive from being personally liable for damages awards against the organization. These policies don't come cheap and are usually in the range of \$5,000 per year.
- Defamation insurance
 - It is possible for individuals and organizations to obtain insurance coverage for defamation actions (either as a separate policy or together with directors liability insurance). This can be expensive.

RESOURCES

Defend the Defenders Project (2002) (Guides available online)

Environment Defenders Office Victoria

Ph 03 9328 4811; fax 03 9326 5687; www.edo.org.au

A NSW Guide to Non-Violent Action, the Environment and the Law (1998)

Defending the Defenders: Protest, the Environment and the Law (1998)

Environmental Defenders Office NSW

Ph 02 9262 6989; fax 02 9262 6998; www.edo.org.au

All Media Law Handbook: Everything You Wanted to Publish But Were Afraid You'd be Sued (2001)

Australian Broadcasting Corporation (Available from ABC Shops)



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5. Involving State and Federal Parliament

➤ What is the role of the Federal Parliament?

The Federal Parliament is responsible for the legislation that allows telecommunications companies to build towers without Council consent. It is in the Federal Parliament that the laws that allow telecommunication companies to erect towers without consent need to be overturned.

➤ What is the role of the NSW Parliament?

The NSW Government is responsible for crown lands. To date, the State Government has allowed facilities to be installed on crown lands and been generally cooperative with the Federal Government. The State Government is also responsible for enforcing any breaches in Federal law. In many cases, the State Government will turn a blind eye unless pressured by the community.

➤ What is the role of Council?

Councils deal with local development issues, but the Telecommunications Act removes much of their power when dealing with telecommunications carriers. However, councils can amend their Local Environment Plan to set minimum standards for community consultation. This means that at the very least, everyone who is affected by a new phone tower will know about it and can mobilise to stop it.

➤ What can MPs do?

Individual MPs have a range of tools to raise the profile of your campaign or put pressure on the Government (if they are an Opposition, Minor Party or Independent Member).

Some of the tools State and Federal MPs can use to assist community campaigns include:



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- Tabling petitions
- Questions to Ministers (two kinds: on notice or without notice)
- Organising meetings with key bureaucrats and delegations to Ministers
- Putting concerns and information on the public record by making speeches to Parliament
- Drawing media attention to issues through site visits, media statements and hosting or speaking at public meetings
- In rare cases, holding Parliamentary Inquiries into controversial developments.
- Government MPs can put pressure on their colleagues to change their party stance on an issue (though remember that they probably voted for it in the first place!)
- Opposition, Independent and minor party MPs have a limited opportunity to introduce Private Members Bills.

➤ Greens Members in NSW Parliament

Sylvia Hale and her colleagues Ian Cohen and Lee Rhiannon are the Greens members of the Upper House (Legislative Council) of the NSW Parliament. Sylvia Hale has been active in supporting communities opposing phone towers. She has attended public meetings, made speeches in parliament, and asked questions of the Minister during question time. This is some of the work Lee, Ian and Sylvia have been doing to stop mobile phone towers and big business from selling out our communities:

- Greens MPs have played a key role in major campaigns against inappropriate development. In support of community groups opposing some of the country's wealthiest developers, Greens MPs have asked hundreds of questions, made speeches, moved motions, introduced Private Members Bills, and called for Inquiries.

Sylvia Hale worked with the Oatley Park Defenders group to ask questions of the Minister and raise their concerns in Parliament. She put a motion to Parliament

That this House:

1. *Calls on the Federal Government to review schedule 3 of the Telecommunications Act 1997 and its 'Low Impact Facilities' determination, that currently exempts telecommunications companies from planning laws for certain facilities.*



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2. *Calls on State and Federal government agencies to address the current deplorable state of enforcement of current laws relating to the installation of mobile phone towers.*
3. *Calls on the State Government to introduce legislation banning the installation of 3G mobile phone towers within 300 metres of any school ground*
4. *Calls on councils to introduce Development Control Plans requiring Development Consent for all mobile phone tower installations.*

The motion will be debated this year.

