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MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL  
HELD FEBRUARY 18, 2015

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Meeting commenced at 4:30 p.m.

**PRESENT:**

Councillor W. Cuy (Mayor) Councillor D. Gallagher (Deputy Mayor),  
Councillors C. Adams, B. Algate, P. Black, M. Browne, B. Licul, J. Nolan,  
J. Richards and D. Turley.

Deputy General Manager, Manager Building Development and Compliance,  
Communications Specialist, Executive Support Officer and Governance  
Officer.

Media (4), Members of the Public (55).

**APOLOGIES:**

Nil.

### **PURPOSE OF THE MEETING**

To consider the following report:

- 1) BROKEN HILL CITY COUNCIL REPORT NO. 20/15 - DATED FEBRUARY 13, 2015 - DEVELOPMENT APPLICATION DA2014/182 – PROPOSED TELECOMMUNICATIONS FACILITY COMPRISING A 35 METRE TALL MONOPOLE, WITH SIX PANEL ANTENNAS, SIX REMOTE RADIO UNITS AND AN EQUIPMENT SHELTER AT LOT 2 DP1175135, BEING 344 MCCULLOCH STREET, BROKEN HILL

### **PUBLIC FORUM**

DEVELOPMENT APPLICATION DA2014/182

Mark Baade of SK Planning spoke on behalf of Telstra Corporation and advised Council that:

- Telstra will accept the McCulloch Street location if it is approved with acceptable conditions and finalisation of the lease.
- Telstra have lodged an appeal with the Land and Environment Court regarding the Chapple Lane site which is merely to preserve its rights if this DA is not approved.
- With regards to the Conditions of Consent, Telstra is agreeable in principle to do EME testing in the commissioning stage and after 12 months of operation (testing is by an independent third party). Stated that whether the levels are more or less than levels in the EME report submitted to Council is irrelevant as Telstra is only required to comply with the standard.
- Telstra questions the condition of consent to carry out ongoing annual testing in particular if there is no additional equipment installed, and any additional equipment install would generally mean that the levels will exceed those provided to Council.
- With regarding to Broken Hill's National Heritage Listing, Telstra is of the view that in the future it will not be able to use the Commonwealth Low Impact determination and any additional equipment to be installed on the Tower will require a Development Application to Council.
- Telstra has concerns with Conditions 16 and 18 as Telstra is only required to comply with the relevant standard and requests Council consider deleting these conditions as Council is owner of the land it will at all times have access to a database for the site. This database contains all the EME information and inclusion zones which is assessed and prepared by an accredited provider, not Telstra. This is available to Council at all times and therefore there is no need for conditions 16 and 18.

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- If this DA is approved on terms acceptable to Telstra and the lease is finalised, there will be no need to pursue the location of Chapple Lane but at this stage the appeal remains on foot with the directions hearing scheduled for next week.

DEVELOPMENT APPLICATION DA2014/182

Mr. Fredrick Albert John Smith spoke in opposition to the proposed DA, stating:

- As we do not live in a dense city, there are other locations to situate a tower on the outskirts of the city.
- Questioned what the EME readings would be at the following locations:
  - at the top of the 15m high water slide which is located 86m from the tower
  - at the ramp at the Willyama High School
  - at the top of the Cummins Street hill
  - and questioned whether there would be a strobe light erected on the top of the tower
- There were 27 objection letters to the Chapple Street location and 230 objections to the North Family Play Centre site.
- Does Council intend to subdivide land in front of the tower, and expect to sell the blocks of land. This would be a loss to Council.
- Stated Council is rushing to make a decision to appease Telstra so that it does not appear in the Land and Environment Court.

