



## Development Services Attachments

### Wednesday, 20 May 2015

REPORT NUMBER	REPORT TITLE AND ATTACHMENT DESCRIPTION	PAGE NUMBER(S)
9.1.1	<b>Proposed Telecommunications Facility/ NBN Fixed Wireless Facility Lot 12383 (Bell Hill Reserve (Reserve No. 44213)) Forrest Hills Parade, Bindoon</b> <ol style="list-style-type: none"> <li>Report Accompanying Planning Application</li> <li>NBN Co Community Drop In Session – Feedback</li> <li>Aerial of site</li> <li>Images from site inspection</li> <li>Overall site plan (from planning applications)</li> <li>Alternative Locations (by Applicant)</li> <li>Schedule of Submissions</li> <li>Alternative Locations (by submitter)</li> <li>Map indicating area of 2.5km radius of initial and secondary letter drop</li> <li>Letter to residents and rate payers including attachments</li> <li>Advertising onsite</li> <li>Applicants response to submissions received;</li> <li>Letter from St John Ambulance Chittering/Gingin Sub Centre;</li> <li>‘How NBN Works’</li> <li>Photomontage of Proposed Fixed Wireless Facility atop Bell Hill Reserve</li> <li>Map indicating location of submissions received (within 2.5km radius) of initial and secondary letter drop</li> <li>Shire Locality Elevation Desktop Assessment</li> <li>Endorsed Management Plan</li> </ol>	1 - 423
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National  
Broadband  
Network

# Planning Report Proposed Fixed Wireless Facility

Lot 12383 on Plan 15355  
Bindoon, WA

NBN Site Reference  
NBN 6PEZ-6TOO-5101-BIND

*The contents of this document reflect NBN Co's current position on the subject matter of this document. It is provided solely to explain information relevant to NBN Co's planning proposal. The contents of this document should not be relied upon as representing NBN Co's final position on the subject matter, except where stated otherwise. Any dates provided are indicative only, are subject to change and are dependent upon a number of factors.*

Prepared on behalf of NBN Co Limited  
By Daly International Pty Ltd  
December 2014



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## Executive Summary

Proposal	<p>NBN Co propose to install a new fixed wireless facility in the reserve at the corner of Forrest Hills Parade and Ridgetop Ramble Road, Bindoon WA 6502 (Lot 12383 on Plan 15355), comprising of:</p> <ul style="list-style-type: none"> <li>▪ 40m high monopole;</li> <li>▪ 1 X parabolic dish antennas;</li> <li>▪ 4 X panel antennas on a circular headframe;</li> <li>▪ 1 x outdoor cabinets (and 1 x future) at ground level; &amp;</li> <li>▪ Ancillary equipment associated with operation of the facility, including cable trays, cabling, safe access methods, bird proofing, earthing, electrical works and air-conditioning equipment.</li> </ul>		
Purposes	The proposed facility is necessary to provide NBN fixed wireless coverage to the Bindoon area.		
Property Details	<p><i>Lot &amp; Plan No:</i> 12383 on Plan 15355  <i>Street Address:</i> Corner of Forrest Hills Parade and Ridgetop Ramble  <i>Property Owner:</i> Department of Lands with a Management Order to the Shire of Chittering</p>		
Town Planning Scheme	<p><i>Council:</i> Shire of Chittering  <i>Zones:</i> Parks &amp; Recreation  <i>Use Definition:</i> Telecommunications Infrastructure</p>		
Applicable Planning Policies	Relevant State & Local Planning Policies	Complies	
	<p><i>Shire of Chittering Town Planning Scheme No. 6 2004 (as amended in 2011)</i>  <i>State Planning Policy 5.2 Telecommunications Infrastructure</i></p>	Yes	Yes
Application	Use and development of the land for the purposes of construction & operation of Telecommunications Infrastructure (Fixed Wireless Facility)		
Applicant	<p>NBN Co Limited (NBN Co)  c/- Daly International  Level 1, 1002 Hay Street  PERTH WA 6872  Contact: Rochelle Barclay  Our Ref: 6PEZ-6TOO-5101 Bindoon</p>		



## I INTRODUCTION

NBN Co has engaged Ericsson as the equipment vendor and project manager to establish the infrastructure required to facilitate the fixed wireless component of the National Broadband Network (NBN). Ericsson has in turn engaged Daly International to act on its behalf in relation to the establishment of the required fixed wireless network infrastructure.

The NBN is an upgrade to Australia's existing telecommunications network. It is designed to provide Australians with access to fast, affordable and reliable internet and landline phone services. NBN Co plans to upgrade the existing telecommunications network in the most cost-efficient way using best-fit technology and taking into consideration existing infrastructure.

To support the Fixed Wireless component of this network, NBN Co requires a fixed wireless transmission site to provide fixed wireless internet coverage to.

An in-depth site selection process was undertaken in the area prior to confirming the site as the preferred location. This process matched potential candidates against four key factors, namely:

- Town planning considerations (such as zoning, surrounding land uses, environmental significance and visual impact);
- The ability of the site to provide acceptable coverage levels to the area;
- Construction feasibility; and
- The ability for NBN Co to secure a lease agreement with the landowner.

This application seeks planning consent for:

- a 40 meter high monopole;
- radio and transmission telecommunications equipment; and
- ancillary equipment cabinet(s).

Located at Lot 12383 on Plan 15355.

This submission will provide assessment in respect of the relevant planning guidelines, and demonstrates site selection on the basis of:

- The site is designed so as to be appropriately located & sited so as to minimise visual impact on the immediate & surrounding area;
- The site is designed to achieve the required coverage objectives for the area;
- The proposal is designed to operate within the regulatory framework of Commonwealth, State and Local Government; and
- The facility is designed to operate within all current and relevant standards and is regulated by the Australian Communications and Media Authority.

This planning report provides details of the proposed installation, assesses its compliance with the relevant planning instruments, draws a number of conclusions regarding likely impacts in terms of key relevant issue areas and recommends that the proposal be approved.



## 2 BACKGROUND

### 2.1 NBN Co and the National Broadband Network

NBN Co is the organisation responsible for overseeing the upgrade of Australia's existing telecommunications network and for providing wholesale services to retail service providers. The NBN is designed to provide Australians with access to fast, affordable and reliable internet and landline phone services.

NBN Co plans to upgrade the existing telecommunications network in the most cost-efficient way using best-fit technology and taking into consideration existing infrastructure. The NBN's fixed wireless network will use cellular technology to transmit signals to and from a small antenna fixed on the outside of a home or business, which is pointed directly towards the fixed wireless facility.

NBN Co's fixed wireless network is designed to offer service providers with wholesale access speeds of up to 25Mbps for downloads and 5Mbps for uploads.<sup>1</sup>

### 2.2 What is Fixed Wireless and how is it different to Mobile Broadband?

The NBN's fixed wireless network, which uses advanced technology commonly referred to as LTE or 4G, is engineered to deliver services to a fixed number of premises within each coverage area. This means that the bandwidth per household is designed to be more consistent than mobile wireless, even in peak times of use.

Unlike a mobile wireless broadband service where speeds can be affected by the number of people moving into and out of the area, the speed available in a fixed wireless network is designed to remain relatively steady.

### 2.3 The Fixed Wireless Network – Interdependencies

Although fixed wireless facilities are submitted to Council as standalone developments from a planning perspective, they are highly interdependent. Each fixed wireless facility is connected to another to form a chain of facilities that link back to the fibre network. This is called the 'transmission network'.

The transmission network requires line of sight from facility to facility until it reaches the fibre network. The fixed wireless network will remain unconnected without the transmission network and a break in this chain can have flow on effects to multiple communities.

A typical fixed wireless facility will include three panel antennas mounted above the surrounding area. Each antenna is designed to cover a set area to maximise signal strength. These network antennas communicate to a small antenna installed on the roof of each customer's home or business. The proposed Fixed Wireless facility at Bindoon is a terminal site.

<sup>1</sup> NBN Co is designing the NBN to provide these speeds to our wholesale customers, telephone and internet service providers. End user experience including the speeds actually achieved over the NBN depends on some factors outside NBN Co's control like equipment quality, software, broadband plans and how the end user's service provider designs its network.

The character of the Fixed Wireless network is visually demonstrated through Figure 1 below.

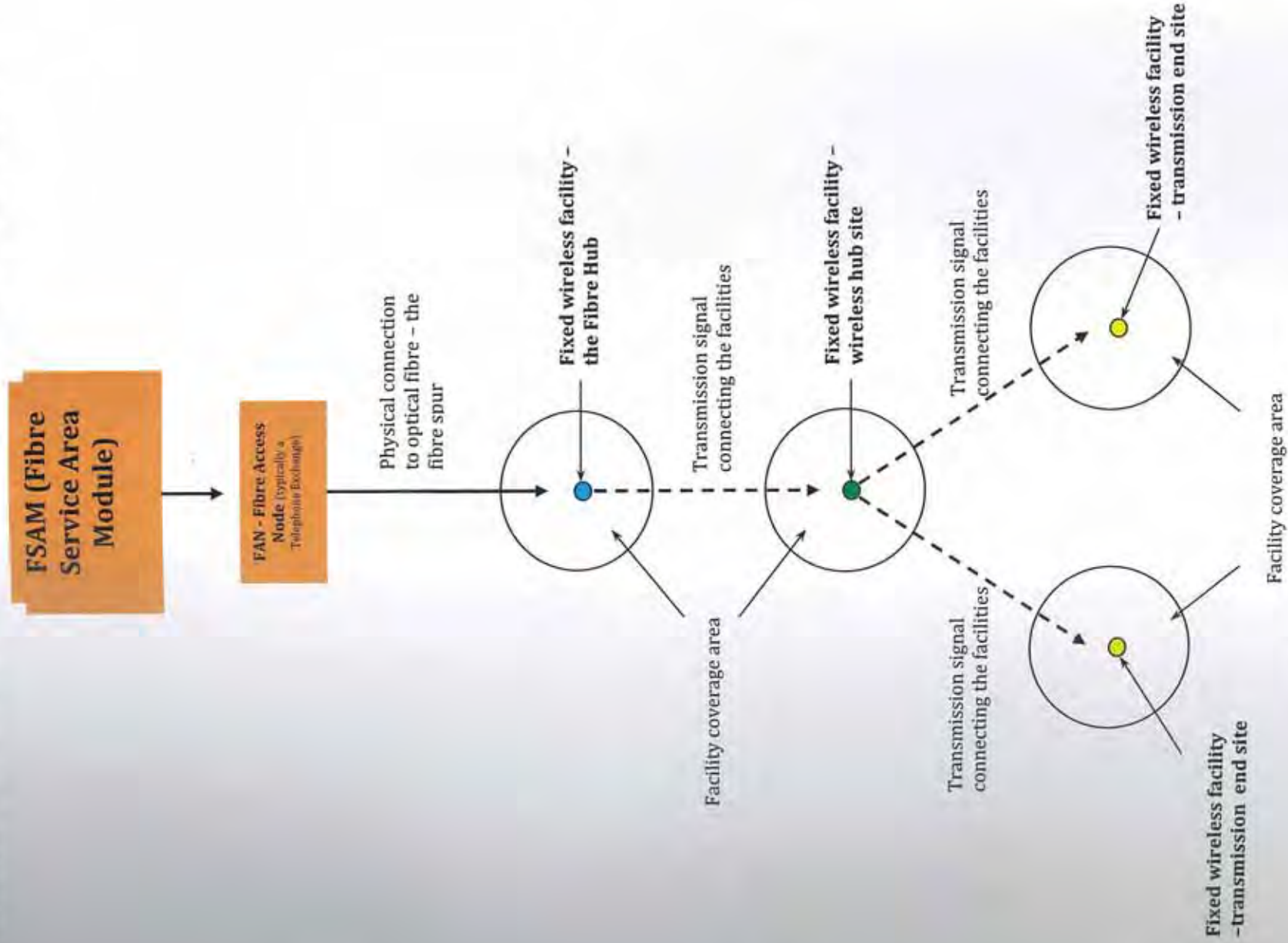


Figure 1: The fixed wireless network



## 3 SITE SELECTION

Planning for a new fixed wireless broadband facility is a complex process. NBN Co conducts a rigorous multi-stage scoping process, as outlined below.

### 3.1 Identification of areas requiring Fixed Wireless coverage

NBN Co's Fixed Wireless locations are determined by a number of factors including the availability of both the NBN Co Fibre transit network and the availability of Point of Interconnect (POI) facilities to allow for the installation of NBN Co fibre equipment. NBN Co uses a number of methods to identify those parts of Australia that require Fixed Wireless coverage. When an area is identified as requiring Fixed Wireless coverage, investigations are undertaken to determine the measures required to provide this coverage.

NBN Co has identified a requirement to provide a Fixed Wireless facility at Bindoon. The facility is designed to provide Fixed Wireless internet services to dwellings in the Bindoon area.

### 3.2 Site Selection Parameters

NBN Co generally identifies an area where the requirement for a Fixed Wireless facility would be highest, a 'search area.' A preliminary investigation of the area is then generally undertaken, in conjunction with planning and property consultants, radiofrequency engineers and designers in order to identify possible locations to establish a facility.

Generally speaking, new sites must be located within, or immediately adjacent to, the identified search area in order to be technically feasible. However, while the operational and geographical aspects of deploying new facilities are primary factors, there are also many other issues that influence network design, which have to be resolved in parallel.

Some of the issues that may be considered include visual amenity, potential co-location opportunities, the availability and suitability of land as well as a willing site provider, occupational health and safety, construction issues (including structural and loading feasibility and access for maintenance purposes), topographical constraints affecting network line of site, legislative policy constraints, environmental impacts, and cost implications.

The number, type and height of facilities required to complete the Fixed Wireless network are largely determined by the above operational, geographical and other factors discussed that influence final network design. These compounding factors often severely restrict the available search area within which a facility can be established to provide Fixed Wireless internet services to a local community.

### 3.3 Candidate Sites

Following the identification of the search area, a number of candidate sites were examined. Each candidate was assessed based on the ability to meet the coverage objectives and site considerations detailed above. A total of nine (9) candidates were selected for in-depth investigation, as per Figure 2 on the following page.



NBN Co endeavors to avoid locating search areas in close proximity to residential localities and potentially sensitive land uses, where practicable. The area surrounding the proposed location of the proposed facility is comprised predominantly of rural residential land uses. As such, NBN Co considers that the Country-club estate area provides an appropriate location for a facility, given the appropriate separation from higher-density residential and other sensitive land uses.

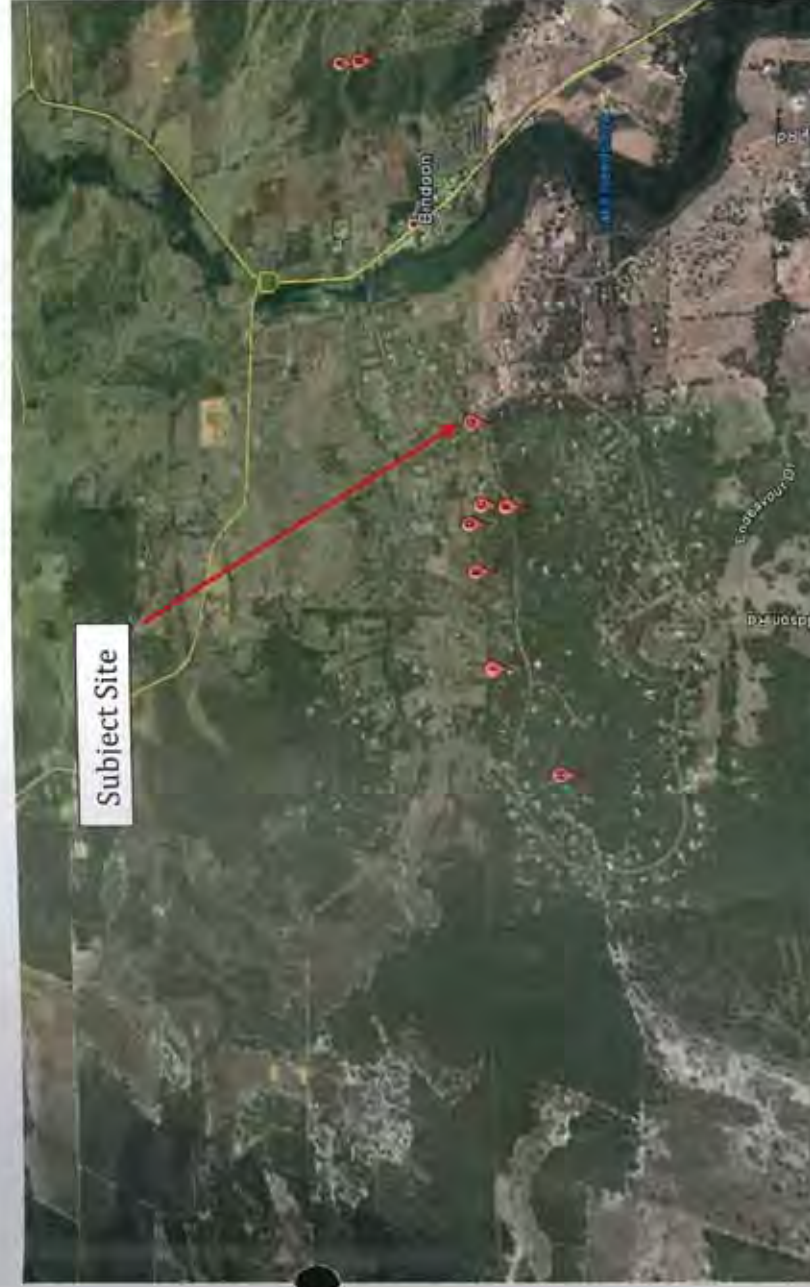


Figure 2 – NBN Co Candidate Sites (from Google Earth)

A summary of the candidates that were proposed is set out below, including a description of the opportunities and constraints that each site afforded.

Candidate	Address and Lot Number	Facility Type	Description
A	Lot 3874 on Plan 175546	Co-location	NBN Co investigated the possibility of co-location on the existing Optus tower. Co-location was not possible due to a shortage of space and coverage issues.
B	Lot 3874 on Plan 175546	New 40 m monopole	NBN Co investigated the possibility of co-location on the existing Optus tower. Co-location was not possible due to a shortage of space and coverage issues.
C	40 Forrest Hills Parade Bindoon (Lot 155 on Plan 15355)	New 40 m monopole	NBN Co investigated establishing a new 40 metre monopole at 40 Forrest Hills Parade, Bindoon. Land tenure was unavailable.



<b>D</b>	68 Forrest Hills Parade Bindoon WA (Lot 183 on Plan 15355)	New 40 m monopole	NBN Co investigated establishing a new 40 metre monopole at 68 Forrest Hills Parade, Bindoon. Land tenure was unavailable.
<b>E</b>	169-201 Gray St, Bindoon WA (Lot 3 on Diagram 13169)	New 40 m monopole	NBN Co investigated establishing a new 40 metre monopole at 169-201 Gray St, Bindoon. Land tenure was unavailable.
<b>F</b>	57 Forrest Hills Parade Bindoon WA (Lot 88 on Plan 57454)	New 40 m monopole	NBN Co investigated establishing a new 40 metre monopole at 57 Forrest Hills Parade, Bindoon. Land tenure was unavailable.
<b>G</b>	<b>Lot 12383 on Plan 15355</b>	<b>New 40 m monopole</b>	<b>Current Prime Candidate</b>
<b>H</b>	Lot 12116 on Plan 15360 (Evergreen Reserve)	New 40 m monopole	NBN Co investigated establishing a new 40 metre monopole at Lot 12116 on Plan 15360. The site did not meet coverage objectives at this height.
<b>I</b>	Lot 148 Forrest Hills Parade (Lot 269 on Plan 15358)	New 40 m monopole	NBN Co investigated establishing a new 40 metre monopole at Lot 148 Forrest Hills Parade (Water Corp Site). The site did not meet coverage objectives at this height.

### 3.4 Site Selection

This section has provided an overview of the process and particulars relating to site selection. Candidate G - Lot 12383 on Plan 15355 is considered the ideal candidate site for the location of the proposed NBN fixed wireless facility for the following reasons:

- The proposed site has been particularly targeted to provide the optimal required quality of service as required by NBN Co across the Bindoon region;
- The proposed facility is located in a rural residential area, on an elevated area of the site to minimize the tower height; existing vegetation will screen and soften the tower;
- The site provides sufficient spatial separation from sensitive land uses with the nearest dwellings located approximately 80 metres and 94 metres from the proposed site. The house to the south is down the ridgeline and the outlook is away from the tower. The house to the west also is downhill from the proposed location and the outlook of the residence is away from the facility; and
- There is an existing access track to the facility.

## 4 SUBJECT SITE & SURROUNDS

Item 9.1.1

The telecommunications facility is proposed to be located at Lot 12383 on Plan 15355, Bindoon. The land is presently improved by a small emergency services radio tower. The site is irregular in shape and access to the property is via an existing access track from Forrest Hills Parade (please refer to the Proposal Plans contained in **Appendix 3- Proposed Plans**).

The subject site is zoned Parks and Recreation (Please refer to the Zoning Map in **Section 6.3.2** of this report). The surrounding area consists predominantly of rural residential zoning within the country club estate, with some sites being zoned as Parks and Recreation. The area around the Bindoon village is zoned Townsite, and is flanked by conservation and parks and recreation. The nearest dwellings are setback approximately 80 metres; and approximately 94 metres. **Figure 3** on the following page depicts the subject site in the context of the surrounding area. This image shows the low-density rural residential character of the surrounding area.

Where possible, NBN Co endeavors to co-locate with existing telecommunications facilities if it is feasible to do so. As per data from the Mobile Carriers Forum (MCF) National Site Archive, there are no suitable telecommunications sites within the Bindoon area. Accordingly, co-location could not be achieved in this instance.

Attachment 1



Figure 3 – Aerial Photo of subject site, illustrating surrounding context (Courtesy of Google Maps)





Figure 4; and Figure 5 below depict the proposed location of the NBN Fixed wireless facility within the site, and the view from the proposed location looking towards Forrest Hills Parade. More site photos are included in **Appendix 2- Site Photographs**, and include a Photomontage illustrating the proposed facility as it would appear in the landscape.



Figure 4 – Proposed location of the NBN Wireless Facility compound

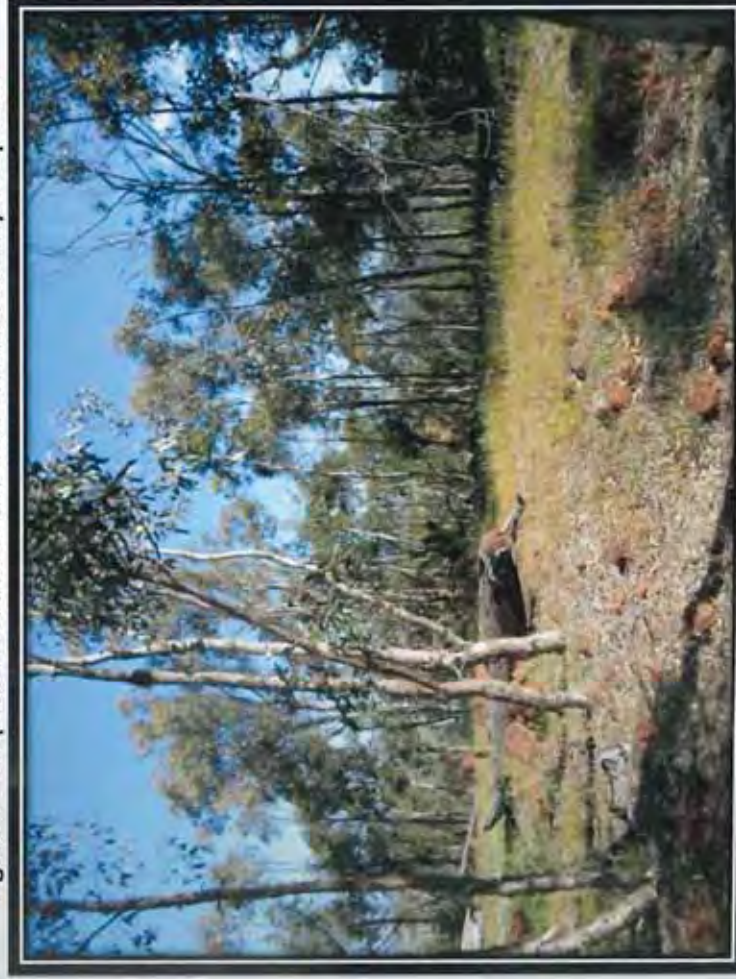


Figure 5 – View from proposed facility location towards Forrest Hills Parade



## 5 THE PROPOSAL

### 5.1 Facility and Equipment Details

#### 5.1.1 Equipment to be Installed

Approval is sought for the development of a telecommunications facility, comprising a forty (40) metre high monopole, associated radio transmission telecommunications equipment and ancillary components including an outdoor cabinet enclosed within a secure compound which measures approximately 96 m<sup>2</sup> in area.

The proposed monopole will feature a circular headframe at the top of the monopole accommodating four (4) x panel antennas measuring approximately 1077 mm x 300mm x 115mm. One (1) parabolic dish antenna will also be installed at approximately 37 metres on the monopole and will be 600mm in diameter. (Please refer to **Appendix 3 – Proposed Plans** for further details.)

#### 5.1.2 Access and Construction Details

The proposed NBN compound will be accessed via the existing locked access track of Forrest Hills Parade (Please refer to **Appendix 3 – Proposed Plans** for further details). NBN Co considers the site access to be appropriate given the NBN Co facility will not be a significant generator of traffic. Once operational, the facility should require once annual maintenance visits, but would remain unattended at all other times. As the facility is expected to generate minimal trips per year, it is anticipated that traffic interference will be negligible.

During the construction phase, it is planned that a truck will be used to deliver the equipment and a crane will be utilised to lift most of the equipment into place. Any traffic impacts associated with construction are expected to be of a short-term duration and are not anticipated to adversely impact on the surrounding road network. In the unlikely event that road closure will be required, NBN Co will apply to the relevant authorities for permission.

The facility and all ancillary components are proposed to be constructed over the one title. A copy of title is provided as **Appendix 1**. Plans indicating the details of the proposal form part of the documentation of this application. Additional photos of the site and proposed development plans are provided as **Appendices 2 & 3** respectively.

#### 5.1.3 Utility Service Details

The facility will be powered by a proposed underground power cable from existing western power pole (#355549) to the proposed NBN equipment shelter.



#### 5.1.4 Construction and Noise

Noise and vibration emissions associated with the proposed facility are expected to be limited to the construction phase outlined above. Noise generated during the construction phase is anticipated to be of short duration and accord with the standards outlined in the relevant EPA guidelines. Construction works are planned only to occur between the hours of 7.00am and 6.00pm.

There is expected to be some low level noise from the ongoing operation of air conditioning equipment associated with the equipment shelter, once installed. Noise emanating from the air conditioning equipment is expected to be at a comparable level to a domestic air conditioning installation, and should generally accord with the background noise levels prescribed by relevant guidelines.

A total construction period of approximately ten weeks (including civil works and network integration and equipment commissioning) is anticipated. Construction activities will involve four basic stages:

- Stage 1 (Week 1) – Site preparation works, including field testing, excavation and construction of foundations;
- Stage 2 (Weeks 2, 3 and 4) – Construction of the mast;
- Stage 3 (Weeks 5 and 6) – Construction of the equipment shelter and fences;
- Stage 4 (Weeks 7 – 10) – Installation of antennas and radio equipment, as well as equipment testing.

Once operational, the facility is designed to function on a continuously unstaffed basis and will typically only require maintenance works once a year, for approximately one day per year.

## 6 CURRENT PLANNING CONTROLS

### 6.1 Commonwealth Legislation

#### 6.1.1 The Telecommunications Act 1997

Schedule 3 of the *Telecommunications Act 1997* (Cth) empowers Carriers to install low-impact facilities without participating in the planning approval process. The *Telecommunications (Low Impact Facilities) Determination 1997* (Cth) defines which facilities are low-impact facilities. As the proposed monopole cannot be defined as a low-impact facility, the Commonwealth power does not apply. As such, unless a State or Territory exemption applies, a planning permit is required.

### 6.2 State Legislation –

#### 6.2.1 Planning and Development Act 2005

The proposal is subject to the provisions of the *Planning and Development Act 2005*. This Act controls development within Western Australia through the application of environmental planning instruments. It is those instruments that document whether or not development is permissible, either with or without development consent, or prohibited.

#### 6.2.2 State Planning Policy 5.2 Telecommunications Infrastructure

This policy provided a framework for the preparation, assessment and determination of applications for planning approval of telecommunications facilities within the context of the planning system of Western Australia. Planning Policy 5.2 states that 'telecommunications infrastructure should be located, sited and designed in accordance with 15 Guiding Principles'. Please refer to **Appendix 5 – Response State Planning Policy 5.2** for compliance with the provisions of this policy.

#### 6.2.3 Guidelines for the Location, Siting and Design of Telecommunications Infrastructure

The guidelines provide advice on the location, siting and design of telecommunications infrastructure to assist local government in planning for telecommunications facilities at the local level and are designed to be read in conjunction with Telecommunications Infrastructure Statement of Planning Policy 5.2, any town planning scheme for the particular area, and any local planning policies relevant to telecommunications infrastructure. These guidelines were taken into consideration when selecting this site.

#### 6.2.4 Visual Landscape Planning in Western Australia

The Visual Landscape Planning Manual for Western Australia provides advice to state agencies, local governments, developers and the community on techniques for incorporating visual landscape planning into the planning system. The manual has been developed by the Department for Planning and Infrastructure with the assistance of a working group including the Department of Environment and Conservation (DEC) and Main Roads WA. The manual provides visual landscape planning methods; explains the techniques of visual landscape evaluation and visual



impact assessment in detail. Part 3 of the manual provides guidelines for location, siting and design; considers land uses and developments that may give rise to potential impacts on different landscapes and measures to address these impacts.

An assessment of the report against these guidelines follows to assist council planners in their assessment of this application.

#### Guideline

##### 1. Location

- a. *Assess the potential location of the tower and comply with management standards for the area.*
- b. *When locating and siting telecommunication towers avoid significant features, travel routes and recreation areas where possible.*
- c. *Locate towers where there is similar infrastructure in the surrounding landscape and proposed construction area.*
- d. *High points in the landscape vary in their prominence as viewed from different locations. Where possible choose higher points that appear less prominent from key views and/or travel routes.*
- e. *To reduce impacts on key views, there are two options: locating further up a slope is better for short distance views, and for long distance views choose locations back from the top of the ridge or further down the slope (Figure 3.24)*

#### Response:

NBN Co identifies an area where the proposed facility is likely to provide maximised service to the community (a 'search area') and undertakes a preliminary investigation in conjunction with its planning and property consultants, radiofrequency engineers and designers in order to identify possible locations and options to locate a facility. Generally speaking, new sites must be located within, or immediately adjacent to, the identified search area in order to be feasible. However, while the operational and geographical aspects of deploying new facilities are primary factors, there are also many other critical issues that influence network design, and these have to be resolved in parallel. Some of the issues which need to be considered are visual amenity, potential co-location opportunities, the availability and suitability of land and a landowner willing to lease land, construction issues (including structural and loading feasibility and access for maintenance purposes), topographical constraints, legislative policy constraints, environmental impacts and cost implications. The number, type and height of facilities required to complete the fixed wireless network are largely determined by the above operational, geographical and other factors discussed that influence final network design. These compounding factors often severely restrict the available search area within which a facility can be established. The chosen location for the site has been selected after careful consideration of eight (8) candidate sites.

In order to achieve coverage objectives for the area and considering the willingness of land owners, the chosen site was the best possible location for the siting of the facility. Corridors of intermittent vegetation screen the lower and mid portions of the tower from Forrest Hills Parade; Ridgetop Ramble and other local roads in the road network.

The proposed tower is sited on an elevated site. To provide council with a clearer understanding of the proposal, **Appendix 2- Site Photographs** includes a photomontage as a visual representation of the proposed facility taken from two viewpoints within the local road network. The photomontage demonstrates that the location of this facility does not detract from the current visual amenity. The addition of this tower will significantly increase local telecommunications coverage and access.



Guideline2. *Siting*

- a. *Avoid siting towers directly on a focal area (ie the focus of the view), particularly where they are in line with travel route line-of-sight.*
- b. *Keeping the towers away from potential focal areas will reduce the overall visual impact*
- c. *Towers that are sited sufficiently away from travel routes can be completely screened from view. This is possible and is the most desirable option.*
- d. *Minimise the height of the tower by assessing the local topography or height of buildings for the proposed area. Choose the site that minimises the height of the tower most effectively.*
- e. *Siting telecommunication towers close to objects of a similar scale (whether they are natural, such as trees, or built features such as other infrastructure) will reduce their prominence and hence their potential visual impact.*
- f. *Siting towers on existing buildings; there are many designs and strategies to site towers on existing buildings to reduce the overall visual impact.*

Response:

The chosen location for the site has been selected after careful consideration of eight (8) candidate sites as discussed in the preceding response. The proposed site is not in direct line of site on main travel routes, and the lower and mid sections of the tower are screened by existing vegetation. Due to the sites elevation the height of the tower has been able to be kept considerably smaller than other similar facilities. There are no existing structures or buildings that could be used for co-location. However the proposed facility has the capacity for the co-location of further facilities. Please refer to **Appendix 2- Site Photographs** for a visual representation of the proposed facility.

Guideline3. *Design*

- a. *Use an appropriate colour scheme to harmonise with the surrounding landscape in any given situation (natural, rural, built areas).*
- b. *Using colour will reduce glare and reflectivity. If the towers are not painted, the steel is more reflective in the light and will draw more attention.*
- c. *Avoid clutter on individual towers. Combine all additional elements in the most streamlined way possible.*
- d. *Combine several towers that are in the same location. This avoids duplication and consolidating the facilities on to one tower reduces the overall visual impact on multiple towers in one location.*
- e. *Reduce the visible bulk of the entire structure. Lattice web towers are usually less intrusive than solid towers. This applies with wide to slim design tower regards to the overall design of telecommunication towers, check height requirements in the proposed construction area. Towers can often come in standard sizes and may be taller in height than necessary. Minimise height wherever possible.*
- f. *Camouflage towers: this technique is popular, and if designed sensitively can be very effective in reducing potential visual impact.*

Response:

The materials and colours used have been chosen to remain complimentary to the surrounding landscape. In our experience, if the monopole remains unpainted (dull grey colour), over time



fades to best blend with the uniform colours of the site's rural setting This facility presents an opportunity for future colocations of similar infrastructure. Any such co-location would be dependent on structural capabilities and other operators' coverage objectives.

The development application has considered the Visual Landscape Planning Guidelines for Telecommunications Infrastructure and it is considered that the proposal remains consistent with the provisions for location; siting and design.

## 6.3 Local Legislation

The Shire of Chittering Town Planning Scheme No. 6 (from herein referred to as 'the scheme') contains provisions for assessment of this application. The Planning Scheme defines Telecommunications Infrastructure as:

*'means any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit, or other structure used or for use in connection with a telecommunications network'.*

### 6.3.1 Local Policies

Notwithstanding that there are a range of local planning policies applicable in the council jurisdiction, none of these policies currently apply to this development application.

### 6.3.2 Zoning

The scheme identifies the site for the proposed facility at Lot 12383 on Plan 15355, Bindoon as Parks & Recreation. Figure 6 below provides the planning scheme map and legend.

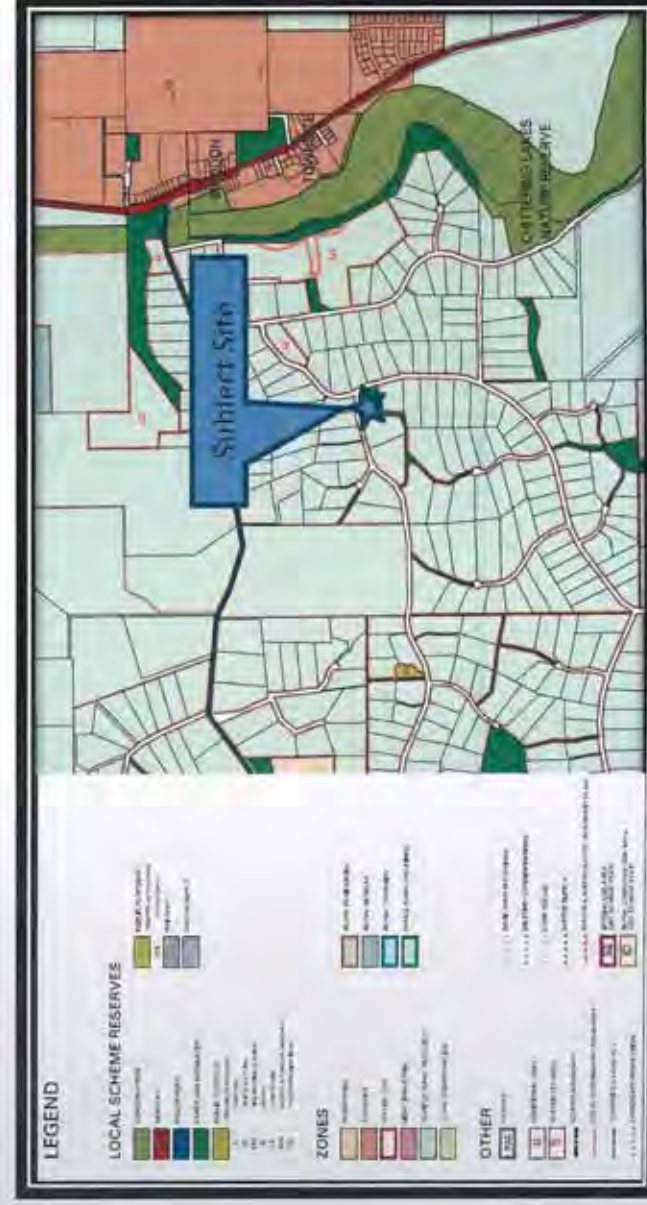


Figure 6 – Shire of Chittering Town Planning Scheme No. 6 Map 5 (Courtesy of Shire of Chittering)

It is noted that whilst the site is zoned parks and recreation, the certificate of title (Appendix 1) identifies the site as 'part reserve for the purpose of public recreation and water supply'. Furthermore, there are no zone objectives, and the Parks & Recreation Zone is not listed in the

Zoning Table. The Shire of Chittering confirmed that the site will be treated as a reserve for the purpose of a development application.

**Section 3** of the scheme identifies the planning protocol for local reserves.

#### USE AND DEVELOPMENT OF LOCAL RESERVES

3.4.1 A person must not-

- (a) Use a Local Reserve; or
- (b) Commence or carry out any development on a Local Reserve, without first having obtained planning approval under Part 9 of the Scheme.