- The Greens electoral donations project has exposed vast sums of money donated by big business to political parties. Corporate donations undermine the democratic process and allow companies to 'buy access' to politicians. The Australian Electoral Commission records show that Optus, who have fought residents to build towers in Queensland, Victoria and Sydney, donated \$54074 to political parties in 2002-2003. Telstra, AAPT and Macquarie Telecommunications have also donated large sums to political parties. The Greens are campaigning to end corporate donations to political parties.

➤ **Senators**

There are currently two Greens senators, Kerry Nettle representing NSW and Bob Brown representing Tasmania. You can contact these, or any other senator, for assistance. See the list of senators and their contacts at the back of this kit.



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6. Sample Materials

➤ Submission to Council

This submission has been chosen as an example because it clearly shows the tone and content of a good submission to Council. Particular features include: clear reference to the development; contact details and relationship of the writer to the development; clear, orderly and specific statement of concerns; steps that the writer would like the council to take, including a statement that the proposal should be rejected.

Your name
Your address

ATT: [Name]
Approvals Section
Development & Environmental Services
[xxxxx] Council

Re: Mobile Phone Tower [quote reference no. from notification], [address of development]

I live at 19 Blah Street, which is adjacent to the above property. I can be contacted during business hours at [work number] or at home on [home number].

I urge council to reject the proposal by Big Biz Phones for a 6m high tower on the telegraph pole directly opposite 3 Rhubarb St.

The tower does not meet 'low visual impact' regulations and should be rejected.

Position of Tower

The proposed tower backs onto Blah Blah park. The park is in almost constant use by the community for organised sport, cycling, kid's playground, dog walking and general recreation.

The tower will be highly visible from all areas of the park. The shed underneath the tower would block the view of Blah Blah Creek and prevent parents from keeping an eye on children riding their bikes on the bicycle circuit.

The proposed tower is halfway along the straight edge of the park and will block the vista of the playing fields, creek and cycle path from the picnic area and playground.

Height of tower

The tower will be the highest structure in the park. When 5m height is added to the existing telegraph pole, the antennae will tower above even the most established trees in the park.



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Finished details

In an ill-conceived attempt to make the tower shed blend in with the toilet block and barbeque shelter, the Big Biz Phones has proposed to paint the structure white. As the shed incorporates none of the other design elements of the existing park structures such as white-washed mud brick and exposed timber beams, painting the shed white will increase, not decrease its visual impact.

I am concerned that the use of aluminium doorframes and wire fencing may be inappropriate.

I request, given the high visual impact of the proposed tower, the location of the antennae and shed, and the visual impacts on the adjacent parkland, that the proposal will be referred to the full meeting of Council. I would appreciate the opportunity to speak to the full meeting of Council on this matter.

Yours sincerely

[xxxxxxx]



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➤ Flier

This is a good example of a flier for an event: simple & clear, easy to photocopy, quick to produce. While graphics can be great, this example shows that you don't need complex layout to produce something that will get your message across.

Protest Rally: Reclaim Our XX Site

No More 3G Towers
Near Our Schools

Fight [name telco]'s
plans to take over our
open space: the XX Site

11 am, Sunday 16 March 2004
XX Site Main Gates
Whatever Rd, Suburb

XX Residents Action Group [phone number]

⇒ *Clear statement of issue and action*

⇒ *Summary of stance: what side are you on?*

⇒ *Brief statement: why is the issue important?*

⇒ *(The back of the flier can contain more information)*

⇒ *When*

⇒ *Where*

⇒ *(specific directions)*

⇒ *Identify organising group with contact details.*



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➤ Media Release

SAVE OUR XX GROUP

Media Release
[date]

Future of XX site Hangs in the Balance

Residents, with the support of Independent and Greens MPs, are calling on [The Local] Council to reject the controversial Development Application by [Carrier Corp] at its meeting on Monday night.

Residents are challenging councillors to support the community and vote against the proposal to add a 5m mobile phone tower to the floodlights at the local sports field.

“The Carrier’s propaganda keeps claiming that the application complies with ‘low visual impact regulations’. It does not. They know it doesn’t,” said Save Our XX co-convenor, Fanny Bloggs.

“The sports fields are right next to the school. There has been no research to prove that it is safe for our kids to be exposed to the high levels of radiation from these towers, day in and day out.”