DEVELOPMENT APPLICATION DA2014/182

Ms Alison Burt, Willyama High School P&C Secretary, spoke in opposition to the proposed DA, stating:

- The NSW Department of Education and Communities requested in December 2014 that the applicant meet with the school community to give advice on the impact of the proposed installation.
- That consultation had not occurred and the school's concerns have not been considered during the application process.
- Council is failing in its duty of care if they don't act upon the recommendations in the letter from the DEC, and stated the need to ensure the consultation process occurs; and the applicants requirement to consult with the DEC prior to the DA proceeding.
- concerns that the applicant will be able to add further antennas to this facility without community or Council consent.
- School community expects EME reading will rise and extend further into the school boundaries.
- The visual impact of the tower will be a stark and constant reminder to parents of the health risks of the facility.
- Cause stress to students and family and will affect future enrolments and the school's ability to attract and retain staff.
- Requested Council to take a precautionary approach and stated the facility should be at least 500m from the school boundary.
- Council should seek further alternate sites.
- There should never be a tower near a school.

The Mayor advised that answers to Ms. Burt's email to Councillors will be forwarded to Ms. Burt after the meeting.

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DEVELOPMENT APPLICATION DA2014/182

Mr. Raymond George Russell, spoke in opposition to the proposed DA, stating:

- Concerns regarding the advice given to Council that land valuations should not be taken into consideration when assessing the Development Application will mean that no one will want to purchase property in the vicinity of the Telecommunications Tower.
- Implored Council to listed to the ratepayers, stating that "Our homes are all we have".

DEVELOPMENT APPLICATION DA2014/182

Ms. Melissa Mahoney, spoke in opposition to the proposed DA, stating:

- 30 years ago Ms. Mahoney was treated for a Hypothalamic Glioma (brain tumour) and still has residual tissue present. Has reports and supporting literature from a Neurosurgeon which warns people that excessive to EMR can cause such tissue to re-grow, and she does not want to live at her current address in Fisher Street with the fear that the brain tumour will re-grown.
- Supporting evidence states that mobile towers emit microwaves at a frequency of 1900mhz and recent studies have shown that it impact every biological organism within 1 square km, which is yourself, your pets your gardens and fruit.
- Is worried that if this tower is approved it will affect the fruit on her fruit trees.

### DISCLOSURE OF INTEREST

Councillor Nolan declared a conflict of interest in Item 1 (Report No. 20/15) as he is an employee of the DEC and the Telstra Tower proposed location is near the Willyama High School which breaches DEC policy. Secondly, there is a close relationship between leaders of the 2 objection groups and himself as they hold office in the Far West Branch of the TAFE Teachers Association of the NSW Teachers Federations and he is their Federation Union Representative. Councillor Nolan advised that he will leave the Council Chambers whilst the item is considered

### REPORTS

*Councillor Nolan declared an interest in Item 1 and left the Council Chambers at 4:46 p.m.*

ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 20/15 - DATED FEBRUARY 13, 2015 - DEVELOPMENT APPLICATION DA2014/182 – PROPOSED TELECOMMUNICATIONS FACILITY COMPRISING A 35 METRE TALL MONOPOLE, WITH SIX PANEL ANTENNAS, SIX REMOTE RADIO UNITS AND AN EQUIPMENT SHELTER AT LOT 2 DP1175135, BEING 344 MCCULLOCH STREET, BROKEN HILL  
DA2014/182

Recommendation

That Broken Hill City Council Report No. 20/15 dated February 13, 2015, be received.

That consent be granted for Development Application 182/2014 for a telecommunications facility at Lot 2 DP 1175135, No. 334 McCulloch Street, Broken Hill subject to the conditions contained in Attachment 1.

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**RESOLUTION**

Minute No. 44870

Councillor C. Adams moved

Councillor D. Gallagher seconded

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That the recommendation of item 1 be adopted.

CARRIED

A Division was called which resulted in:

FOR: Councillors Adams, Black, Browne, Cuy and Gallagher  
AGAINST: Councillors Algate, Licul, Richards and Turley  
ABSTAINED: Councillor Nolan (Declaration of interest)

There being no further business the Mayor closed the meeting at 4:58 p.m.

THE FOREGOING MINUTES WERE READ  
AND CONFIRMED AT THE ORDINARY  
MEETING OF THE BROKEN HILL CITY  
COUNCIL HELD ON FEBRUARY 25, 2015.

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CHAIRPERSON