3.4.2 In determining an application for Planning Approval the Local Government is to have regard to:

- (a) The matters set out in Clause 10.2; and
- (b) The ultimate purpose intended for the Reserve.

3.4.3 In the case of land reserved for the purposes of a public authority, the Local Government is to consult with that authority before determining an application for Planning Approval.

The purpose of this application is to obtain planning approval under Part 9 of the scheme, in accordance with the items in clause 10.2. It is noted that the site is currently improved by a smaller telecommunications tower, and that telecommunications is now considered essential infrastructure.

#### 6.3.3 Provisions Applicable to Particular Zones

There are no specific provisions that apply to the zoning or to the reserve. It is considered that the proposed siting has allowed ample setbacks from site setbacks, and further that the proposed facility supports and upholds the specifically the following item from **Section 10.2**:

- Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State.

It is noted that State Planning Policy (SPP) 5.2 Telecommunications Infrastructure and the draft SPP 5.2 highlight the importance of telecommunications infrastructure within all Local Government Areas.



## 7 OTHER ENVIRONMENTAL CONSTRAINTS AND OPPORTUNITIES

### 7.1 Heritage

In order to determine any possible natural or cultural values of state or national significance associated with the site, a search was conducted through the relevant search registers:

- World Heritage Properties
- National Environment register
- Vegetation
- Aboriginal Heritage
- Native Title

No items of environmental or heritage were found on site. There is a native title claim over the local area, however to date no determinations have been made.

### 7.2 Electrical Interference and Grounding of the Facility

The NBN fixed wireless network is licensed by the Australian Communications and Media Authority (ACMA) for the exclusive use of the OFDMA2300 frequency band. As NBN Co is the exclusive licensee of this sub-band, emissions from NBN Co equipment within the frequency band should not cause interference.

Filters will also help to ensure that each facility meets the ACMA specifications for emission of spurious signals outside the NBN Co frequency allocations. NBN Co intends to promptly investigate any interference issues that are reported.

The facility is also designed to be grounded to the relevant Australian Standards – that is, the facility will be 'earthed'.

### 7.3 Erosion, Sedimentation Control and Waste Management

All erosion and sediment control mitigation measures will be detailed in construction plans and will be designed to comply with the Building Code of Australia and local Council standards. In addition, NBN Co.'s contractors will be informed that they must comply with the 'NBN Construction Specification' that requires contractors to undertake the necessary erosion and sediment control measures in order to protect the surrounding environment. On completion of the installation, NBN Co intends to restore and reinstate the site to an appropriate standard. No waste which requires collection or disposal should be generated by the operation of the facility.

### 7.4 Flora and Fauna Study

In order to determine any possible natural Flora and Fauna significance associated with the site, an EPBC Act Protected Matters search was conducted. This report assesses a large area surrounding the site and the report identified that there may be threatened and migratory species of mammals and birds within the vicinity of the site. It is considered that the proposed facility is negligible in size and will not significantly impact on the habitat of the fauna identified as possibly



being in the area. A more extensive and localized analysis of the flora was undertaken using the native vegetation map viewer and the site is not considered and environmentally sensitive area.

## 7.5 Endangered Species

In order to determine any possible natural Flora and Fauna significance associated with the site, an EPBC Act Protected Matters search was conducted. This report assesses a large area surrounding the site and the report identified that there may be threatened and migratory species of mammals and birds within the vicinity of the site. It is considered that the proposed facility is negligible in size and will not significantly impact on the habitat of the fauna identified as possibly being in the area.

## 7.6 Social and Economic Impacts

Access to fast internet is an essential service in modern society. Initially, small to medium business customers accounted for a significant part of the demand for broadband technology, but internet services have now been embraced by the general public. Usage of internet services continues to widen as new technologies become progressively more affordable and accessible for the wider community.

The proposed development should provide significantly enhanced fixed wireless internet coverage to the locality of Bindoon. This is expected to be of particular benefit for residential dwellings in the locality.

The new NBN is designed to provide the community with access to fast and reliable internet services. A reliable internet service is important to help promote the economic growth of communities, and the facility is anticipated to have significant social and economic benefits for the local community.

## 7.7 Public Safety

### 7.7.1 Radiofrequency Emissions

In relation to public safety and specifically Electromagnetic Emissions (EME) and public health, NBN Co. operates within the operational standards set by the Australian Communication and Media Authority (ACMA) and Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA is a Federal Government agency incorporated under the Health and Ageing portfolio and is charged with the responsibility for protecting the health and safety of both people and the environment from the harmful effects of radiation (ionising and non-ionising).

All NBN Co installations are designed and certified by qualified professionals in accordance with all relevant Australian Standards. This helps to ensure that the NBN Co facility does not result in any increase in the level of risk to the public.

This facility is to be operated in compliance with the mandatory standard for human exposure to EME – currently the Radio communications (Electromagnetic Radiation Human Exposure) Standard 2003. The EME Report associated with this site is attached in Appendix 4. The report shows that the maximum predicted EME will equate to 0.017% of the maximum exposure limit. This is substantially less than 1% of the maximum allowable exposure limit (where 100% of the limit is still considered to be safe).



Moreover, all NBN Co equipment has the following features, all of which help to minimise the amounts of energy used and emitted:

- Dynamic/Adaptive Power Control is a network feature that automatically adjusts the power and hence minimises EME from the facility.
- Varying the facility's transmit power to the minimal required level, minimising EME from the network, and
- Discontinuous transmission, a feature that reduces EME emissions by automatically switching the transmitter off when no data is being sent.

#### 7.7.2 Access

The proposed facility will have restrictions aimed at preventing public access, including a secured compound fence with a locked gate and warning signs placed around the facility.

### 7.8 The Public Interest and the Benefits of Telecommunications

The proposed NBN Co facility is expected to have significant benefit for residents in the Bindoon area. NBN Co believes that the public interest would be served by approval of the proposal, given benefits for enhanced internet coverage in the area. The facility is expected to have benefits for local residents and businesses within the district.

#### 7.8.1 Other Benefits of Reliable Broadband Services

There are numerous other benefits of telecommunications connectivity, as follows:<sup>4</sup>

- There are many potential educational benefits justifying the implementation of the NBN. Curriculum and data sharing, increased availability and accessibility of research materials, and virtual classroom environments are good examples. Such elements are particularly beneficial within a tertiary education context.
- Businesses can, through internet usage, increase efficiency through time, resource and monetary savings. Improved internet services effectively remove physical distance and travel time as a barrier to business.
- Improvements to internet services may also be of benefit for local employees, by enabling telecommuting and home business. The telecommuting trend is heavily reliant on access to fast internet services, and is anticipated to continually increase in popularity.

The public benefits of access to fast internet have been widely acknowledged for many years. Reliable internet access is now more than ever an integral component of daily life, so much so that its absence is considered a social disadvantage.

### 7.9 Aviation Safety

The Civil Aviation Safety Authority (CASA) has been contacted and at this stage has no specific requirements for the proposal. The structure will be registered as a Tall Structure with the RAAF in accordance with CAAP 92-1 at the time of Building Licence. Bindoon airport and the ADF have

<sup>4</sup> End user experience including the speeds actually achieved over the NBN depends on some factors outside NBN Co's control like the end user's equipment quality, software, broadband plans and how the end user's service providers designs its network.

been contacted regarding the proposal and once received, any requirements will be forwarded to council.



## 8 CONCLUSION

NBN Co considers that the proposed facility, comprising a 40 metre high monopole with attached antennas and equipment shelter has been sited in the most appropriate location whilst ensuring adequate coverage is achieved.

The facility has been strategically sited and designed to minimise visibility within the surrounding environment as much as practicable. In this regard NBN Co considers that the proposal satisfies the requirements of the Code, whilst also addressing coverage deficiencies within the local area.

NBN Co considers that the proposal is also consistent with the stated objectives of the Shire of Chittering Planning Scheme. It is considered that the proposal will provide an important community benefit to Bindoon by providing coordinated and open access shared communication infrastructure, and therefore greatly improved fixed wireless internet coverage within the local area.

## 9 APPENDICES

### Appendix 1 – Copy of Title



REGISTERED NUMBER <b>12383/P15355</b>	
DUPLICATE EDITION <b>N/A</b>	DATE DUPLICATE ISSUED <b>N/A</b>



WESTERN

AUSTRALIA

# **RECORD OF QUALIFIED CERTIFICATE** **OF**

VOLUME  
**LR3146**

FOLIO  
**816**

## **CROWN LAND TITLE** UNDER THE TRANSFER OF LAND ACT 1893 AND THE LAND ADMINISTRATION ACT 1997

### **NO DUPLICATE CREATED**

The undermentioned land is Crown land in the name of the STATE of WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

### **LAND DESCRIPTION:**

LOT 12383 ON PLAN 15355

### **STATUS ORDER AND PRIMARY INTEREST HOLDER:** (FIRST SCHEDULE)

**STATUS ORDER/INTEREST:** RESERVE UNDER MANAGEMENT ORDER

**PRIMARY INTEREST HOLDER:** SHIRE OF CHITTERING  
(XE G152746 ) REGISTERED 16 APRIL 1996

### **LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:** (SECOND SCHEDULE)

- 1 G152746 PART RESERVE 44213 FOR THE PURPOSE OF PUBLIC RECREATION AND WATER  
SUPPLY REGISTERED 16.4.1996.  
G152746 MANAGEMENT ORDER. CONTAINS CONDITIONS TO BE OBSERVED.  
REGISTERED 16.4.1996.

Warning: (1)  
(2)  
(3)

A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
Lot as described in the land description may be a lot or location.  
The land and interests etc. shown hereon may be affected by interests etc. that can be, but are not, shown on the register.  
The interests etc. shown hereon may have a different priority than shown.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

### **STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

**SKETCH OF LAND:** P15355.  
**PREVIOUS TITLE:** LR3105-839.  
**PROPERTY STREET ADDRESS:** NO STREET ADDRESS INFORMATION AVAILABLE.  
**LOCAL GOVERNMENT AREA:** SHIRE OF CHITTERING.  
**RESPONSIBLE AGENCY:** DEPARTMENT OF LANDS (SLSD).

END OF PAGE 1 - CONTINUED OVER

ORIGINAL CERTIFICATE OF CROWN LAND TITLE  
QUALIFIED  
REGISTER NUMBER: 12383/P15355 VOLUME/FOLIO: LR3146-816  
NOTE 1: K208895 CORRESPONDENCE FILE 01601-1995-01RO

PAGE 2



Appendix 2 – Site Photographs



Photomontage: View from Forrest Hills Parade towards proposed site



Photomontage: View from Ridgetop Ramble Road towards proposed site of proposed NBN Fixed Wireless Facility

Appendix 3 – Proposed Plans



DATE OF ISSUE		DRAWING PACKAGE VERSION	
26.11.13	1	30.10.14	3
26	2		

6100-51-01-BIND-T1	COVER SHEET	01	02	03
6100-51-01-BIND-C1	SITE SPECIFIC NOTES	01	02	03
6100-51-01-BIND-C2	OVERALL SITE PLAN	01	02	03
6100-51-01-BIND-C3	SITE SETOUT PLAN	01	02	03
6100-51-01-BIND-C4	SITE ELEVATION AND DETAILS	01	02	03

ELECTRICAL				
RF AND TX CONFIGURATIONS AND EME ZONES				
6100-51-01-BIND-A1 ANTENNA CONFIGURATION & SETOUT PLAN				
- 01 02				

STRUCTURAL				
CIVIL				
MONOPOLE/TOWER DESIGN				
LEASE/LICENSE				
DISTRIBUTION				

ERICSSON				
CARLY FERGUSON				

**SITE No: 6T00-51-01-BIND**  
**BINDOON**  
**CNR FOREST HILLS PDE &**  
**RIDGETOP RAMBLE ROAD**  
**BINDOON**  
**WA 6502**



**PROJECT SUMMARY**

PROPOSED NBN GREENFIELD WITH 4m HIGH MONOPOLE  
PROPOSED NBN OUTDOOR CABINETS ON CONCRETE SLAB ON GROUND



NATIONAL BROADBAND  
NETWORK  
SITE No: 6T00-51-01-BIND  
BINDOON  
CNR FOREST HILLS PDE &  
RIDGETOP RAMBLE ROAD  
BINDOON  
WA 6502

**PRELIMINARY**

01	26.11.13	ANTENNAS REVISION
02	26.11.13	COMPONENT REVISION
03	26.11.13	PRELIMINARY ISSUE
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CHECKED BY: SH  
APPROVED BY: WZ

**COVER SHEET**

6T00-51-01-BIND-T1  
03

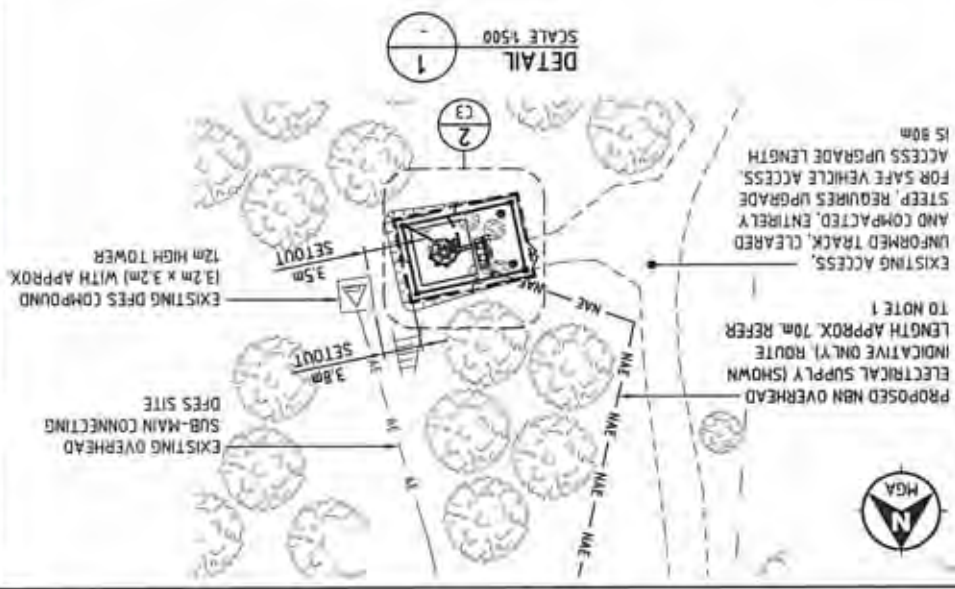
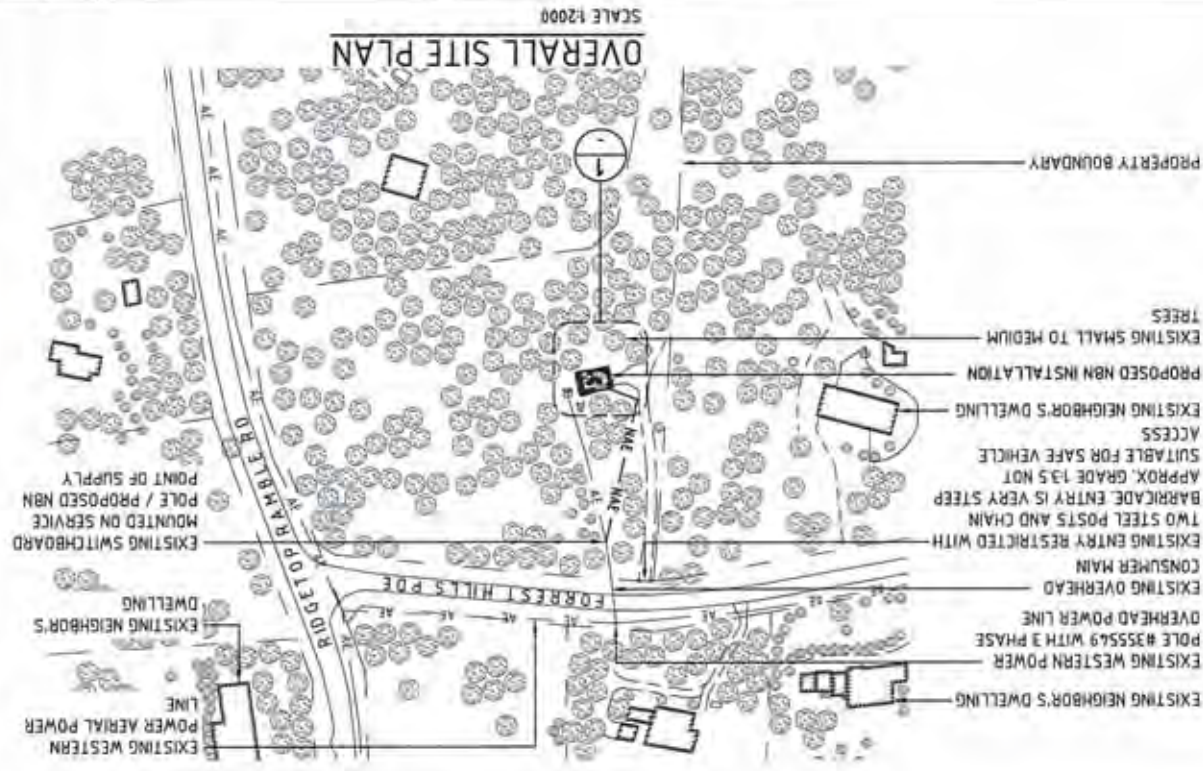
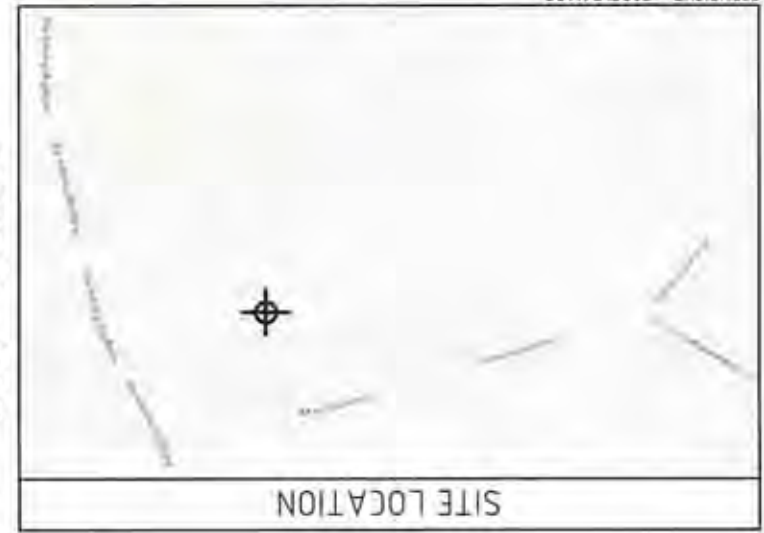




NOTE:  
1. NBN SUB-MAIN MAY BE REQUIRED TO RUN ABOVE GROUND DUE TO EXISTING HARD SOIL. EXISTING DFES SITE HAS RUN THEIR SUB-MAIN ABOVE GROUND.

- LEGEND**
- Aerial Electrical Supply
  - MAF — MAF
  - MAF OVERHEAD ELECTRICAL SUPPLY
  - FENCE LINE
  - BUILDING
  - BOUNDARY LINE

SITE CO-ORDINATES		
MONOPOLE		
DATUM: MGA (GDA94)	ZONE: 50	
LATITUDE	-31.39153°	
LONGITUDE	116.08365°	
EASTING	472 877	
NORTHING	6 526 642	



**NBN CO Limited**

**ERICSSON**

**NATIONAL BROADBAND NETWORK**  
SITE No: 6T00-51-01-BIND

**BINDOON**  
CNR FOREST HILLS POE & RIDGETOP RAMBLE ROAD  
BINDOON  
WA 6602

**PRELIMINARY**

**DAILY INTERNATIONAL**  
www.dailyinternational.com

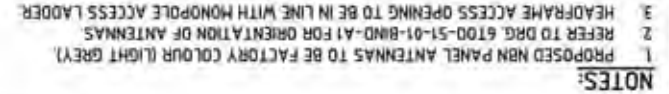
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APPROVED BY: WZ

**OVERALL SITE PLAN**

6T00-51-01-BIND-C2  
02







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Appendix 4 – ARPANSA EME Report



## Environmental EME Report

### Bindoon Corner Forrest Hills Parade & Ridgетop Ramble Road, BINDOON WA 6502

This report provides a summary of Calculated RF EME Levels around the wireless base station

**Date 6/11/2014**

**RFNSA Site No. 6502005**

#### Introduction

The purpose of this report is to provide calculations of EME levels from the existing facilities at the site and any proposed additional facilities.

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at Bindoon Corner Forrest Hills Parade & Ridgетop Ramble Road BINDOON WA 6502. These levels have been calculated by Ericsson using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

The maximum EME level calculated for the proposed systems at this site is 0.17% of the public exposure limit.

#### The ARPANSA Standard

ARPANSA, an Australian Government agency in the Health and Ageing portfolio, has established a Radiation Protection Standard specifying limits for general public exposure to RF transmissions at frequencies used by wireless base stations. The Australian Communications and Media Authority (ACMA) mandates the exposure limits of the ARPANSA Standard.

#### How the EME is calculated in this report

The procedure used for these calculations is documented in the ARPANSA Technical Report "Radio Frequency EME Exposure Levels - Prediction Methodologies" which is available at <http://www.arpansa.gov.au>.

RF EME values are calculated at 1.5m above ground at various distances from the base station, assuming level ground.

The estimate is based on worst-case scenario, including:

- wireless base station transmitters for mobile and broadband data operating at maximum power
- simultaneous telephone calls and data transmission
- an unobstructed line of sight view to the antennas.

In practice, exposures are usually lower because:

- the presence of buildings, trees and other features of the environment reduces signal strength
- the base station automatically adjusts transmit power to the minimum required.

Maximum EME levels are estimated in 360° circular bands out to 500m from the base station.

These levels are cumulative and take into account emissions from all mobile phone antennas at this site.

The EME levels are presented in three different units:

- volts per metre (V/m) – the electric field component of the RF wave
- milliwatts per square metre (mW/m<sup>2</sup>) – the power density (or rate of flow of RF energy per unit area)
- percentage (%) of the ARPANSA Standard public exposure limit (the public exposure limit = 100%).

#### Results

The maximum EME level calculated for the proposed systems at this site is 2.54 V/m; equivalent to 17.11 mW/m<sup>2</sup> or 0.17% of the public exposure limit.



## Radio Systems at the Site

There are currently no existing radio systems for this site.

It is proposed that this base station will have equipment for transmitting the following services:

Carrier	Radio Systems
NBN Co	LTE2300 (proposed)

## Calculated EME Levels

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined.

Distance from the antennas at Bindoon Corner Forrest Hills Parade & Ridgetop Ramble Road in 360° circular bands	Maximum Cumulative EME Level – All carriers at this site					
	Existing Equipment			Proposed Equipment		
	Electric Field V/m	Power Density mW/m²	% ARPANSA exposure limits	Electric Field V/m	Power Density mW/m²	% ARPANSA exposure limits
0m to 50m				0.86	1.98	0.02%
50m to 100m				0.74	1.46	0.015%
100m to 200m				2.43	15.7	0.16%
200m to 300m				2.54	17.11	0.17%
300m to 400m				2.21	12.98	0.13%
400m to 500m				1.7	7.64	0.076%
Maximum EME level				2.54	17.11	0.17
	222.12 m from the antennas at Bindoon Corner Forrest Hills Parade & Ridgetop Ramble Road					

## Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest that have been identified through the consultation requirements of the Communications Alliance Ltd Deployment Code C564:2011 or via any other means. The calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

Additional Locations	Height / Scan relative to location ground level	Maximum Cumulative EME Level All Carriers at this site Existing and Proposed Equipment	
		Electric Field V/m	Power Density mW/m <sup>2</sup>
No locations identified			

## RF EME Exposure Standard

The calculated EME levels in this report have been expressed as percentages of the ARPANSA RF Standard and this table shows the actual RF EME limits used for the frequency bands available. At frequencies below 2000 MHz the limits vary across the band and the limit has been determined at the Assessment Frequency indicated. The four exposure limit figures quoted are equivalent values expressed in different units – volts per metre (V/m), watts per square metre (W/m<sup>2</sup>), microwatts per square centimetre (μW/cm<sup>2</sup>) and milliwatts per square metre (mW/m<sup>2</sup>). Note: 1 W/m<sup>2</sup> = 100 μW/cm<sup>2</sup> = 1000 mW/m<sup>2</sup>.

Radio Systems	Frequency Band	Assessment Frequency	ARPANSA Exposure Limit (100% of Standard)
LTE 700	758 – 803 MHz	750 MHz	37.6 V/m = 3.75 W/m <sup>2</sup> = 375 μW/cm <sup>2</sup> = 3750 mW/m <sup>2</sup>
WCDMA850	870 – 890 MHz	900 MHz	41.1 V/m = 4.50 W/m <sup>2</sup> = 450 μW/cm <sup>2</sup> = 4500 mW/m <sup>2</sup>
GSM900, LTE900, WCDMA900	935 – 960 MHz	900 MHz	41.1 V/m = 4.50 W/m <sup>2</sup> = 450 μW/cm <sup>2</sup> = 4500 mW/m <sup>2</sup>
GSM1800, LTE1800	1805 – 1880 MHz	1800 MHz	58.1 V/m = 9.00 W/m <sup>2</sup> = 900 μW/cm <sup>2</sup> = 9000 mW/m <sup>2</sup>
LTE2100, WCDMA2100	2110 – 2170 MHz	2100 MHz	61.4 V/m = 10.00 W/m <sup>2</sup> = 1000 μW/cm <sup>2</sup> = 10000 mW/m <sup>2</sup>
LTE2300	2302 – 2400 MHz	2300 MHz	61.4 V/m = 10.00 W/m <sup>2</sup> = 1000 μW/cm <sup>2</sup> = 10000 mW/m <sup>2</sup>
LTE2600	2620 – 2690 MHz	2600 MHz	61.4 V/m = 10.00 W/m <sup>2</sup> = 1000 μW/cm <sup>2</sup> = 10000 mW/m <sup>2</sup>
LTE3500	3425 – 3575 MHz	3500 MHz	61.4 V/m = 10.00 W/m <sup>2</sup> = 1000 μW/cm <sup>2</sup> = 10000 mW/m <sup>2</sup>

## Further Information

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a Federal Government agency incorporated under the Health and Ageing portfolio. ARPANSA is charged with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of radiation (ionising and non-ionising).

Information about RF EME can be accessed at the ARPANSA website, <http://www.arpansa.gov.au>, including:

- Further explanation of this report in the document "Understanding the ARPANSA Environmental EME Report"
- The procedure used for the calculations in this report is documented in the ARPANSA Technical Report, "Radio Frequency EME Exposure Levels - Prediction Methodologies"
- the current RF EME exposure standard  
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), 2002, 'Radiation Protection Standard: Maximum Exposure Levels to Radiofrequency Fields — 3 kHz to 300 GHz', Radiation Protection Series Publication No. 3, ARPANSA, Yallambrie Australia.

[Printed version: ISBN 0-642-79400-6 ISSN 1445-9760] [Web version: ISBN 0-642-79402-2 ISSN 1445-9760]

The Australian Communications and Media Authority (ACMA) is responsible for the regulation of broadcasting, radiocommunications, telecommunications and online content. Information on EME is available at <http://emr.acma.gov.au>

The Communications Alliance Ltd Industry Code C564:2011 'Mobile Phone Base Station Deployment' is available from the Communications Alliance Ltd website, <http://commsalliance.com.au>

Contact details for the Carriers (mobile phone companies) present at this site and the most recent version of this document are available online at the Radio Frequency National Site Archive, <http://www.rfnsa.com.au>.



## Appendix 5 -Response State Planning Policy 5.2

This policy provides a framework for the preparation, assessment and determination of applications for planning approval of telecommunications facilities within the context of the planning system of Western Australia. Planning Policy 5.2 states that 'telecommunications infrastructure should be located, sited and designed in accordance with the following Guiding Principles'.

- *There should be a co-ordinated approach to the planning and development of telecommunications infrastructure, although changes in the location and demand for services require a flexible approach.*

NBN Co undertakes a carefully co-ordinated approach to the development of their network. Each site links into the wider National Broadband Network. The proposed site at Bindoon will be linked in to the wider network in the Shire of Chittering area.

- *Telecommunications infrastructure should be strategically planned and co-ordinated, similar to planning for other essential infrastructure such as networks and energy supply.*

The complete National Broadband Network is strategically planned and individual sites are co-ordinated into the wider network much like other essential infrastructure. Whilst it is necessary for individual sites to achieve their coverage objectives it is essential that each site can be linked back into the network.

- *Telecommunications facilities should be located and designed to meet the communication needs of the community.*

The proposed facility seeks to provide fixed wireless broadband coverage to the Bindoon area.

- *Telecommunications facilities should be designed and sited to minimise any potential adverse visual impact on the character and amenity of the local environment, in particular, impacts on prominent landscape features, general views in the locality and individual significant views.*

The proposal is appropriately located in a predominantly Rural Residential area well away from sensitive land uses. In order for the facility to provide fixed wireless broadband to the country club estate area and Bindoon townsite, a height of 40 m is required. NBN Co have sought to minimise the visual bulk of the facility through the use of a monopole structure. The proposed monopole is a structure that has a small profile and is considered the least visually intrusive design option for a new base station and minimises the visual impact of a telecommunications structure in this area.

- *Telecommunications facilities should be designed and sited to minimise impacts on areas of natural conservation value and places of heritage significance or where declared rare flora are located.*

A desktop study of this site indicated that the area is not subject to any natural conservation or places of heritage significance.



- *Telecommunications facilities should be designed and sited with specific consideration of water catchment protection requirements and the need to minimise land degradation.*

Prior to the commencement of work NBN Co contractors will undertake such measures as deemed necessary by Council to effectively protect water catchments within the immediate area.

- *Telecommunications facilities should be designed and sited to minimise adverse impacts on the visual character and amenity of residential area.*

The proposed monopole is the least visually intrusive design option for a new base station in this location and minimises the visual impact of a telecommunications structure in the area. The monopole will remain unpainted (dull grey colour), which has over time been demonstrated to most successfully blend with the uniform colours of the site's rural setting.

- *Telecommunications cables should be placed underground, unless it is impractical to do so and there would be no significant effect on visual amenity or, in the case of regional areas, it can be demonstrated that there are long-term benefits to the community that outweigh the visual impact.*

The proposed site will connect into the wider network via 'line of sight'. This tower will 'see' the tower at Gingin which also links back into the local network of fixed wireless facilities.

- *Telecommunications cables that are installed overhead with other infrastructure such as electricity cables should be removed and placed underground when it can be demonstrated and agreed by the carrier that it is technically feasible and practical to do so.*

This principle does not apply to the subject of this application.

- *Unless it is impractical to do so telecommunications towers should be located within commercial, business, industrial and rural areas and areas outside identified conservation areas.*

The proposed site is located within a Parks and Recreation reserve which is considered a rural setting as per the recommendations of this principle.

- *The design and siting of telecommunications towers and ancillary facilities should be integrated with existing buildings and structures, unless it is impractical to do so, in which case they should be sited and designed so as to minimise any adverse impact on the amenity of the surrounding area.*

There are no structures or buildings of sufficient height within the surrounding area that could facilitate NBN infrastructure. Therefore, the proposed site is considered to be the optimum planning solution in terms of impact upon amenity.

- *Co-location of telecommunications facilities should generally be sought, unless such an arrangement would detract from local amenities or where operation of the facilities would be significantly compromised as a result.*



Co-location of facilities has been investigated. There are no structures within the surrounding area that could facilitate NBN infrastructure. Where co-location is not viable, there is a need to provide a purpose built structure.

- *Measures such as surface mounting, concealment, colour co-ordination, camouflage and landscaping to screen at least the base of towers and ancillary structures, and to draw attention away from the tower, should be used, where appropriate, to minimise the visual impact of telecommunications facilities.*

The proposed facility will be sited amongst existing mature vegetation which will aid in screening the facility and will reduce the visual impact of the facility.

- *Design and operation of a telecommunications facility should accord with the licensing requirements of the Australian Communications Authority, with physical isolation and control of public access to emission hazard zones and use of minimum power levels consistent with quality services.*

Telecommunications facilities include radio transmitters that radiate electromagnetic energy (EME) into the surrounding area. The levels of these electromagnetic fields must comply with safety limits imposed by the Australian Communications and Media Authority (ACMA, previously ACA). All NBN Co installations are designed to operate within these limits (**Appendix 4 – ARPANSA EME report**).

- *Construction of a telecommunications facility (including access to a facility) should be undertaken so as to minimise adverse effects on the natural environment and the amenity of users or occupiers of adjacent property, and ensure compliance with relevant health and safety standards.*

During construction, NBN Co contractors will endeavour to minimise the impact of their works on the amenity of nearby residents and on the surrounding environment. Following construction, maintenance (excluding emergency repair work) activities should not interfere with the amenity of users. All Health and Safety standards will be adhered to.

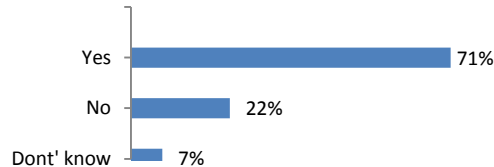
# NBN Fixed Wireless Bindoon Drop in session community feedback





The majority of the session attendants support NBN's proposal in Bell Hill Reserve, Bindoon

**Are you in support of the proposal?**



**Consultation Extent**

- Approx 300 households notified of the session via letter
- Newspaper advertisement in the Northern Valley News
- Invitations to Council staff, Councillors, local MP's and local business representatives via letter

**Do you have any other suggestions or comments that you would like to make regarding the proposal?**

**POSITIVE**

- Quality of service
- Speed, continuity – less breaks in service
- Topography map would be informative
- Speed potential compared to current service
- Tower is in a good spot
- 25mbps Yay! Do it! ASAP
- Not held to ransom by Telstra – more towers to cover all areas
- Inform locals when it goes to Council
- Most helpful in answering questions and providing information at session
- Faster, faster
- Increase signal/towers to cover North Bindoon
- Very interested in mobile coverage
- This needs to be implemented sooner rather than later

**NEGATIVE**

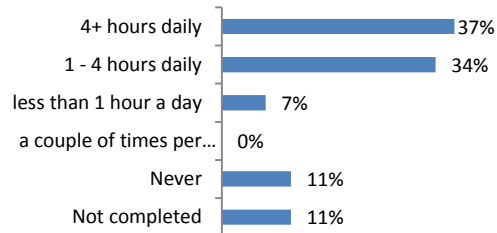
- Lack of consideration to adjoining residents/property owners
- Lack of consideration for impact on the environment
- Find another site, Bell Hill Reserve is not an option ever. It's a "subdivision reserve" not for commercial exploitation – it is a nature reserve. You have not considered the close proximity to homes, impact on property values, the environment, amenity of lifestyle, visual pollution (would be a blight on the landscape).
- Find an alternative solution
- Don't like land value reduction due to towers position – reposition near town tank

Most of the attendants are:

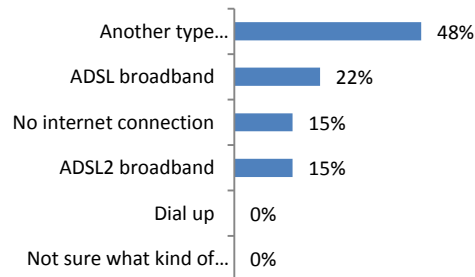
- avid, wireless internet users
- almost certain they will want to be connected
- very satisfied with the information provided

### Usage and attitudes

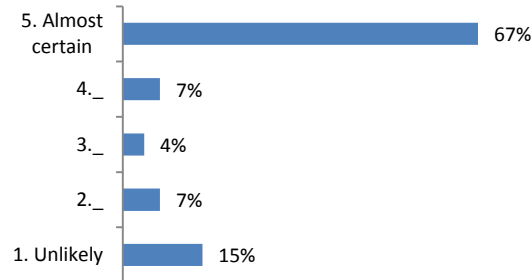
#### How often do you use your current internet service?



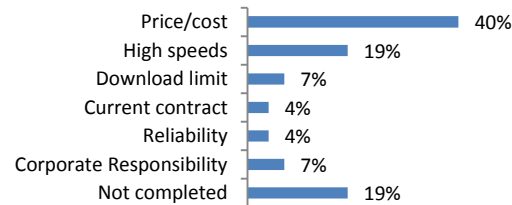
#### What type of internet connection do you currently have?



#### At this stage, how likely are you to connect to the new superfast broadband network?

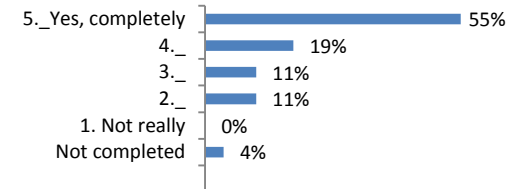


#### What impacts your decision to connect?

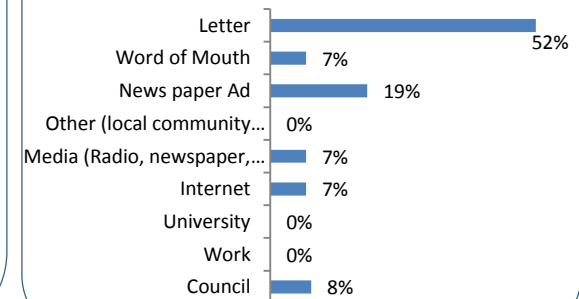


### Session evaluation

#### Did this information session help you to better understand the NBN and what it means for you?



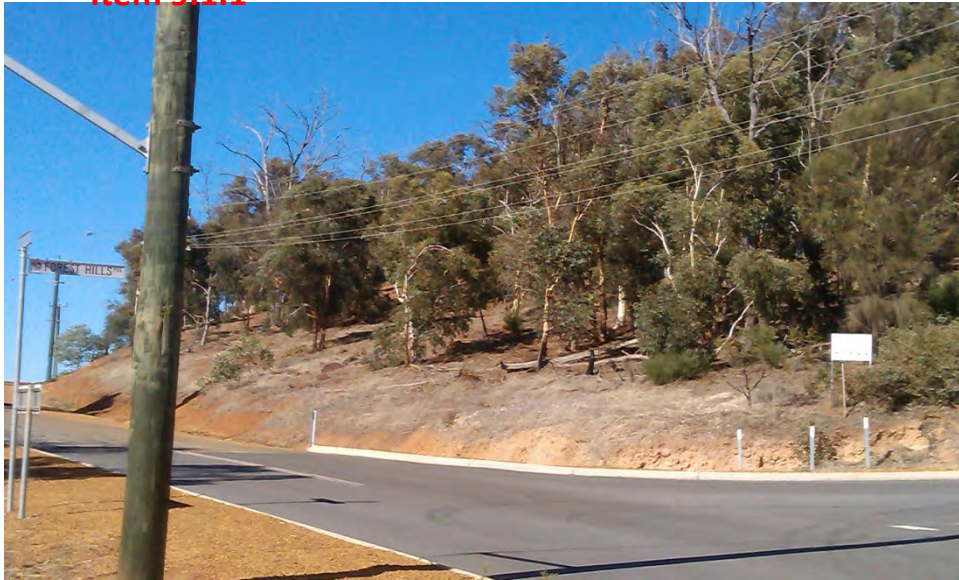
#### How did you hear about this session?











