

Responses to Questions on Notice

Received at the 24 June 2021
Ordinary Meeting of Council

A handwritten signature in dark blue ink, appearing to read "Mark Arnold".

Mark Arnold
General Manager

QUESTIONS WITH NOTICE

1 5G..... 3
2 Voting record in Council minutes.....9
3 Council’s obligation to respond to questions 10

QUESTIONS WITH NOTICE

Question with Notice No. 1 5G

5 File No: I2021/1046

At Council's Ordinary Meeting held on 24 June 2021 the following questions in relation to 5G were asked and were taken on notice.

10 5g small cell infrastructure

Tashi Lhamo asked the following question:

15 *As the anticipated volume of 5G installation proposals could increase carrier Land Activity and Access Notices (LAAN) twentyfold over 2 years, does Council plan to request carriers provide their forward project plans for 5G deployment? Council is requested to provide a "yes" or "no" answer to my question, along with reasons if explanation is necessary.*

Response Director Sustainable Environment & Economy:

Yes. A request has been made to carriers to provide their forward project plans for 5G deployment.

20 5G infrastructure and small cells

Rinat Strahlhofer asked the following question:

Has Council received any information from any carriers about their future plans for the deployment of 5G infrastructure in the Byron Shire? Council is requested to provide a "yes" or "no" answer to my question, and if yes, to advise what information was provided?

25 **Response Director Sustainable Environment & Economy:**

No. Council has not received any information from any of the carriers about their future plans for the deployment of 5G infrastructure in the Byron Shire.

Giving Council more control over 5G's destruction of trees

30 **Michael Stavrou registered the following question:**

What specific laws and regulations can be relied on to protect Native trees that could be at risk of being cut down in the Byron Shire for the 5G infrastructure roll out?

Response Director Sustainable Environment & Economy:

A response was given to this question 24 June 2021.

Fibre-optic cabling

5 **Isabel Lucas registered the following question:**

Does Council have any information in its possession on where in the Byron Shire Fibre Optic internet provisions are available?

Response Director Sustainable Environment & Economy:

10 No. Council does not have any specific information in its possession on where in the Byron Shire Fibre Optic internet provisions are available.

Precautionary Principle

Henriette Blecher registered the following question:

15 *Will Council adopt a precautionary approach and take all necessary steps to ensure that 5G upgrades to towers in “areas of environmental significance” (as defined in the Telecommunications Low-impact Facilities Determination) do not proceed without ensuring long term safety for protected areas before development approval? Council is requested to provide a “yes” or “no” answer to my question, along with reasons if explanation is necessary.*

20 **Response Director Sustainable Environment & Economy:**

A response was given to this question 10 June 2021. Council will continue to respond to these matters on a case-by-case basis.

ICLEI

Alan Kunjasich registered the following question:

25 *Which Councillors, and areas within Council, are responsible for liaising with ICLEI?*

Response Director Sustainable Environment & Economy:

A response was given to this question 10 June 2021.

Telco carriers' plans

30 **Sher Manu Roberts registered the following question:**

If Council has not received any information about Telco carriers' plans for the deployment of 5G millimetre wave infrastructure, why has it not requested such information from

carriers, as it is entitled to do under the Mobile Phone Base Station Deployment Code and has been requested of Council on a number of occasions?

Response Director Sustainable Environment & Economy:

5 A request has been made to the Telcos about Telco carriers' plans for the deployment of 5G millimetre wave infrastructure.

Small cells on council-owned infrastructure and along our roads

Rinat Strahlhofer registered the following question:

10 *Considering the potential safety risks and increased costs to ratepayers, will Council consult with the public before allowing telcos to install small cells on council-owned infrastructure and along our roads? Council is requested to provide a “yes” or “no” answer to my question, along with reasons if explanation is necessary.*

Response Director Sustainable Environment & Economy:

No. Council will continue to respond to these matters on a case-by-case basis.

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5G infrastructure and small cells

Michael Leung registered the following question:

20 *Has Council received any information from any carriers about their future plans for the deployment of 5G infrastructure in the Byron Shire? Council is requested to provide a “yes” or “no” answer to my question, and if yes, to advise what information was provided?*

Response Director Sustainable Environment & Economy:

No. Council has not received any information from any carriers about their future plans for the deployment of 5G infrastructure in the Byron Shire.

25 Discussions between Council and telcos 5G rollout and the installation of small cells on power poles, lamp posts, bus shelters or any other council assets

Maria Picone registered the following question:

30 *Has Council had any discussions (either formal or informal) with telcos (i.e. Telstra, Optus TPGowned Mobile JV) regarding the 5G rollout and the installation of small cells on public utilities? Council is requested to provide a “yes” or “no” answer to my question. If the answer is “yes”, I request Council provide a summary of the current status of those discussions.*

Response Director Sustainable Environment & Economy:

No. Council has not had any discussions (either formal or informal) with telcos (i.e. Telstra, Optus TPGowned Mobile JV) regarding the 5G rollout and the installation of small cells on public utilities.

- 5 Objecting all future 5G upgrades or new mobile phone base stations that fall within a 500m distance from children’s educational facilities

Justin Picone registered the following question:

- 10 *Will Council commit to objecting all future 5G upgrades or new mobile phone base stations that fall within a 500m distance from children’s educational facilities across the Byron Shire? Council is requested to provide a “yes” or “no” answer to my question. If the answer is “no”, Council is requested to provide reasons for this decision.*

Response Director Sustainable Environment & Economy:

A response was given to this question 10 June 2021. Council will continue to respond to these matters on a case-by-case basis.