“Let’s hope councillors won’t have to face residents and say ‘I was on the team that let big business beam high radiation signals into our schools and sportsground.’”

“Residents are encouraged that Council’s Planner has recommended refusal. Mayor Big Mouth says he is ‘strongly opposed to this proposal’ (letter of 9 August). We call on Council to uphold this recommended refusal.

“In a headlong rush for approval, [Carrier Corp] tried to skip the Council’s approval by claiming that they are exempt from Council conditions. They are not exempt if the tower is high visual impact, which it most certainly is, looming 30m our soccer pitch,” Ms Bloggs said.

Barry Other, co-convenor of SOXX said “close to a thousand petitions have been received from local residents who are opposed to the monstrosity being built on our oval.

“Greens Upper House MP, Sylvia Hale has been supporting the community, challenging the Carrier to listen to residents.

“The Council should treat this unworthy development with the contempt it deserves and provide the developers with an actual refusal,” said Mr Other.

The council will vote on the proposal next Monday, 66th September at 6.30 at the Town Hall.

For more information: [name] [contact number]



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➤ Letter to Minister

Once again this letter is used as an example because it contains the key elements: identification and contact details of the writer; clear statement of the problem; and a specific request for action. This letter also addresses one issue and fits within one page.

[Your name]
[Your address]

The Hon Helen Coonan
Minister for Communications, Information Technology and the Arts
House of Representatives
Parliament House
Canberra ACT 2600
[date]

Dear Minister,

I am writing to you to ask that you amend the *Telecommunications Act (1997)*. The Act unfairly allows telecommunications companies to construct mobile phone towers on public or private land without regard to community or council opposition.

Big Biz phones have already begun construction on a phone tower in the sports fields opposite my home in Blah suburb. 400 residents attended a public meeting in opposition to the tower and 12 out of 15 councillors on the local council opposed the tower. This situation is common across Sydney.

The *Telecommunications Act (1997)* allows mobile carriers to bypass planning laws and ignore community concerns if the tower is deemed to be 'low visual impact'. This subjective provision should not be the only grounds by which residents can protest these towers. There are many other concerns, including health effects from electromagnetic radiation and loss of public land. In fact, the Act would allow carriers to build a tower on the roof of my house if it were 'low visual impact'.

This legislation is unfair and allows mobile carriers to make private profits from public land.

I urge you to use your powers as Minister to ensure the *Telecommunications Act (1997)* is amended to ensure that all new telecommunications facilities must go through the proper planning approval process.

Yours sincerely,

[signed]

[Name]

CC The Hon [name of minister], Minister for [other portfolio indirectly relating to this issue]



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➤ Submission to Community Consultation process

This submission has been chosen as an example because it clearly shows the tone and content of a good objection letter, in the community consultation process. Particular features include: clear reference to the development; contact details and relationship of the writer to the development; clear, orderly and specific statement of concerns; proposed solutions and options; steps that the writer would like the council to take, including a statement that the proposal should be rejected.

[Your name]

[Your address]

[Your contact phone number]

[date]

Re : Application for a Mobile Phone Tower on Blah Hill, Sydney

Reference Number : *****

Dear Sir/Madam,

I am writing to object to the proposed erection of a new mobile phone tower on Blah Hill.

I believe that the sole notification of the sheltered housing on Blah Blah Mount was totally inappropriate. Those flats are filled with elderly people, many of which do not get out much in winter and would therefore not have seen the notice. Most of the residents do not know how to object to the proposal either.

As a parent with one child at Rhubarb Primary and another at the Pre School I am very concerned that neither school was notified at the earliest opportunity. I understand that you are by law required to consult with the community before proceeding with the construction. Giving the school and therefore its parents less than a week to object is not sufficient notification or consultation. (No notification at all for the Pre School).

As a member of Blah Blah Residents Action Group I can confirm that no pre application discussions have taken place nor with Residents Against 3G Towers, which I am representing here. Whilst I accept that it is up to your discretion who to notify and how, by only notifying those less likely to object and also by failing to notify the schools directly I can only assume that the Council were trying either to hide the application or to prevent effective and timely opposition to it.