This is the location of Bell Hill Reserve, at the corner of Forrest Hills Parade and Ridgetop Ramble, Bindoon.

Note the lower sections rise steeply from the road with the mid to higher sections wooded.



This is the location of the existing DFES communications tower on Bell Hill Reserve.

This is the top plateau area , which is also the same area where the proposed NBN tower may be located. Whilst containing rocks, the area is quite flat and largely cleared of vegetation.

The area behind the photographer is more heavily rocked with large boulders and is more heavily wooded.





This is apart of an area of Bell Hill Reserve which is alongside Forrest Hills Parade.

Note the steep nature of this area. It is also less wooded than the reserve's boundary along Ridgetop Ramble.

The applicant envisages that if approved, the tower's electricity source would be connected from this Western Power pole. (behind the photographer). Screening of the compound could be undertaken to minimise the visual impact of the development from this area of Forrest Hills Parade.

The non vegetated areas can clearly be seen as having been eroded from rain events.



This is the existing access along the boundary of Bell Hill Reserve on Forrest Hills Parade.

This area is already cleared and is envisaged to be utilised and improved by the applicant.

The picture also indicates the area's erosive nature from runoff during rainwater events etc.



### Item 9.1.1



### Attachment 4

This is area of Bell Hill Reserve which is envisaged for the proposed NBN tower and compound – with Forrest Hills Parade behind the photographer and Ridgetop Ramble beyond the wooded tree area towards the middle left of the photograph.



This is the middle area of Bell Hill Reserve coming from the Ridgetop Ramble side of the Reserve.

Note the rocky nature with wooded area.



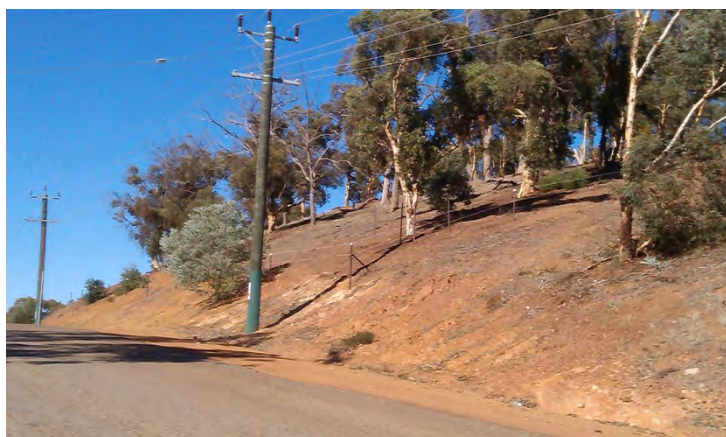


Tree's and branches which have fallen on Bell Hill Reserve creating a fire hazard.

Note the sparse nature of this area (in terms of both trees and groundcover which is uphill from Forrest Hills Parade.



This area is towards the plateau of Bell Hill Reserve looking towards Forrest Hills Parade and the valley further north of the Bindoon townsite. Note the tree's and branches which have fallen creating a fire hazard amongst the rocks.



This area is along the boundary of the neighbouring property of Bell Hill Reserve on Ridgetop Ramble.

This area is very steep and vulnerable to erosion due to its fragile and unvegetated nature of the lower sections



This area is along the boundary Bell Hill Reserve along Ridgetop Ramble.

Like the picture above, the steep nature of the site is evident as too the unvegetated lower sections of the reserve.





DATE OF ISSUE

DRAWING PACKAGE VERSION

26.11.13	28.10.14	30.10.14							
1	2	3							

## GENERAL

6T00-51-01-BIND-T1	COVER SHEET	01	02	03					
6T00-51-01-BIND-C1	SITE SPECIFIC NOTES	01	02	03					
6T00-51-01-BIND-C2	OVERALL SITE PLAN	01	02	02					
6T00-51-01-BIND-C3	SITE SETOUT PLAN	01	02	03					
6T00-51-01-BIND-C4	SITE ELEVATION AND DETAILS	01	02	03					

## ELECTRICAL

## RF AND TX CONFIGURATIONS AND EME ZONES

6T00-51-01-BIND-A1	ANTENNA CONFIGURATION & SETOUT PLAN	-	01	02					
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## STRUCTURAL

## CIVIL

## MONOPOLE/TOWER DESIGN

## LEASE/LICENSE

## DISTRIBUTION

ERICSSON	CARLY FERGUSON	1	1	1					
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# SITE No: 6T00-51-01-BIND BINDOON

CNR FORREST HILLS PDE &  
RIDGETOP RAMBLE ROAD  
BINDOON  
WA 6502



## PROJECT SUMMARY

PROPOSED NBN GREENFIELD WITH 40m HIGH MONOPOLE  
PROPOSED NBN OUTDOOR CABINETS ON CONCRETE SLAB ON GROUND

Client:																						
Client:																						
Client:																						
Project:		NATIONAL BROADBAND NETWORK SITE No: 6T00-51-01-BIND BINDOON CNR FORREST HILLS PDE & RIDGETOP RAMBLE ROAD BINDOON WA 6502																				
PRELIMINARY																						
Revisions:		<table border="1"> <tr> <th>Rev</th> <th>Date</th> <th>Revision Details</th> <th>By</th> </tr> <tr> <td>03</td> <td>30.10.14</td> <td>ANTENNAS REVISED</td> <td>WZ</td> </tr> <tr> <td>02</td> <td>28.10.14</td> <td>SITE COMPOUND RELOCATED</td> <td>ST</td> </tr> <tr> <td>01</td> <td>26.11.13</td> <td>PRELIMINARY ISSUE</td> <td>ARS</td> </tr> <tr> <td></td> <td></td> <td></td> <td>CAD</td> </tr> </table>	Rev	Date	Revision Details	By	03	30.10.14	ANTENNAS REVISED	WZ	02	28.10.14	SITE COMPOUND RELOCATED	ST	01	26.11.13	PRELIMINARY ISSUE	ARS				CAD
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APPROVED BY:		WZ																				
Drawing Title:		COVER SHEET																				
Drawing No:	Revision:																					
6T00-51-01-BIND-T1	03																					



**SITE INFORMATION:****1. SITE ADDRESS**

CNR FORREST HILLS PDE & , RIDGETOP RAMBLE ROAD, BINDOON, WA 6502

**2. GENERAL**

THE CONTRACTOR SHALL COMPLY WITH ALL RELEVANT NBN CONSTRUCTION STANDARDS, CURRENT AUSTRALIAN STANDARDS AND SPECIFICATIONS.

**3. SITE ACCESS**

HEADING NORTH ON THE GREAT NORTHERN HIGHWAY, AFTER BINDOON TOWNSHIP TURN LEFT ONTO GRAY RD, AND GO FOR APPROXIMATELY 700m. TURN LEFT ONTO RIDGETOP RAMBLE RD, THEN AFTER APPROXIMATELY 950m TAKE THE FIRST RIGHT ONTO FORREST HILLS PDE. EXISTING ENTRY TO THE LOT IS ON LEFT APPROX. AFTER 120m. PROPOSED NBN SITE IS AT HILL TOP. EXISTING ACCESS IS AN UNFORMED TRACK ON CLEARED AND COMPACTED GROUND. THE ENTIRE ACCESS TRACK IS VERY STEEP, GRADE VARYING FROM APPROXIMATELY 1:3.5 TO 1:6. IT IS VERY STEEP AT ENTRY AND NOT SUITABLE FOR SAFE VEHICLE ACCESS WITHOUT UPGRADE.

**4. EQUIPMENT**

PROPOSED NBN OUTDOOR CABINETS TO BE INSTALLED WITHIN NBN COMPOUND. ALL ANTENNAS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND INSTALLATION INSTRUCTIONS.

**5. STRUCTURE**

PROPOSED NBN 40m HIGH MONOPOLE.

**6. ANTENNA ACCESS**

ANTENNA ACCESS VIA LADDER AND FALL ARREST OR EWP (BY QUALIFIED RIGGER PERSONNEL ONLY).

**7. EXISTING SERVICES**

THE CONTRACTOR SHALL IDENTIFY AND CONFIRM THE LOCATION OF ALL RELEVANT EXISTING SERVICES AS REQUIRED PRIOR TO THE COMMENCEMENT OF WORKS.

**8. EXISTING SITE HAZARDS**

THE FOLLOWING HAZARDS ARE PRESENT ON SITE:

- |                        |                      |
|------------------------|----------------------|
| - SLIP, TRIP AND FALLS | - SUN EXPOSURE       |
| - WEATHER / LIGHTNING  | - ELECTRICAL HAZARDS |
| - STEEP ACCESS         | - LATERITE OUTCROP   |
| - DEAD TREE BRANCHES   | - SNAKE/SPIDER       |

**9. ELECTRICAL SUPPLY**

TO BE CONFIRMED.

**10. TRANSMISSION LINK**

REFER TO ANTENNA TABLE ON DRG. 6T00-51-01-BIND-A1.

**11. SITE SPECIFIC INFORMATION**

- NBN CONTRACTOR SHALL SUPPLY AND INSTALL A NEW COMMON METER PANEL / MAIN SWITCHBOARD.
- PRIOR TO THE COMMENCEMENT OF WORKS, THE NBN CONTRACTOR SHALL CONFIRM ACCESS IS SUITABLE FOR CONSTRUCTION WORKS, INCLUDING IN WET CONDITIONS.
- SAFE VEHICLE ACCESS IS CURRENTLY NOT POSSIBLE AS THE ENTIRE ACCESS IS STEEP. THE ACCESS IS TOO STEEP AT ENTRY.
- ACCESS UPGRADE IS REQUIRED THAT INCLUDE EARTHWORK, REGARDING THE SLOPE, LEVELLING AND POSSIBLE REROUTING. RETAINING WALL AT ENTRY MAY BE REQUIRED TBC AFTER FEATURE SURVEY. APPROXIMATE ACCESS UPGRADE LENGTH IS 80m.
- LATERITE OUTCROP FOUND, EXTRA EFFORT SHOULD BE TAKEN INTO CONSIDERATION FOR EXCAVATION.
- PROPOSED NBN COMPOUND IS WITH APPROX. 3.5m CLEARANCE FROM EXISTING DEPARTMENT OF FIRE & EMERGENCY SERVICES (DFES) COMPOUND WITH A SMALL TOWER (APPROX. 12m HIGH).
- VEGETATION REMOVAL REQUIRED FROM NBN COMPOUND. SIX SMALL TREES WITH TRUNK DIAMETER 50-150mm AND HEIGHT 3-6m TO BE REMOVED.
- A SMALL TREE TO BE TRIMMED OFF.

**12. SITE SIGNAGE REQUIREMENTS**

- GENERIC SITE SIGNAGE.
- REFER TO SECTION 15.4 OF NBN RAN MANUAL.
- EME SIGNAGE. REFER TO DRG. NBN-STD-0025.

**13. DIAL BEFORE YOU DIG**

DBYD JOB NUMBER - 8472431

ENQUIRY DATE: 27/10/2014

CONTRACTOR SHALL REVALIDATE AND VERIFY AT THE TIME OF CONSTRUCTION.

**14. WIND PARAMETER**

SITE TOPOGRAPHIC DATA								
REGION = A1								
	N	NE	E	SE	S	SW	W	NW
H (m)	87	92	101	97	64	30	-	51
Lu (m)	492	406	398	470	210	284	-	272
X (m)	-	-	-	-	-	-	-	-
Tc	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5

Client:



Client:



Client:

Project:

NATIONAL BROADBAND NETWORK  
SITE No: 6T00-51-01-BIND  
BINDOON  
CNR FORREST HILLS PDE &  
RIDGETOP RAMBLE ROAD  
BINDOON  
WA 6502

PRELIMINARY

03	30.10.14	ANTENNAS REVISED	UH
02	28.10.14	SITE COMPOUND RELOCATED	ST
01	26.11.13	PRELIMINARY ISSUE	ARS
Rev	Date	Revision Details	CAD



DRAFTED BY: ARS

CHECKED BY: SH

APPROVED BY: WZ

Drawing Title:

SITE SPECIFIC  
NOTES AND  
ANTENNA TABLE

Drawing No.	Revision
6T00-51-01-BIND-C1	03



[illegible]

### SITE CO-ORDINATES

## 4 MONOPOLE

DATUM: MGA (GDA94)	ZONE: 50
LATITUDE	-31.39153°
LONGITUDE	116.08365°
EASTING	412 877
NORTHING	6 526 642

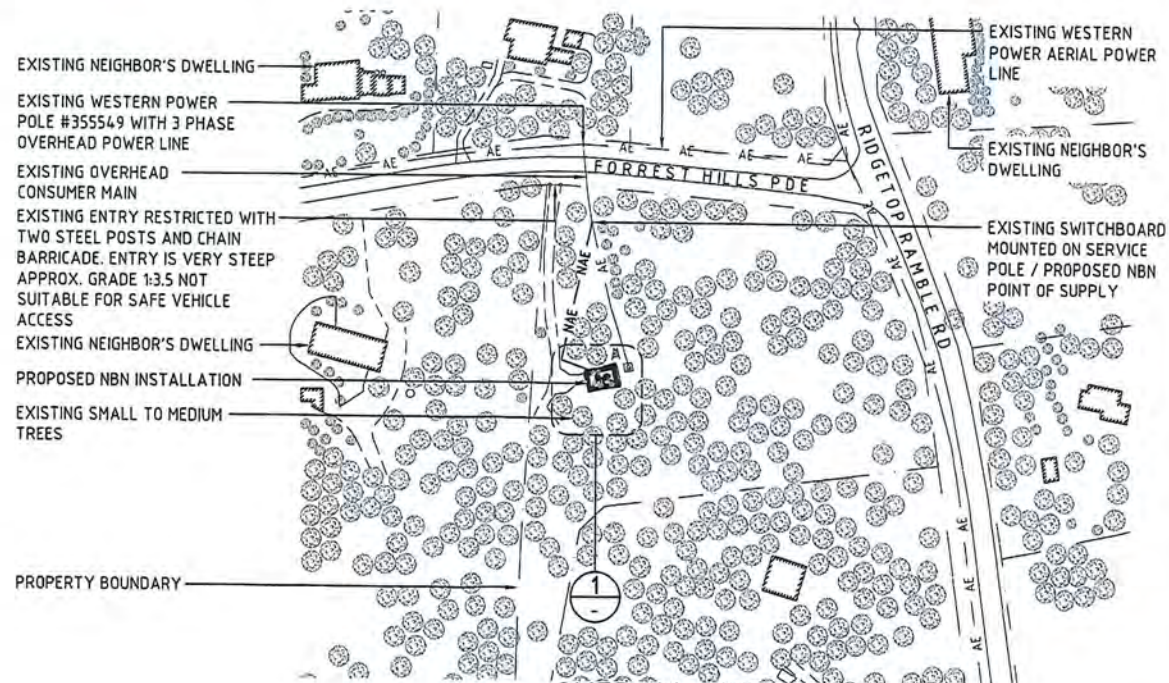
— AE — AE — AERIAL ELECTRICAL SUPPLY  
 — NAE — NAE — NBN OVERHEAD ELECTRICAL  
 SUPPLY  
 — / — / — FENCE LINE  
 // // // BUILDING  
 — — — — — BOUNDARY LINE

1. NBN SUB-MAIN MAY BE REQUIRED TO RUN ABOVE GROUND DUE TO EXISTING HARD SOIL. EXISTING DFES SITE HAS RUN THEIR SUB-MAIN ABOVE GROUND.



EXISTING ACCESS, UNFORMED TRACK, CLEARED AND COMPACTED, ENTIRELY STEEP, REQUIRES UPGRADE FOR SAFE VEHICLE ACCESS. ACCESS UPGRADE LENGTH IS 80m

DETAIL  
SCALE 1:500



## OVERALL SITE PLAN

SCALE 1:2000

Client:  <b>NBN Co</b> Limited	
Client:  <b>ERICSSON</b>	
Project: <b>NATIONAL BROADBAND NETWORK</b> <b>SITE No: 6T00-51-01-BIND BINDOON</b> <b>CNR FORREST HILLS PDE &amp; RIDGETOP RAMBLE ROAD BINDOON WA 6502</b>	
<b>PRELIMINARY</b>	
02 28.10.16 SITE COMPOUND RELOCATED ST 01 26.11.13 PRELIMINARY ISSUE ARS Rev Date Revision Details CAD	
 www.dalyinternational.com	
DRAFTED BY: ARS CHECKED BY: SH APPROVED BY: WZ	
Drawing Title: <b>OVERALL SITE PLAN</b>	
Drawing No. <b>6T00-51-01-BIND-C2</b>	Revision <b>02</b>
10 20 30 40 50mm	



### 3 SITE SELECTION

Planning for a new fixed wireless broadband facility is a complex process. NBN Co conducts a rigorous multi-stage scoping process, as outlined below.

#### 3.1 Identification of areas requiring Fixed Wireless coverage

NBN Co's Fixed Wireless locations are determined by a number of factors including the availability of both the NBN Co Fibre transit network and the availability of Point of Interconnect (POI) facilities to allow for the installation of NBN Co fibre equipment. NBN Co uses a number of methods to identify those parts of Australia that require Fixed Wireless coverage. When an area is identified as requiring Fixed Wireless coverage, investigations are undertaken to determine the measures required to provide this coverage.

NBN Co has identified a requirement to provide a Fixed Wireless facility at Bindoon. The facility is designed to provide Fixed Wireless internet services to dwellings in the Bindoon area.

#### 3.2 Site Selection Parameters

NBN Co generally identifies an area where the requirement for a Fixed Wireless facility would be highest, a 'search area.' A preliminary investigation of the area is then generally undertaken, in conjunction with planning and property consultants, radiofrequency engineers and designers in order to identify possible locations to establish a facility.

Generally speaking, new sites must be located within, or immediately adjacent to, the identified search area in order to be technically feasible. However, while the operational and geographical aspects of deploying new facilities are primary factors, there are also many other issues that influence network design, which have to be resolved in parallel.

Some of the issues that may be considered include visual amenity, potential co-location opportunities, the availability and suitability of land as well as a willing site provider, occupational health and safety, construction issues (including structural and loading feasibility and access for maintenance purposes), topographical constraints affecting network line of site, legislative policy constraints, environmental impacts, and cost implications.

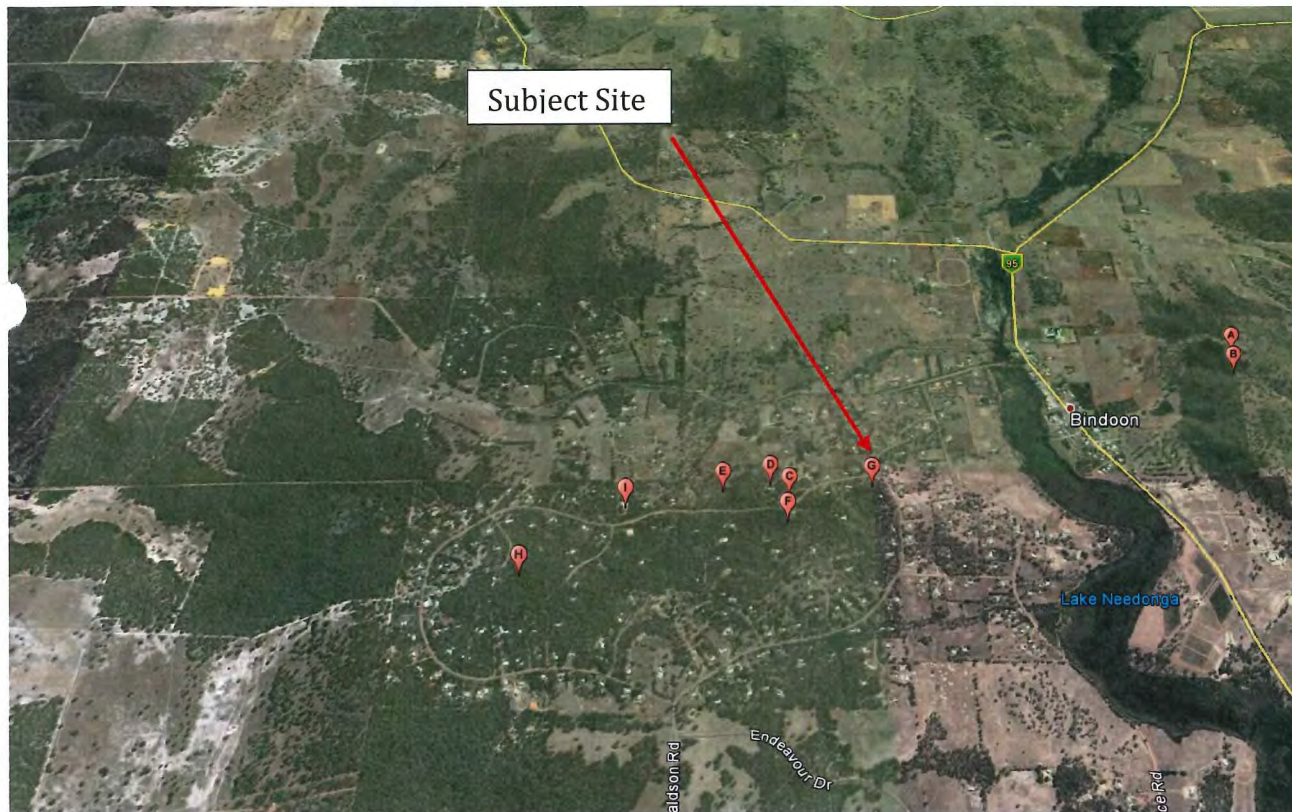
The number, type and height of facilities required to complete the Fixed Wireless network are largely determined by the above operational, geographical and other factors discussed that influence final network design. These compounding factors often severely restrict the available search area within which a facility can be established to provide Fixed Wireless internet services to a local community.

#### 3.3 Candidate Sites

Following the identification of the search area, a number of candidate sites were examined. Each candidate was assessed based on the ability to meet the coverage objectives and site considerations detailed above. A total of nine (9) candidates were selected for in-depth investigation, as per **Figure 2** on the following page.



NBN Co endeavors to avoid locating search areas in close proximity to residential localities and potentially sensitive land uses, where practicable. The area surrounding the proposed location of the proposed facility is comprised predominantly of rural residential land uses. As such, NBN Co considers that the Country-club estate area provides an appropriate location for a facility, given the appropriate separation from higher-density residential and other sensitive land uses.



**Figure 2 – NBN Co Candidate Sites (from Google Earth)**

A summary of the candidates that were proposed is set out below, including a description of the opportunities and constraints that each site afforded.

Candidate	Address and Lot Number	Facility Type	Description
<b>A</b>	Lot 3874 on Plan 175546	Co-location	NBN Co investigated the possibility of co-location on the existing Optus tower. Co-location was not possible due to a shortage of space and coverage issues.
<b>B</b>	Lot 3874 on Plan 175546	New 40 m monopole	NBN Co investigated the possibility of co-location on the existing Optus tower. Co-location was not possible due to a shortage of space and coverage issues.
<b>C</b>	40 Forrest Hills Parade Bindoon (Lot 155 on Plan 15355)	New 40 m monopole	NBN Co investigated establishing a new 40 metre monopole at 40 Forrest Hills Parade, Bindoon. Land tenure was unavailable.

<b>D</b>	68 Forrest Hills Parade Bindoon WA (Lot 183 on Plan 15355)	New 40 m monopole	NBN Co investigated establishing a new 40 metre monopole at 68 Forrest Hills Parade, Bindoon.  Land tenure was unavailable.
<b>E</b>	169-201 Gray St, Bindoon WA (Lot 3 on Diagram 13169)	New 40 m monopole	NBN Co investigated establishing a new 40 metre monopole at 169-201 Gray St, Bindoon.  Land tenure was unavailable.
<b>F</b>	57 Forrest Hills Parade Bindoon WA (Lot 88 on Plan 57454)	New 40 m monopole	NBN Co investigated establishing a new 40 metre monopole at 57 Forrest Hills Parade, Bindoon.  Land tenure was unavailable.
<b>G</b>	<b>Lot 12383 on Plan 15355</b>	<b>New 40 m monopole</b>	<b>Current Prime Candidate</b>
<b>H</b>	Lot 12116 on Plan 15360 (Evergreen Reserve)	New 40 m monopole	NBN Co investigated establishing a new 40 metre monopole at Lot 12116 on Plan 15360.  The site did not meet coverage objectives at this height.
<b>I</b>	Lot 148 Forrest Hills Parade (Lot 269 on Plan 15358)	New 40 m monopole	NBN Co investigated establishing a new 40 metre monopole at Lot 148 Forrest Hills Parade (Water Corp Site)  The site did not meet coverage objectives at this height.

### 3. 4 Site Selection

This section has provided an overview of the process and particulars relating to site selection. Candidate G - Lot 12383 on Plan 15355 is considered the ideal candidate site for the location of the proposed NBN fixed wireless facility for the following reasons:

- The proposed site has been particularly targeted to provide the optimal required quality of service as required by NBN Co across the Bindoon region;
- The proposed facility is located in a rural residential area, on an elevated area of the site to minimize the tower height; existing vegetation will screen and soften the tower;
- The site provides sufficient spatial separation from sensitive land uses with the nearest dwellings located approximately 80 metres and 94 metres from the proposed site. The house to the south is down the ridgeline and the outlook is away from the tower. The house to the west also is downhill from the proposed location and the outlook of the residence is away from the facility; and
- There is an existing access track to the facility.



## 4 SUBJECT SITE & SURROUNDS

The telecommunications facility is proposed to be located at Lot 12383 on Plan 15355, Bindoon. The land is presently improved by a small emergency services radio tower. The site is irregular in shape and access to the property is via an existing access track from Forrest Hills Parade (please refer to the Proposal Plans contained in **Appendix 3- Proposed Plans**).

The subject site is zoned Parks and Recreation (Please refer to the Zoning Map in **Section 6.3.2** of this report). The surrounding area consists predominantly of rural residential zoning within the country club estate, with some sites being zoned as Parks and Recreation. The area around the Bindoon village is zoned Townsite, and is flanked by conservation and parks and recreation. The nearest dwellings are setback approximately 80 metres; and approximately 94 metres. **Figure 3** on the following page depicts the subject site in the context of the surrounding area. This image shows the low-density rural residential character of the surrounding area.

Where possible, NBN Co endeavors to co-locate with existing telecommunications facilities if it is feasible to do so. As per data from the Mobile Carriers Forum (MCF) National Site Archive, there are no suitable telecommunications sites within the Bindoon area. Accordingly, co-location could not be achieved in this instance.



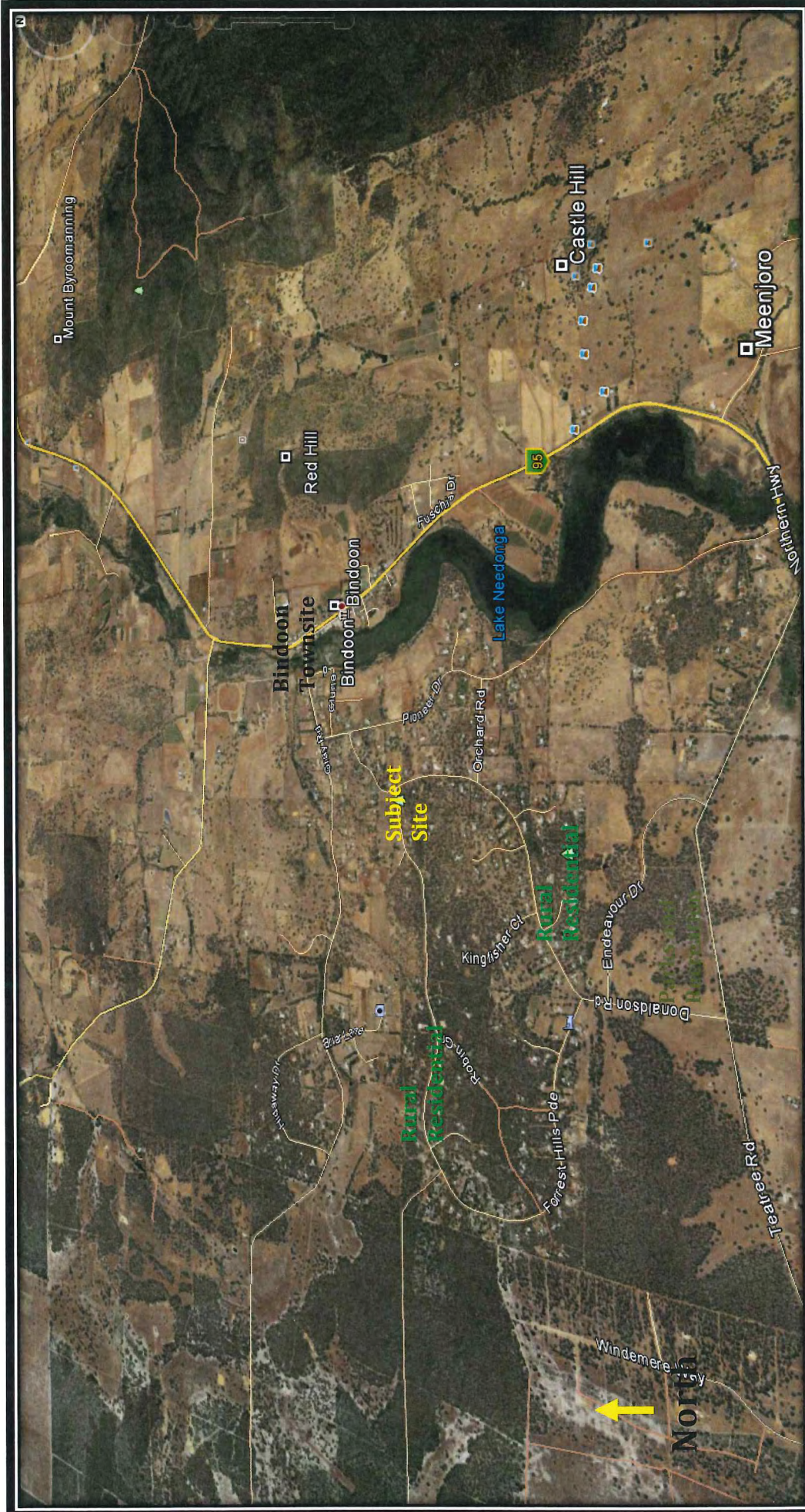


Figure 3 – Aerial Photo of subject site, illustrating surrounding context (Courtesy of Google Maps)



**Figure 4;** and **Figure 5** below depict the proposed location of the NBN Fixed wireless facility within the site, and the view from the proposed location looking towards Forrest Hills Parade. More site photos are included in **Appendix 2- Site Photographs**, and include a Photomontage illustrating the proposed facility as it would appear in the landscape.



**Figure 4 – Proposed location of the NBN Wireless Facility compound**



**Figure 5 – View from proposed facility location towards Forrest Hills Parade**



24 April 2015

Ms Stephanie Gladman, Planning Officer  
Shire of Chittering  
PO Box 70  
Bindoon WA 6502

Dear Ms Gladman,

**Proposed Fixed Wireless Communications Facility, corner Forrest Hills Parade and Ridgetop Ramble Road, Bindoon WA 6502**

I'm writing in response to your email of the 16 April 2015 in which you've asked a number of supplementary questions about alternative solutions to the proposed NBN wireless communications facility at the above address, which is the subject of our Development Application.

We are also writing to respond to a request from the Chief Executive Officer for a consolidated list of alternatives that have been considered. Attached to this letter is the list of alternatives as requested. The CEO has also asked for a coverage map. It is not possible to provide a map of the radio-frequency coverage from the facility as the proposal has not yet been approved in a final form by Council. Please also note that before the network equipment is installed, a service validation test will be carried out. A coverage map may not accurately show whether or not premises on the very periphery of a coverage area can receive the fixed wireless service.

However, in a general sense we can advise that the NBN fixed wireless facility proposed to be established in the Bell Hill Reserve in Bindoon, will provide coverage to in excess of approximately 364-371 premises. The coverage area extends from the site of the facility:

- Approx. 2.5kms in a NW direction
- Approx. 1.5km in a W direction. Please note that due to topographical constraints, premises near Forest Hills Parade in the vicinity Evergreen Rise Road would be unlikely to be serviced by this Fixed Wireless Facility, and will be served by NBN Co's Long Term Satellite service due to become available from late 2015/early 2016.
- Approx 1.5km in a S direction
- Approx 3km in a SE direction, extending to the east of the Great Northern Hwy
- Approx 2.5km in an E direction
- Approx 4.5km in an NE direction
- Approx. 3.5km in a N direction

In response to the supplementary questions in your email, we provide the following response on behalf of NBN Co, and our project partners.

We have been asked: **"Why can this coverage footprint not receive the NBN via a different technology when other areas like the bits not covered under the current proposal will be serviced by a different NBN technology?"**

In response we advise that NBN Co is using a range of technologies to help enable Australians to access the benefits of fast broadband sooner and at less cost to the taxpayer than otherwise would be the case. NBN Co's new Multi-Technology-Mix (MTM) rollout model plans to deliver broadband using a combination of technologies, including fibre to the premises (FTTP), fibre-to-the-node (FTTN), fibre-to-the-building (FTTB) and hybrid fibre coaxial cables (HFC) as well as fixed wireless and satellite. To deliver on this we need to test and make decisions about the specific technologies and configurations that will work best in each location. In Bindoon, Fixed Wireless has been determined as the best fit technology for this location. This is consistent with the Government's expectation that the network be established as quickly and as



cost effectively as possible.

In relation to the use of other technologies to fill very significant gaps due to a shift of the Fixed Wireless facility to a less optimum location, we cannot simply migrate such large numbers of people to an NBN satellite connection because this will overload or over-subscribe the satellite spot-beam for this area. Such a move would cripple the satellite's ability to deliver good quality service to the people who really need it – residents in remote areas and those outside of the fixed wireless footprint due to topography. It is also not economically or technically feasible to connect a part of Bindoon not serviced by Fixed Wireless to a fixed line option.

**We have been asked: “Has the NBN Company done the footprint to co-locate with the Optus tower above the school? How many properties does this footprint reach?”**

In response we advise that we have carefully considered co-location opportunities on the Optus Tower well before we lodged our application at Council. It is NBN's first preference to co-locate wherever practical and technically feasible, and we co-locate our antennas in about one-third of all cases. However, in this instance, it is not feasible for the following two specific reasons:

- (i) It is important for the facility to be located close to the centre of the geographical spread of targeted premises. The structure is planned as a 4 sector (4 antenna) site, with each sector covering or servicing a roughly equal portion of the 360 degrees around the facility. Each sector has a “planned resource” to cover a set number of premises, hence the preferred locality at Bell Hill Reserve provides a balance between each sector. It also ensures that there is no shadowing of the radio signal by hills. We have modelled the coverage from NBN antennas located on the Optus tower and what we find is a very significant loss of at least 40-50% of premises due to shadowing of topography including Bell Hill. Premises to the south and west in Bindoon are very significantly shadowed from a signal when that signal is generated from antennas on the Optus tower.
- (ii) Secondly, in a broad geographic sense, Bindoon is a relatively elevated site in the context of the broader region including the Perth metropolitan area. If we were to locate antennas at an elevated site such as Optus on the eastern side of Bindoon with the antennas predominantly pointing in a south and westerly direction, this will instead cause interference with neighboring mobile and fixed wireless sites between Bindoon and the Perth metropolitan area. One of the biggest challenges with radio planning is to avoid interference between neighbouring “sites”. What we are attempting to achieve in Bindoon is line-of-sight from the antennas on the tower to the rooftops of as many premises as possible, whilst containing this coverage so it does not spill and interfere with neighbouring sites beyond the target area in Bindoon. Due to ACMA regulations, our Radio Engineers prioritise interference mitigation over coverage. Where a site causes no interference, coverage then becomes the main goal. As well as the shadowing mention in point (i), spill from the Optus site also interferes with other network sites.

We note that the above issues and constraints are not confined to Bindoon. We have similar challenges in many other towns where Fixed Wireless is to be deployed. Importantly, we have spent the last 18 months progressing not just this proposal but the surrounding network sites including Fixed Wireless facilities that have been approved and are ready to be built in places such as Toodyay, Julimar, Coondle, Gingin, Chittering, Clackline and Wundowie. The NBN Fixed Wireless network is designed to deliver significant improvements into Bindoon and all of these areas with wholesale access speeds of up to 25Mbps for downloads. Quality broadband of this nature will become increasingly critical to a range of services in Bindoon including health and education.

If you would like to discuss the proposal or if you require any further information about these development applications, please contact me on 0425-702-007. If you have any questions about the NBN please contact Peter Gurney, Community Account Manager WA NBN Co on 6274 6102 or 0417 633 467.

Yours sincerely,



Matt Evans  
Community & Stakeholder Relations  
Ericsson Australia  
Mobile 0425 702 007

## NBN Fixed Wireless Facility Siting Options Considered in Bindoon

Sites reviewed prior to lodging the Development Application

	Address and Lot Number	Facility Type	Description
<b>A</b>	Lot 3874 on Plan 175546	Co-location	NBN Co investigated the possibility of co-location on the existing Optus tower. Co-location was not possible due to a shortage of space and coverage issues.
<b>B</b>	Lot 3874 on Plan 175546	New 40 m monopole	NBN Co investigated the possibility of co-siting with a new facility near the existing Optus tower.
<b>C</b>	40 Forrest Hills Parade Bindoon (Lot 155 on Plan 15355)	New 40 m monopole	NBN Co investigated establishing a new 40 metre monopole at 40 Forrest Hills Parade, Bindoon. Land tenure was unavailable.
<b>D</b>	68 Forrest Hills Parade Bindoon WA (Lot 183 on Plan 15355)	New 40 m monopole	NBN Co investigated establishing a new 40 metre monopole at 68 Forrest Hills Parade, Bindoon. Land tenure was unavailable.
<b>E</b>	169-201 Gray St, Bindoon WA (Lot 3 on Diagram 13169)	New 40 m monopole	NBN Co investigated establishing a new 40 metre monopole at 169-201 Gray St, Bindoon. Land tenure was unavailable.
<b>F</b>	57 Forrest Hills Parade Bindoon WA (Lot 88 on Plan 57454)	New 40 m monopole	NBN Co investigated establishing a new 40 metre monopole at 57 Forrest Hills Parade, Bindoon. Land tenure was unavailable.
<b>G</b>	<b>Lot 12383 on Plan 15355</b>	<b>New 40 m monopole</b>	<b>Current Location</b>

Sites reviewed at request of Council following NBN's Community Information Session

<b>H</b>	Lot 12116 on Plan 15360 (Evergreen Reserve)	New 45m and 50m structure	NBN Co investigated establishing a new 40 metre monopole at Lot 12116 on Plan 15360. The site did not meet coverage objectives at this height, with significant losses in the main commercial area and surrounds.
<b>I</b>	Lot 148 Forrest Hills Parade (Lot 269 on Plan 15358) (Water Corp site)	New 45m and 50m structure	NBN Co investigated establishing a new 40 metre monopole at Lot 148 Forrest Hills Parade (Water Corp Site). Similarly, this site did not meet coverage objectives at this height, with significant losses in the main commercial area and surrounds.