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5G’s Carbon Footprint

Tashi Lhamo registered the following question:

- 20 *Given the enormous carbon footprint 5G will have, does Council believe that it will achieve 100% net zero emissions for Council operations by 2025 if 5G is rolled out in the Byron Shire? Council is requested to provide a “yes” or “no” answer, along with reasons if explanation is necessary.*

Response Director Sustainable Environment & Economy:

A response was given to this question 10 June 2021.

25 5G

Daniel Rawson registered the following question:

- 30 *Has Council obtained legal advice on this issue given that 5G small cells will present potential road safety, electrical safety and radiation safety hazards to the public and Council staff? Council is requested to provide a “yes” or “no” answer to my question. If the answer is “yes”, what advice was given?*

Response Director Sustainable Environment & Economy:

No. Council has not obtained legal advice on this issue.

Council supply independent risk assessment

Cherie Cowin registered the following question:

Will Council undertake any risk assessments for the installation of small cells on its public utilities? Council is requested to provide a “yes” or “no” answer to my question and details of who will conduct the risk assessments if the answer is “yes”.

5 Response Director Sustainable Environment & Economy:

No. Council will continue to respond to these matters on a case-by-case basis.

Specific technology (5G) planning: Council communications

Angela Bambach registered the following question:

10 *Will Council request telcos provide their forward project plans for the deployment of 5G in the Byron Shire, including:*

(i) Which towers they plan to upgrade with millimetre wave technology;

(ii) When they plan to commence deployment of 5G small cells;

(iii) Where they plan to deploy 5G small cells (eg town centres, residential areas);

15 *(iv) Which public infrastructure (including Council and EE infrastructure) they plan to deploy small cells on.*

Council is requested to provide a “yes” or “no” answer to my question, along with reasons if explanation is necessary.

Response Director Sustainable Environment & Economy:

20 Yes. A request has been made to the Telcos about Telco carriers' plans for the deployment of 5G millimetre wave infrastructure.

5G

Lauren Antico registered the following question:

25 *Who did Council approach when attempting to secure panellists for the public information event on 5G in 2019 and were any experts asked besides ARPANSA?*

Response Director Sustainable Environment & Economy:

RESOLUTION NUMBER: 19-324

Resolved that Council:

- 30
1. Notes that there is some community concern with respect to reports that 5G network technologies may affect the health of the community and animal populations;
 2. Convenes and facilitates a public information event to share information and knowledge about the proposed 5G technology and its roll out in the Byron Shire;

3. Includes within its' list of invited speakers, representatives from Telstra, ARPANSA, the Member for Richmond, Justine Elliot MP, any pertinent accredited experts in this field and representatives from the Stop 5G Northern Rivers group;
- 5
4. Writes to the Federal Minister for Communications, the Shadow Minister for Communications, and Member for Richmond, Justine Elliot MP seeking assurance that community concerns with respect to 5G network technologies are being assessed and taken into consideration;
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5. Writes to Telstra, seeking assurances that community concerns with respect to 5G network technologies are being assessed and taken into consideration and that the precautionary principle has been applied when progressing the 5G rollout;
- 15
6. Writes to those listed in 4 and the State Government requesting a review of the cumulative impacts and an identification of who holds responsibility for monitoring cumulative impacts of microwave frequency technologies of 'small cell installations' on the residential community and, in light of the findings of this review, request the State Government to re-consider the appropriate planning process for the installation of small cells;
- 20
7. Writes to LGNSW and Member for Ballina, Tamara Smith MP with a request to support this review and possible planning adjustments as outlined in 6; and
- 25
8. Receives a report on any potential for Council's infrastructure being used to house 5G.

Question with Notice No. 2

Voting record in Council minutes

File No:

I2021/1047

5 At Council's Ordinary Meeting held on 24 June 2021 John Anderson registered the following question which was taken on notice:

10 *When I was on Council, the minutes carried the names of all Councillors who voted in favour of a particular motion or recommendation, thereby ensuring that voters could keep track of the performance of the individual Councillors in accordance with transparency and accountability. When, why and using what process did Council change to the current system where only the mover and seconder are recorded?*

Response Director Corporate and Community Services:

15 There has been no change to how voting on motions are recorded in the Minutes of Council Meetings. While not mandated by legislation or Council's Code of Meeting Practice, dissenting votes are always recorded in the minutes to provide transparent and open decision making. The minutes also record any Councillors who are in attendance at the meeting and not present for the vote on a particular matter.

20 In the case of planning matters, a full division listing both those Councillors for and against the planning matter is recorded in the minutes, in compliance with section 375A of the Local Government Act.

The Councillors in attendance at a meeting are recorded at the beginning of the Minutes for the meeting along with any apologies. The Minutes also note any Councillors that join a meeting during the meeting.

25

Question with Notice No. 3 Council's obligation to respond to questions

File No: I2021/1101

At Council's Ordinary Meeting held on 24 June 2021, Tashi Lhamo asked the following question which was taken on notice:

Is there any accountability that Council have to respond appropriately or accurately to questions on notice moving forward?

Response Legal Counsel:

Where questions are put by members of the public during public access sessions Council always endeavours to provide appropriate and accurate responses.

Before any response is provided to the person/community organisation asking the question or is placed on Council's website it is checked for accuracy by senior staff.

Because a person/community organisation asking a question does not agree with Council's answer does not, of itself, mean that the answer is not appropriate or accurate.

Council's Code of Meeting Practice provides, at clause 4.2, that questions from members of the public are to be on current agenda items or current issues before Council.

Council may be hampered in its response if the question, having been allowed by the Chair, is on a matter not currently before Council or beyond Council's jurisdiction.