

# Environmental Defenders Office (SA) Inc.

## INFORMATION GUIDE

### Resources to Assist Communities to Challenge Mobile Phone Towers

( current as at June 2011 )

**Acknowledgment: Publication of this Guide was made possible with funding from the Law Foundation of South Australia**

The EDO receives many requests from people wishing to oppose new mobile phone towers. It is beyond the scope of our resources to take these cases on, however we offer the following list of on-line materials to help you find your way through this complex area of law. It is complex because it involves both Commonwealth and State law.

In general terms, so called "[Low Impact facilities](#)" are regulated by the Commonwealth and do not require State planning approval. The majority of new towers fall into this category. Other facilities will usually be subject to a development application under the SA Development Act 1993.

In South Australia, where new towers have been regulated by State planning laws, some communities have been successful in appealing approvals (or supporting refusals) in the Environment Resources and Development Court. However, so far, nobody has brought a successful appeal on the basis of potential adverse health impacts from electro-magnetic radiation. Cases are usually decided on the grounds of visual amenity.

**Disclaimer re external links: Our website is linked to other websites over which we have no control. We make no representations about the accuracy of information contained on those websites. We are not liable for the content on those websites.**

#### **Resource Index:**

[Campaign Support](#)

[Health Impacts](#)

[SA Planning Law](#)

[Low Impact Facilities](#)

[Australian Communications and Media Authority](#)

[SA Court cases on Mobile Phone Towers](#)

[Other Resources](#)

## **Campaign support [\[back to index\]](#)**

One of the most active community organisations campaigning against inappropriate telecommunication facilities is "Tower Sanity". This group can be contacted by phoning Anne Wagstaff on (02) 9580 7919 (Sydney).

To see an example of one community's campaign against mobile phone towers, see <http://defenders.oatleypark.com/>.

## **Health impacts [\[back to index\]](#)**

There is a wealth of contradictory material on the net dealing with the health impacts of electro-magnetic radiation from mobile phone towers. The "official" position is summed up by the Australian Communications and Media Authority as follows:

"The weight of national and international expert opinion is that

there is no substantiated evidence that living near a mobile

phone tower or base station causes adverse health effects."

On the other hand, there are non-profit community groups that strenuously maintain the health impacts are a genuine concern. New information on health impacts is emerging all the time. For more information, visit the Electro Magnetic Radiation Association of Australia: <http://www.emraa.org.au/>

[Note: This group no longer operates, however they have maintained their web site as a resource for communities]

For Free advice, contact [Tower Sanity](#)

## **SA Planning Law [\[back to index\]](#)**

In 2000, the State Government inserted guiding objectives and principles into all local "planning schemes" in South Australia. Whilst these are consistent across the State, they can be modified to meet individual needs, so you should check the

relevant Development Plan provisions for your area. You should look for a heading "Telecommunications facilities" or similar. All Development Plans are available from the Planning SA web site or in hard copy from your local council. See: <http://www.planning.sa.gov.au/edp/index.htm>

Eg. Adelaide Hills Council: <http://www.planning.sa.gov.au/edp/pdf/adhi.pdf>

## **Low Impact facilities [\[back to index\]](#)**

Commonwealth Telecommunications Low Impact Facilities Determination 1997:

[http://www.dcita.gov.au/\\_data/assets/word\\_doc/7970/Telecommunications\\_Low-impact\\_facilities\\_Determination\\_1997.doc](http://www.dcita.gov.au/_data/assets/word_doc/7970/Telecommunications_Low-impact_facilities_Determination_1997.doc)

See also explanatory notes:

[http://www.dcita.gov.au/\\_data/assets/word\\_doc/9832/Telecommunications\\_Low-Impact\\_Facilities\\_Determination\\_1997.doc](http://www.dcita.gov.au/_data/assets/word_doc/9832/Telecommunications_Low-Impact_Facilities_Determination_1997.doc)

## **Australian Communications and Media Authority [\[back to index\]](#)**

Fact Sheets can be found at:

[http://www.acma.gov.au/WEB/STANDARD/pc=PC\\_300377](http://www.acma.gov.au/WEB/STANDARD/pc=PC_300377)

## **SA Court cases on mobile phone towers: [\[back to index\]](#)**

Eg. HUTCHISON 3G AUSTRALIA P/L v CITY OF MITCHAM & ANOR [2004] SAERDC 94. See:

[http://www.courts.sa.gov.au/courts/environment/judgments/2004\\_7-12/hutchison\\_v\\_mitcham.html](http://www.courts.sa.gov.au/courts/environment/judgments/2004_7-12/hutchison_v_mitcham.html)

For other cases, go to the SA ERD Court and Supreme Court databases on "Austlii" and use the search engine to find cases on "telecommunications facilities" or similar: <http://www.austlii.edu.au/au/cases/sa/SAERDC/>

## **Other resources [\[back to index\]](#)**

Other resources can be found by searching the net. Try typing

"Telecommunications (Low-impact Facilities) Determination 1997", "mobile phone towers" or other key terms into [Google](#).