

Responses to Questions on Notice

Received at the 27 May 2021
Ordinary Meeting of Council

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

Mark Arnold
General Manager

BYRON SHIRE COUNCIL

QUESTIONS WITH NOTICE

1	5G	3
2	Byron Bypass Costs.....	6

QUESTIONS WITH NOTICE

Question with Notice No. 1

5G

File No:

I2021/954

- 5 At Council's Ordinary Meeting held on 27 May 2021 the following questions in relation to 5G were asked and were taken on notice.
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Question No. 1 5G – Native tree protection

Michael Stavrou asked the following question:

- 10 *What laws and regulations can Council rely on to protect Native trees that could impede 5G transmissions? - to protect them from being cut down?*

Response Director Sustainable Environment & Economy:

- 15 *Relevant laws and regulations pertaining to the protection of native trees need to be considered on a case by case basis as notifications are received from Telcos about the rollout of 5G infrastructure in the Byron Shire.*
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Question No. 2 5G – Telco plans

Michael Leung asked the following question:

- 20 *What information has Council received from Telcos about their overall plans for the deployment of 5G millimetre infrastructure in the Byron Shire, including small cells?*

Response Director Sustainable Environment & Economy:

Plans for the deployment of 5G millimetre infrastructure are the responsibility of Telcos and not Council.

Question No. 3 5G – 32 Fletcher Street

Sher Manu Roberts asked the following question:

5 *Will Council take a Precautionary Approach and submit an objection to Telstra (and other telco carriers if applicable), regarding the proposed 5G upgrade to the tower at 32 Fletcher Street, Byron Bay?*

Response Director Sustainable Environment & Economy:

Upgrades to mobile phone towers are reviewed on a case by case basis as notifications are received from Telcos as required by the relevant legislation and or industry code.

10 Question No. 4 5G – 95 Dalley Street

Maria Picone asked the following question:

If Telstra comes to Mullumbimby to add 5G infrastructure to the tower at 95 Dalley Street (that has a moratorium called on 5G), how will Council advocate for the local residents who are peacefully protesting against the 5G upgrade?

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

Upgrades to mobile phone towers are reviewed on a case by case basis as notifications are received from Telcos as required by the relevant legislation and or industry code.

Community protests are a matter for the NSW Police.

20 Question No. 5 5G – Tower sites

Rinat Strahlhofer asked the following question:

25 *Will Council commit to liaising with experts from NSW National Parks & Wildlife Service and NSW Planning Industry & Environment National Parks, to gather data on environmentally significant areas surrounding tower sites, such as habitats of at-risk and vulnerable native species?*

Response Director Sustainable Environment & Economy:

Upgrades to tower sites are reviewed on a case by case basis as notifications are received from Telcos as required by the relevant legislation and or industry code.

Question No. 6 5G – Benefits and risks forum

Lauren Antico asked the following question:

Will council facilitate a forum with an expert panel, on the potential benefits and risks of 5G infrastructure deployment in the Byron Shire, for the local community?

5 Response Director Sustainable Environment & Economy:

There is no requirement under the legislation and or industry code for Council to facilitate a forum on the benefits and risks of 5G infrastructure.

10 Further, and as reported to Council in 2019, a public information event along the same lines as above (with expert panel) did not proceed as staff were unable to secure panellists.

Question No. 7 5G – Precautionary principle evidence

Tashi Lhamo asked the following question:

15 *Will Council obtain written independent expert opinion (for example from the scientists in Oceania Radiofrequency Scientific Advisory Association Inc. www.orsaa.org) on the current state of scientific research on the biological and health effects of 5G millimetre waves and the evidence for invoking the precautionary principle?*

Response Director Sustainable Environment & Economy:

20 There is no requirement under the legislation and or industry code for Council to undertake its own independent assessment on the biological and or health effects the result of 5G millimetre waves.

Question No. 8 5G – Health and environmental effects

Daniel Rawson asked the following question:

25 *Will Council take a Precautionary Approach and issue a public statement calling for a halt on the 5G rollout across the Byron Shire until a sufficient number of research studies on its health and environmental effects have been conducted?*

Response Director Sustainable Environment & Economy:

30 The rollout of 5G infrastructure across Byron Shire is reviewed on a case by case basis as notifications are received from Telcos as required by the relevant legislation and or industry code.

Question with Notice No. 2 Byron Bypass Costs

File No:

I2021/956

At Council's Ordinary Meeting held on 27 May 2021 Hilda asked the following question which was taken on notice:

Byron Bypass Costs

Given that the first published cost of the Byron Bypass several years ago was \$10.5 million, and given that the last set of bypass expenditure figures provided to me by Council about 18 months ago gave a total of \$25 million (a figure which included a figure of \$3 million reserved for "contingencies" i.e. unallocated funds), what was it that caused a late burst of obligation such that Council now has evidently not only spent that \$3 million but is being asked to borrow a further \$1.75 million, without explanation?

Response Director Infrastructure Services:

Stage 4, the most northern section including the Shirley St roundabout upgrade cost \$2.5M.

This stage was not allowed for in the overall project estimates.

The accumulative cost of the project challenges detailed in Report 13.15 – Byron Bay Bypass Project Closeout to the Ordinary (Planning) meeting held on 13 May 2021, meant that this cost could not be fully funded wholly by the project contingency or the original project budget of \$24 million.

The final estimated project budget as reported to the meeting on 13 May 2021 is \$25,725,600.