The land, although owned by the Council, was bequeathed to the Council "for the benefit of local children". The erection of the tower will break the conditions of this Will. In fact, the tower currently standing on the site may already be contravening the conditions of this Will. There is currently a ban on erecting towers on Council property and since the land is owned and controlled by Council, Blah Hill should be included.

The proposed tower will be within parkland in which there are many native species. The new tower is significantly more powerful and larger than the original and will have an even greater impact on the local wildlife.



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There is no evidence to rule out serious health implications affecting the lives of residents near to mobile phone towers.

The current tower is visually intrusive and the proposed new tower will hold significantly more equipment. As a result of "tree pruning" it will be significantly more visible. Currently the tower towers over the infant playground at Rhubarb Primary School and is visible from many properties on Rhubarb Road. It is also clearly visible from properties on Blah Avenue. The new tower will be significantly more visually intrusive for even more homes, and a constant reminder of the possible threat to their health for numerous households.

Another of my concerns is the access to the buildings behind the tower. There is a Church at the top of the path and the Scout Hut, which also houses Blah Hill Pre School. Currently there is available space for emergency vehicle access. I believe that the new tower and associated buildings will obstruct this pathway and therefore may endanger the lives of the users of these buildings, in particular the Pre School, which my daughter attends. I would appreciate written confirmation that this has been looked into and clarified with the emergency services.

Putting the existing tower aside this is a new application and therefore the legal requirements must be fulfilled or the tower will be unlawful. This application should be considered purely on its own merits and the fact that there is already a tower there should not be part of the decision making process. I trust that significant consideration will be given to the issues that I have raised and that permission for the erection of a new tower on Blah Hill be refused.

Yours sincerely,

[signed]

[Name]



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7. Useful Contacts

➤ **Members of NSW State Parliament as at 24th March 2004.**

Postal address for all NSW MPs is:

NSW Parliament House,

Macquarie Street, Sydney 2000.

NSW Parliament House switchboard: (02) 9230 2111

For all updates and additional information check www.parliament.nsw.gov.au

Name	Party	Telephone	Facsimile	Email	Electorate
Allan, Pam	ALP	9688 3770	9688 3771	pam.allan@parliament.nsw.gov.au	Wentworthville
Amery, Richard	ALP	9625 6770	9625 9965	mountdruitt@parliament.nsw.gov.au	Mount Druitt
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Black, Peter	ALP	6993 3499	6993 3218	murray-darling@parliament.nsw.gov.au	Murray-Darling
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Environment
Aboriginal Affairs
Agriculture
Natural Resources
Regional Development
Rural Affairs
Forestry
Emergency Services
Sport and Recreation

Treasury
Education and training
Industrial Relations
Justice
Public Works & Services
Mineral Resources
Gay and Lesbian Rights
Transport, Roads & Ports
Gaming & Racing
Women, Youth & Ageing
Electoral Issues
Information Technology
Parliamentary process

Health
Local Government
Infrastructure and
Planning
Western Sydney
Housing
Community & Disability
Services
Arts
Small Business
Insurance
Fair Trading
Multiculturalism & Ethnic
Affairs



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8. Glossary

Sometimes it can be really difficult to understand what's going on because the jargon is confusing and the process of a development application can be complex. This glossary of terms and timeline of the process should help to demystify the process.

(NB This Glossary aims to give a general understanding of the planning jargon you may encounter. It is neither definitive nor exhaustive and should be taken as a guide only.)

ABA: Australian Broadcasting Authority. The ABA is responsible for regulating Australian Media and Broadcasting. In 2004 The Government announced that the ABA and the ACA would be merged to create a single regulator for media and telecommunications.

ACA: Australian Communications Authority. The ACA is responsible for regulating telecommunications and radiocommunications.

ACIF: Australian Communications Industry Forum. ACIF is the self regulatory body for the telecommunications industry.

The Act: the *Telecommunications Act 1997*. This is the law governing telecommunications carriers.

ARPANSA: Australian Radiation Protection and Nuclear Safety Agency. ARPANSA is the Commonwealth agency charged with providing information on EMR protection.

Base station: a radiocommunications transmitter and its associated infrastructure including any antennas, housings such as airconditioned sheds and other equipment.

Carrier: a telecommunications company, sometimes called a telco.