Sites reviewed at request of Council following lodgement of Application

<b>J</b>	Lot 20 and Lot 7 Gray Rd	New 40 m monopole	A facility at this location would fail to serve approximately 25% compared to the site that is the subject of the NBN Application on Bell Hill Reserve.
<b>K</b>	Between Crest Hill Road and Gray Road on Location P49823 – 208	New 40 m monopole	A facility at this location would fail to serve approximately 28% of premises compared to the site that is the subject of the NBN Application on Bell Hill Reserve.



## Proposal for NBN Tower – Forrest Hills Parade, Bindoon

		Agency Submissions		
	Submitter	Comment	Applicants Response	Shire Officer Response
1.	<b>Chittering Landcare Group</b>  <b>12 February 2015</b>	<p><i>Support</i></p> <p>The Chittering Landcare Group in collaboration with the Ellen Brockman Catchment Group has reviewed the above proposal and make the following comments.</p> <p>Bell Hill is one of a number of small reserves in the Bindoon estate, each providing stepping stones and connections for wildlife movement. These reserves are important and should remain unaffected by development. Should permission be granted to erect the facility then;</p> <ul style="list-style-type: none"> <li>A clearing permit should be obtained for the removal of native vegetation. The NBN Co could purchase 50 locally native plant seedlings to be planted on Bell Hill in July to compensate for the loss of the trees and understorey at the construction site.</li> <li>During construction and upgrade of access all care is taken to ensure that erosion does not occur and is</li> </ul>	<p>Noted</p> <p>A permit to clear native (indigenous) vegetation from the DEC is not required for clearing areas less than 1ha. The extent of vegetation clearance is denoted on the site plan submitted for the works and is the least necessary to facilitate construction.</p> <p>Construction will be undertaken in accordance with environmental best practice. There will be limited excavation to create a level hard standing area and for</p>	<p>Noted and acknowledged.</p> <p>The Shire will require the applicant to obtain a clearing permit for the removal of native vegetation (See Condition No. 4(e)).Condition of approval to require NBN Co to purchase 50 locally native plant seedlings to be planted by Chittering Land Care for revegetation and rehabilitation of site (See Condition No. (4b)).</p>

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Agency Submissions				
	Submitter	Comment	Applicants Response	Shire Officer Response
		<p>not likely to occur once construction is complete. That any damage and rubbish created by the construction is remediated.</p> <ul style="list-style-type: none"> <li>Construction does not interfere with or impact native wildlife in the reserve.</li> </ul> <p>There are no objections to the proposal if these conditions are met.</p> <p>Further to the above, additional information provided by Chittering Landcare Group (6 May 2015)...</p> <p>With reference to your email seeking advice about the conservation status of Bell Hill reserve, Bindoon, I provide the following comments.</p>	<p>the footings of the monopole. A batter will stabilise exposed soil. There will be no discharge of concentrated storm water that would otherwise require erosion control at the outlet. Infrequent vehicular access will occur via an existing track which will be upgraded and gravelled to minimise erosion.</p> <p>Construction will be undertaken in accordance with environmental best practice.</p>	<p>Condition of approval to require 'the applicant to provide rubbish bins during construction at an appropriate site and remove all rubbish from the site and any damage caused to be remediated upon completion of works to the Chief Executive Officers satisfaction' (see Condition No.4 (f)).</p>



Agency Submissions				
Submitter	Comment	Applicants Response	Shire Officer Response	
	<p><i>“The question was based on information taken from the Shire's Local Biodiversity Strategy - adopted 21 April, 2010 - which I have just finished reading, in an effort to gain a clearer understanding ie....”</i></p> <p><i>“A. Biodiversity Conservation Planning Precinct Recommendations section 2. BINDOON. Dot point 3. 'Change vesting of local government managed reserves to 'Conservation' Reserves.' p4.”</i></p> <p>A. This is only a recommendation to council as Bindoon is identified in the <b>Local Planning Strategy</b> as Priority Development Areas including areas in HCVAs. Action plan identifies only HCVA or reserves in local and regional linkages. Bell Hill is not identified as a HVCA nor is it in a local or regional linkage.</p> <p><i>“B. 4.2.1 Summary advice on identification of significant local natural areas for biodiversity conservation through retention. Priority areas of native vegetation include: Dot point 5. 'Patches of</i></p>			

Agency Submissions				
	Submitter	Comment	Applicants Response	Shire Officer Response
		<p><i>native vegetation that form a regional or local ecological linkage.' p.34."</i></p> <p>B. Bell Hill is not a patch of native vegetation that forms part of an identified Local or Regional linkage. (see attached aerial photograph).</p> <p><i>"C. 4.3.2 High biodiversity value areas owned or vested in the Shire Table 5 lists seven natural areas owned by the Shire that were assessed using the Natural Area Initial Assessment (NAIA). The prioritisation framework can be used to identify the highest priority natural areas for protection, ranking natural area as Priority 1A - 1C being of high regional significance, to Priority 2 and Priority 3 as being of local significance. p41/42. Bell Hill Reserve: Priority Rank 1A - high regional significance."</i></p> <p>C. This leads onto 4.3.3, Summary Advice to identify significant Local Natural Areas for protection, DOT point 2 Bell hill does not meet any of these criteria, DOT point 3 Bell Hill does not meet this criterium</p>		



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		<p>(vegetation in not in good or better condition)</p> <p><i>“D. 4.3.4 Proposed Action Plan: Potential mechanisms to achieve the protection of significant natural areas.</i></p> <p><i>DOT Point 3. Rezone all local natural areas owned by the Shire, and having high conservation value, to 'Conservation' Reserves. Dot Point 6. Consider introduction of 'Conservation' zoning into the TPS, to strengthen voluntary conservation covenants. p 46.”</i></p> <p>D. Only Local natural areas considered HCVA should be changed to conservation areas rather than for recreation or other purpose. DOT point 4, a map was included in the LPS but Bell Hill was not marked as a HVCA despite it being listed in table 5 as a high priority. Other areas that were assessed were deemed of higher priority.</p> <p><i>“E. Action Plan</i></p> <p><i>It was recommended, therefore, that the Shire adopts the proposed Action Plan to support the re-zoning of</i></p>		

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		<p><i>these natural areas which have a high conservation value (including Bell Hill Reserve) to 'Conservation' Reserves - as a way towards achieving the local biodiversity conservation goals agreed to in the Local Biodiversity Strategy by Council. The timeframe set out on p 52 and p 54 states within 3-4 years of the endorsement of the final Local Biodiversity Strategy by Council."</i></p> <p>E. As Bell Hill is not identified on the revised mapping of HVCAs and is not within a local or regional linkage, its priority for changing its purpose from "recreational and water supply" to "conservation" would not be as high. Very few reserves had been assessed and management plans reviewed or written when the Biodiversity Strategy was written. However, this assessment and the writing and/or review of management plans is being undertaken by Chittering Landcare. One reserve within the Shire of Chittering has conservation status, Lot 209 Reserve Road (known as Barracca Springs).</p>		



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	Submitter	Comment	Applicants Response	Shire Officer Response
		The Local Planning Strategy is undergoing review and as such, the position of Bell Hill may alter. While Bell Hill reserve is still an important reserve that provides local linkage it may not be as high a priority as Blackboy Ridge or Payne Reserve for change of purpose to conservation status.		
2.	Department of Environmental Regulation 4 March 2015	<p><i>Support</i></p> <p>The DER have reviewed information and understands the infrastructure is to facilitate the fixed wireless component of the NBN.</p> <p>The property (Lot 12383) has not been reported to DER as a known or suspected contaminated site under the 'Contaminated Site Act 2003'.</p> <p>DER does not hold any information regarding known or suspected contamination at the site and is not located within acid sulphate soils risk area.</p> <p>DER has no objection to the proposal and advises that neither a contamination nor acid sulphate soils condition is considered necessary in this case.</p>	Noted	Noted and acknowledged.
3.	Department of Planning	The proposal should be assessed against LPS 5, and State Planning Policy 5.2 Telecommunications Infrastructure (SPP 5.2).	Noted	Noted and acknowledged.  Development application

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	Submitter	Comment	Applicants Response	Shire Officer Response
	6 March 2015	<p>Our comments focus on the proposal's visual impact, as this is the main relevant issue referred to in SPP 5.2 (see Sections 5.1 and 5.2). Another document that may be useful is the Western Australian Planning Commission's 2007 publication, <i>Visual Landscape Planning in Western Australia: a manual for evaluation, assessment, siting and design</i>, which contains specific guidance on utility towers, including telecommunications towers.</p> <p>Bell Hill, where the tower would be located, is a prominent local landmark comprising the highest part of the backdrop to the townsite of Bindoon, on the west side of the Brockman Valley. The hill is a feature in views across the valley from busy Great Northern Highway, especially from elevated stretches and at intersections within the town.</p> <p>Since it may be preferable to avoid this prominent site, other siting options could be considered. These include: co-location with other existing facilities at a less visible location; and providing a different number and height of towers in the district (eg more towers at lower elevations in the landscape).</p> <p>The proposed tower site may have some site-level benefits. Although the subject land is reserved for 'Parks and Recreation' under the</p>	<p>Height is an essential requirement for the effective operation of the wireless NBN network. By choosing a high point in the topography the height of the structure can be reduced.</p>	<p>assessed against the provisions of the Shire's Local Planning Scheme No. 6 and the WAPC's SPP No. 5.2 Telecommunications Infrastructure.</p> <p>Noted.</p> <p>Noted. NBN Co provided justification as to the reasons for the utilisation of Bell Hill Reserve for the location of the Tower. Details of the justification are provided in the planning officers report and Attachment No. 1 accompanying the report.</p>



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		<p>Shire of Chittering's Local Planning Scheme No. 6, it appears that pedestrian access to the site is constrained due to the steepness of the access track. This track would be regraded to an easier gradient if the tower was constructed here.</p> <p>Also, the site requires rehabilitation of its understorey vegetation, and there could be an opportunity for the proponent to contribute towards this.</p>		<p>Noted.</p> <p>Rehabilitation of vegetation to be included as a condition (see Condition No. 4 (a) and 4 (b)).</p>
4.	<b>Department of Health</b>  <b>6 March 2015</b>	<p>DoH has no specific comment in relation to the proposal.</p> <p>Their submission suggests that viewing of the 'Australian Radiation Protection and Nuclear Safety Agency' website (<a href="http://www.arpsa.gov.au/eme/index.cfm">http://www.arpsa.gov.au/eme/index.cfm</a>)</p>	Noted	Noted and acknowledged.
5.	<b>Department of Parks and Wildlife</b>	<p><i>Support</i></p> <p>The Department has no objection to the application proposal with the following recommendations:</p> <ul style="list-style-type: none"> <li>The department notes that the</li> </ul>	<p>Noted</p> <p>NBN Co is willing to establish landscaping around the</p>	<p>Noted and acknowledged.</p> <p>See Condition No. 4 (a) and 4</p>

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		<p>proponent has undertaken a fauna and flora assessment. The department recommends that the section of the small building envelope on the site should be chosen to minimise the need to clear any mature trees that have the potential to provide suitable fauna habitat, in particular for endangered Carnaby's Black Cockatoo.</p> <p>The Department considers that any potential environmental impacts will be appropriately addressed through the existing planning framework.</p>	perimeter of compound to offset any clearance.	<p>(b).</p> <p>See Condition No. 4 (d)</p>



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Public Submissions				
	Submitter	Comment	Applicants Response	Shire Officer Response
1.	11/2/2015  (refer also to Submission No. 28 & No. 72)	<p><i>Objection</i></p> <p>I refer to the advertisement in the Advocate 'Proposed NBN Fixed Wireless Facility Lot 12383 Forrest Hills Parade, Bindoon'. I feel you have not advertised a true representation of the location of the proposed site.</p> <p>Where is the reference to the fact that this property is actually Bell Hill Reserve, Crown Land managed by Chittering Council and is in fact Public Open space, a Reserve to be used for recreation?</p> <p>Why was this information omitted from the advertisement?</p> <p>It seems evident that you are contravening your own bylaws and do not want ratepayers to know the true facts.</p> <p>I demand that you advise your rate payers that this land is a Reserve, owned by the Crown, managed by the Chittering Shire. Rate payers need this accurate information to construct an educated opinion of the negative and positive reasons why this tower</p>	<p>Matter for the Shire</p> <p>Matter for the Shire</p> <p>Matter for the Shire</p> <p>Matter for the Shire</p> <p>We are of the view that in good faith sufficient information has been provided in order for the Shire to determine the development application.</p>	<p>In the additional advertising conducted by the Shire (via newspaper advertising and also the secondary letter drop) noting the extension of the advertising period, the wording was modified to state 'Lot 12383 Forrest Hills Parade, Bindoon (Reserve 44213 – Bell Hill Reserve)'</p>

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<b>Public Submissions</b>				
	<b>Submitter</b>	<b>Comment</b>	<b>Applicants Response</b>	<b>Shire Officer Response</b>
		should or should not be constructed on Bell Hill Reserve.		
<b>2.</b>	<b>12/2/2015</b>	<p><i>Support</i></p> <p>Supportive of the proposal and believe the location will provide the best service for the town.</p> <p>Aware of a small group actively opposing the proposal, seemingly because the proposed tower neighbours them.</p> <p>Submitters believe this is a positive step towards modernising the towns facilities and making quality wireless internet accessible to all residents.</p> <p>States that the visual impacts claimed by the protest group to be minimal and of no consequence considering the benefits it provides.</p> <p>Hopes that the vocal minorities that seem to have so much influence in this town do not succeed in either preventing it or making it relocated to a lower quality position.</p>	<p>Noted</p> <p>Agreed</p>	Noted and acknowledged.
<b>3.</b>	<b>16/2/2015</b>	<p><i>Support</i></p> <p>I have read the information you supplied to</p>	<p>Noted</p> <p>Agreed</p>	Noted and acknowledged.



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	<p>residents regarding the proposed NBN tower and infrastructure to be placed on Bell Hill reserve. I have also read the article in the latest Northern Valley news giving what I presume is the immediate neighbours views. Whilst I understand their concerns that appear to centre mainly on the visual 'impairment' they will have once the tower is built but I feel the overall benefit to the residents of the greater Bindoon area will outweigh their concerns.</p> <p>I have seen in other locations where the towers have been painted green to have them blend in more with existing foliage but I am not sure that would help here. It may be worthy of consideration.</p> <p>The existing tower on the site that I believe supports the paging network used by the local Fire Services and possibly the ambulance service is possibly in need of some work. Has any consideration been given to seek approval to have that infrastructure mounted onto the new tower. This would possibly give better coverage for that network and reliability if the network was supported by backup power in the event</p>	<p>Ground level infrastructure will be colour-treated to blend with the environment. Unpainted structures are deemed by State visual landscape policy to blend better against lighter backgrounds such as the sky.</p> <p>Co -location opportunities are available.</p>	<p>Screening and landscaping of the lower compound is provided for in Conditions 4 (a) and 4 (b). The applicant has addressed of colour treatment of ground level infrastructure in the addressing Submission No. 3</p> <p>Co-location of the existing DFES Pager Antenna with the proposed Fixed Wireless Facility is addressed in Condition 4 (g)</p>	

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		<p>of a mains failure.</p> <p>In my particular case I am unable to get ADSL at my residence at ■■■ Forrest Hills due to the low quality cable network in the area. I do not see NBN or Telstra or any other communications company racing out to dig in a new cable at any stage in the future. This means for me the only solution for better internet and possibly telephone service (I no longer have a landline) is for the NBN proposal to be granted approval to proceed by the Shire. The current TELSTRA service from Crest Hill road is barely sufficient for my location.</p> <p>The submitter further added (9 March 2015) that a possible condition of approval of the NBN group and owners of the existing tower (VODAFONE) that the existing paging tower antennas be co-located onto the new tower to minimise the total footprint of radio towers on the site.</p> <p>The area currently covered by the paging antenna and associated equipment could then be rehabilitated to natural bush.</p>	<p>Co-location opportunities are available.</p> <p>Noted</p>	<p>Co-location of the existing DFES Pager Antenna with the proposed Fixed Wireless Facility is addressed in Condition 4 (g)</p>
4.	13/2/2015	<p><i>Support</i></p> <p>Yes we support the proposed NBN Facility.</p>	Noted	Noted and acknowledged.
5.	17/2/2015	<i>Objection</i>		



Public Submissions				
	Submitter	Comment	Applicants Response	Shire Officer Response
	(refer also to Submission No. 29 & 60)	<p>Hello, we have just discovered this:</p> <p><a href="http://www.chittering.wa.gov.au/news/article/10022015-103/proposed-nbn-fixed-wireless-facility-lot-12383-forrest-hills-parade-bindoon.aspx">http://www.chittering.wa.gov.au/news/article/10022015-103/proposed-nbn-fixed-wireless-facility-lot-12383-forrest-hills-parade-bindoon.aspx</a></p> <p>We live on the corner of Ridgetop Ramble and Woodland Lane, so this means this monstrosity will be less than 1KM from our property (approx. 6 house lots). All we can say is NO, in the strongest possible language! An eyesore, a blot on the landscape and quite frankly – in the country club estate – what is anyone thinking?</p> <p>We are all for broadband if that's what people want but *this* is not in keeping with</p>	<p>NBN Co has selected a monopole which is the least visually intrusive structure able to support antennas at the minimum height able to achieve coverage objectives. The unpainted grey finish will be the least intrusive, particularly when viewed against lighter backgrounds such as the sky. Ground level infrastructure is limited to colour-treated cabinets and no more than two power poles one accommodating a switchboard. The provision of overhead power is in response to the soil composition and is consistent with supply arrangements for the Department of Fire and Emergency Services (DFES) lattice tower within the reserve. The proposed monopole will allow DFES the option to decommission their structure and relocate and afford co-location opportunities to other telecommunications carriers. The proposed compound location also takes advantage of existing vegetation to screen ground level infrastructure and the lower sections of the structure and enables a good degree of separation from nearby residences.</p> <p>The SAT and the Planning and Environment Court of Queensland has ruled that height is an integral part of</p>	<p>Whilst it is acknowledged that if constructed the tower will have some impact upon the visual amenity of the Chittering Country Club and the reserve itself, it should be noted that the rural aspects of properties within the Country Club Estate will largely remain intact.</p> <p>Many of the properties in close proximity to the Bell Hill Reserve have dwellings which do not utilise the view of the Reserve itself but the valleys north towards Gray Road and below to the Bindoon townsite.</p> <p>The applicant has endeavoured to, in the proposal provide a tower structure which is quite streamline in nature and grey in colour, not too dissimilar to the street light poles (albeit higher) found in the rural residential area of the Shire.</p>

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	<p>the residents of Bindoon, we can't imagine being the poor sucker having this plopped on land right next door. In our case, being less than 1KM is bad enough.</p> <p>We hope there is a petition objecting to this, and will definitely be singing if one is available in town somewhere.</p>	<p>a mobile phone base station.</p> <p><i>"While it is true that the tower will be higher than any other point in the immediate vicinity of the subject land, such height is an integral part of the successful functioning of the infrastructure, a matter recognised by SPP 5.2, cl 2.3 ('mounted clear of surrounding obstructions')." Optus Mobile v City of Stirling [2008] WASAT 238 [59]</i></p> <p><i>"The planning framework does not require the tower to be invisible." Telstra Corporation v Shire of Waroona [2012] WASAT 179</i></p> <p><i>"...there is no requirement for facilities such as those proposed to be located so that they cannot be seen. Indeed, the nature and operational requirements will ordinarily require them to be elevated structures visible to heights which exceed that of the existing vegetation." Telstra Corporation v Pine Rivers Shire Council [2001] QPELR 350</i></p> <p>To this effect the NBN Co has sought to establish the facility in an elevated position, thus reducing the height of the structure necessary to achieve coverage objectives. This approach is consistent with visual planning best practice which encourages carriers to <i>"Minimise the height of the tower by assessing the local topography or height of buildings for the proposed area. Choose the site that minimises the height of the tower most effectively."</i> (Visual</p>	<p>A photomontage indicating the visual impact of the proposal from a distance of some 200m from both Ridgetop Ramble and Forrest Hills Parade is provided in Attachment No 15 in the accompanying report.</p> <p>The applicant has addressed the issue of amenity further in their response to this submission stating <i>"the main view from the nearest dwellings approximately 80 metres to the west and 115 metres to the north are toward the valleys to the north. Similarly, dwellings along Ridgetop Ramble Road are generally orientated toward the east. Together, these views form a very significant panorama away from the subject site. A further mitigating factor is that the telecommunications infrastructure is situated towards a plateau section of the reserve. This further limits views from surrounding dwellings and the immediate environs around these dwellings. We contend that on balance the visual impact is acceptable given the broader benefit the infrastructure will provide. A visual landscape assessment is provided in</i></p>	



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		<p>Landscape Planning in Western Australia WAPC, 2007 p. 138)</p> <p>The SAT also recognises that visual impact needs to be considered on balance <i>the visibility of the tower to nearby residents must be balanced against those policy provisions of the planning scheme which permit the provision of this form of infrastructure. It must also be balanced against the general community benefit to be derived from the development of a comprehensive telecommunication network.</i></p> <p>The main view from the nearest dwellings approximately 80 metres to the west and 115 metres to the north are toward the valleys to the north. Similarly, dwellings along Ridgetop Ramble Road are generally orientated toward the east. Together, these views form a very significant panorama away from the subject site. A further mitigating factor is that the telecommunications infrastructure is situated towards a plateau section of the reserve. This further limits views from surrounding dwellings and the immediate environs around these dwellings.</p> <p>We contend that on balance the visual impact is acceptable given the broader benefit the infrastructure will provide. A visual landscape assessment is provided in our development application submission.</p>	<p>our development application submission".</p>	
	This thing needs to be reconsidered and relocated elsewhere.	The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following	In addition to the suggestion of co-location of the proposed tower with	

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			<p>a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application. In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.</p> <p>It is noted that recent SAT determinations have ruled that <i>whether there might be other sites available is not determinative of this matter. While another site might be found, the essence of the matter before the Tribunal is whether the visual impact of the propose facility would be such that the development should be refused, notwithstanding the benefits it would bring to telecommunications...</i>" <i>Telstra Corporation v City of Wanneroo [2011] WASAT</i></p>	<p>the existing Optus, the applicant explored a number of alternative sites within the Bindoon area.</p> <p>The applicant addressed suggestions of the alternative sites in response to the submissions and has also provide justification for their inappropriateness in the accompanying report to Council. In addition to the sites initially explored by the applicant, Submission No. 80 suggests an additional 3 sites. These sites were considered by the applicant and again were not favourable due to not receiving adequate coverage as been received from Bell Hill Reserve.</p> <p>This is mainly due to the topography of the site where the properties behind the high point will not be able to receive the required coverage.</p>
6.	19/2/2015	<p><i>Objection</i></p> <p>As residents of the Bindoon Country Club Estate we are writing to you with our concerns re a proposed NBN Tower to be erected on Bell Hill Reserve.</p>		



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		<p>Difinition [sic] of public open space suggesting that ‘this is an area put aside for the community to use as recreation, a haven for native flora and fauna’.</p> <p>Bell Hill Reserve serves all these criteria plus an area for people to spend quite time and meditation.</p> <p>Reserves are not meant to be exploited by commercial enterprise and it is the duty of the Shire to protect the community and its country lifestyle.</p> <p>On reading the Shire of Chittering Public Open Space dedication on rezoning it vies an background on why the Shire of Chittering is concerned that land has been rezoned in TPS 6 for higher residential density and the need for public open space for future generations.</p> <p>The aims of the scheme are:</p> <ol style="list-style-type: none"><li>1. To provide environmental protection and enhancement of biodiversity;</li><li>2. To protect and improve areas of remnant vegetation and waterways from further degradation;</li><li>3. To facilitate vegetated wildlife</li></ol>	<p>Bell Hill Reserve is reserved in accordance with the planning scheme for Parks and Recreation. Such a classification is consistent with areas of public open space required to be set aside when land is developed for residential purposes. Such areas of public open space are commonly utilised for many purposes including active and passive recreation including associated clubrooms and courts not open to the public, for drainage purposes, and to accommodate utility infrastructure (such as overhead HV power lines, telecommunications structures, emergency services buildings and water tanks). Within established neighbourhoods (particularly those devoid of industrial or commercial zoned land or tall buildings) areas of public open space are often the only option for carriers to establish infrastructure.</p> <p>There is no requirement for local government to initiate a scheme amendment to reclassify land used for telecommunications with a Parks and Recreation reservation. Indeed the specific classification of land for Public Purposes – Telecommunications in schemes was only common prior to 1993 when Telstra (then Telecom) was a public authority.</p> <p>The intensity and nature of use at Bell Hill Reserve has not been surveyed, although is understood to be infrequently accessed for passive recreation purposes (as well as accommodating DFES infrastructure).</p>	<p>The proposal (including the 96m²m compound) will have some affect on the reserve, however the majority of the reserve will still be able to be utilised and accessed by the general public which currently occurs.</p> <p>The applicant has responded to this in addressing this submission.</p> <p>A change of a purpose will be required from landgate to accommodate the use for the site for “Communication Infrastructure”. Landgate has indiated that it will consider this upon Council’s request.</p> <p>Although the site is reserved for the purpose of Parks and Recreation access to the site is very difficult due to the steepness of the site.</p>

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	<p>corridors and greenways;</p> <p>4. To protect the landscape values of any designated landscape precinct/area/zone.</p> <p>I believe that the Shire has a 'duty of care' and need to relook at this document and understand that the Bell Hill Reserve community already have this beautiful area and that the Shire are now quite happy to allow a commercial enterprise to erect a 40m tower with its surrounding support structure for a Fixed Wireless Facility. This is nothing more than visual pollution to our beautiful Bindoon valley.</p> <p>Health issues are another concern, and we are aware that studies have been done on the impact that Electromagnetic Radiation has on the communities' [sic] health. These</p>	<p>We contend that the use of 96m<sup>2</sup> of the reservation by NBN Co will not unreasonably diminish the recreational use of the reserve and is consistent State Policy that encourages telecommunications infrastructure to co-locate with other utility infrastructure.</p> <p>The Department of Planning has prepared <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> (which we have been advised will be adopted shortly) to promote a consistent approach in the preparation,</p>		



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		studies are often not available to the public to read, so we are reliant on truthful explanations of public health!!!	<p>assessment and determination of development applications for telecommunications infrastructure. Revisions to the current state policy make it abundantly clear that health is not a planning consideration given the Australian Radiation and Nuclear Protection Agency (ARPANSA) regulates emission standards and the Australian Communications and Media Authority (ACMA) issues broadcasting licences and is empowered to undertake compliance and enforcement under the <i>Broadcasting Services Act 1992</i>. This acknowledgement is consistent with tribunal rulings on this matter which have disregarded any objection based on human health.</p> <p>The draft policy states <i>“Research undertaken by ARPANSA demonstrates that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. The ARPANSA study reported that the highest daily average level was well below one per cent of the Standard’s public exposure limits and concluded that “given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research”. Based on ARPANSA’s findings, local planning authorities should not set additional setbacks for telecommunications infrastructure in local planning schemes or local planning policies for the purposes of health or safety standards for human exposure to electromagnetic radiation.”</i></p> <p>Furthermore, the State Administrative Tribunal (SAT)</p>	<p>Noted response on the health issues by applicant. The requirement of development is to meet the standard as set out under the respective Act and regulations in this case ARPANSA.</p> <p>SAT in its decision on a similar matter stated that - <i>“...it is disingenuous to demand a guarantee of no adverse health impact when all the currently available expert material in this field suggests that the issue simply does not arise on the basis of present knowledge and research. Health is not a planning consideration and should be set aside”</i>.</p> <p>The applicant has advised that the proposal may generate, if approved, EMR levels lower than current ARPANSA standards. During the advertising period, the Department of Health was referred to and stated they have no objection to the proposal. The Shire’s Environmental Health Officer was referred to internally stated that he did not have any objection to the proposal. He</p>

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			<p>has ruled that <i>it is disingenuous to demand a guarantee of no adverse health impact when all the currently available expert material in this field suggests that the issue simply does not arise on the basis of present knowledge and research.</i></p> <p>Health is not a planning consideration and should be set aside.</p>	<p>noted that the application met APARNSA minimum standards in regard to electromagnetic radiation.</p> <p>In addition to the suggestion of co-location of the proposed tower with the existing Optus, the applicant explored a number of alternative sites within the Bindoon area.</p> <p>The applicant addressed suggestions of the alternative sites in response to the submissions and has also provide justification for their inappropriateness in the accompanying report to Council.</p> <p>In addition to the sites initially explored by the applicant, Submission No. 80 suggests an additional 3 sites. These sites were considered by the applicant and again were not favourable due to not receiving adequate coverage as been received from Bell Hill Reserve. This is mainly due to the topography of the site where the properties behind the high point will not be able to receive the required coverage.</p>



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		There are several large hills around Bindoon without residential properties that could be considered for the NBN tower which would be a more suitable environment.	<p>The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application. In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.</p> <p>It is noted that recent SAT determinations have ruled that <i>whether there might be other sites available is not determinative of this matter. While another site might be found, the essence of the matter before the Tribunal is whether the visual impact of the propose</i></p>	Noted and acknowledged.

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		<p>We are all that aware technology is here to stay and mobile phones and computers are part of life but in rural areas like Chittering there are still lots more suitable areas to locate these large towers and not impact on the local community.</p> <p>Our elected councillors of the Shire of Chittering listed to the Bindoon Country Club Estate and not others. WE ARE THE PEOPLE WHO LIVE IN THE AREA</p>	<p><i>facility would be such that the development should be refused, notwithstanding the benefits it would bring to telecommunications..." Telstra Corporation v City of Wanneroo [2011] WASAT</i></p> <p>Matter for the Shire.</p>	
<b>7.</b>	<b>23/2/2015</b>	<i>Objection</i>		

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	(refer also to Submission No. 70)	<p>Today Monday 23/02/2015 I received a telephone call from a neighbour, checking to see if we had received an updated letter from the council re the Proposed NBN Fixed Wireless Facility at Lot 12383 Forrest Hills Parade Bindoon. As we have not ever received any correspondence from the council regarding this project I question why!!! If it had not been for the neighbours we would have never know about the proposal.</p> <p>After checking my mail box I informed the neighbour we had not received an updated letter (two letters we have not received regarding this project).</p> <p>The neighbour then read me the letter with the extension date. My concern is this correspondence states if the council does not hear from us regarding objections to the development it will be taken as the tower project being agreed to. We object very strongly to the erection of the tower.</p> <p>With not all residents effected by the project being contacted the council will go ahead and agree to the tower under the impression we do not object, this is far from the truth.</p> <p>I also feel this matter is being handled in a</p>	Concerns regarding Council processes are a matter for the Shire. It is noted that the NBN Co undertook a community consultation process (drop in session) prior to lodging the development application for which 50 people attended. We understand our proposal was advertised in accordance with the provisions of the Planning Scheme.	<p>Noted and acknowledged. Upon receiving notification that a number of residents did not receive the letter asking for comment, an additional letter drop was undertaken, with an extension to the close of submission period. This was extended to the 20 March 2015.</p> <p>In addition to the letter drop, a sign was erected on the corner of Ridgetop Ramble and Forrest Hills Parade advertising the development application.</p> <p>Further an advertisement appeared in the Bullsbrook Gingin Advocate and was also available on the Shire's website and office for view.</p>



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	<p>questionable way and implies the project is being pushed though in an underhanded way. This may not be the case, however with other neighbours also not receiving these letters it is not a good look for the council.</p> <p>Council should do the right thing and be seen to be doing the right thing.</p> <p>Unfortunately with the way this has been handled I no longer have confidence in the council doing the right by rate payers regarding this proposal.</p> <p>I understand the follow up letter was hand delivered to one resident by two council employees. This seems a little over the top, I would have thought it more constructive to send the letter by post <b>to all residents</b> and would request this is done so all residents effected receive the same information to make their own informed decision.</p> <p>Further to the above,</p> <p>This is a follow up to the email sent earlier today.</p> <p>I apologise for the email today, stating we</p>			

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		had not received the second letter. [REDACTED] picked the mail up as he left the property around 7am this morning and took the mail with him, only arriving home a few minutes ago.		
8.	23/2/2015	<p><i>Objection</i></p> <p><b>Objection to Development Application P397/14 (the DA) for installation of a telecommunications tower and support structure for a Fixed Wireless Facility (Telecom Tower), at Bell Hill Reserve (No. 44213), Bindoon Corner Forrest Hills Parade and Ridgetop Ramble in the Bindoon Country Club Subdivision WA (Bell Hill Reserve).</b></p> <p>We, the undersigned are opposed to the DA for installation of a Telecommunication Tower at Bell Hill Reserve and do respectfully request the Council either:</p> <ul style="list-style-type: none"> <li>A. Find an alternative site for the Telecom Tower; OR</li> <li>B. Work with the applicant to adopt an alternative system for connection of the Shire of Chittering to NBN such as fibre, copper or satellite.</li> </ul> <p>We make this request based upon the</p>	<p>The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application.</p>	<p>In addition to the suggestion of co-location of the proposed tower with the existing Optus, the applicant explored a number of alternative sites within the Bindoon area.</p> <p>The applicant addressed suggestions of the alternative sites in response to</p>

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	<p>following, relevant, reliable and fact based reasoning.</p> <p><b>1. Prescribed Purpose of Reserve is for “Public Recreation and Water Supply” ONLY</b></p> <p>1.1 The proposed installation of a telecom tower (the <b>Development</b>) at Bell Hill Reserve No. 44213 (the <b>Reserve</b>) is not in keeping</p>	<p>In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out. It is noted that recent SAT determinations have ruled that <i>whether there might be other sites available is not determinative of this matter. While another site might be found, the essence of the matter before the Tribunal is whether the visual impact of the propose facility would be such that the development should be refused, notwithstanding the benefits it would bring to telecommunications...</i> Telstra Corporation v City of Wanneroo [2011] WASAT</p> <p>Bell Hill Reserve is reserved in accordance with the planning scheme for Parks and Recreation. Such a classification is consistent with areas of public open space required to be set aside when land is developed for residential purposes. Such areas of public open space are commonly utilised for many purposes including active and passive recreation including associated clubrooms and courts not open to the public, for drainage purposes, and to accommodate</p>	<p>the submissions and has also provide justification for their inappropriateness in the accompanying report to Council.</p> <p>In addition to the sites initially explored by the applicant, Submission No. 80 suggests an additional 3 sites.</p> <p>These sites were considered by the applicant and again were not favourable due to not receiving adequate coverage as been received from Bell Hill Reserve. This is mainly due to the topography of the site where the properties behind the high point will not be able to receive the required coverage.</p> <p>Whilst a telecommunications tower does not fall within the intended prescribed purpose of Bell Hill Reserve, advice from the Department of Lands outlined that:</p> <p><i>“Under the Land Administration Act 1997 (LAA) the reserve purpose is</i></p>	



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	<p>with the designated purpose for the Reserve being that of 'Public Recreation and Water Supply'. The Minister for Lands prescribed in 1996 that the Reserve be used for 'Public recreation and Water Supply' and vested this Crown Land with the Shire of Chittering for them to manage and maintain. By accepting responsibility for this Reserve, the Shire agreed to ensure the use of the reserve was controlled.</p>	<p>utility infrastructure (such as overhead HV power lines, telecommunications structures, emergency services buildings and water tanks). Within established neighbourhoods (particularly those devoid of industrial or commercial zoned land or tall buildings) areas of public open space are often the only option for carriers to establish infrastructure. There is no requirement for local government to initiate a scheme amendment to reclassify land used for telecommunications with a Parks and Recreation reservation. Indeed the specific classification of land for Public Purposes – Telecommunications in schemes was only common prior to 1993 when Telstra (then Telecom) was a public authority.</p>	<p><i>inconsistent with any alternative land use. Further, it is not only the reserve purpose but the fact that it was set aside as such a reserve as a condition of subdivision under section 20A of the former Town Planning and Development Act 1928. (Now s152 of the Planning and Development Act 2005). These types of reserves are afforded high protection and attract greater scrutiny since they were given up out of the freehold estate" (email dated 22/4/2015).</i></p>	
1.2	<p>We remind the Shire that it is required by law to have due regard to the ultimate purpose intended for the reserve (Clause 10.2 ) (h) Shire of Chittering Town Planning Scheme No. 6, District Zoning Scheme, 5 December 2014). The State land Services reserves document accessible on the DPI website entitled 'The Strategic and operation</p>	<p>The intensity and nature of use at Bell Hill Reserve has not been surveyed, although is understood to be infrequently accessed for passive recreation purposes (as well as accommodating DFES infrastructure). We contend that the use of 96m<sup>2</sup> of the reservation by NBN Co will not unreasonably diminish the recreational use of the reserve and is consistent State Policy that encourages telecommunications infrastructure to co-locate with other utility infrastructure.</p>	<p>Despite the above, it is noted that <u>"recent policy shift allows for additional purposes, and in this case, excisions of small areas for telecommunications facilities. Ordinarily Crown land will be leased directly from DoL under the LAA and we would expect to see an application. However, in the cases of telecommunications facilities over s152 reserves policy allows for direct leasing from the local authority"</u> (email dated 22/4/2015)</p>	

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		<p>management of State land' June 2008 refers to the purpose of s. 152 of the <i>Planning and Development Act 2005</i> (WA) to be to ensure maximum public access is preserved for such land. For this reason, leasing powers are not given in management orders to Councils and disposal is only allowed when the intention is to acquire replacement recreational land or to use the proceeds to enhance other public open space.</p> <p>1.3 The installation of the telecom tower is not in keeping with the purpose of this Reserve for 'Public Recreation' and on this basis alone; the development should not be allowed to proceed. The proposed facility will be of such magnitude on Bell Hill Reserve, that the tower and 96 square meter support structure will totally dominate the most</p>	<p><i>'Bell Hill Reserve is reserved in accordance with the planning scheme for Parks and Recreation. Such a classification is consistent with areas of public open space required to be set aside when land is developed for residential purposes. Such areas of public open space are commonly utilised for many purposes including active and passive recreation including associated clubrooms and courts not open to the public, for drainage purposes, and to accommodate utility infrastructure (such as overhead HV power lines,</i></p>	<p><i>"Given that the Shire has a management order over the present reserve, on receipt of an application from the Shire, DoL will investigate excising a portion of land from the parent reserve and setting it aside for say "Telecommunications Purposes" and grant a new management order for that purpose to the Shire with power to lease under s41 of the LAA" (email dated 22/4/2015).</i></p> <p>To initiate the above, a condition of approval would require a portion of the current reserve to be excised and re-reserved for 'Telecommunications Infrastructure' prior to the commencement of any development (refer to Conditions 1 and 2). Refer to above comment.</p>

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		<p>significant part of the small reserve. The integrity of the Reserve will be lost and the remainder of land rendered untenable for public recreational purposes.</p> <p><b>Recommendation:</b> An alternative site be located for the Development. There is mention at 3.2 of the Shire of Chittering Local Planning Strategy (the <b>Strategy</b>) that there is a lack of established industrial estate within the Shire to accommodate growing demand for additional services. We suggest the Shire plan for an industrial estate outside and a distance away from the existing residential areas. At 3.3 of their Strategy the Council states it aims to ‘facilitate the establishment of a light industrial area in the Shire accessible to both Bindoon and the growing rural residential areas in the south of the Shire. We suggest the Shire act upon</p>	<p><i>telecommunications structures, emergency services buildings and water tanks). Within established neighbourhoods (particularly those devoid of industrial or commercial zoned land or tall buildings) areas of public open space are often the only option for carriers to establish infrastructure.</i></p> <p><i>There is no requirement for local government to initiate a scheme amendment to reclassify land used for telecommunications with a Parks and Recreation reservation. Indeed the specific classification of land for Public Purposes – Telecommunications in schemes was only common prior to 1993 when Telstra (then Telecom) was a public authority’.</i></p>	<p><b>Endorsed Management Plan</b></p> <p>The Management Plan, endorsed in 2003 contained a number of provisions pertaining to the ongoing improvements and actions suggested to be undertaken in collaboration with the Shire and the Friends of Bell Hill Reserve.</p> <p>Whilst some aspects of the endorsed management plan have been implemented, others remain outstanding.</p> <p>If this proposal were to be approved, elements of the endorsed plan which have not been implemented could be actioned through conditions of planning approval. These actions include:</p> <ul style="list-style-type: none"><li>• upgrading of fire breaks,</li><li>• control of weeds and</li><li>• removal of dead trees</li></ul> <p>Condition 4 (a) enacts the above</p>



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		<p>its own suggestion.</p> <p><b>2. <u>Council endorsed a Management Plan for the Reserve</u></b></p> <p>2.1 On 5 March 2003, the Council endorsed, with a number of exceptions, an 'updated Management Plan' for the 'Reserve within the Chittering Country Club Estate' (<b>Endorsed Management Plan</b>). Although it was agreed that this Management Plan was not binding upon Council or Committee Members, this document provides a useful outline of the expectations of the Bindoon Community on the Shire's management of this much loved open space. The Reserve was to be preserved for the use and enjoyment of the local and</p>		<p>recommendations which could be actioned through the applicant working with Chittering Land Care and the Friends of Bell Hill Reserve to achieve the goals set to improve the Reserve from an environmental perspective and meet some of the initial objectives of the Endorsed Management Plan.</p> <p>The Shire of Chittering Community Strategic plan 2012-2022, under Economic. Stated one of its strategies as <i>"Advocate for improved broadband access. Promote Local businesses"</i>.</p>

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		<p>general public of the Chittering Shire. A great deal of detail is contained in the Endorsed Management Plan as to the best landcare practices to be used to care for this valued land and precious remnant vegetation.</p> <p>2.2 The Strategy identifies at 4.2 that there exists a dominant planning issues in the Shire where there is a lack of 'provision of residential land, creation and community services'. There is no mention in the strategy issues of slow internet or lack of broadband for these communities. Our community has told you, the Shire, and you have acknowledged in the Strategy that our community needs more recreational land. We have worked hard with you to protect and care for the Reserve and ask that you protect and preserve our reserves.</p>	<p>Noted.</p> <p>The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to</p>	<p>In addition to the suggestion of co-location of the proposed tower with the existing Optus, the applicant explored a number of alternative sites within the Bindoon area.</p> <p>The applicant addressed suggestions of the alternative sites in response to the submissions and has also provide justification for their inappropriateness in the accompanying report to Council.</p> <p>In addition to the sites initially explored by the applicant, Submission No. 80 suggests an additional 3 sites. These sites were considered by the applicant and again were not favourable due to not receiving adequate coverage received from Bell Hill Reserve. This is mainly due to the topography of the site where the properties behind the high point will not be able to receive the required coverage.</p>

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	<p><b>Recommendation:</b> Preserve our Reserves!</p> <p><b>3. <u>There are more appropriate sites available for this development</u></b></p> <p>3.1 We are not opposed to the development of appropriate and requisite infrastructure such as telecommunication towers which are an essential and beneficial element in the life of communities and in the State and national economy. However, in order for benefits to be realised, appropriate and adequate planning is essential. Ad-Hoc development upon inappropriate sites will only serve to degrade the landscapes and very communities that they propose to serve.</p> <p>3.2 There are more appropriate sites available for the Development than within the midst of a residential</p>	<p>customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application. In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.</p> <p>It is noted that recent SAT determinations have ruled that <i>whether there might be other sites available is not determinative of this matter. While another site might be found, the essence of the matter before the Tribunal is whether the visual impact of the propose facility would be such that the development should be refused, notwithstanding the benefits it would bring to telecommunications...</i>" <i>Telstra Corporation v City of Wanneroo [2011] WASAT</i></p>		



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		<p>zone as proposed. A site in open country areas and at a greater distance from residential properties should, and is capable of being sourced. This is in keeping with the West Australian Planning Commission – Statement of Planning Policy No. 5.2 Telecommunications Infrastructure (<b>Policy</b>) which recommends unless it is impractical to do so telecommunications towers should be located within commercial business, industrial and rural areas and areas outside identified conservation areas.</p> <p>3.3 The Policy further states the design and siting of telecommunications towers and ancillary facilities should be integrated with existing buildings and structures, unless practical to do so, in which case they should be sited and designed so as to minimise any adverse impact</p>	<p>NBN Co has selected a monopole which is the least visually intrusive structure able to support antennas at the minimum height able to achieve coverage objectives. The unpainted grey finish will be the least intrusive, particularly when viewed against lighter backgrounds such as the sky. Ground level infrastructure is limited to colour-treated cabinets and no more than two power poles one accommodating a switchboard. The provision of overhead power is in response to the soil composition and is consistent with supply arrangements for the Department of Fire and Emergency Services (DFES) lattice tower within the reserve. The proposed monopole will allow DFES the option to decommission their structure and relocate and afford co-location opportunities to other telecommunications carriers. The proposed compound location also takes advantage of existing vegetation to screen ground level infrastructure and</p>	<p>The matters relating to clause 10.2 of the Shire of Chittering Town Planning Scheme is provided in the main body of Council report.</p>

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	<p>on the amenity of the surrounding area. Planning installation of a 40+m tower on top of a high altitude hill is in direct contradiction to the guidelines developed specifically to assist you to decide on an appropriate location for such a development.</p> <p>3.4 Further, clause 10.2 (p) of the <i>Shire of Chittering Town Planing Scheme No. 6, District Zoning Scheme, 5 Dec 2014</i>) (the <b>Scheme</b>) directs that consideration should be had to the relationship of a proposal to adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development. The proposed tower includes offensive aspects of height, bulk, scale, orientation AND appearance and will have a direct impact on adjacent</p>	<p>the lower sections of the structure and enables a good degree of separation from nearby residences.</p> <p>The SAT and the Planning and Environment Court of Queensland has ruled that height is an integral part of a mobile phone base station.</p> <p><i>"While it is true that the tower will be higher than any other point in the immediate vicinity of the subject land, such height is an integral part of the successful functioning of the infrastructure, a matter recognised by SPP 5.2, cl 2.3 ('mounted clear of surrounding obstructions')."</i> Optus Mobile v City of Stirling [2008] WASAT 238 [59]</p> <p><i>"The planning framework does not require the tower to be invisible."</i> Telstra Corporation v Shire of Waroona [2012] WASAT 179</p> <p><i>"...there is no requirement for facilities such as those proposed to be located so that they cannot be seen. Indeed, the nature and operational requirements will ordinarily require them to be elevated structures visible to heights which exceed that of the existing vegetation."</i> Telstra Corporation v Pine Rivers Shire Council [2001] QPELR 350</p> <p>To this effect the NBN Co has sought to establish the facility in an elevated position, thus reducing the height of the structure necessary to achieve coverage objectives. This approach is consistent with visual planning best practice which encourages carriers to <i>"Minimise the height of the tower by assessing the local topography or height of buildings for the proposed area. Choose the site that minimises the height of the tower most effectively."</i> (Visual</p>	<p>The Development Application submitted to the Shire by the applicant was deemed satisfactory. Planning officers have further addressed this within the accompanying planning report in the analysis of Section 5.3 of <i>State Planning Policy No. 5.2 Telecommunications Infrastructure</i>.</p>	

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		<p>properties both visually and environmentally where soil erosion impacts water sources and degraded vegetation impacts ecosystems.</p> <p>3.5 The merit to this argument is evidenced by the conclusion found previously by Optus in 2008 when deciding to select an alternative site outside of Bell Hill Reserve and at a greater distance from residential properties. Such alternative sites could include rural outlying land which could be acquired and developed as a light industrial area. These sites are more appropriate than Bell Hill Reserve when located in a non – residential area, imposing less visual pollution and disruption to a reserved site.</p> <p><b>Recommendation:</b> Find an alternative and appropriate site for a development of this nature.</p>	<p>Landscape Planning in Western Australia WAPC, 2007 p. 138)</p> <p>The SAT also recognises that visual impact needs to be considered on balance <i>the visibility of the tower to nearby residents must be balanced against those policy provisions of the planning scheme which permit the provision of this form of infrastructure. It must also be balanced against the general community benefit to be derived from the development of a comprehensive telecommunication network.</i></p> <p>The main view from the nearest dwellings approximately 80 metres to the west and 115 metres to the north are toward the valleys to the north. Similarly, dwellings along Ridgetop Ramble Road are generally orientated toward the east. Together, these views form a very significant panorama away from the subject site. A further mitigating factor is that the telecommunications infrastructure is situated towards a plateau section of the reserve. This further limits views from surrounding dwellings and the immediate environs around these dwellings.</p> <p>We contend that on balance the visual impact is acceptable given the broader benefit the infrastructure will provide. A visual landscape assessment is provided in our development application submission.</p>	<p>Whilst it is acknowledged that if constructed the tower will have some impact upon the visual amenity of the Chittering Country Club and the reserve itself, it should be noted that the rural aspects of properties within the Country Club Estate will largely remain intact.</p> <p>Many of the properties in close proximity to the Bell Hill Reserve have dwellings which do not utilise the view of the Reserve itself but the valleys north towards Gray Road and below to the Bindoon townsite. The applicant has endeavoured to, in the proposal provide a tower structure which is quite streamline in nature and grey in colour, not too dissimilar to the street light poles (albeit higher) found in the rural residential area of the Shire. A photomontage indicating the visual impact of the proposal from a distance of some 200m from both Ridgetop Ramble and Forrest Hills Parade is provided in Attachment No 15 in the accompanying report.</p>



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				The applicant and Shire's response in relation to SPP No. 5.2 is contained within the Officer's Report to Council.

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		<p>4. <b><u>The Development Application (DA) is not satisfactory</u></b></p> <p>4.1 The DA as it currently stands appears incomplete. The DA, as we have heard or seen, has not evidenced investigation into proposed requisite security fencing or gates, or assessment of the</p>		<p>The proposal (including the 96m<sup>2</sup>m compound) will have some affect on the reserve, however the majority of the reserve will still be able to be utilised and accessed by the general public as which currently occurs.</p>



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	<p>development by the Environmental Protection Authority (EPA).</p> <p><b>Recommendation:</b> That Council should require a full EPA impact assessment and require the proponent to adhere to planning requirements.</p> <p>5. <b><u>Preservation of the amenity is one of the Shire's key planning objectives</u></b></p> <p>5.1 The proposed tower, being 40+m high and atop a hill, will have a high degree of visual pollution and impact on the surrounding area as the site is at the heart of the Bindoon Country Club Estate. The tower will be visible from every side and aspect during the day and again at night where a light is proposed for the top of</p>	<p>We are of the view that in good faith sufficient information has been provided in order for the Shire to determine the development application.</p> <p>The DER was referred to and have not flagged that an environmental impact assessment under Part IV of the Environmental Protection Act is required. The proposed development does not constitute a <i>significant proposal</i> or a <i>strategic proposal</i> in accordance with clause 37B of <i>Environmental Protection Act</i>. Furthermore, telecommunications infrastructure is not a use which would otherwise deem it to be a prescribed premise for the purpose of</p>	<p>Clasue 10.2 has been included in the main body of the report to Council.</p> <p>The proposal (including the 96m<sup>2</sup>m compound) will have some affect on the reserve, however the majority of the reserve will still be able to be utilised and accessed by the general public as which currently occurs.</p>	

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		<p>the tower. Clause 10.2 (o) of the Scheme require consideration of the impact of a development upon the preservation of amenity as this is a significant contributing factor to residential structure and community well-being (see clause 1.6 (d) of the Scheme which reiterates the importance of amenity upon community health).</p> <p>5.2 See also the <i>Shire of Chittering Local Planning Strategy 2001 – 2015 (Strategy)</i> Vision Statement which is to achieve “communities dedicated to protecting and enhancing the rural character and natural attributes of the Shire”.</p> <p>5.3 The Strategy objectives expressly states the Shire will be guided by the need to “protect the natural environment and landscape qualities from adverse</p>	<p>Environmental Protection Authority licensing.</p> <p>A response to visual impact has been provided above.</p>	<p>The community has been provided with an opportunity to comment upon this application.</p> <p>The Bell Hill Reserve is acknowledged as a site prone to erosion due to its steep and fragile nature. The tower and compound is proposed to be located at the top of the plateau of Bell Hill Reserve. Furthermore, the applicant has advised that they would upgrade the existing track utilising it to access the site.</p> <p>By locating the proposed tower and compound on the plateau and</p>

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		<p>impacts of inappropriate development and exploitation”.</p> <p>5.4 Similarly, the mission of the Council in the Strategy is stated to be to first “protect the natural environment”, second to “enhance our rural lifestyle” and third to “develop quality services and facilities”. The Strategy promotes growth and change in culture as well as protection of the attractiveness of the landscape and accompanying rural lifestyle. This can be done!!</p> <p>5.5 The Strategy at 7.4 states its aim in regards to landscape protection is to “retain the high landscape values of the Shire by prohibiting inappropriate development and land uses in prominent locations’ and “to prohibit the development or placement of structure along prominent ridgelines” (such</p>		<p>utilising and improve the existing access track, this may result in a reduction in the erosion of the reserve.</p> <p>Conditions 4 (a) and (b) are envisaged to screen and landscape the area around the compound with appropriate local vegetation may mitigate any additional soil erosion as a result of the proposed development.</p>



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		<p>as a telecom tower on top of a hill?). Further the Strategy aim 8.1.2 is to “preserve and enhance the natural features of the bushland backdrop to the town”.</p> <p>5.6 Again, the West Australian Planning Commission – Statement of Planning Policy No. 5.2 Telecommunications Infrastructure (<b>Policy</b>) expressly states its objective includes minimal “disturbance to the environment and loss of amenity in the provision of telecommunications infrastructure”.</p> <p>5.7 The Policy then goes on to state. “telecommunications facilities should be designed and sited to minimise any potential adverse visual impact on the character and amenity of the local environment, in particular, impacts on prominent landscape features, general view in the locality and</p>		<p>The Bell Hill Reserve is acknowledged as a site prone to erosion due to its steep and fragile nature. The tower and compound is proposed to be located at the top of the plateau of Bell Hill Reserve. Furthermore, the applicant has advised that they would upgrade the existing track utilising it to access the site.</p> <p>By locating the proposed tower and compound on the plateau and utilising and improve the existing access track, this may result in a reduction in the erosion of the reserve.</p> <p>A condition to screen and landscape (see Condition 4 (a) ) the area around the compound with appropriate local vegetation may mitigate any additional soil erosion as a result of the proposed development.</p>

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		<p>individual significant views”. “Telecommunications facilities should be designed and sited to minimise adverse impacts on the visual character and amenity of residential areas.</p> <p>5.8 We acknowledge clause 1.6 (o) of the Scheme requires a weighing up of the impacts of a development upon community amenity and the provision of essential infrastructure consistent with and as needed to support the other aims of the Scheme. However, this is a clear cut instance where it is blantly obvious that the Development is non-complaint with the requisite Strategy, Scheme and Policy. A site such as that proposed is clearly <u>inappropriate</u> from a planning perspective.</p> <p><b>Recommendation:</b> continue to investigate alternative sites or means of service provision.</p>		<p>The environmental considerations in relation to the application have been taken into account, with the applicant addressing these provisions in response to this submission Revegetation and landscaping has been addressed as part of Condition No. 4(a) and 4(b)</p> <p>Whilst it is acknowledged that the Reserve does have some environmental attributes as identified</p>

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	<p>6. <b><u>Social impact arising from disruption to amenity of location</u></b></p> <p>6.1 clause 10.2 )k) and (y) of the Scheme requires consideration of the social impact arising from disruption to amenity and loss of any community service or benefit resulting from the Development. Apart from visual pollution caused by the tower, there is likely to be diminished use and enjoyment of private residential spaces where a visually imposing tower interrupts rural views and natural landscape.</p> <p>6.2 The community is also likely to suffer degradation of social aspects of community life including loss of recreation and public open space, loss of community purpose in collaboration to preserve and conserve</p>	<p>The proposed use is not prohibited on the subject land and is; therefore, able to be established subject to planning approval, a building permit and the licensing requirements administered by the Australian Radiation and Nuclear Safety Agency (ARPANSA). We are of the view that proposal should be approved and, on balance is consistent with the planning policy framework.</p> <p>We contend that the use of 96m<sup>2</sup> of the reservation by NBN Co will not unreasonably diminish the recreational use of the reserve and is consistent State Policy that encourages telecommunications</p>	<p>in the Shire's Biodiversity Strategy (2010) and is one of several natural areas assessed against the Natural Area Initial Assessment (NAIA) Templates. The reserve is indicated as having a 1A- Priority Rank, which comprises 2.14 ha of native remnant vegetation remaining of the Yalanbee 6 vegetation complex (p. 42). <i>The protection status of the regionally significant reserves could be improved by amending their current zoning in the Town Planning Scheme to a 'conservation reserve' (p. 42).</i></p> <p>The Local Biodiversity Strategy document emphasized that before final decision can be made regarding which parts of the remaining vegetation are to be retained and protected, on ground assessment needs to be undertaken to confirm the remnant vegetation status.</p> <p>The applicant conducted a desktop study of the EPBC Act's 'Protected Matters' search which indicated <i>'that there maybe threatened and migratory species of mammals and birds within the vicinity of the site. It is considered that the proposed facility</i></p>	



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	<p>remnant vegetation and environment; reduce sense of place for community due to proposed degradation of area imbued with meaning for surrounding residents who connect on a regular basis with this land.</p> <p>6.3 These areas are precious recreational and natural assets to the surrounding community. The top of the Bell Hill Reserve, being the site proposed for the Development, is a site frequently visited by residents and is an area of ancient remnant plateau which provides an outlook down to the town below and is place used by residents to meditate and be at peace with the world below. The Reserve is also a popular location for bushwalking which is a past time for many local residents.</p> <p>6.4 The Policy objectives further state that the community is</p>	<p>infrastructure to co-locate with other utility infrastructure.</p>	<p><i>is negligible in size and will not significantly impact on the habitat of fauna identified as possibly being in the area.</i></p> <p>Further to the above, the applicant has advised that if the proposal were to be approved, they would require the removal of 6 trees on the plateau.</p> <p>To compensate for the loss, the applicant could work with local community groups such as Chittering Land Care and the Friends of Bell Hill Reserve to revegetate and rehabilitate the Reserve.</p>		

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		<p>to be provided opportunity for input to decision making in decision making in regards to design and installation of the infrastructure.</p> <p><b>Recommendation:</b> Listen to our community when we tell you = this reserve is precious to us. Preserve our Reserves!!</p> <p><b>7. Bell Hill Reserve is likely to be subject to bush fire hazard</b></p> <p><b>7.1</b> Land to which the application relates is unsuitable for the Development by reason of it being, or being likely to be, subject to bush fire – see clause 10.2 (n) of the Scheme. The Reserve is acknowledged to be a fire hazard area. A key consideration of the council endorsed Management Plan for the reserve was fire control. The fire hazard associated with the Reserve is real and important issue</p>		

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		<p>and renders the Reserve again – inappropriate for the Development.</p> <p>7.2 Further, the proposed tower is likely to pose potential risk to fire fighting helicopters ‘water bombers’ commonly deployed in the district. The flight paths of these low flying aircraft are likely to be disrupted and endangered by the proposed towers, particularly where lines of sight are obstructed by smoke. Regardless of lighting options for the top of the tower, a development of this nature in a bush location lacks prudence.</p> <p><b>Recommendation:</b> seek an alternative which is not at risk of, or subject to bush fire.</p> <p>8. <b><u>Soil Erosion considerations</u></b></p> <p>8.1 The Reserve consists of medium vegetation on the higher areas with cleared</p>	<p>The proposed infrastructure is not habitable so as to pose any risk to occupiers, nor does it require vegetation clearance for the purposes of a fire break. The infrastructure itself does not require any additional engineering response under the Building Code of Australia (BCA) in order to mitigate fire risk or be protected from it.</p> <p>Whilst there is no Civil Aviation Authority or BCA requirement to provide aviation lighting on structures less than 120m tall (unless within a nominated flight path) such lighting can be installed if required.</p>	



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		<p>grassed areas on the lower slopes. The higher area is typified by steep slopes and rocky ground and it is a fragile area that could be prone to erosion (see Landcare Report on Bell Hill Reserve).</p> <p>The soil in the Reserve is a classic example of lateritic uplands, typified by rubbly, orange/red lateritic soil and pea gravel. The soil is known to erode easily and the steep grade of the area encourages rainfall to increase in erosive velocity (Raffy Andreoli, Landcare Coordinator, Chittering and North Swan as stated in Endorsed Management Plan).</p> <p>8.2 As such, the proposal is likely to cause soil erosion during access, construction and installation phase, and will increase risk of continued soil and land degradation as well as</p>	<p>There will be limited excavation to create a level hard standing area and for the footings of the monopole. A batter will stabilise exposed soil. There will be no discharge of concentrated storm water that would otherwise require erosion control at the outlet. Infrequent vehicular access will occur via an existing track which will be upgraded and gravelled to minimise erosion.</p>	<p>Whilst the Shire is actively working towards promoting tourism within Bindoon and the greater Shire of Chittering, Bell Hill Reserve is not promoted as a 'tourist destination' due to its fragile nature and difficult access onto the property. Furthermore, it does not contain any infrastructure such as seating or constructed walk ways, which would generally be associated with a tourism node.</p> <p>Whilst the tower will have some visual affect to the amenity of the area from entrances and exists of the Bindoon township from Great Northern</p>

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		<p>increased water salinity after installation is complete where fragile land and vegetation has been interfered with – see further: environmental consideration 9.3 below.</p> <p>8.3 It is recommended that no development be undertaken on the Reserve due to the fragile nature of the land, its small size (1.815 ha) and the impact of soil erosion and degradation of vegetation upon adjacent properties and waterways in a real and important consideration which the Council is required to consider pursuant to clause 10.2 (x) of the scheme.</p> <p><b>Recommendation:</b> seek an alternative site which is not at risk of soil erosion.</p> <p>9. <b><u>Environmental considerations</u></b></p> <p>9.1 The reserve is a classic remnant example of much of</p>		<p>Highway, it is unlikely that this would be the cause of tourist not wanting to visit Bindoon due to the proposed tower.</p>

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		<p>the higher land in the Brockman River Catchment and is classified as predominantly Redgum and Whitegum woodlands, however there is also a significant number of Zamias and Balga Trees as well as a strand of Sheoaks (Raffy Andreoli, Landcare Coordinator, Chittering and North Swan as stated in Endorsed Management Plan).</p> <p>9.2 Further, the Strategy identifies at 5.3 that a main issue for the region is the “loss of remnant vegetation and biodiversity due to extensive clearing of native vegetation which has led to increased salinity and soil erosion”. The Council states in the Strategy that “nearly all the natural streamlines are saline because of</p>	<p>In order to determine any possible natural Flora and Fauna significance associated with the site, an <i>Environmental Protection and Biological Conservation Act</i> Protected Matters search was conducted. This report assesses a large area surrounding the site and identified that there may be threatened and migratory species of mammals and birds within the</p>	



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		<p>clearing in the uplands and nutrient export in catchments is a major contributing factor to algal blooms in the Swan River due to soil erosion into water courses. Land degradation is also identified as a main issue due to inappropriate land use practices and sub-standard land management. We suggest that clearing of vegetation at Bell Hill Reserve is in direct contradiction to this Strategic objective.</p> <p>9.3 Planning decisions which preserved this remnant native flora and fauna are in keeping with clause 1.6 (g) of the Scheme which requires the Shire when determining development applications to consider the protection and improvement of areas of remnant vegetation and, waterways from further degradation. Control of weeds is a vital</p>	<p>vicinity of the site. The proposed compound has been selected in an elevated area clear of significant vegetation (contains six small trees) and is limited to 96m<sup>2</sup> in area. We are of the view that the proposal will not significantly impact on the habitat of the fauna identified as possibly being in the area. A more extensive and localised analysis of the flora was undertaken using the native vegetation map viewer and the site is not considered an environmentally sensitive area. NBN Co is willing to establish landscaping around the perimeter of compound to offset any clearance.</p>	

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		<p>part of the Endorsed Management Plan of the Reserve to date. This management involves minimisation of disturbance of the area by limiting access to all motorised vehicles other than those required for maintenance of firebreaks and emergency services. The site works alone for the proposed tower and base will increase contamination of the Reserve's native remnant vegetation. The development is likely to result in erosion, degradation of what vegetation remains through damage during construction and contamination of weeds and cause a rise in salinity in waterways where soil is washed into water sources. This is not in keeping with planning principles for the region.</p> <p>9.4 Strategy 7.1.1 states a further broad aim for the</p>		

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		<p>Shire is to “protect and enhance the remnant vegetation of the Shire and encourage linkages for biodiversity corridors” and to “require higher standards of information and environmental consideration for each application for development”.</p> <p>9.5 The Policy at section 3 states a main planning objective is to provide telecom infrastructure in an “environmentally responsible manner” and in a manner consistent with the “environmental and social objectives” of the State Planning legislation and State Planning Strategy. Telecommunications facilities should also be designed and sited to minimise adverse impacts on areas of natural conservation value and places of heritage significance or where declared rare flora are</p>	<p>NBN Co is willing to establish landscaping around the perimeter of compound to offset any clearance.</p>	



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	<p>located. We suggest that installation at the Reserve is not “environmentally responsible” nor in “keeping with social objectives” of the Planning requirements adopted by you, our Shire to represent us, the community who you proposed to serve. The Reserve is an area of natural conservation value to our community and a green space we would like to preserve for our children’s children.</p> <p><b>Recommendation:</b> Require an EPA assessment of existing Reserve flora and fauna. Locate an appropriate site for the Development.</p> <p><b>10. <u>Tourism considerations</u></b></p> <p>10.1 The Strategy contains the objective to “carefully assess the impact on the social and natural environment of special or unique development opportunities not necessarily related to</p>			

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		<p>the primary land uses of agriculture or the rural living” and to “promote and enhance the natural environment as part of the ecotourism opportunities of the region”. The proposal for a telecom tower is completely incompatible with our unique, pristine, picturesque and lovely rural countryside. The visual pollution of a 40m tower upon a hill top creates a high degree of visual pollution day and night, East and West of Bindoon townsite.</p> <p><b>Recommendation:</b> find an appropriate site for this development.</p>	<p>We recognise that Bell Hill Reserve has localised passive recreational and conservation value; however, we are not aware of the reserve being a tourist destination or containing any tourist infrastructure. We a further Acknowledge that local environmental, heritage and aesthetic impacts are matters to be considered which have the potential to affect tourism. We are of the view that on balance any such impact on Bell Hill Reserve is offset by the community benefit afforded by the provision of the NBN Co infrastructure.</p>	
9.	25/2/2015	Support	Agreed	Noted and acknowledged.

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	(refer also to Submission No. 10)	<p>I would like to register my support for the above proposed facility.</p> <p>As a resident of Bindoon in 2010 I have struggled for some years to access a reliable strong signal for accessing the internet and email. Living 7km north of the township places me outside the range covered by landline ADSL and given the undulating terrain surrounding Bindoon, the wireless signal available is weak at best (even when using a booster aerial).</p> <p>The slow and unreliable signal available at present means completing tasks such as on-line banking and purchasing entail the risk of the signal dropping out during a transaction, which is unsatisfactory for financial matters.</p> <p>It is impossible to watch video/podcast material because of the slowness of delivery and downloading large files also fails at times because the signal fails during the download process.</p> <p>I am delighted to know that NBN Co is seeking to construct a tower that will improve access and reliability for residents and businesses around Bindoon and surrounds to provide high speed wireless</p>		



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		broadband coverage, and hope that their application is successful.		
10.	25/2/2015  (refer also to Submission No. 9)	<p><i>Support</i></p> <p>As a resident and ratepayer of Bindoon I strongly favour the proposed NBN facility at Bell Hill. The improved high speed wireless broadband coverage is an essential element for the future progress and development of the emerging Bindoon.</p>	Agreed	Noted and acknowledged.
11.	28/2/2015	<p><i>Objection</i></p> <p>Further to your letters to us dated 9<sup>th</sup> and 20<sup>th</sup> February 2015 re – the Proposed Fixed Wireless Facility at Bell Hill Reserve Bindoon – we wish to inform you that although we are in support of a telecom tower being installed in Bindoon for the benefit of the community, we opposed the Development Application for the installation of a tower at Bell Hill Reserve and request that a more suitable and viable site be located.</p> <p>The submission outlines the concerns as follows:</p> <ul style="list-style-type: none"> <li>Bell Hill Reserve is a 'Reserve' and its purpose is for 'Public Recreation and Water Supply'. We feel it should be managed and maintained accordingly for that purpose only, by</li> </ul>	<p>The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application. In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.</p> <p>It is noted that recent SAT determinations have ruled that <i>whether there might be other sites available is not determinative of this matter. While another site might be found, the essence of the matter before the Tribunal is whether the visual impact of the propose</i></p>	Noted and acknowledged.

Public Submissions				
Submitter	Comment	Applicants Response	Shire Officer Response	
	<p>the Shire of Chittering. The installation of the Telecom Tower, therefore would not be in keeping with the West Australian Planning Commissions Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure Policy which recommends: ‘that unless it is impractical to do so, telecommunication towers should be located within commercial, business, industrial and rural areas outside identified conservation areas’. Bell Hill Reserve has been identified as a conservation area, and as stated earlier, we feel it should not be considered as a suitable and viable site for this proposal.</p> <ul style="list-style-type: none"> <li>In 2008 Optus put forward a similar proposal to erect their Telecom Tower on Bell Hill Reserve. Following lengthy discussions on the matter, however they eventually decided to select an alternative site outside the Bell Hill Reserve, at a greater distance from the residential properties. This inturn, sent a message to members of the community – that alternative, more</li> </ul>	<p><i>facility would be such that the development should be refused, notwithstanding the benefits it would bring to telecommunications...” Telstra Corporation v City of Wanneroo [2011] WASAT</i></p> <p>Telecommunications carriers transmission equipment operates differently to fixed wireless technology such that NBN Co does not have the same flexibility in selecting a site that will satisfy its’ coverage objectives. Elevation is of greater importance for fixed wireless which relies upon a direct line of sight to end users. Whilst one can reasonably argue precedence has been established it is our view that the NBN Co proposal should be assessed on its merits.</p>	<p>The applicant has addressed the differing technology in addressing Submission No. 12</p>	

Public Submissions				
Submitter	Comment	Applicants Response	Shire Officer Response	
	<p>suitable and viable sites are available in Bindoon.</p> <ul style="list-style-type: none"> <li>The SO Chittering's Local Planning Strategy 2001 – 2015 states the Shire will be guided by the need to 'protect the natural environment and landscape qualities from adverse impacts of inappropriate development and exploitation'. If Optus had the foresight to elect an alternative site, then we believe that NBN Co should be asked to do the same. The policy also states the community is to be provided opportunity for input into decision making in regards to design and installation of infrastructure. Clearly then, as landowners, they have a right and duty to endeavour to preserve and conserve our remnant vegetation and environment whenever the opportunity presents itself.</li> <li>Agreeing to use Bell Hill Reserve for an installation for a NBN fixed wireless facility – consenting to a 40m tower being erected on a public reserve – will only set a precedent, and 'open the gate' for other such</li> </ul>	<p>The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to customers in order to satisfy coverage objectives. A summary of these candidate sites which included the</p>	<p>Noted and acknowledged.</p>	



Public Submissions				
	Submitter	Comment	Applicants Response	Shire Officer Response
		<p>similar proposals. Bell Hill Reserve is identified as a conservation area, and must remain that way. Once we lose these precious areas, we will never get them back.</p> <ul style="list-style-type: none"><li>• We also have to consider the implications and consequences of agreeing to this proposal I – such as soil erosion and the impact on water sources; water management – increased salinity; interference with and degradation of vegetation; loss of existing vegetation. It is our duty to protect these natural conservation areas – not damage them further. They are precious recreational and natural assets to the community.</li></ul>	<p>Optus facility and the reasons for not pursuing other options are contained in the development application. In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.</p> <p>The proposed development does not constitute a <i>significant proposal</i> or a <i>strategic proposal</i> in accordance with clause 37B of <i>Environmental Protection Act</i>. Furthermore, telecommunications infrastructure is not a use which would otherwise deem it to be a prescribed premise for the purpose of Environmental Protection Authority licensing. In order to determine any possible natural Flora and Fauna significance associated with the site, an <i>Environmental Protection and Biological Conservation Act</i> Protected Matters search was conducted. This report assesses a large area surrounding the site and identified that there may be threatened and migratory species of mammals and birds within the vicinity of the site. The proposed compound has been selected in an elevated area clear of significant vegetation (contains six small trees) and is limited to 96m<sup>2</sup> in area. We are of the view that the proposal will not significantly impact on the habitat of the fauna identified as possibly being in the area. A more extensive and localised analysis of the flora was undertaken using the native vegetation map viewer and the site is not considered and environmentally sensitive area. NBN Co is willing to establish landscaping around the perimeter of</p>	<p>Noted and acknowledged.</p>

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			<p>compound to offset any clearance.</p> <p>There will be limited excavation to create a level hard standing area and for the footings of the monopole. A batter will stabilise exposed soil. There will be no discharge of concentrated storm water that would otherwise require erosion control at the outlet.</p> <p>Infrequent vehicular access will occur via an existing track which will be upgraded and gravelled to minimise erosion.</p> <p>No waste which requires collection or disposal will be generated by the operation of the facility.</p> <p>NBN Co intends to restore and reinstate the site to an appropriate standard upon the termination of any lease agreement. Site rehabilitation requirements are typically applied through the terms of any lease.</p>	
		<ul style="list-style-type: none"> <li>The SO Chittering must also consider the negative visual aspects associated with erecting a 40 metre tower on Bell Hill Reserve, as well as the wellbeing of those residents of the Country Club Estate living in close proximity to the chosen site. Community health issues cannot simply be ignored, and consideration must be given to all these concerns.</li> </ul>	<p>NBN Co has selected a monopole which is the least visually intrusive structure able to support antennas at the minimum height able to achieve coverage objectives. The unpainted grey finish will be the least intrusive, particularly when viewed against lighter backgrounds such as the sky. Ground level infrastructure is limited to colour-treated cabinets and no more than two power poles one accommodating a switchboard. The provision of overhead power is in response to the soil composition and is consistent</p>	<p>Condition 4 (f) addresses the disposal of rubbish during the construction phase and completion of works.</p> <p>Whilst it is acknowledged that if constructed the tower will have some impact upon the visual amenity of the Chittering Country Club and the reserve itself, it should be noted that the rural aspects of properties within the Country Club Estate will largely remain intact.</p> <p>Many of the properties in close</p>

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		<p>In concluding, therefore we would again like to point out that although we have no objection to a Telecom Tower being installed in Bindoon for the benefit of the local community, they oppose the Development Application for it to be installed at Bell Hill Reserve and request that a more suitable and viable site be located.</p> <p>As it stands at the moment, neither we nor our neighbours living on the Country Club Estate would benefit from the service NBN Co promises – despite living within a 2.5 km radius of the proposed site – which once more leads us to question the desired result and feasibility of this proposal.</p>	<p>with supply arrangements for the Department of Fire and Emergency Services (DFES) lattice tower within the reserve. The proposed monopole will allow DFES the option to decommission their structure and relocate and afford co-location opportunities to other telecommunications carriers. The proposed compound location also takes advantage of existing vegetation to screen ground level infrastructure and the lower sections of the structure and enables a good degree of separation from nearby residences.</p> <p>The SAT and the Planning and Environment Court of Queensland has ruled that height is an integral part of a mobile phone base station.</p> <p><i>“While it is true that the tower will be higher than any other point in the immediate vicinity of the subject land, such height is an integral part of the successful functioning of the infrastructure, a matter recognised by SPP 5.2, cl 2.3 (‘mounted clear of surrounding obstructions’).”</i> Optus Mobile v City of Stirling [2008] WASAT 238 [59]</p> <p><i>“The planning framework does not require the tower to be invisible.”</i> Telstra Corporation v Shire of Waroona [2012] WASAT 179</p> <p><i>“...there is no requirement for facilities such as those proposed to be located so that they cannot be seen. Indeed, the nature and operational requirements will ordinarily require them to be elevated structures visible to heights which exceed that of the existing vegetation.”</i> Telstra Corporation v Pine Rivers Shire Council [2001] QPELR 350</p>	<p>proximity to the Bell Hill Reserve have dwellings which do not utilise the view of the Reserve itself but the valleys north towards Gray Road and below to the Bindoon townsite.</p> <p>The applicant has endeavoured to, in the proposal provide a tower structure which is quite streamline in nature and grey in colour, not too dissimilar to the street light poles (albeit higher) found in the rural residential area of the Shire.</p> <p>A photomontage indicating the visual impact of the proposal from a distance of some 200m from both Ridgetop Ramble and Forrest Hills Parade is provided in Attachment No 15 in the accompanying report.</p> <p>The applicant has addressed the issue of amenity in their response state that ‘<i>“The main view from the nearest dwellings approximately 80 metres to the west and 115 metres to the north are toward the valleys to the north. Similarly, dwellings along Ridgetop Ramble Road are generally orientated toward the east. Together, these views form a very significant panorama away from the subject site.</i></p>