Determination: the *Telecommunications (Low-impact Facilities) Determination 1997*. A "low-impact" facility must comply with the supposed strict guidelines of type, size, colour and location outlined in the Determination.

Development Application (DA): Before most development activities commence, a DA should have been lodged with Council and approved. (Councils have, however, the power to give retrospective approval to some unauthorised developments.) If a



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Council fails to approve a DA within 40 days of its lodgement, the applicant has an automatic right to appeal to the Land & Environment Court (LEC), although they may not choose to do so. Depending upon an individual Council's notification policy, residents likely to be affected by a proposed development must be notified about the DA and given the opportunity to make a submission supporting or objecting to the development.

EME: electromagnetic energy. This is a term that carriers, ARPANSA and the ACA sometimes use instead of electromagnetic radiation to diffuse concern about radiation.

EMR: electromagnetic radiation. Energy transmission over the entire spectrum is technically known as electromagnetic radiation (EMR) and includes commonly experienced emissions such as visible light, TV transmission, and AM and FM radio signals. A number of other terms are commonly used for the whole spectrum which include **EME** (electromagnetic energy), **EMF** (electromagnetic fields) which are often used interchangeably with EMR.

Facility Installation Permit: a permit, issued under clause 25 of Schedule 3 to the Act, which allows a carrier to install a facility.

LEC: the *Land & Environment Court*. An applicant for development approval can appeal to the LEC if a Council refuses the application. The applicant can challenge the merits of the decision and the Court can exercise all the functions and powers of the Council and overturn the Council's decision. An objector cannot apply to the Court to review the merits of a Council decision to approve a DA.

LEP: a *Local Environment Plan* aims to control development within a Council area by zoning land for different uses. LEPs are made by Councils. A Council prepares a draft LEP which is then placed on public exhibition. Members of the public are entitled to make submissions about the LEP, which Council must take into consideration before adopting the draft plan and forwarding it to PlanningNSW for approval. The Minister for Planning has the power to amend an LEP or defer particular aspects if s/he considers it to be inconsistent with a SEPP or REP. Councils can compel carriers to meet minimum community consultation requirements if it is written in the LEP.

LES: a Local Environment Study must be conducted prior to a LEP being developed, and must be made available for public exhibition and feedback.

Low Impact Facility: a facility as determined in the *Telecommunications (Low-impact Facilities) Determination 1997*. This only applies to the visual impact of the facility



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Low-impact: does not refer to the level of electromagnetic radiation. This term refers solely to the visual impact.

Precautionary Principle: is the policy by which a precautionary approach is applied to risk management in situations of scientific uncertainty. This principle was formally adopted by countries of the European Union in the Treaty of Maastricht (1992), and is evident in a ruling of the European Court of Justice when it upheld the decision of the European Commission to ban beef from the UK with a view to limiting the risk of transmission of Mad Cow Disease. The Court concluded that:

"In view of the seriousness of the risk and the urgency of the situation, and having regard to the objective of the decision, the Commission did not act in a manifestly inappropriate manner by adopting the decision, on a temporary basis and pending the production of more detailed scientific information.

"Where there is uncertainty as to the existence or extent of risks to human health, the Commission may take protective measures without having to wait until the reality or seriousness of those risks becomes apparent."

The Stewart Report in 2000 stated that a precautionary approach to the development of mobile phone technology remains a justifiable approach.

Public land: land that is owned or managed by a Council for public purposes. All public land must be classified as either "community" or "operational" land. Operational land may be sold or disposed of. Community land cannot be sold, exchanged or disposed of unless it has been reclassified as operational land. A Council must allow 28 days for public submissions on any proposed classification of public land.

Radio systems:

Analog is the old-fashioned mobile phone system, similar to AM and FM radio signals.

GSM, the current standard, is a digital mobile phone system (the letters stand for global system for mobiles) that transmits voice and text securely.

CDMA (2G) Orange is a second generation (2G) network that delivers services comparable with GSM. It's short for code division multiple access.

CDMA 1X offers increased download speeds capable of delivering images (at up to 144kbps).

3G CDMA, the next step, is a 2G "wide-band" 3G (third generation) standard that is capable of delivering video signals.