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			<p>To this effect the NBN Co has sought to establish the facility in an elevated position, thus reducing the height of the structure necessary to achieve coverage objectives. This approach is consistent with visual planning best practice which encourages carriers to <i>“Minimise the height of the tower by assessing the local topography or height of buildings for the proposed area. Choose the site that minimises the height of the tower most effectively.”</i> (Visual Landscape Planning in Western Australia WAPC, 2007 p. 138)</p> <p>The SAT also recognises that visual impact needs to be considered on balance <i>the visibility of the tower to nearby residents must be balanced against those policy provisions of the planning scheme which permit the provision of this form of infrastructure. It must also be balanced against the general community benefit to be derived from the development of a comprehensive telecommunication network.</i></p> <p>The main view from the nearest dwellings approximately 80 metres to the west and 115 metres to the north are toward the valleys to the north. Similarly, dwellings along Ridgetop Ramble Road are generally orientated toward the east. Together, these views form a very significant panorama away from the subject site. A further mitigating factor is that the telecommunications infrastructure is situated towards a plateau section of the reserve. This further limits views from surrounding dwellings and the immediate environs around these dwellings.</p>	<p><i>A further mitigating factor is that the telecommunications infrastructure is situated towards a plateau section of the reserve. This further limits views from surrounding dwellings and the immediate environs around these dwellings. We contend that on balance the visual impact is acceptable given the broader benefit the infrastructure will provide. A visual landscape assessment is provided in our development application submission”.</i></p>

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	Submitter	Comment	Applicants Response	Shire Officer Response
			We contend that on balance the visual impact is acceptable given the broader benefit the infrastructure will provide. A visual landscape assessment is provided in our development application submission.	
12.	4/3/2015	<p><i>Objection</i></p> <p>As property owners in proximity to the proposed facility, we hereby lodge our objection to any further installations or development on the existing site is based on the following grounds:</p> <ul style="list-style-type: none"> <li>The visual intrusion of this installation into a bushland residential setting is undesirable, remembering that landholders such as the submitter have invested in property in this area specifically because of its lack of commercial/industrial development;</li> <li>At 40 metres and well above the tree line, the tower/mast will impose itself on the skyline and degrade the aesthetic quality of the view for those residents who live within site of the tower;</li> </ul>	<p>NBN Co has selected a monopole which is the least visually intrusive structure able to support antennas at the minimum height able to achieve coverage objectives. The unpainted grey finish will be the least intrusive, particularly when viewed against lighter backgrounds such as the sky. Ground level infrastructure is limited to colour-treated cabinets and no more than two power poles one accommodating a switchboard. The provision of overhead power is in response to the soil composition and is consistent with supply arrangements for the Department of Fire and Emergency Services (DFES) lattice tower within the reserve. The proposed monopole will allow DFES the option to decommission their structure and relocate and afford co-location opportunities to other telecommunications carriers. The proposed</p>	<p>Whilst it is acknowledged that if constructed the tower will have some impact upon the visual amenity of the Chittering Country Club and the reserve itself, it should be noted that the rural aspects of properties within the Country Club Estate will largely remain intact.</p> <p>Many of the properties in close proximity to the Bell Hill Reserve have dwellings which do not utilise the view of the Reserve itself but the valleys north towards Gray Road and below to the Bindoon townsite. The applicant has endeavoured to, in</p>

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			<p>compound location also takes advantage of existing vegetation to screen ground level infrastructure and the lower sections of the structure and enables a good degree of separation from nearby residences.</p> <p>The SAT and the Planning and Environment Court of Queensland has ruled that height is an integral part of a mobile phone base station.</p> <p><i>"While it is true that the tower will be higher than any other point in the immediate vicinity of the subject land, such height is an integral part of the successful functioning of the infrastructure, a matter recognised by SPP 5.2, cl 2.3 ('mounted clear of surrounding obstructions')." Optus Mobile v City of Stirling [2008] WASAT 238 [59]</i></p> <p><i>"The planning framework does not require the tower to be invisible."</i> Telstra Corporation v Shire of Waroona [2012] WASAT 179</p> <p><i>"...there is no requirement for facilities such as those proposed to be located so that they cannot be seen. Indeed, the nature and operational requirements will ordinarily require them to be elevated structures visible to heights which exceed that of the existing vegetation."</i> Telstra Corporation v Pine Rivers Shire Council [2001] QPELR 350</p> <p>To this effect the NBN Co has sought to establish the facility in an elevated position, thus reducing the height of the structure necessary to achieve coverage objectives. This approach is consistent with visual planning best practice which encourages carriers to <i>"Minimise the height of the tower by assessing the local topography or height of buildings for the</i></p>	<p>the proposal provide a tower structure which is quite streamline in nature and grey in colour, not too dissimilar to the street light poles (albeit higher) found in the rural residential area of the Shire.</p> <p>A photomontage indicating the visual impact of the proposal from a distance of some 200m from both Ridgetop Ramble and Forrest Hills Parade is provided in Attachment No 15 in the accompanying report.</p>



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			<p><i>proposed area. Choose the site that minimises the height of the tower most effectively.” (Visual Landscape Planning in Western Australia WAPC, 2007 p. 138)</i></p> <p>The SAT also recognises that visual impact needs to be considered on balance <i>the visibility of the tower to nearby residents must be balanced against those policy provisions of the planning scheme which permit the provision of this form of infrastructure. It must also be balanced against the general community benefit to be derived from the development of a comprehensive telecommunication network.</i></p> <p>The main view from the nearest dwellings approximately 80 metres to the west and 115 metres to the north are toward the valleys to the north. Similarly, dwellings along Ridgetop Ramble Road are generally orientated toward the east. Together, these views form a very significant panorama away from the subject site. A further mitigating factor is that the telecommunications infrastructure is situated towards a plateau section of the reserve. This further limits views from surrounding dwellings and the immediate environs around these dwellings.</p> <p>We contend that on balance the visual impact is acceptable given the broader benefit the infrastructure will provide. A visual landscape assessment is provided in our development application submission.</p>	<p>The issue of property devaluation has been addressed by the applicant in Submission No.12. From a planning perspective, property de-valuation is not considered a planning issue as a valid planning reason for refusal.</p>

Public Submissions				
Submitter	Comment	Applicants Response	Shire Officer Response	
	<ul style="list-style-type: none"> <li>An as undesirable, technological element, the installation will devalue the properties in the immediate vicinity;</li> </ul>	<p>Clause 5.3 of the <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> stipulates the matters to be considered when determining development applications and has no regard to potential impact on property values. Notwithstanding, there is no recognised study which demonstrates that telecommunications infrastructure has a detrimental effect on property values. As opposed to subjective analysis, the only formal studies that considered at this matter was undertaken in New Zealand and published in the <i>International Journal of Housing Markets and Analysis</i> (2014). The study found no correlation between the sale price of houses and their distance from mobile phone antennas.</p> <p>As such this is not a planning consideration and should be set aside.</p>		
	<ul style="list-style-type: none"> <li>The physiological affect of emissions from fixed wireless technology on humans and wildlife is still being debated.</li> </ul>	<p>The Department of Planning has prepared <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> (which we have been advised will be adopted shortly) to promote a consistent approach in the preparation,</p>		

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			<p>assessment and determination of development applications for telecommunications infrastructure. Revisions to the current state policy make it abundantly clear that health is not a planning consideration given the Australian Radiation and Nuclear Protection Agency (ARPANSA) regulates emission standards and the Australian Communications and Media Authority (ACMA) issues broadcasting licences and is empowered to undertake compliance and enforcement under the <i>Broadcasting Services Act 1992</i>. This acknowledgement is consistent with tribunal rulings on this matter which have disregarded any objection based on human health.</p> <p>The draft policy states <i>“Research undertaken by ARPANSA demonstrates that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. The ARPANSA study reported that the highest daily average level was well below one per cent of the Standard’s public exposure limits and concluded that “given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research”. Based on ARPANSA’s findings, local planning authorities should not set additional setbacks for telecommunications infrastructure in local planning schemes or local planning policies for the purposes of health or safety standards for human exposure to electromagnetic radiation.”</i></p> <p>Furthermore, the State Administrative Tribunal (SAT)</p>	Noted and acknowledged.

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		<p>Would counsellors be supportive of this tower if it was to be erected adjacent to, or within line of sight of their own bushland/rural landholdings?</p> <p>What compensation is proposed to be offered by the Shire to owners of nearby properties devalued by the erection of the mast and support facilities.</p> <p>Please acknowledge that this letter has been received and tabled as an objection to the proposed NBN Fixed Wireless Facility.</p>	<p>has ruled that <i>it is disingenuous to demand a guarantee of no adverse health impact when all the currently available expert material in this field suggests that the issue simply does not arise on the basis of present knowledge and research.</i></p> <p>Health is not a planning consideration and should be set aside.</p> <p>Matters for the Shire</p>	
13.	4/3/2015 (refer also to Submission No. 14)	<p><i>Objection</i></p> <p><b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b></p>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
14.	4/3/2015 (refer also to	<p><i>Objection</i></p>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers



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	Submission No. 13)	<i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i>		response to Submission No. 8.
15.	6/3/2015	<p><i>Support</i></p> <p>Just writing a note to express our strong support for the NBN Broadband Facility. We rely on satellite service (very poor) changed to wireless with an antennae, this is ok but expensive.</p> <p>Mobile reception is also very poor.</p> <p>We are very much looking forward to this getting service and they will be devastated if it does not go ahead.</p>	Agreed	Noted and acknowledged.
16.	9/3/2015 (refer also to Submission No. 17)	<p><i>Objection</i></p> <p>Thank you for your invitation to comment on the proposal you have received in regards to the above.</p> <p>I wish to advise I STRONGLY OBJECT to the erection of the NBN tower which is in close proximity to my home (as the bird flies) and in fact part of the Reserve is adjoining to our property.</p> <p>In view of the fact residents in the area have already objected to a prior stakeholder</p>	<p>Noted</p> <p>Telecommunications carriers transmission equipment operates differently to fixed wireless technology such</p>	Noted and acknowledged.

Public Submissions				
	Submitter	Comment	Applicants Response	Shire Officer Response
		<p>(Optus) regarding a similar tower for which the company and the Shire did not proceed with, I am confused as to why the Shire is yet again entertaining the proposal of NBN to construct a similar tower on Bell Hill Reserve. Subsequent to the residents defending strongly, Optus showed a ‘Duty of Care’ by choosing an alterative site, away from residential properties. I applaud them for their wisdom. Do we have to go through the same ‘defence’ every time a proposal is received by you?</p> <p>I have briefly discussed this matter with a solicitors who deals with Tort Law. It was confirmed that the Shire have a DUTY OF CARE in this instance, as do the NBN (Ericsson and Daly International who act for them) towards the residents in the local vicinity and their health and well being.</p> <p>I AM A RECIPIENT OF A PACE MAKER AND A BOSTON SCIENTIFIC INTERNAL CARDIAC DEVICE (defibrillator and pace maker) for a recently diagnosed heart condition in August 2014. Instructions with the device warn that I am to avoid various electrical equipment including.</p> <p>Arc Welders, Theft detectors at Shops</p>	<p>that NBN Co does not have the same flexibility in selecting a site that will satisfy its’ coverage objectives. Elevation is of greater importance for fixed wireless which relies upon a direct line of sight to end users. Whilst one can reasonably argue precedence has been established it is our view that the NBN Co proposal should be assessed on its merits.</p> <p>The proposed use is not prohibited on the subject land and is; therefore, able to be established subject to planning approval, a building permit and the licensing requirements administered by the Australian Radiation and Nuclear Safety Agency (ARPANSA).</p> <p>NBN Co and its project partners take their obligations extremely seriously in relation to the health and safety of the network that is being deployed across Australia. NBN Co is mindful of the sensitivities that have been raised and is committed to addressing these concerns responsibly.</p> <p>To place the Radio Frequency Electromagnetic Energy (RF EME) environment in context, we note that there are more than 18,000 base stations across Australia which use the same broad technology as that</p>	<p>Noted and acknowledged.</p> <p>Health aspects have been addressed by the applicant in advising that “<i>The Department of Planning has prepared Draft State Planning Policy 5.2 Telecommunications Infrastructure (which we have been advised will be adopted shortly) to promote a consistent approach in the preparation, assessment and determination of development</i></p>

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	<p>Industrial and Electrical Equipment Chain Saws Blower Vacs Lawn Mowers Detector Machines at Airports Magnetic Resonance Imaging Machines</p> <p>An many more items....</p> <p>Apparently any of these can interfere with the device and trigger an ICD Shock to my heart should it stop beating. One cannot imagine what sort of bearing a fixed wireless transmission tower should have on my health and well being should a tower be located close to my residence.</p> <p>I made contact with the surgeon who inserted the ICD. He directed my query to an Electrical Engineer for Boston Scientific who responded with ‘...[REDACTED] should be protected at 150m + from a transmission tower, ASSUMING THE TRANSMISSION IS NOT DIRECTED AT HER DWELLING’.</p> <p><b>I WILL REQUIRE SOMETHING IN WRITING FROM THE SHIRE AND THE NBN SHOULD THE TOWER ERECTION GO AHEAD, TO CONFIRM IT WILL NOT BE DIRECTED AT MY HOUSE.</b> The worst case scenario may end up that it is erected and causes a heart attack or</p>	<p>proposed by NBN Co. We are not aware of any reported cases of interference between users of medical devices and mobile or fixed base stations. Please note that the RF EME from the proposed facility is just one of many sources in the environment. NBN Fixed Wireless base station facilities operate at a unique frequency allocated by the Federal Government. In addition the facilities operate on a low power output. As a result its operation will not have any effect on the operation of any other transmission frequencies.</p> <p>Given the prevalence of other sources of RF EME currently in the Bindoon environment, we recommend that Council direct the submitter to make further inquiries with the manufacturer of the device in relation to the potential for interference. Given the prevalence of mobile and fixed wireless base stations (and other transmitters) in the Australian environment and worldwide, the potential for interference would be well documented. We note that there is a difference between the relative exposure from devices in immediate proximity to a medical device versus the exposure from a radio transmitter in the broader environment.</p> <p>According to a search of the Radio Frequency National Site archive (<a href="http://www.rfnsa.com.au">www.rfnsa.com.au</a>), we note that there are more than 50 mobile network base stations in Australia located within the grounds or on the rooftop of a hospital (or within very close proximity of a hospital). We draw this to Council’s attention because this is a strong indicator of the ease with which these</p>	<p><i>applications for telecommunications infrastructure. Revisions to the current state policy make it abundantly clear that health is not a planning consideration given the Australian Radiation and Nuclear Protection Agency (ARPANSA) regulates emission standards and the Australian Communications and Media Authority (ACMA) issues broadcasting licences and is empowered to undertake compliance and enforcement under the Broadcasting Services Act 1992. This acknowledgement is consistent with tribunal rulings on this matter which have disregarded any objection based on human health”.</i></p> <p><i>The draft policy states “Research undertaken by ARPANSA demonstrates that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. The ARPANSA study reported that the highest daily average level was well below one per cent of the Standard’s public exposure limits and concluded that “given the very low levels recorded and the relatively low power of these types of transmitters, it is</i></p>	

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		<p>death. Proceedings will then be commenced against the Shire and NBN should this occur because of the transmission tower.</p> <p>I attended the information session at Bindoon Hall in 2014 and was advised ‘that there was no guarantee’ that the proposed tower would provide coverage to nearby residents in Forrest Hills Parade. Surely, if this is the case, either an alternative site (which they understand is in the pipeline to go ahead in the near future) would be the safest option for NBN to pursue.</p>	<p>facilities are accepted as not impacting upon medical devices. Mobile network base stations use the same broad technology as an NBN Fixed Wireless Facility (LTE, 4<sup>th</sup> Generation).</p> <p>A mobile phone base station or NBN Fixed Wireless base station, whether nearby or on a hospital roof, should not interfere with any equipment. NBN Co strictly operates all of its Fixed Wireless facilities at levels that are many orders of magnitude below national and international standards.</p> <p>We understand that you are in receipt of our EME Environmental Report (attached) which shows that the levels of RF EME emitted from the proposed facility are 0.17% of the maximum allowable limits. This equates to approx. 588 times below the allowable limit. We note that this is a very low level of RF EME. We also note that you have suggested that a location for the NBN Fixed Wireless Facility on your property would be suitable, and we note that even if this was to be situated further from the current location to your premises that this would also be a low level of RF EME exposure.</p> <p>Back in the mid-1990’s as mobile technology was emerging, a study by the UK Medical Devices Agency found no significant levels of interference to medical devices from mobile phone base stations. (MDA Device Bulletin DB9702: Electromagnetic compatibility of Medical Devices with Mobile Communications, 1997).</p> <p>We encourage the submitter to contact the Australian Communications and Media Authority on 02 6219</p>	<p><i>unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research”</i></p> <p><i>Based on ARPANSA’s findings, local planning authorities should not set additional setbacks for telecommunications infrastructure in local planning schemes or local planning policies for the purposes of health or safety standards for human exposure to electromagnetic radiation.”</i></p> <p><i>“Furthermore, the State Administrative Tribunal (SAT) has ruled that it is disingenuous to demand a guarantee of no adverse health impact when all the currently available expert material in this field suggests that the issue simply does not arise on the basis of present knowledge and research. Health is not a planning consideration and should be set aside”.</i></p> <p>The applicant has advised that the proposal may generate, if approved, EMR levels lower than current ARPANSA standards. During the advertising period, the Department of</p>



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			5555, for information relating to regulation of the radio spectrum in Australia and your device.	Health was referred to and stated they have no objection to the proposal. The Shire's Environmental Health Officer was referred to internally stated that <a href="#">he</a> did not have any objection to the proposal. He noted that the application met APARNSA minimum standards in regard to electromagnetic radiation.
		<p>As I understand it BELL HILL RESERVE is a Flora and Fauna Reserve. It is the responsibility of the Shire and the public to ensure it remains a reserve for the sole purpose of wildlife, fauna, public recreation and water supply. This is what the Reserve was intended for.</p> <p>A tower does not fall under these components. Inline with the Planning &amp; Development Act (2005) Sec. 152 the Shire of Chittering have an obligation (by law) to adhere to what the purpose of the Reserve was intended for – and further in line with 'NO LEASING POWERS' for the Shire to approve the proposal of the NBN tower erection.</p> <p>Leasing powers of the Crown Land would only be authorised in respect to Council's</p>	<p>Bell Hill Reserve is reserved in accordance with the planning scheme for Parks and Recreation. Such a classification is consistent with areas of public open space required to be set aside when land is developed for residential purposes. Such areas of public open space are commonly utilised for many purposes including active and passive recreation including associated clubrooms and courts not open to the public, for drainage purposes, and to accommodate utility infrastructure (such as overhead HV power lines, telecommunications structures, emergency services buildings and water tanks). Within established neighbourhoods (particularly those devoid of industrial or commercial zoned land or tall buildings) areas of public open space are often the only option for carriers to establish infrastructure. There is no requirement for local government to initiate a scheme amendment to reclassify land used for telecommunications with a Parks and Recreation reservation. Indeed the specific classification of land</p>	<p>Refer to Shire response outlined in Submission No. 8 regarding reservation and powers to lease.</p>

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		<p>intention to acquire a replacement Recreational Land or use the proceeds from the lease to enhance other public areas. This does NOT fall within the realm of a transmission tower being erected. They are positive the Environmental Defenders Office in Western Australia would agree with this stance.</p> <p>In closing, one would hope the Shire of Chittering does show a 'Duty of Care' towards the town and approve erection of the tower in an area that is not populated. Everyone wants broadband coverage, but not at the detriment of the health and safety of the residents and I believe that if anyone was asked 'would they mind having a transmission tower erected' in proximity to their home, that ALL would say 'NO' they would not.</p> <p>If there is anyone who admits that they would NOT MIND A TOWER next to their home, then perhaps the tower could be erected in those areas.</p>	<p>for Public Purposes – Telecommunications in schemes was only common prior to 1993 when Telstra (then Telecom) was a public authority.</p> <p>We contend that the use of 96m<sup>2</sup> of the reservation by NBN Co will not unreasonably diminish the recreational use of the reserve and is consistent State Policy that encourages telecommunications infrastructure to co-locate with other utility infrastructure.</p> <p>The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application. In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.</p>	<p>Noted and acknowledged. Refer to Shire response to Submission No. 8.</p>

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17.	9/3/2015  (refer also to Submission No. 16)	<p><i>Objection</i></p> <p>Please be advised I wish to confirm my Objection to the Erection of the NBN Tower in regards to the above site.</p>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
18.	10/3/2015	<p><i>Objection</i></p> <p>If nothing else would you please consider – would you like to have a 40 metre tower built almost in your back yard.</p> <p>Consider:</p> <ul style="list-style-type: none"> <li>Unknown health risks;</li> </ul>	<p>The Department of Planning has prepared <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> (which we have been advised will be adopted shortly) to promote a consistent approach in the preparation, assessment and determination of development applications for telecommunications infrastructure. Revisions to the current state policy make it abundantly clear that health is not a planning consideration given the Australian Radiation and Nuclear Protection Agency (ARPANSA) regulates emission standards and the Australian Communications and Media Authority (ACMA) issues broadcasting licences and is empowered to undertake compliance and enforcement under the <i>Broadcasting</i></p>	<p>Proposed development shall be consistent with ARPANSA and ACMA</p> <p>The applicant has advised that the proposal may generate, if approved, EMR levels lower than current ARPANSA standards. During the advertising period, the Department of Health was referred to and stated they have no objection to the proposal. The Shire's Environmental Health Officer was referred to internally stated that he did not have any objection to the proposal. He</p>

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			<p><i>Services Act 1992</i>. This acknowledgement is consistent with tribunal rulings on this matter which have disregarded any objection based on human health.</p>	<p>noted that the application met APARNSA minimum standards in regard to electromagnetic radiation.</p> <p>Whilst it is acknowledged that if constructed the tower will have some impact upon the visual amenity of the Chittering Country Club and the reserve itself, it should be noted that the rural aspects of properties within the Country Club Estate will largely remain intact.</p> <p>Many of the properties in close proximity to the Bell Hill Reserve have dwellings which do not utilise the view of the Reserve itself but the valleys north towards Gray Road and below to the Bindoon townsite.</p> <p>The applicant has endeavoured to, in the proposal provide a tower structure which is quite streamline in nature and grey in colour, not too</p>



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				<p>dissimilar to the street light poles (albeit higher) found in the rural residential area of the Shire.</p> <p>A photomontage indicating the visual impact of the proposal from a distance of some 200m from both Ridgetop Ramble and Forrest Hills Parade is provided in Attachment No 15 in the accompanying report.</p>

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		<ul style="list-style-type: none"> <li>Visual pollution;</li> </ul>	<p>NBN Co has selected a monopole which is the least visually intrusive structure able to support antennas at the minimum height able to achieve coverage objectives. The unpainted grey finish will be the least intrusive, particularly when viewed against lighter backgrounds such as the sky. Ground level infrastructure is limited to colour-treated cabinets and no more than two power poles one accommodating a switchboard. The provision of overhead power is in response to the soil composition and is consistent with supply arrangements for the Department of Fire and Emergency Services (DFES) lattice tower within the reserve. The proposed monopole will allow DFES the option to decommission their structure and relocate and afford co-location opportunities to other telecommunications carriers. The proposed compound location also takes advantage of existing vegetation to screen ground level infrastructure and the lower sections of the structure and enables a good</p>	<p>The applicant has addressed decreased land values in reference to Submission No. 12.</p> <p>The fauna which reside currently on Bell Hill Reserve may experience some adverse impact due to the proposed construction of the compound and tower. Although it must be noted that</p>

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			<p>degree of separation from nearby residences.</p> <p>The SAT and the Planning and Environment Court of Queensland has ruled that height is an integral part of a mobile phone base station.</p> <p><i>“While it is true that the tower will be higher than any other point in the immediate vicinity of the subject land, such height is an integral part of the successful functioning of the infrastructure, a matter recognised by SPP 5.2, cl 2.3 (‘mounted clear of surrounding obstructions’).”</i> Optus Mobile v City of Stirling [2008] WASAT 238 [59]</p> <p><i>“The planning framework does not require the tower to be invisible.”</i> Telstra Corporation v Shire of Waroona [2012] WASAT 179</p> <p><i>“...there is no requirement for facilities such as those proposed to be located so that they cannot be seen. Indeed, the nature and operational requirements will ordinarily require them to be elevated structures visible to heights which exceed that of the existing vegetation.”</i> Telstra Corporation v Pine Rivers Shire Council [2001] QPELR 350</p> <p>To this effect the NBN Co has sought to establish the facility in an elevated position, thus reducing the height of the structure necessary to achieve coverage objectives. This approach is consistent with visual planning best practice which encourages carriers to <i>“Minimise the height of the tower by assessing the local topography or height of buildings for the proposed area. Choose the site that minimises the height of the tower most effectively.”</i> (Visual Landscape Planning in Western Australia WAPC, 2007</p>	<p>they will still be able to access the majority of the site as they currently do.</p> <p>If trees which are required to be removed are deemed as habitat for any endangered species at present or in the future upon maturation, as part of conditional approval would be that the applicant contribute to the installation of roosting boxes to compensate for the potential loss of habitat (refer to Condition 4 (d).</p>

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			<p>p. 138)</p> <p>The SAT also recognises that visual impact needs to be considered on balance <i>the visibility of the tower to nearby residents must be balanced against those policy provisions of the planning scheme which permit the provision of this form of infrastructure. It must also be balanced against the general community benefit to be derived from the development of a comprehensive telecommunication network.</i></p> <p>The main view from the nearest dwellings approximately 80 metres to the west and 115 metres to the north are toward the valleys to the north. Similarly, dwellings along Ridgetop Ramble Road are generally orientated toward the east. Together, these views form a very significant panorama away from the subject site. A further mitigating factor is that the telecommunications infrastructure is situated towards a plateau section of the reserve. This further limits views from surrounding dwellings and the immediate environs around these dwellings.</p> <p>We contend that on balance the visual impact is acceptable given the broader benefit the infrastructure will provide. A visual landscape assessment is provided in our development application submission.</p>	<p>The Bell Hill Reserve is acknowledged as a site prone to erosion due to its steep and fragile nature. The tower and compound is proposed to be located at the top of the plateau of Bell Hill Reserve. Furthermore, the applicant has advised that they would upgrade the existing track utilising it to access the site.</p> <p>By locating the proposed tower and compound on the plateau and utilising and improve the existing access track, this may result in a reduction in the erosion of the reserve.</p> <p>A condition to screen and landscape the area around the compound with appropriate local vegetation may mitigate any additional soil erosion as a result of the proposed development.</p> <p>The applicant has addressed the issue of soil erosion in response to Soil Erosion and this is further included as a condition of approval (condition n)</p>



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		<ul style="list-style-type: none"> <li>Decreased land values;</li> </ul>	<p>Clause 5.3 of the <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> stipulates the matters to be considered when determining development applications and has no regard to potential impact on property values. Notwithstanding, there is no recognised study which demonstrates that telecommunications infrastructure has a detrimental effect on property values. As opposed to subjective analysis, the only formal studies that considered at this matter was undertaken in New Zealand and published in the <i>International Journal of Housing Markets and Analysis</i> (2014). The study found no correlation between the sale price of houses and their distance from mobile phone antennas.</p> <p>As such this is not a planning consideration and should be set aside.</p>	<p>The proposal (including the 96m<sup>2</sup>m compound) will have some affect on the reserve, however the majority of the reserve will still be able to be utilised and accessed by the general public as which currently occurs.</p>
		<ul style="list-style-type: none"> <li>Degradation of natural habitats for local plants and animals;</li> </ul>	<p>In order to determine any possible natural Flora and Fauna significance associated with the site, an <i>Environmental Protection and Biological Conservation Act</i> Protected Matters search was conducted. This report assesses a large area surrounding the site and identified that there may be threatened and migratory species of mammals and birds within the vicinity of the site. The proposed compound has been selected in an elevated area clear of significant vegetation (contains six small trees) and is limited to 96m<sup>2</sup> in area. We are of the view that the proposal</p>	<p>Noted and acknowledged.</p> <p>Refer to Shire response to Submission No. 8 in relation to alternative sites in addition to applicants response (Submission No. 8 and 80).</p>

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			<p>will not significantly impact on the habitat of the fauna identified as possibly being in the area. A more extensive and localised analysis of the flora was undertaken using the native vegetation map viewer and the site is not considered an environmentally sensitive area. NBN Co is willing to establish landscaping around the perimeter of compound to offset any clearance.</p> <p>There will be limited excavation to create a level hard standing area and for the footings of the monopole. A batter will stabilise exposed soil. There will be no discharge of concentrated storm water that would otherwise require erosion control at the outlet. Infrequent vehicular access will occur via an existing track which will be upgraded and gravelled to minimise erosion.</p> <p>Furthermore, the State Administrative Tribunal (SAT) has ruled that <i>it is disingenuous to demand a guarantee of no adverse health impact when all the currently available expert material in this field suggests that the issue simply does not arise on the basis of present knowledge and research.</i></p> <p>Health is not a planning consideration and should be set aside.</p>	<p>The applicant explored co-location with the existing Optus tower and advised that this was not technically feasible. .</p> <p>Noted and acknowledged.</p> <p>Noted and acknowledged.</p> <p>Noted and acknowledged.</p>
		<ul style="list-style-type: none"> <li>Destruction of a delicate 'reserve' with a 96m<sup>2</sup> construction area plus access site works;</li> </ul>	<p>There will be limited excavation to create a level hard standing area and for the footings of the monopole. A batter will stabilise exposed soil. There will be no</p>	

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			discharge of concentrated storm water that would otherwise require erosion control at the outlet. Infrequent vehicular access will occur via an existing track which will be upgraded and gravelled to minimise erosion.	

Public Submissions				
	Submitter	Comment	Applicants Response	Shire Officer Response
		<ul style="list-style-type: none"> <li>Blocked access to walking trails with fences (yes they walk our dogs through this and other reserves frequently); and</li> </ul>	<p>We contend that the use of 96m<sup>2</sup> of the reservation by NBN Co will not unreasonably diminish the recreational use of the reserve and is consistent State Policy that encourages telecommunications infrastructure to co-locate with other utility infrastructure.</p>	



Public Submissions				
	Submitter	Comment	Applicants Response	Shire Officer Response
		<ul style="list-style-type: none"> <li>Stress to land owners who live within close proximity.</li> <li>Surely there are other uninhabited hills this tower could be sited on?</li> <li>Could NBN use the same tower as Optus?.</li> </ul>	<p>Not considered a ground for objection.</p> <p>The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application. In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.</p> <p>See response above</p>	

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	<p>questioned whether you had anything in writing and she said Council did not, just place the details on the top of the form with signature below.</p> <p>Why does another person then get a different response – a month apart? Why do the ‘rules’ change half way through our Petition Campaign? This is not good governance! We were advised in January to ask Administration and to get it in writing. We did ask and we were assured that there is nothing in writing.</p> <p>When [REDACTED] first asked Planning regarding Petitions and why they would be viewed, she was advised by Stephanie Gladman after she consulted ‘her manager’ that every name would be counted as a vote. When asking for this in writing an entirely different response was given (as per attached).</p> <p>To sum up, <u>three different answers</u> – this is very inconsistent.</p> <p>I ask that the correct wording of my questions be included in the Minutes for February 2015 and not an altered abbreviated version that distorts the true intent of the questions! See the correct wording as read out below: -</p>	<p>Matter for the Shire</p> <p>Matter for the Shire</p> <p>Matter for the Shire</p>		

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	<p><b>Question 1: Re the NBN Proposal.</b></p> <p>Why did the Shire's advertisement and letter to residents omit the correct title and address of the Reserve as nobody has ever referred to it as Lot 12383? It is misleading in that residents think it is on private land somewhere on Forrest Hills Parade and not Bell Hill Reserve – Crown Land. Also the 96 square metre compound was also omitted. So why did they do it?</p> <p>Question 8: Re the NBN Proposal</p> <p>When residents are phoning for information from Planning they are being told there is already a tower on the Reserve. Where is the documentation from the Department of Planning providing it legitimate?</p> <p>We note in the Shires answer to <b>Question 1</b> although you have readvertised the proposal, again the Shire has omitted 'the 96 square metre compound' from the advertisement, thus not being fully open and honest to readers as it conceals the full impact of the structure on the Reserve. Also the Shire has not addressed in this in your response to my question (letter 25<sup>th</sup> February 2015).</p>			

	Public Submissions			
	Submitter	Comment	Applicants Response	Shire Officer Response
		With regards to <b>Question 2</b> , you word it 'paperwork'. There is a vast difference here to my question ' <b>documentation from the Department of Planning proving it legitimate</b> '. Please correct the Minutes for February 2015. Also a verbal agreement is not a legal agreement as far as the Department of Planning are concerned (even 15 years ago). So please do not use this as an argument for an existing tower on the Reserve or that there is a precedence! Would the Shire agree that a verbal agreement to construct a dwelling on a private property is legal and binding?		
20.	11/3/ 2015	<i>Support</i>  Just wanted to say that I think this is a great idea, faster internet will be a big positive for all of those in the community.	Agreed	Noted and acknowledged.
21.	16/3/2015  (refer also to Submission No. 21)	<i>Objection</i>  <b>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</b>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
22.	16/3/2015  (refer also to Submission No. 22)	<i>Objection</i>  <b>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental</b>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.



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		<b><i>Defenders Office WA</i></b>		
23.	16/3/2015	<i>Objection</i>  <b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
24.	16/3/2015	<i>Objection</i>  <b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
25.	16/3/2015	<i>Objection</i>  <b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
26.	16/3/2015	<i>Objection</i>  <b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
27.	16/3/2015	<i>Objection</i>  <b><i>Refer to Submission No. 8 complied by</i></b>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.

Public Submissions				
	Submitter	Comment	Applicants Response	Shire Officer Response
		<i>Annaleen Harris of the Environmental Defenders Office WA</i>		
28.	16/3/2015  (refer also to Submission No. 1 & No. 72)	<p><i>Objection</i></p> <p>For many years we looked forward to retiring to a quiet productive life in the country. We found a property which fitted the need on Forrest Hills Parade, Bindoon. They loved the quiet ambience of the property and amazing view of the Bindoon Hills and for the past 2 years have spend many hours of hard work and money to make the property beautiful and fruitful.</p> <p>The reserve where the tower is proposed is placed directly their home on at [REDACTED]. Our property will have the unsightly view of a 40m high metal monopole, complete with radio and transmission telecommunications equipment and ancillary components including an outdoor cabinet enclosed within a secure compound measuring approximately 96m<sup>2</sup> in area. Added to this will be an air conditioning unit that will be operating continuously.</p>	<p>The main view from the nearest dwellings approximately 80 metres to the west and 115 metres to the north are toward the valleys to the north. Similarly, dwellings along Ridgetop Ramble Road are generally orientated toward the east. Together, these views form a very significant panorama away from the subject site. A further mitigating factor is that the telecommunications infrastructure is situated towards a plateau section of the reserve. This further limits views from surrounding dwellings and the immediate environs around these dwellings.</p> <p>We contend that on balance the visual impact is acceptable given the broader benefit the infrastructure will provide. A visual landscape assessment is provided in our development</p>	<p>Whilst it is acknowledged that if constructed the tower will have some impact upon the visual amenity of the Chittering Country Club and the reserve itself, it should be noted that the rural aspects of properties within the Country Club Estate will largely remain intact.</p> <p>Many of the properties in close proximity to the Bell Hill Reserve have dwellings which do not utilise the view of the Reserve itself but the valleys north towards Gray Road and below to the Bindoon townsite.</p>

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		The key aspects of the objections are:	<p>application submission.</p> <p>The infrastructure will be constructed and operate in accordance with Australian Standards and the <i>Environmental Protection (Noise) Regulations 1997</i>. The facility is not staffed, nor will access be required for maintenance activities with any frequency. The air conditioning unit will not generate noise above that of a domestic unit. It is noted that there is a significant separation of the facility from any noise sensitive premise. We are of the view that the emission of noise or thermal heat should be set aside.</p>	<p>The applicant has endeavoured to, in the proposal provide a tower structure which is quite streamline in nature and grey in colour, not too dissimilar to the street light poles (albeit higher) found in the rural residential area of the Shire.</p> <p>A photomontage indicating the visual impact of the proposal from a distance of some 200m from both Ridgetop Ramble and Forrest Hills Parade is provided in Attachment No 16 in the accompanying report.</p> <p>The applicant has addressed the issue of amenity in their response state that ‘</p> <p>Refer to above.</p>

Public Submissions				
	Submitter	Comment	Applicants Response	Shire Officer Response
		<p><b>Unacceptable Visual Impact</b></p> <p>How is it possible to say the application to place an NBN tower at Bell Hill Reserve matches Town Planning considerations such as Visual Impact? Having an ugly 40m metal monopole complete with four x panel antennas measuring approximately 1077mm x 300mm x 155mm and one parabolic dish antenna towering above us is not their idea of being approximately located so as to minimise visual impact to theirs and surrounding properties. Bell Hill Reserve is also highly visible from the Bindoon town site, from where it forms a critical part of the horizon, this 40m monstrosity will totally dominate the landscape, destroying the ambience and country feel of Bindoon.</p>	<p>NBN Co has selected a monopole which is the least visually intrusive structure able to support antennas at the minimum height able to achieve coverage objectives. The unpainted grey finish will be the least intrusive, particularly when viewed against lighter backgrounds such as the sky. Ground level infrastructure is limited to colour-treated cabinets and no more than two power poles one accommodating a switchboard. The provision of overhead power is in response to the soil composition and is consistent with supply arrangements for the Department of Fire and Emergency Services (DFES) lattice tower within the reserve. The proposed monopole will allow DFES the option to decommission their structure and relocate and afford co-location opportunities to other telecommunications carriers. The proposed compound location also takes advantage of existing vegetation to screen ground level infrastructure and the lower sections of the structure and enables a good degree of separation from nearby residences.</p>	<p>Noted and acknowledged.</p>



Public Submissions				
Submitter	Comment	Applicants Response	Shire Officer Response	
	<p><b>Saving our Reserves</b></p> <p>On speaking to residents of Bindoon Country Estate the consensus is, that they are outraged that Bell Hill Reserve (deemed public open space) is even being considered as an NBN Tower site. A reserve by definition is a park, a restricted area, a protected area to be enjoyed by the people and a haven for native flora and fauna. Reserves were not created to be exploited for commercial interests and should not be considered per se. The community needs pockets of <u>natural</u> beauty to be left for all to enjoy now and for the future. We must save our reserves by finding safer and more appropriate sites to install NBN towers and away from residential area.</p>	<p>Bell Hill Reserve is reserved in accordance with the planning scheme for Parks and Recreation. Such a classification is consistent with areas of public open space required to be set aside when land is developed for residential purposes. Such areas of public open space are commonly utilised for many purposes including active and passive recreation including associated clubrooms and courts not open to the public, for drainage purposes, and to accommodate utility infrastructure (such as overhead HV power lines, telecommunications structures, emergency services buildings and water tanks). Within established neighbourhoods (particularly those devoid of industrial or commercial zoned land or tall buildings) areas of public open space are often the only option for carriers to establish infrastructure. We contend that the use of 96m<sup>2</sup> of the reservation by NBN Co will not unreasonably diminish the recreational use of the reserve and is consistent State Policy that encourages telecommunications infrastructure to co-locate with other utility infrastructure.</p>	<p>Proposal is to be consistent with ARPANSA and ACMA standards.<i>repared Draft State Planning Policy 5.</i></p> <p>The applicant has advised that the proposal may generate, if approved, EMR levels lower than current ARPANSA standards. During the advertising period, the Department of Health was referred to and stated they have no objection to the proposal. <a href="#">The Shire's Environmental Health Officer</a> was referred to internally stated that he did not have any objection to the proposal. He noted that the application met</p>	

Public Submissions				
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	<p><b>Health Risks</b></p> <p>We are very concerned (as are many groups around Australia protesting against the installation of NBN Towers near residential areas) of the proven health issues these towers have on the surrounding communities.</p> <p>As I am on remission from breast cancer, I am seriously concerned about the long term health implication of placing an NBN Tower (with accompanying radio and transmission telecommunications equipment) in such close proximity to their property.</p> <p>These towers transmit 24hrs a day, 7 days a week 365 days a year. Countries around the world are halting Wi-Fi deployments due to scientific evidence they cause biological harm at low levels over extended periods of time such as</p> <ul style="list-style-type: none"> <li>• Fatigue;</li> <li>• Nausea;</li> <li>• Insomnia;</li> <li>• Depression</li> </ul>	<p>The Department of Planning has prepared <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> (which we have been advised will be adopted shortly) to promote a consistent approach in the preparation, assessment and determination of development applications for telecommunications infrastructure. Revisions to the current state policy make it abundantly clear that health is not a planning consideration given the Australian Radiation and Nuclear Protection Agency (ARPANSA) regulates emission standards and the Australian Communications and Media Authority (ACMA) issues broadcasting licences and is empowered to undertake compliance and enforcement under the <i>Broadcasting Services Act 1992</i>. This acknowledgement is consistent with tribunal rulings on this matter which have disregarded any objection based on human health.</p> <p>The draft policy states “<i>Research undertaken by ARPANSA demonstrates that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. The ARPANSA study reported that the highest daily average level was well below one per cent of the Standard’s public exposure limits and concluded that “given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the</i></p>	<p>APARNSA minimum standards in regard to electromagnetic radiation.</p> <p>Refer to Shire response to Submission No. 12 in relation to property devaluation.</p> <p>The impact of noise in the long term from the air condition unit has been addressed by the applicant in response to Submission No ..... The nearest dwellings to the tower and Bell Hill Reserve as advised by the applicant are 84m and 90m</p>	

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		<ul style="list-style-type: none"> <li>• Behavioural problems in children</li> <li>• DNA damage; and</li> <li>• Cancer clusters within 500 metres of EMR Towers.</li> </ul> <p>Research continues however ARPANSA research is funded by the Telco Industry and refutes any scientific evidence claiming it is not 'proof'.</p> <p>There is no 'proof' EMR is safe. On the contrary – and countries are adopting the 'precautionary principal' when deploying EMR. Australia is not. <i>The UK and Sweden shield residents homes when affected by EMR.</i></p> <p>The ARPANSA "Fact Sheet 10" (made available at the NBN Co community consultation meeting in November 2014) states the maximum exposure levels at radiofrequency fields may be exceeded immediately surrounding the tower. It continues to say that there are no established health effects from these very low levels of RF EMR'. The Bioinitiative 2014 report, compiled by Dr. Ronald M. Powell, based on the findings of 67 independent studies conducted between 1974 to 2014 concluded there is serious concern with the link between serious health risks and high</p>	<p><i>radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research". Based on ARPANSA's findings, local planning authorities should not set additional setbacks for telecommunications infrastructure in local planning schemes or local planning policies for the purposes of health or safety standards for human exposure to electromagnetic radiation."</i></p> <p>Furthermore, the State Administrative Tribunal (SAT) has ruled that <i>it is disingenuous to demand a guarantee of no adverse health impact when all the currently available expert material in this field suggests that the issue simply does not arise on the basis of present knowledge and research.</i></p> <p>Health is not a planning consideration and should be set aside.</p>	<p>respectively. These distances provide an adequate buffer if approved between the airconditioning unit and residences</p> <p>If the noise generated by the unit exceeded normal limits, it would be investigated by the Shire's Environmental Health Officer. Any issues would then be addressed and maintained to the satisfaction of the Environmental Health Officer and by the applicant. Condition No. 4 (m) . relates to noise impact and states that 'any noise emitted during the operation of the tower shall be in accordance with the Environmental Protection (Noise) Regulations 1997</p> <p>Refer to applicant response.</p>

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	<p>levels of radiofrequency exposure. I quote <b>'WIRELESS WARNINGS FOR ALL – the continued rollout of wireless technologies and devices puts global public health at risk from unrestricted wireless commerce unless new and far lower exposure limits and strong precautionary warnings for their use are implemented'</b>.</p> <p>The ARPANSA Fact Sheet 10 indicates that the exposure levels to radiofrequency fields are safe and there are no established health effects to residents living near NBN towers, it seems judicious that residents living close to these towers should be guaranteed compensation in the event that low level exposures from base stations do produce carcinogenic outcomes in the long term.</p> <p><b>Economic Risk</b></p> <p>When the submitter purchased our property we were told the land opposite their house was a public reserve, having this in the background made the setting even more appealing. In the event that one day the</p>	<p>Clause 5.3 of the <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> stipulates the matters to be considered when determining development applications and has no regard to potential impact on property values. Notwithstanding,</p>	Noted and acknowledged.	



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		<p>need to sell our home arises, the sight of a metal monstrosity in the background will not only make it unattractive to perspective buyers (as it would have us when we viewed the house), it will also greatly reduce the value of their property.</p> <p>A member of the Bindoon community has commented that when walking in an area of bushland she heard a constant droning in the background, on investigating the noise they came across a communication tower and was alarmed at how aggravating the noise of the cooling unit sounded in an otherwise serene and quiet area.</p> <p>We spend many hours outside enjoying the ambience and quiet of our property, if the proposal to install an NBN Tower at Bell Hill Reserve is acceptable we would be hearing the constant drone of the cooling unit 24 hours of each day, seven days a week, 52 weeks of every year. This would definitely not be viewed as an asset to any perspective</p>	<p>there is no recognised study which demonstrates that telecommunications infrastructure has a detrimental effect on property values. As opposed to subjective analysis, the only formal studies that considered at this matter was undertaken in New Zealand and published in the <i>International Journal of Housing Markets and Analysis</i> (2014). The study found no correlation between the sale price of houses and their distance from mobile phone antennas. As such this is not a planning consideration and should be set aside.</p> <p>The infrastructure will be constructed and operate in accordance with Australian Standards and the <i>Environmental Protection (Noise) Regulations 1997</i>. The facility is not staffed, nor will access be required for maintenance activities with any frequency. The air conditioning unit will not generate noise above that of a domestic unit. It is noted that there is a significant separation of the facility from any noise sensitive premise. We are of the view that the emission of noise or thermal heat should be set aside.</p>	<p>Refer to officer response above regarding Health Concerns.</p> <p>Noted and acknowledged.</p> <p>Whilst it is acknowledged that the Bell Hill Reserve is prone to bushfire, the proposal would be unlikely to exacerbate the likelihood of bushfire. The applicant proposes to improve the existing access, which may improve the reserves accessibility for DFES officers in the case of a fire emergency.</p>

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	<p>buyers</p> <p><b>Optus Tower Proposal 2008</b></p> <p>It seems that a proposal to erect an Optus Mobile tower on Bell Hill Reserve in 2008 was withdrawn, and I quote part of a letter from Optus through Daly International <i>‘after constructive feedback from the community Optus has amended its proposal by selecting an alternative site, outside Bell Hill Reserve, and at a <b><u>greater distance from residential properties</u></b>’.</i></p> <p>It seems obvious from this outcome that the community did not want a tower on Bell Hill Reserve and that Optus felt it was not appropriate to erect a tower close to residential properties.</p> <p>The letter we received on October 20, 2014</p>	<p>Telecommunications carriers transmission equipment operates differently to fixed wireless technology such that NBN Co does not have the same flexibility in selecting a site that will satisfy its’ coverage objectives. Elevation is of greater importance for fixed wireless which relies upon a direct line of sight to end users. Whilst one can reasonably argue precedence has been established it is our view that the NBN Co proposal should be assessed on its merits.</p> <p>We are of the view that in good faith sufficient</p>		

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	<p>from Daly International advising the proposal to place an NBN Tower at Bell Hill Reserve did not mention that the tower would also include radio and transmission telecommunications equipment. The addition of radio and transmission telecommunications equipment has now been included in the letter members of the community received from the Shire of Chittering on February 9, 2015.</p> <p>I bring to your attention that the addition of this equipment has been added after the NBN information session (held at the Bindoon Town Hall on November 11, 2014) this omission further adds to the unethical way in which information is being withheld making it difficult for the community to form an educated opinion of the placement of the tower.</p> <p>Our research indicates mobile equipment puts out even strong electromagnetic energy than Fixed Wireless facilities thereby adding to the concerns of residents living adjacent to the proposed NBN Tower.</p> <p>I ask the reader if Optus deemed Bell Hill Reserve an inappropriate site for a telecommunications tower in 2008, why is Bell Hill Reserve even being considered as an</p>	<p>information has been provided in order for the Shire to determine the development application.</p> <p>See response to health concerns above.</p>		

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		<p>appropriate site for an NBN Tower complete with radio and transmission telecommunications equipment in 2015.</p> <p><b>Fire Fighting</b></p> <p>We are concerned that in the event of a bushfire in the surrounding area, an NBN tower on Bell Hill Reserve would pose a significant hazard to fire bombers attempting to douse the fire. In endeavouring to negotiate the tower their capacity to extinguish the fire would be seriously limited, resulting in a poorer outcome to properties in the adjacent area.</p> <p>We do not deny that improved telecommunications facilities are needed to some areas, but not at the expense of compromising the town's beauty or the potential of impacting on residents health and land values. We ask that you follow other Shires across Australia, who has rejected similar proposed locations for NBN towers in support of their own rate paying residents concerns.</p> <p>Please help us preserve Bell Hill Reserve as precedence for the remaining reserves in</p>	<p>The proposed infrastructure is not habitable so as to pose any risk to occupiers, nor does it require vegetation clearance for the purposes of a fire break. The infrastructure itself does not require any additional engineering response under the Building Code of Australia (BCA) in order to mitigate fire risk or be protected from it.</p> <p>Whilst there is no Civil Aviation Authority or BCA requirement to provide aviation lighting on structures less than 120m tall (unless within a nominated flight path) such lighting can be installed if required.</p>	



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		Bindoon and indeed other townsites in WA.		
29.	17 March 2015  (refer also to Submission No. 5 & No. 60)	<p><i>Objection</i></p> <p>It is gobsmacking in the extreme, that when talking to a man who is involved with the council – who does not realise he is in fact taking to somebody who is adamantly opposed to any NBN tower erected anywhere within the country club estate – to be told by said man that, and I quote, ‘this tower will be going ahead and bugger the bloody residents’.</p> <p>The current bank valuation on my property is \$435K. I will be forced to sell my property should council persist with this NBN tower on Bell Hill Reserve or in fact anywhere else within the Country Club Estate. I have spoken to one real estate agent regarding the financial impact and they have advised that my thought of losing ‘maybe’ 100K from the value of my property is a conservative estimate. Another real estate agent has suggested it may become next to impossible to even sell my property should the NBN tower go ahead. If this is the case, I will be taking legal action against:</p> <p>The Shire Of Chittering Shire President/Councillor Robert Hawes Shire CEO Gary Tuffin</p>	<p>Not a ground of objection.</p> <p>Clause 5.3 of the <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> stipulates the matters to be considered when determining development applications and has no regard to potential impact on property values. Notwithstanding, there is no recognised study which demonstrates that telecommunications infrastructure has a detrimental effect on property values. As opposed to subjective analysis, the only formal studies that considered at this matter was undertaken in New Zealand and published in the <i>International Journal of Housing Markets and Analysis</i> (2014). The study found no correlation between the sale price of houses and their distance from mobile phone antennas.</p> <p>As such this is not a planning consideration and should be set aside.</p>	<p>Refer to Shire response to Submission No. 12 regarding Economic Devaluation.</p> <p>Noted and acknowledged.</p>

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		<p>Councillor Barni Norton Councillor Michelle Rossouw Councillor Sandra Clarke Councillor Alex Douglas Councillor Don Gibson Councillor Doreen Mackie</p> <p>An appraisal will be done on my property before any NBN tower is constructed, this valuation is the dollar amount I will be suing the council and each and every councillor for, as compensation for the loss of monetary value on my property, and I will be discussing with a lawyer a further compensation amount for the loss of lifestyle I have enjoyed whilst living on my property, and the emotional upheaval of having to sell up and move which is something I do not want to do.</p> <p><b>How can any UNAFFECTED resident, and any councillor, in good conscience, think that the devaluation of property owned by AFFECTED residents could ever be accepted as fair and reasonable?</b></p> <p>I will also be urging my fellow affected residents to also consider their own claim of compensation against the Shire Of Chittering and all councillors involved.</p>		Noted and acknowledged.

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		To date, because this technology is so new, nobody really knows the impact it will have on the long term health of the residents who will be directly affected by this. I have contacted Ericsson (the hardware manufacturers) requesting all details regarding this technology, specifically details of microwave/radiation levels residents will be constantly exposed to. This particular technology may be new, however there is already enough documented evidence and history relating to human health impacts of long term exposure to high voltage electricity and other assorted radiation. I have chronic long term illness that has the real potential to be impacted negatively by such close exposure to radiation and I have absolutely NO interest in becoming anyone's guinea pig experiment. I hope the council and current councillors have thought about, and are preparing for a cancer cluster somewhere in the future, 10 years or so along.	The Department of Planning has prepared <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> (which we have been advised will be adopted shortly) to promote a consistent approach in the preparation, assessment and determination of development applications for telecommunications infrastructure. Revisions to the current state policy make it abundantly clear that health is not a planning consideration given the Australian Radiation and Nuclear Protection Agency (ARPANSA) regulates emission standards and the Australian Communications and Media Authority (ACMA) issues broadcasting licences and is empowered to undertake compliance and enforcement under the <i>Broadcasting Services Act 1992</i> . This acknowledgement is consistent with tribunal rulings on this matter which have disregarded any objection based on human health. The draft policy states “ <i>Research undertaken by ARPANSA demonstrates that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. The ARPANSA study reported that the highest daily average level was well below one per cent of the Standard’s public exposure limits and concluded that “given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research”. Based on ARPANSA’s findings, local planning authorities should not set additional setbacks for telecommunications infrastructure in local</i>	Refer to Applicant Response.

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			<p><i>planning schemes or local planning policies for the purposes of health or safety standards for human exposure to electromagnetic radiation."</i></p> <p>Furthermore, the State Administrative Tribunal (SAT) has ruled that <i>it is disingenuous to demand a guarantee of no adverse health impact when all the currently available expert material in this field suggests that the issue simply does not arise on the basis of present knowledge and research.</i></p> <p>Health is not a planning consideration and should be set aside.</p>	
		<p>I have spoken casually to a lawyer and a few fellow residents who will also be affected by this NBN tower, about a class action should council persist with this clearly untenable proposal. To date these conversations have been brief, but that does not mean these discussions cannot take a much more formal tone in the future, if required. Should council persist on forcing this proposal on residents who clearly DO NOT want this in their backyard, I will make it my life's mission to work with fellow negatively impacted residents, to bring a class action lawsuit against the Shire of Chittering and the councillors who are directly involved with the decision regarding this NBN tower.</p>	<p>Not considered a ground for objection.</p>	<p>Noted and acknowledged.</p>



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		<p>In regards to the Submission which is attached at the end of this correspondence, I will additionally highlight point 7 Bell Hill Reserve is likely to be subject to bush fire hazard, and further point 7.2 in the mention of water bomber helicopters, council might need a reminder of the bushfire which broke out Mid November 2014 on the land bounded by Ridgetop Ramble, Pioneer Drive and Orchard Road – that fire just needed to jump the road (it burnt right up to the fenceline) and my property would have been under fire attack. It was the helicopters which saved the Country Club Estate and watching those helicopters passing over my property, watching them fly in and out, it was clearly evident that they would have been hampered by a 40 meter tower right in their flight path.</p> <p><b>I have attached a Submission already prepared, as I believe all councillors really need to read this again.</b> It is devastating that people, who have been elected to represent ALL residents of Bindoon, are failing dismally in that duty. It is doubly sad that right now we have a shire president and a CEO neither of whom live in the district (what was it one of these men said – hell would freeze over before he would live in</p>	<p>The proposed infrastructure is not habitable so as to pose any risk to occupiers, nor does it require vegetation clearance for the purposes of a fire break. The infrastructure itself does not require any additional engineering response under the Building Code of Australia (BCA) in order to mitigate fire risk or be protected from it.</p> <p>Whilst there is no Civil Aviation Authority or BCA requirement to provide aviation lighting on structures less than 120m tall (unless within a nominated flight path) such lighting can be installed if required.</p>	<p>Whilst it is acknowledged that the Bell Hill Reserve is prone to bushfire, the proposal would be unlikely to exacerbate the likelihood of bushfire. The applicant proposes to improve the existing access, which may improve the reserves accessibility for DFES officers in the case of a fire emergency. Refer further to applicant response.</p> <p>Noted and acknowledged.</p>

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		<p>Chattering). This is clearly NOT representing the people of Bindoon. For the few councillors who do reside in Bindoon, I have to ask – if you think this NBN tower is the best thing since sliced bread and something that Bindoon <i>just has to have</i>, then why are you not campaigning to have it put on your property? You clearly think it's good for Bindoon and have had absolutely no regard for the residents who are going to be completely negatively impacted, so, then, put your money where your mouth is and have the tower as your house guest or next door neighbour. Never hurts to set an example, you know.</p> <p>Is this what you came to live in Bindoon for? I certainly did not.</p> <p>I have also written to the WA State Member for Moore Shane Love and have asked him to come to Bindoon so he can actually see for himself the devastating impact this tower is going to have on the affected residents. I will ask him to meet personally the affected residents so he can hear first-hand how this is going to affect them, how it will devalue their properties and destroy their lifestyle (a lifestyle that was promoted by the Council for people coming to live in the district) Shane Love will also be able to see</p>		

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		<p>for himself that there are other alternative sites for this tower and that Bell Hill Reserve is NOT the only option.</p> <p>I have written as well to Federal LNP Communications Minister Malcolm Turnbull, again asking him or a member of his staff to visit Bindoon.</p> <p>I am not anti-technology; however I simply cannot accept that Bell Hill Reserve is the ONLY option for this NBN tower. An alternative site was found fairly quickly when there was opposition to the Optus tower being located at Bell Hill Reserve, and there is absolutely no reason now (except laziness and a lack of duty of care to ALL country club residents) why an alternative site cannot be found for this NBN tower.</p> <p><b><i>In addition to the above, refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b></p>	<p>The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application. In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.</p> <p>See response to Submission 8</p>	<p>Refer to applicant response.</p> <p>Refer to Shire response to Submission No. 8.</p>
30.	17/3/2015	<p><b>Objection</b></p> <p>I do not live in the area that is of concern, but I thin you as a responsible council I should listen to those who do.</p>		<p>The fauna which reside currently on</p>

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		<p>I know there is considerable wildlife there and much wild flowers that should be looked into before this structure goes up. You as a Council of elected people Council are servants of the people, so I suggest that Council strongly do listen to those in that space up there.</p>	<p>The proposed compound has been selected in an elevated area clear of significant vegetation (contains six small trees) and is limited to 96m<sup>2</sup> in area. We are of the view that the proposal will not significantly impact on the habitat of the fauna identified as possibly being in the area.</p>	<p>Bell Hill Reserve may experience some adverse impact due to the proposed construction of the compound and tower. Although it must be noted that they will still be able to access the majority of the site as they currently do.</p>
		<p>I also believe these towers hum continuously, hence hard to sell homes close by.</p>	<p>Clause 5.3 of the <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> stipulates the matters to be considered when determining development applications and has no regard to potential impact on property values. Notwithstanding, there is no recognised study which demonstrates that telecommunications infrastructure has a detrimental effect on property values. As opposed to subjective analysis, the only formal studies that considered at this matter was undertaken in New Zealand and</p>	<p>If trees which are required to be removed are deemed as habitat for any endangered species at present or in the future upon maturation, as part of conditional approval would be that the applicant contribute to the installation of roosting boxes to compensate for the potential loss of habitat (refer to Condition 4 (d)).</p> <p>The impact of noise in the long term from the air condition unit has been addressed by the applicant .</p> <p>The nearest dwellings to the tower and Bell Hill Reserve as advised by the applicant are 84m and 90m respectively. These distances provide an adequate buffer if approved between the airconditioning unit and</p>



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			published in the <i>International Journal of Housing Markets and Analysis</i> (2014). The study found no correlation between the sale price of houses and their distance from mobile phone antennas. As such this is not a planning consideration and should be set aside.	residences  If the noise generated by the unit exceeded normal limits, it would be investigated by the Shire's Environmental Health Officer. Any issues would then be addressed and maintained to the satisfaction of the Environmental Health Officer and by the applicant. Condition No 4 (m) relates to noise impact and states that 'any noise emitted during the operation of the tower shall be in accordance with the Environmental Protection (Noise) Regulations 1997
31.	17/3/2015	<p><i>Objection</i></p> <p>We [REDACTED] and [REDACTED] of [REDACTED] Highview Rise Bindoon are writing to object to the NBN Fixed Wireless Facility (tower) for location at Lot 12383 Forrest Hills Parade, Bindon (Bell Hill Reserve)</p> <p>We object for the following reasons from which they ask the Shire of Chittering to consider seriously when making their decision for their community :</p>		

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	<p><b>Protected Reserve</b></p> <p>Bell Hill Reserve is a nature reserve which is protected and appealing to local residents who have invested in property in and around this area. The tower will damage the reserve as it stands and will be replaced by a metal man made tower. When residents moved into the area they were not made aware that this natural bushland area will be defaced and could potentially replace with an eyesore.</p>	<p>In order to determine any possible natural Flora and Fauna significance associated with the site, an <i>Environmental Protection and Biological Conservation Act</i> Protected Matters search was conducted. This report assesses a large area surrounding the site and identified that there may be threatened and migratory species of mammals and birds within the vicinity of the site. The proposed compound has been selected in an elevated area clear of significant vegetation (contains six small trees) and is limited to 96m<sup>2</sup> in area. We are of the view that the proposal will not significantly impact on the habitat of the fauna identified as possibly being in the area.</p> <p>Bell Hill Reserve is reserved in accordance with the planning scheme for Parks and Recreation. Such a classification is consistent with areas of public open space required to be set aside when land is developed for residential purposes. Such areas of public open space are commonly utilised for many purposes including active and passive recreation including associated clubrooms and courts not open to the public, for drainage purposes, and to accommodate utility infrastructure (such as overhead HV power lines, telecommunications structures, emergency services buildings and water tanks). Within established neighbourhoods (particularly those devoid of industrial or commercial zoned land or tall buildings) areas of public open space are often the only option for carriers to establish infrastructure.</p>	<p>The environmental considerations in relation to the application have been taken into account, with the applicant addressing these provisions in response to Submission No.8.</p> <p>Revegetation and landscaping has been addressed as part of Condition No 4 (a) and 4 (b).</p> <p>Whilst it is acknowledged that the Reserve does have some environmental attributes as identified in the Shire's Biodiversity Strategy (2010) and is one of several natural areas assessed against the Natural Area Initial Assessment (NAIA) Templates. The reserve is indicated as having a 1A- Priority Rank, which comprises 2.14 ha of native remnant vegetation remaining of the Yalanbee 6 vegetation complex (p. 42). <i>The protection status of the regionally significant reserves could be improved by amending their current zoning in the Town Planning Scheme to a 'conservation reserve' (p. 42).</i></p>	

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				<p>The Local Biodiversity Strategy document emphasized that before final decision can be made regarding which parts of the remaining vegetation are to be retained and protected, on ground assessment needs to be undertaken to confirm the remnant vegetation status.</p> <p>The applicant conducted a desktop study of the EPBC Act's 'Protected Matters' search which indicated <i>'that there maybe threatened and migratory species of mammals and birds within the vicinity of the site. It is considered that the proposed facility is negligible in size and will not significantly impact on the habitat of fauna identified as possibly being in the area.'</i></p> <p>Further to the above, the applicant has advised that if the proposal were to be approved, they would require the removal of 6 trees on the plateau. To compensate for the loss, the applicant could work with local community groups such as Chittering Land Care and the Friends of Bell Hill Reserve to revegetate and rehabilitate the Reserve.</p>

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Public Submissions				
	Submitter	Comment	Applicants Response	Shire Officer Response
		Apparently there is the potential to place the NBN Fixed Wireless requirements on the existing Optus Tower (according to eastern	The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following a desktop analysis and scoping visit. The search area	<p>The applicant has indicated that the co-location of the Optus site was not technically viable.</p> <p>Whilst the Shire is actively working towards promoting tourism within Bindoon and the greater Shire of Chittering, Bell Hill Reserve is not promoted as a 'tourist destination' due to its fragile nature and access onto the property. Furthermore, it</p>



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Public Submissions				
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		<p>state situations). This may cause some issues for NBN stakeholders in relation to developing partnerships and timing but surely would save money and value add to existing infrastructure.</p> <p><b>Tourism</b></p> <p>The Shire of Chittering and local businesses/organisations have significantly invested into tourism over the recent years to grow this industry within the Shire. Tourists/visitors are often touring through 'Ridgetop Ramble' to see the valley views, with the optimum site Bell Hill Reserve. The unsightly metal tower would not only be seen in the Bindoon townsite but will also be very visible to tourists travelling the scenic hill route through Bindoon.</p>	<p>was required to concentrate on a ridgeline close to customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application. In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.</p> <p>We recognise that Bell Hill Reserve has localised passive recreational and conservation value; however, we are not aware of the reserve being a tourist destination or containing any tourist infrastructure. We a further Acknowledge that local environmental, heritage and aesthetic impacts are matters to be considered which have the potential to affect tourism. We are of the view that on balance any such impact on Bell Hill Reserve is offset by the community benefit afforded by the provision of the NBN Co infrastructure.</p>	<p>does not contain any infrastructure such as seating or constructed walk ways, which would generally be associated with a tourism node.</p> <p>Whilst the tower will have some visual affect to the amenity of the area from entrances and exists of the Bindoon township from Great Northern Highway, it is unlikely that this would be the cause of tourist not wanting to visit Bindoon due to the proposed tower.</p> <p>Refer to Officer response detailed in Submission No. 12 regarding property devaluation.</p>

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Public Submissions				
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		<p><b>Real Estate Devaluation</b></p> <p>Upon contacting real estate agents we have</p>	<p>Clause 5.3 of the <i>Draft State Planning Policy 5.2</i></p>	<p>Proposal is to be consistent with ARPANSA and ACMA standards</p> <p>The applicant has advised that the proposal may generate, if approved, EMR levels lower than current ARPANSA standards. During the advertising period, the Department of Health was referred to and stated they have no objection to the proposal. The Shire's Environmental Health Officer was referred to internally stated that he did not have any objection to the proposal. He noted that the application met APARNISA minimum standards in regard to electromagnetic radiation.</p> <p>Noted and acknowledged.</p>

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	<p>been advised that it is pretty much a given that homes in close range of the tower will reduce in value. The Tower could also potentially discourage potential investors in the region.</p> <p><b>Unknown Health Effects</b></p> <p>Probably the most concerning is the unknown health effects that have potential to affect those residing close to the tower but also may have effect across the community.</p> <p>NBN stakeholders may advise otherwise as they are inclined to promote the positive and not highlight the negatives so that they can job down within budget and timeframes.</p> <p>Written scientific research has stated while</p>	<p><i>Telecommunications Infrastructure</i> stipulates the matters to be considered when determining development applications and has no regard to potential impact on property values. Notwithstanding, there is no recognised study which demonstrates that telecommunications infrastructure has a detrimental effect on property values. As opposed to subjective analysis, the only formal studies that considered at this matter was undertaken in New Zealand and published in the <i>International Journal of Housing Markets and Analysis</i> (2014). The study found no correlation between the sale price of houses and their distance from mobile phone antennas.</p> <p>The Department of Planning has prepared <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> (which we have been advised will be adopted shortly) to promote a consistent approach in the preparation, assessment and determination of development applications for telecommunications infrastructure. Revisions to the current state policy make it abundantly clear that health is not a planning consideration given the Australian Radiation and Nuclear Protection Agency (ARPANSA) regulates emission standards and the Australian</p>	<p>Noted and acknowledged.</p> <p>Noted and acknowledged.</p> <p>Noted and acknowledged.</p> <p>Co-location (with the existing Optus</p>	

Public Submissions				
	Submitter	Comment	Applicants Response	Shire Officer Response
		<p>health effects may be subtle there is definite changes to those living in close proximity to an electro magnetic radiation source. In particular is likely to create problems with people with hormonal problems, cancer and heart issues and the most sensitive of this are children who have developing brains and a higher chance of tumour growth. In fact the technology is that new that there is currently not enough evidence to support that there would be 'not health problems'.</p> <p>A formal study will be conducted by WHO is planned for 2016 to research and study the importance and agree that there are risks associated with these towers. CSIRO have conducted research during the 1990's and have outlined the effects on children with this technology and need to protect them from excessive radiation. This tower runs 24/7.</p> <p><b>European Standards for EMR</b></p> <p>Europe has significantly lower emissions compared to Australia and are very proactive in protecting and minimising exposure to children (docs attached to submission in Europe from 2011).</p>	<p>Communications and Media Authority (ACMA) issues broadcasting licences and is empowered to undertake compliance and enforcement under the <i>Broadcasting Services Act 1992</i>. This acknowledgement is consistent with tribunal rulings on this matter which have disregarded any objection based on human health.</p> <p>The draft policy states <i>"Research undertaken by ARPANSA demonstrates that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. The ARPANSA study reported that the highest daily average level was well below one per cent of the Standard's public exposure limits and concluded that "given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research". Based on ARPANSA's findings, local planning authorities should not set additional setbacks for telecommunications infrastructure in local planning schemes or local planning policies for the purposes of health or safety standards for human exposure to electromagnetic radiation."</i></p> <p>Furthermore, the State Administrative Tribunal (SAT) has ruled that <i>it is disingenuous to demand a guarantee of no adverse health impact when all the currently available expert material in this field suggests that the issue simply does not arise on the basis of present knowledge and research.</i></p> <p>Health is not a planning consideration and should be set aside.</p>	<p>tower) and alternative sites have been explored extensively by the proponent.</p> <p>In the utilisation of existing structure the applicant has stated that</p>



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	Submitter	Comment	Applicants Response	Shire Officer Response

Public Submissions				
Submitter	Comment	Applicants Response	Shire Officer Response	
	<p>The submitters ask:</p> <ul style="list-style-type: none"> <li>Is the Shire willing to make a decision on behalf of their community and the community's health without a 100% guarantee of no health effects from the tower?</li> <li>Would the Shire Councillors or staff be comfortable with this uncertainty if they were living in close proximity?</li> </ul> <p>We understand that the NBN has been a national strategy with aim to improve broadband across Australia (they are also aware that while our community has reached 1063 population (ABS Census 2011) we were not offered Optic Fibre as other communities with a minimum 1000 population).</p> <p>We understand that the goal is to improve broadband speeds and capabilities however they are also aware that there is no guarantee that this tower and in particular</p>	<p>Whilst it is acknowledged that the facility will not deliver uniform internet speeds to the entire community, this argument does not demonstrate unreasonable detriment to any person so as to refuse</p>		

Public Submissions				
Submitter	Comment	Applicants Response	Shire Officer Response	
	<p>the placement of this tower at Bell Hill Reserve will guarantee these improvements in the Shire of Chittering. In other words many people may not be any better off and some may potentially be in a worse position.</p> <p>We believe that those in support of the tower are not located nearby to the tower and have been sold by the promotional benefits and have not been informed of the uncertain risks.</p> <p>We would like to ask that the Shire of Chittering and the community's councillors recommend that:</p> <ul style="list-style-type: none"> <li>the proposed NBN Fixed Wireless Facility (tower) be located at a minimum of 1.5 km to any existing residential housing or shire approved residential housing; and</li> <li>explore the potential usage of existing infrastructure (such as Optus Tower).</li> </ul> <p>Also attached is copy of 'The Potential Dangers of Electromagnetic Fields and their Effect on the Environment' from the Council of Europe Parliamentary Assembly.</p>	<p>the application and should be set aside.</p> <p>Not a ground of objection</p> <p>"whilst it is NBN's first preference to co-locate wherever practical and technically feasible...., in this instance, it is not feasible for the following two specific reasons:</p> <p>(1) The structure is planned as a 4 sector (4 antenna) site, with each sector covering or servicing a roughly equal portion of the 360 degrees around the facility. Each sector has a "planned resource" to cover a set number of premises, hence the preferred locality at Bell Hill Reserve provides a balance between each sector. It also ensures that there is no shadowing of the radio signal by hills. We have modelled the coverage from NBN antennas located on the Optus tower and what we find is a very significant loss of at least 40-50% of premises due to shadowing of</p>		

Public Submissions				
Submitter	Comment	Applicants Response	Shire Officer Response	
		<p>topography including Bell Hill. Premises to the south and west in Bindoon are very significantly shadowed from a signal when that signal is generated from antennas on the Optus tower.</p> <p>(2) Secondly, in a broad geographic sense, Bindoon is a relatively elevated site in the context of the broader region including the Perth metropolitan area. If we were to locate antennas at an elevated site such as Optus on the eastern side of Bindoon with the antennas predominantly pointing in a south and westerly direction, this will instead cause interference with neighboring mobile and fixed wireless sites between Bindoon and the Perth metropolitan area. One of the biggest challenges with radio planning is to avoid interference between neighbouring “sites”. What we are attempting to achieve in Bindoon is line-of-sight from the antennas on the tower to the rooftops of as many premises as possible, whilst containing this coverage so it does not spill and interfere with neighbouring sites beyond the target area in Bindoon. Due to ACMA regulations, our Radio Engineers prioritise interference mitigation over coverage. Where a site causes no interference, coverage then becomes the main goal. As well as the shadowing mention in point (i), spill from the Optus site also interferes with other network sites.</p>		



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32.	18/3/2015	<p><i>Support</i></p> <p>We would like to express our opinion on the proposed NBN tower. As new residents to Bindoon it will be a HUGE relief to be able to keep in contact with family on a regular basis, browse the internet, send and receive emails WITHOUT the frustration! We love the bush lifestyle BUT try and renovate a home without access to fast internet and google these days, nearly impossible! Having NBN would save us having to travel many kms through busy traffic to be able to communicate with the fast paced business world. Communicating with up to date technology is reality whether it's for business or for our own wellbeing, we can't escape it. At least we can do it from the quietness of our peaceful bush block!</p>	Agreed	Noted and acknowledged.
33.	18/3/2015	<p><i>Objection</i></p> <p><b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b></p> <p>Additional comments:</p>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.

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		I think that this land should be left as a reserve as it is meant to be and not spoiled by a big monstrous unsightly tower. Surely there are many other places where it could go where it isn't so close to residential areas.	Addressed in response to Submission 8	
34.	18/3/2015	<p><i>Objection</i></p> <p><b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b></p> <p>Additional comments:</p> <p>As a resident ratepayer of nearly 40 years I object strongly to any invasion of nature reserve of historical significance.</p>	<p>See response to Submission 8</p> <p>The proposed site of the NBN Co. compound is not included in the State Heritage Office's register of heritage places, nor is it affected by any registered aboriginal heritage sites. No items of heritage significance have been identified upon inspecting the proposed location for the facility. Should evidence of aboriginal heritage be identified construction will cease and the Department of Aboriginal Affairs will be notified in accordance with the <i>Aboriginal Heritage Act 1972</i>. NBN Co contractors are additionally obliged to comply with best environmental practice as stipulated in the <i>NBN Construction Specification</i> which includes guidance for erosion and sediment control.</p>	<p>Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.</p> <p>Whilst it is acknowledged that the Bell Hill Reserve is a highly valued piece of public open space the applicant has addressed objection in their response to Submission No. .34</p>
35.	18/3/2015	<p><i>Objection</i></p> <p><b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental</i></b></p>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.

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	Public Submissions			
	Submitter	Comment	Applicants Response	Shire Officer Response
		<i>Defenders Office WA</i>		
36.	18/3/2015  (refer also to Submission No. 37)	<i>Objection</i>  <i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
37.	18/3/2015  (refer also to Submission No. 36)	<i>Objection</i>  <i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
38.	18/3/2015	<i>Objection</i>  <i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i>  Additional comments:  Please be fully aware of negative effects of electro – magnetic fields on health. All those opposed please specify that your names be recorded ensuring your exemption from the likely hood of future possible legal action.	See response to Submission 8          The State Administrative Tribunal (SAT) has ruled that <i>it is disingenuous to demand a guarantee of no adverse health impact when all the currently available expert material in this field suggests that the issue simply does not arise on the basis of present knowledge and research.</i>  Health is not a planning consideration and should be set aside.	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.          Refer to applicants response.

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39.	18/3/2015 (refer also to Submission No. 40)	<i>Objection</i>  <i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
40.	18/3/2015 (refer also to Submission No. 39)	<i>Objection</i>  <i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
41.	18/3/2015	<i>Objection</i>  <i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i>  Additional comments:  Please find another site	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.     Refer to applicants response.
42.	18/3/2015	<i>Objection</i>  <i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
43.	18/3/2015	<i>Objection</i>  <i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental</i>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.

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	Submitter	Comment	Applicants Response	Shire Officer Response
		<b><i>Defenders Office WA</i></b>  Additional comments:  Find another site away from homes	The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application. In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.	Refer to applicant's response.
44.	18/3/2015	<b><i>Objection</i></b>  <b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
45.	18/3/2015	<b><i>Objection</i></b>  <b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
46.	18/3/2015	<b><i>Objection</i></b>  <b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.



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47.	18/3/2015	<p><i>Objection</i></p> <p><b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b></p>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
48.	18/3/2015	<p><i>Objection</i></p> <p><b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b></p>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
49.	18/3/2015	<p><i>Objection</i></p> <p><b>Signed submission to SO Chittering compiled by Annaleen Harris of Environmental Defenders Office</b></p>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
50.	18/3/2015  (refer also to Submission No. 51)	<p><i>Objection</i></p> <p><b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b></p> <p>Additional comments:</p> <p>I would like another site to be used as this is close to my home.</p>	<p>See response to Submission 8</p> <p>The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to</p>	<p>Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.</p> <p>Refer to applicants response.</p>

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	Public Submissions			
	Submitter	Comment	Applicants Response	Shire Officer Response
			customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application. In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.	
51.	18/3/2015  (refer also to Submission No. 50)	<i>Objection</i>  <i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
52.	18/3/2015	<i>Objection</i>  <i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
53.	18/3/2015	<i>Objection</i>  <i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
54.	18/3/2015	<i>Objection</i>  <i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
55.	18/3/2015	<i>Objection</i>	See response to Submission 8	Noted and acknowledged. Please

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[illegible]

Public Submissions				
	Submitter	Comment	Applicants Response	Shire Officer Response
		<ul style="list-style-type: none"><li>We would not have purchased our property if this tower was already there</li><li>I understand the Shire is not considering EMR concerns as they are below 'Australian Standards'. This is however a major concern as I have two children aged 4 and 8.</li><li>I am concerned that our property value will be affected as we live so close to the Bell Hill Reserve.</li></ul>	<p>on balance is consistent with the planning policy framework.</p> <p>Not a valid ground of objection</p> <p>Addressed in response to Submission 8</p> <p>Clause 5.3 of the <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> stipulates the matters to be considered when determining development applications and has no regard to potential impact on property values. Notwithstanding, there is no recognised study which demonstrates that telecommunications infrastructure has a detrimental effect on property values. As opposed to subjective analysis, the only formal studies that considered at this matter was undertaken in New Zealand and published in the <i>International Journal of Housing Markets and Analysis</i> (2014). The study found no correlation between the sale price of houses and their distance from mobile phone antennas.</p> <p>As such this is not a planning consideration and should be set aside.</p> <p>Addressed in response to Submission 8</p>	<p>Refer to applicants response and Shire Officer response to Submission No. 12 relating to property devaluation. .</p>

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Public Submissions				
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		to the community. The location is inappropriate however, and seems to have been chosen as the easy option rather than the most appropriate.		
59.	18/3/2015  (refer also to Submission No. 58)	<p><i>Objection</i></p> <p><b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b></p> <p><b>Additional comments:</b></p> <p>Please refer to the attached pages taken from the Shire of Chittering Local Planning Strategy 2001 – 2015 section 6.2.2.</p> <p>A 40m tall tower in the Bell Hill Reserve will be an eyesore to the local landscape therefore very visually intrusive. I am not against progress but think it being in a residential area is inappropriate.</p>	<p>See response to Submission 8</p> <p>We contend that on balance the visual impact is acceptable given the broader benefit the infrastructure will provide. A visual landscape assessment is provided in our development application submission.</p>	<p>Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.</p> <p>Refer to applicants response.</p>
60.	19/3/2015  (refer also to Submission No. 5 & No. 29)	<p>I have serious concerns and objections regarding Bell Hill Reserve being the only option for the site of this tower, and I have a series of questions for councillors, and the Shire of Chittering:</p> <ol style="list-style-type: none"> <li>Which other site/s have been investigated by the Shire of Chittering for locating this NBN</li> </ol>	<p>The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following</p>	<p>The applicant has explored a number of sites. These alternative sites have been addressed in the Shire Officer</p>



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Public Submissions				
Submitter	Comment	Applicants Response	Shire Officer Response	
	tower?	a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application. In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.	response included in the accompanying officers report.	
	2. If no other sites have in fact been investigated by council - why not?	N/A	N/A	
	3. If council has not investigated any other sites, how can it be determined and decided that Bell Hill Reserve is the ONLY suitable site for this NBN tower?	It is noted that recent SAT determinations have ruled that <i>whether there might be other sites available is not determinative of this matter. While another site might be found, the essence of the matter before the Tribunal is whether the visual impact of the propose</i>	Refer to Officer accompanying report.	

Public Submissions				
	Submitter	Comment	Applicants Response	Shire Officer Response
		<p>4. I am aware that many other country club residents are opposed to the proposed site for this NBN tower. Why has council not called a special purpose meeting/s specifically for these concerned residents to sit down with councillors to discuss their concerns and suggestions for other potential sites? It certainly seems to be the case that anyone with legitimate concerns is not able to attend regular council meetings, to discuss or even get their voice heard without being shouted down and intimidated. Intimidation to the point that people leave council meetings is absolutely not</p>	<p><i>facility would be such that the development should be refused, notwithstanding the benefits it would bring to telecommunications...” Telstra Corporation v City of Wanneroo [2011] WASAT</i></p> <p>M Concerns regarding Council processes are a matter for the Shire. It is noted that the NBN Co undertook a community consultation process (drop in session) prior to lodging the development application for which 50 people attended. We understand our proposal was advertised in accordance with the provisions of the Planning Scheme.</p>	<p>Noted and acknowledged.</p>

Public Submissions				
Submitter	Comment	Applicants Response	Shire Officer Response	
	<p>acceptable.</p> <p>5. Bell Hill Reserve (and all other reserves within the country club estate) was set aside on the creation of the estate, for the recreation of all property owners. The reserves were to be a haven for native flora and fauna. All the reserves - Evergreen Reserve, Bell Hill Reserve and Hidden Gully Reserve were <b>not</b> created as areas to be exploited whenever required by commercial interests of any kind. These areas are precious recreational and natural assets to the community.</p>	<p>Bell Hill Reserve is reserved in accordance with the planning scheme for Parks and Recreation. Such a classification is consistent with areas of public open space required to be set aside when land is developed for residential purposes. Such areas of public open space are commonly utilised for many purposes including active and passive recreation including associated clubrooms and courts not open to the public, for drainage purposes, and to accommodate utility infrastructure (such as overhead HV power lines, telecommunications structures, emergency services buildings and water tanks). Within established neighbourhoods (particularly those devoid of industrial or commercial zoned land or tall buildings) areas of public open space are often the only option for carriers to establish infrastructure. We contend that the use of 96m<sup>2</sup> of the reservation by NBN Co will not unreasonably diminish the</p>	<p>The site will still be available for passive recreational use.</p>	

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		<p>6. Can council or any councillors currently, or into the future, 100% guarantee in writing the remaining reserves will not be open for future exploitation, should Bell Hill Reserve be commercialised? It is already clearly stated in writing the whole purpose of PUBLIC RESERVES, as outlined by the Western Australian Planning Commission - something that the current councillors appear to be happily ignoring. Once a precedent is set, then the gate has been opened. The Shire of Chittering, and indeed the current crop of councillors who are willing to exploit residents for commercial gain cannot and will not be trusted into the future.</p>	<p>recreational use of the reserve and is consistent State Policy that encourages telecommunications infrastructure to co-locate with other utility infrastructure.</p> <p>Matter for the Shire</p>	<p>Refer to response to Submission No. 8 relating to powers to lease.</p>

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	<p>7. Public Submission - Review of the Shire of Chittering Local Planning Strategy.</p> <p>In part, this review states:</p> <p>The Local Planning Strategy has been prepared to support the Shire's Town Planning Scheme No 6, as required under the requirements of the Town Planning Regulations. It provides a guide for the subdivision and development of land within the Shire for the next ten to fifteen years.</p> <p>Some of the objectives of the Local Planning Strategy are to:</p> <p><b>*Retain the lifestyle in the context of the rural character of the Shire</b></p> <p>*Facilitate population growth in a managed, cohesive and environmentally sustainable manner.</p> <p>*promote and enhance the region as a tourist destination.</p> <p>*Manage basic raw material resources to ensure supply, but minimise adverse extractive industry impacts on the landform and amenity.</p>	Matter for the Shire	Noted and acknowledged.	



Public Submissions				
	Submitter	Comment	Applicants Response	Shire Officer Response
		<p><b>*Protect the natural environment and landscape qualities from adverse impacts of inappropriate development and exploitation.</b></p> <p>In relation to the highlighted points, can all councillors and council please explain how a tower measuring 40 metres in height, plus the associated 96 square metre support structure put right into the heart of the country club estate is in keeping with this public submission?</p> <p>8. I am aware that there is a meeting planned for this Friday 20 March between the Bell Hill Reserve Group and one councillor to discuss possible alternative sites for this NBN tower. I hope that more than just one councillor is attending this meeting. If it is only one councillor attending, then this is not good enough. While I sincerely thank the councillor who is attending, is not good enough if ALL councillors cannot find the time to meet with concerned residents who wish to discuss this matter further. ALL councillors should attend this important</p>	<p>Matter for the Shire</p> <p>Matter for the Shire</p>	<p>Noted and acknowledged.</p>

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		<p>meeting. Prior engagements and work commitments just don't cut it. You are either a councillor... or you are not.</p> <p>If you are not willing to attend this meeting because you are not interested in discussing alternative sites for this NBN tower, then shame on you.</p> <p>If you are not willing, as a matter of mutual respect and courtesy to contact the members of the Bell Hill Reserve Group to arrange another convenient time to meet personally and discuss face to face, then shame on you.</p> <p>By not attending the meeting on Friday 20 March, or arranging another meeting at a later date, it clearly shows you have no interest in, and are failing in your duty of care to represent ALL residents of Bindoon.</p> <p>9. To councillors who are not interested in attending this meeting, can you please explain why you seem to be so adamantly</p>		Noted and acknowledged.

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		<p>opposed to discuss alternative sites for this NBN tower.</p> <p>10. If you have in fact, already stated why you will not support the NBN tower in any other location, and you believe Bell Hill Reserve is the ONLY suitable location, can you please point me to where you have stated your position in writing, on the public record.</p> <p>11. Can council and councillors guarantee, in writing, 100% that property values within the country club estate will not be negatively affected if this NBN tower is erected on Bell Hill Reserve?</p> <p>If 100% written guarantee cannot be given, what financial compensation is being offered to affected residents, by council in the event of devaluation of property? If not, why not?</p> <p>It is NOT acceptable that council or councillors put forward a proposal</p>	<p>Matter for the Shire</p> <p>Clause 5.3 of the <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> stipulates the matters to be considered when determining development applications and has no regard to potential impact on property values. Notwithstanding, there is no recognised study which demonstrates that telecommunications infrastructure has a detrimental effect on property values. As opposed to subjective analysis, the only formal studies that considered at this matter was undertaken in New Zealand and published in the <i>International Journal of Housing Markets and Analysis</i> (2014). The study found no correlation between the sale price of houses and their distance from mobile phone antennas. As such this is not a planning consideration and should be set aside.</p>	<p>Noted and acknowledged.</p> <p>The issue of property value is not a valid planning reason for refusal.</p>

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		<p>that is not in the best interest of ALL residents, a proposal that will cause decreased property values, and expect affected residents to just 'suck it up'. If council is so set on Bell Hill Reserve as the location for this NBN tower, then financial compensation for affected residents must be on offer.</p> <p>I await response from council and councillors in regards to these questions. If I do not receive a reply to my queries, I <b>will</b> contact you again.</p>	Matter for the Shire	
61.	19 March 2015	<p><i>Objection</i></p> <p>We the undersigned [REDACTED], Bindoon oppose the installation on this site and respectfully request that Council look at possible alternatives to either this site or alternative technologies in conjunction with the application.</p>	The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application. In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.	The applicant has undertaken a number of sites selection based on optimum coverage.

Public Submissions				
Submitter	Comment	Applicants Response	Shire Officer Response	
	<p>The following points the we feel are important towards our objection:</p> <p><b>1. The original concept and planning of the Bindoon Country Estate</b></p> <p>1.1 The developer of the estate Kenneth Eather saw this protect a special case with its natural setting and purposefully incorporated this and other reserves to maintain some areas of untouched bushland with the project in respect to the local flora and fauna.</p> <p>In other words a 'bolt hole' for the</p>	<p>In order to determine any possible natural Flora and Fauna significance associated with the site, an <i>Environmental Protection and Biological Conservation Act</i> Protected Matters search was conducted. This report assesses a large area surrounding the site and identified that there may be threatened and migratory species of mammals and birds within the vicinity of the site. The proposed compound has been selected in an elevated area clear of significant vegetation (contains six small trees) and is limited to 96m<sup>2</sup> in area. We are of the view that the proposal will not significantly impact on the habitat of the fauna identified as possibly being in the area.</p> <p>We contend that the use of 96m<sup>2</sup> of the reservation by NBN Co will not unreasonably diminish the recreational use of the reserve and is consistent State Policy that encourages telecommunications infrastructure to co-locate with other utility infrastructure.</p>		



Public Submissions				
Submitter	Comment	Applicants Response	Shire Officer Response	
	<p>local critters to call home and a reserve freely accessible to all to enjoy. Council at the time approved this development with these reserves and has a responsibility to uphold that decision.</p> <p>1.2 An industrial tower of this size will greatly detract from the aesthetics of our lovely town as it will dominate the local skyline. Many residents and visitors are attracted to the township for its rural ambience and it would be totally out of keeping to have such a tower so prominently placed in this particularly location.</p>	<p>NBN Co has selected a monopole which is the least visually intrusive structure able to support antennas at the minimum height able to achieve coverage objectives. The unpainted grey finish will be the least intrusive, particularly when viewed against lighter backgrounds such as the sky. Ground level infrastructure is limited to colour-treated cabinets and no more than two power poles one accommodating a switchboard. The provision of overhead power is in response to the soil composition and is consistent with supply arrangements for the Department of Fire and Emergency Services (DFES) lattice tower within the reserve. The proposed monopole will allow DFES the option to decommission their structure and relocate and afford co-location opportunities to other telecommunications carriers. The proposed compound location also takes advantage of existing vegetation to screen ground level infrastructure and the lower sections of the structure and enables a good degree of separation from nearby residences.</p>		

Public Submissions				
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		<p><b>2. Bushfire risk</b></p> <p>2.1 Will there be any increased risk with this structure and its ancillary mechanical appliances bearing in mind the area immediately surrounding the proposed site has more than its fare [sic] share of bush fires?</p> <p>2.2 In the event of any fire could residents see restricted access to their airborne support due to the placement of the tower? We have only just experienced a fire in the area and the use of such aircraft were integral to the suppression of that fire.</p>	<p>Whilst there is no Civil Aviation Authority or BCA requirement to provide aviation lighting on structures less than 120m tall (unless within a nominated flight path) such lighting can be installed if required.</p> <p>The proposed infrastructure is not habitable so as to pose any risk to occupiers, nor does it require vegetation clearance for the purposes of a fire break. The infrastructure itself does not require any additional engineering response under the Building Code of Australia (BCA) in order to mitigate fire risk or be protected from it.</p> <p>See response above</p>	<p>Whilst it is acknowledged that the Bell Hill Reserve is prone to bushfire, the proposal would be unlikely to exacerbate the likelihood of bushfire.</p> <p>The applicant proposes to improve the existing access, which may improve the reserves accessibility for DFES officers in the case of a fire emergency.</p>
62.	19/3/2015	<p><i>Objection</i></p> <p>In 1993 my wife and I moved from the Goldfields to Perth and decided that a rural lifestyle would be more conducive to their health and lifestyle than a city environment.</p>	Matter for the Shire	Noted and acknowledged.

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	<p>On making this decision and being long time friends with Ray Hooper the then CEO of Chittering Shire we came and looked over the area with the view to settle in the Chittering Valley. We decided on Ridgetop Ramble for the view and serenity that would afford the lifestyle we so desired. On enquiring of the availability of Bell Hill for a residence they were informed that it was a reserve and no building would be allowed.</p> <p>We then decided to purchase and build on Lot 72 Ridgetop Ramble in 1993 and were informed by the building inspector on submission of building plans that it was Councils policy that no building along the ridgeline or escarpment to the west of the Bindoon townsite was to break the 'skyline'. That is, that the roofline or any part of the building structure or sub-buildings when viewed from the town could be seen from the town with a naked eye.</p> <p>This did not allow us to building a second storey, however because they were new in the district they assumed that this was Council policy and we agreed to adhere to what we thought at the time to be unusual yet obviously carved in stone by the tone of the conversation had at the time with the</p>			

Public Submissions				
	Submitter	Comment	Applicants Response	Shire Officer Response
		<p>building inspector Lyall Davieson. So my wife Carmen and I built a single storey dwelling in compliance with Shire stipulations.</p> <p>Upon reading the 'Objection to Development Application P397/14 item 5.5, it appears that what Lyall Davieson advised at the time still stands. Quote 'the strategy at 7.4 states its aim in regards to landscape protection is to 'retain the high landscape values of the Shire by prohibiting inappropriate development and land uses in prominent locations' and 'to prohibit the development or placement of structures along prominent ridgelines' (such as a telecom tower on top of a hill?'. Further, the strategy aim 8.1.2 is to 'preserve and enhance the natural features of the bushland backdrop to the town'.</p> <p>These five points we would asks you to consider and if possible respond in writing :</p> <ol style="list-style-type: none"> <li>1. With the approval of a fixed wireless facility to be located on Bell Hill Reserve which would protrude above the skyline, would that negate the prohibition of development along the eastern ridgeline ie. Ridgetop Ramble as stated by the Shire development plan and open up</li> </ol>	<p>Residential development is governed by the R-Codes and Scheme provisions, the NBN Co structure is a different Class of building.</p>	<p>Each development application will be considered based on its merit.</p>

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	<p>residential development to include two and perhaps three storey homes to future residential development and extension to existing residents along the eastern ridgeline or escarpment which would protrude above the ridgeline, skyline, escarpment?</p> <p>2. With the existing 'evidence' that the health problems associated with living in close proximity to a radio and transmission tower is not detrimental to human health, we would seek assurance that if future scientific and/or medical evidence which counters the existing evidence is proposed within legal context the Chittering Council and councillors who approve such a structure would be willing to be held accountable for such health problems that can be proved in a court of law to cover all health costs of those effected by radio transmission from the</p>	<p>The Department of Planning has prepared <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> (which we have been advised will be adopted shortly) to promote a consistent approach in the preparation, assessment and determination of development applications for telecommunications infrastructure. Revisions to the current state policy make it abundantly clear that health is not a planning consideration given the Australian Radiation and Nuclear Protection Agency (ARPANSA) regulates emission standards and the Australian Communications and Media Authority (ACMA) issues broadcasting licences and is empowered to undertake compliance and enforcement under the <i>Broadcasting Services Act 1992</i>. This acknowledgement is consistent with tribunal rulings on this matter which have</p>	<p>The proposal shall be consistent with ARPANSA and ACMA requirements.</p> <p>The applicant has advised that the proposal may generate, if approved, EMR levels lower than current ARPANSA standards. During the advertising period, the Department of Health was referred to and stated they have no objection to the proposal. The Shire's Environmental Health Officer was referred to internally stated that he did not have any objection to the proposal. He noted that the application met APARNESA minimum standards in</p>	



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		<p>proposed project?</p> <p>Future health costs may be substantial with our residence within 200 metres of the proposed development and we are very concerned about the human health outcome of such a development proposal being approved. It is not enough to say that at the moment the 'evidence' is that there is no effect to human health when the past can sometimes predict the future where scientific evidence has been proven incorrect.</p> <p>An example of this is when I joined the Royal Navy and after some time in service some 40 years after joining the Navy I was diagnosed by a lung specialist with an asbestos related disease which was contracted while servicing in the armed forces. At the time of my service the risk of asbestos was not known and asbestos was used in abundance for lagging etc.</p> <p>However, by the time the medical evidence was available it was too late for those who had succumbed to asbestos related diseases. This could very well be the outcome of future 'scientific medical evidence' that could also invalidate the current scientific evidence which validates the current</p>	<p>disregarded any objection based on human health.</p> <p>The State Administrative Tribunal (SAT) has ruled that <i>it is disingenuous to demand a guarantee of no adverse health impact when all the currently available expert material in this field suggests that the issue simply does not arise on the basis of present knowledge and research.</i> Health is not a planning consideration and should be set aside.</p>	<p>regard to electromagnetic radiation.</p> <p>Refer to Shire Officer response to Submission No. 12 regarding Property Devaluation.</p> <p>Refer to Shire response to Submission No. 8 relating to alternative locations.</p>

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		proposal to erect a telecommunications tower on Bell Hill Reserve. We would like to draw your attention to past lawsuits between asbestos plaintiffs and James Hardie.		Whilst it is acknowledged that the Bell Hill Reserve is a highly valued piece of public open space, the scattering of ashes on the subject property is respected however is not a valid planning reason for refusal.

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		<p>3. We have had a valuation done on our home and have grave concerns that the development of such a structure will substantially depreciate the value of our property. REIWA would agree that it would be difficult to interest a potential buyer to purchase a property with such a monolith at their backdoor.</p> <p>4. It has been brought to our notice that the reason the telecommunications tower is proposed for Bell Hill Reserve is that the new Medical Centre on Great Northern Highway will be better served by the construction of the tower being on Bell Hill Reserve.</p>	<p>Clause 5.3 of the <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> stipulates the matters to be considered when determining development applications and has no regard to potential impact on property values. Notwithstanding, there is no recognised study which demonstrates that telecommunications infrastructure has a detrimental effect on property values. As opposed to subjective analysis, the only formal studies that considered at this matter was undertaken in New Zealand and published in the <i>International Journal of Housing Markets and Analysis</i> (2014). The study found no correlation between the sale price of houses and their distance from mobile phone antennas. As such this is not a planning consideration and should be set aside.</p> <p>The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application.</p>	<p>Noted and acknowledged.</p>

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	<p>However this is odd as the eastern ridgeline where the existing Optus Tower is located is within clear view of the new facility. If this is part of the reasoning behind such a positioning of the tower then the eastern ridgeline would be perfectly acceptable to us as it only requires us to look at two sets of lights at night instead of one set ie. Optus Tower. The Optus Tower is at a substantial distance from residential development and therefore of no threat of the welling being of those who live in the community.</p> <p>5. It has also been brought to the submitters attention and an affidavit can be submitted that the late Mr. And Mrs. Edward Lumb, a Bindoon couple who lived in Pioneer Drive and had passed away some years ago requested that their ashes were to be scattered on Bell Hill Reserve which was done in compliance to their last request. The family of the couple are being sort to notify them of the proposed project and we would assume that on hearing the</p>	<p>In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.</p> <p>It is our view that this is not a planning consideration and should be set aside.</p>		

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	<p>proposal they would voice their concerns over the disturbance of their loved ones ashes by the earthworks ie. construction of the proposed telecom tower.</p> <p>There has been comment by many that those who live in close proximity to the proposed tower should just 'get over it', it is going ahead no matter what the residents say or do'. There are more far reaching societal implications to consider.</p> <p>When you think this way you have to always consider the long turn implications of short term actions.</p> <p>And furthermore it is interesting that those who have this attitude don't live near Bell Hill Reserve and therefore the close proximity of the proposed tower will not affect them in any way. First we had the Optus Tower to contend with and common sense prevailed with the sit being transferred to the other site of the valley. And now we have this project.</p> <p>We ask Council to give careful thought to all objections of all the petitioners against the NBN Wireless Facility on Bell Hill Reserve.</p>	Matter for the Shire		



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	<b>Submitter</b>	<b>Comment</b>	<b>Applicants Response</b>	<b>Shire Officer Response</b>
		My wife and I appreciate the opportunity to respond to Council letter dated 20 February 2015.	Agreed	
<b>63.</b>	<b>19/3/2015</b>	<i>Objection</i>  <b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
<b>64.</b>	<b>19/3/2015</b>	<i>Objection</i>  <b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
<b>65.</b>	<b>19/3/2015</b>	<i>Objection</i>  <b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
<b>66.</b>	<b>19/3/2015</b>	<i>Objection</i>  <b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.

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67.	19/3/2015	<p><i>Objection</i></p> <p><b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b></p>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
68.	20/3/2015  (refer also to Submission No. 19 & No. 80)	<p><i>Objection</i></p> <p>I wish to advise that I strongly <b>OBJECT AND OPPOSE</b> to the Development Application above, for the installation of a 40 metre high monopole tower, ancillary equipment, radio and transmission equipment within a 96 square metre compound for the National Broadband Network.</p> <p>I request that Council:</p> <p>A) Find an alternative site for the telecommunications facility that is not on a Reserve, at a greater and safer distance from residences and not in a subdivision or residential area; or</p> <p>B) Find an alternative means other than a Fixed Wireless Facility, being <b>satellite, fibre or copper.</b></p>	<p>The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application. In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.</p>	<p>The applicant explored co-location with the existing Optus tower and advised that it is not technically feasible.</p> <p>(1)</p> <p>The applicant addressed suggestions of the alternative sites in response to the submissions and has also provide justification for their inappropriateness in the accompanying report to Council. In addition to the sites initially explored</p>

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				<p>by the applicant, Submission No. 80 suggests an additional 3 sites.</p> <p>These sites were considered by the applicant and again were not favourable due to not receiving adequate coverage as been received from Bell Hill Reserve. This is mainly due to the topography of the site where the properties behind the high point will not be able to receive the required coverage.</p>

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				<p>All Development applications need to be formally considered as part of 'due process'.</p> <p>Whilst a telecommunications tower does not fall within the intended prescribed purpose of Bell Hill</p>

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				<p>Reserve, advice from the Department of Lands outlined that:</p> <p><i>"Under the Land Administration Act 1997 (LAA) the reserve purpose is inconsistent with any alternative land use. Further, it is not only the reserve purpose but the fact that it was set aside as such a reserve as a condition of subdivision under section 20A of the former Town Planning and Development Act 1928. (Now s152 of the Planning and Development Act 2005). These types of reserves are afforded high protection and attract greater scrutiny since they were given up out of the freehold estate" (email dated 22/4/2015).</i></p> <p>Despite the above, it is noted that <u>"recent policy shift allows for additional purposes, and in this case, excisions of small areas for telecommunications facilities. Ordinarily Crown land will be leased directly from DoL under the LAA and</u></p>



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				<p><i>we would expect to see an application. However, in the cases of telecommunications facilities over s152 reserves policy allows for direct leasing from the local authority” (email dated 22/4/2015)</i></p> <p><i>“Given that the Shire has a management order over the present reserve, on receipt of an application from the Shire, DoL will investigate excising a portion of land from the parent reserve and setting it aside for say “Telecommunications Purposes” and grant a new management order for that purpose to the Shire with power to lease under s41 of the LAA” (email dated 22/4/2015).</i></p> <p>To initiate the above, a condition of approval would require a portion of the current reserve to be excised and re-reserved for ‘Telecommunications Infrastructure’ prior to the commencement of any development (refer to Conditions 1 and 2).</p> <p>Refer to Shire response outlined in Submission No. 8.</p>

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	<p>My objection have been based on the following:</p> <ol style="list-style-type: none"> <li>1. Firstly, I am NOT OPPOSED to the NBN, as most people want this technology, but request <u>ANOTHER SITE</u> be chosen away from residences and <u>NOT</u> on our PRECIOUS RESERVES.</li> <li>2. This proposal should never have reached this stage of advertising or being submitted to Council as it contravenes: <ol style="list-style-type: none"> <li>1. Shire of Chittering Town Planning Scheme No. 6 – District Zoning Scheme</li> <li>2. W.A. State Planning Policy No. 5.2 Telecommunications Infrastructure</li> <li>3. NBN Co Local Government Checklist</li> <li>4. Shire of Chittering Public Submission – Review of Local Planning Strategy</li> <li>5. Planning &amp; Development Act 2005 – Section 152 on Reserves</li> <li>6. Shire of Chittering Local Biodiversity Strategy – Adopted April 2-1-</li> </ol> </li> </ol>	<p>The proposed use is not prohibited on the subject land and is; therefore, able to be established subject to planning approval, a building permit and the licensing requirements administered by the Australian Radiation and Nuclear Safety Agency (ARPANSA). We are of the view that proposal should be approved and, on balance is consistent with the planning policy framework.</p>	<p>From the EME table provided by the applicant it indicated that for those properties less than 100m from the antennas, the electromagnetic energy is 6600 times below Australian standards safety limits which are imposed by the Australian Communications and Media Authority (ACMA).</p>	

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		<p>7. Shire of Chittering Management Plans for Reserves – endorsed by Council 2003.</p> <p>The Shire Council should have told NBN Co/Daly/Ericsson that Reserves in Subdivisions are not an option and that their proposal and application is contravening all the above Regulations on Reserves and that the application is rejected outright and would not therefore go to Council. It should have been suggested that they find another more appropriate <u>LEGAL</u> site (This would never have been considered if it was a private property owner proposing an illegal structure – it would have been dismissed forthwith.</p>	Matter for the Shire	

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Proposal for NBN Tower – Forrest Hills Parade, Bindoon

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				Refer to Shire Officer response to Submission No. 12.



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	<p><b>3. <u>Health Issues</u></b></p> <p>The distress this proposal has caused the people close to Bell Hill Reserve in the past few months has been massively reprehensible. If this proposal is successful we are aware that we will have to live with something we loathe and detest for the rest of our lives or whilst living there. Nobody knows what the true impact that the radiation exposures will cumulatively have in the fullness of time, which will undoubtedly result in legal actions worth hundreds of millions of dollars.</p> <p>European countries are already recognizing these facts! Those who are held responsible will be held culpable. It would be tobacco smoking all over again or asbestos?</p>	<p>The Department of Planning has prepared <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> (which we have been advised will be adopted shortly) to promote a consistent approach in the preparation, assessment and determination of development applications for telecommunications infrastructure. Revisions to the current state policy make it abundantly clear that health is not a planning consideration given the Australian Radiation and Nuclear Protection Agency (ARPANSA) regulates emission standards and the Australian Communications and Media Authority (ACMA) issues broadcasting licences and is empowered to undertake compliance and enforcement under the <i>Broadcasting Services Act 1992</i>. This acknowledgement is consistent with tribunal rulings on this matter which have disregarded any objection based on human health. Furthermore, the State Administrative Tribunal (SAT) has ruled that <i>it is disingenuous to demand a guarantee of no adverse health impact when all the currently available expert material in this field</i></p>	<p>Refer to Officer response to Submission No. 8 and see also Condition No. 4 (d),</p>	

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	<p><u>Pacemakers</u></p> <p>Also what happens if one of the close residents (we are 50 metres away and the Walsh family 40 metres) require a pacemaker as our adjoining neighbour Julie Conway of Lot 151. The safe range is purported to be 150 + metres. What happens to us at 40 – 50 metres? Do we succumb to an induced heart attack being in close exposure to the radiation. I currently have an irregular heartbeat being a family condition! One could well wonder what the future holds for people like myself.</p> <p>Also we would be getting a double dose of radiation 24 hours a day – from the Optus Tower in the east and the proposed NBN Tower on Bell Hill and any further installations it would have attached (Telstra are proposing to add their mobile facilities which is high radiation). The townsite will be WELL FRIED!</p> <p>Telecommunications Towers should never be this close to residences – See the Telecommunications Act “W.A. State</p>	<p><i>suggests that the issue simply does not arise on the basis of present knowledge and research.</i></p> <p>Health is not a planning consideration and should be set aside.</p> <p>NBN Co and its project partners take their obligations extremely seriously in relation to the health and safety of the network that is being deployed across Australia. NBN Co is mindful of the sensitivities that have been raised and is committed to addressing these concerns responsibly.</p> <p>To place the Radio Frequency Electromagnetic Energy (RF EME) environment in context, we note that there are more than 18,000 base stations across Australia which use the same broad technology as that proposed by NBN Co. We are not aware of any reported cases of interference between users of medical devices and mobile or fixed base stations. Please note that the RF EME from the proposed facility is just one of many sources in the environment. NBN Fixed Wireless base station facilities operate at a unique frequency allocated by the Federal Government. In addition the facilities operate on a low power output. As a result its operation will not have any effect on the operation of any other transmission frequencies.</p> <p>Given the prevalence of other sources of RF EME currently in the Bindoon environment, we recommend that Council direct the submitter to make further inquiries with the manufacturer of the device</p>	<p>Whilst it is acknowledged that the Bell Hill Reserve is prone to bushfire, the proposal would be unlikely to exacerbate the likelihood of bushfire.</p>	

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		Planning Policy 5.2 – Telecommunications Infrastructure”.	<p>in relation to the potential for interference. Given the prevalence of mobile and fixed wireless base stations (and other transmitters) in the Australian environment and worldwide, the potential for interference would be well documented. We note that there is a difference between the relative exposure from devices in immediate proximity to a medical device versus the exposure from a radio transmitter in the broader environment.</p> <p>According to a search of the Radio Frequency National Site archive (<a href="http://www.rfnsa.com.au">www.rfnsa.com.au</a>), we note that there are more than 50 mobile network base stations in Australia located within the grounds or on the rooftop of a hospital (or within very close proximity of a hospital). We draw this to Council’s attention because this is a strong indicator of the ease with which these facilities are accepted as not impacting upon medical devices. Mobile network base stations use the same broad technology as an NBN Fixed Wireless Facility (LTE, 4<sup>th</sup> Generation).</p> <p>A mobile phone base station or NBN Fixed Wireless base station, whether nearby or on a hospital roof, should not interfere with any equipment. NBN Co strictly operates all of its Fixed Wireless facilities at levels that are many orders of magnitude below national and international standards.</p> <p>We understand that you are in receipt of our EME Environmental Report (attached) which shows that the levels of RF EME emitted from the proposed facility are 0.17% of the maximum allowable limits.</p>	<p>The applicant proposes to improve the existing access, which may improve the reserves accessibility for DFES officers in the case of a fire emergency. Refer further to applicants response.</p> <p>Whilst it is acknowledged that if constructed the tower will have some impact upon the visual amenity of the Chittering Country Club and the reserve itself, it should be noted that the rural aspects of properties within</p>

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		<p>4. <u>Property Values</u></p> <p>This is of immense concern to adjoining/nearby owners. We know for a fact that the value of our properties will be greatly reduced. How could we possibly sell, who would want to live next to a structure that impacts on our amenity, our visual awareness 24 hours a day, has a cooling system emitting noise 24 hours a day –</p>	<p>This equates to approx. 588 times below the allowable limit. We note that this is a very low level of RF EME. We also note that you have suggested that a location for the NBN Fixed Wireless Facility on your property would be suitable, and we note that even if this was to be situated further from the current location to your premises that this would also be a low level of RF EME exposure.</p> <p>Back in the mid-1990's as mobile technology was emerging, a study by the UK Medical Devices Agency found no significant levels of interference to medical devices from mobile phone base stations. (MDA Device Bulletin DB9702: Electromagnetic compatibility of Medical Devices with Mobile Communications, 1997).</p> <p>We encourage the submitter to contact the Australian Communications and Media Authority on 02 6219 5555, for information relating to regulation of the radio spectrum in Australia and your device.</p> <p>Clause 5.3 of the <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> stipulates the matters to be considered when determining development applications and has no regard to potential impact on property values. Notwithstanding, there is no recognised study which demonstrates that telecommunications infrastructure has a detrimental effect on property values. As opposed to subjective analysis, the only formal studies that considered at</p>	<p>the Country Club Estate will largely remain intact.</p> <p>Many of the properties in close proximity to the Bell Hill Reserve have dwellings which do not utilise the view of the Reserve itself but the valleys north towards Gray Road and below to the Bindoon townsite.</p> <p>The applicant has endeavoured to, in the proposal provide a tower structure which is quite streamline in nature and grey in colour, not too dissimilar to the street light poles (albeit higher) found in the rural residential area of the Shire.</p> <p>A photomontage indicating the visual impact of the proposal from a distance of some 200m from both Ridgetop Ramble and Forrest Hills Parade is provided in Attachment No 15 in the accompanying report.</p>

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	<p>relentlessly in our face 24/7!</p> <p><b>5. <u>Environmental</u></b></p> <p>The wildlife particularly the Endangered Species – Chuditch and Carnaby Black Cockatoo plus echidnas, reptiles, kangaroos other numerous birdlife ect. Etc, could be threatened, their habitat would be exposed to negative influences permanently and they could be put in a state of stress (e.g. refrigerated cooling system noise and vibration – its very foreign presence 24 hours a day every day).</p> <p>Ten weeks for the installation of the facility in this fragile pristine environment will be an “environmental disaster” to both the fauna</p>	<p>this matter was undertaken in New Zealand and published in the <i>International Journal of Housing Markets and Analysis</i> (2014). The study found no correlation between the sale price of houses and their distance from mobile phone antennas. As such this is not a planning consideration and should be set aside.</p> <p>The proposed development does not constitute a <i>significant proposal</i> or a <i>strategic proposal</i> in accordance with clause 37B of <i>Environmental Protection Act</i>. Furthermore, telecommunications infrastructure is not a use which would otherwise deem it to be a prescribed premise for the purpose of Environmental Protection Authority licensing.</p> <p>In order to determine any possible natural Flora and Fauna significance associated with the site, an <i>Environmental Protection and Biological Conservation Act</i> Protected Matters search was conducted. This report assesses a large area surrounding the site and identified that there may be threatened and</p>	<p>Whilst the Shire is actively working towards promoting tourism within Bindoon and the greater Shire of Chittering, Bell Hill Reserve is not promoted as a ‘tourist destination’ due to its fragile nature and access onto the property. Furthermore, it does not contain any infrastructure such as seating or constructed walk ways, which would generally be associated with a tourism node.</p> <p>Whilst the tower will have some visual affect to the amenity of the area from entrances and exists of the Bindoon township from Great Northern</p> <p>Highway, it is unlikely that this would be the cause of tourist not wanting to visit Bindoon due to the proposed tower (refer further to applicants response).</p> <p>.</p>	



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		<p>and flora, destroying the precious ambience of the Reserve and peaceful habitats of our small creates that it is <b>OUR DUTY OF CARE TO PROTECT.</b></p> <p>Erosion damage will be markedly increased after the destabilisation of the fragile natural environment.</p> <p><b>TEN</b> weeks to construct is NOT a MINOR PROJECT.</p>	<p>migratory species of mammals and birds within the vicinity of the site. The proposed compound has been selected in an elevated area clear of significant vegetation (contains six small trees) and is limited to 96m<sup>2</sup> in area. We are of the view that the proposal will not significantly impact on the habitat of the fauna identified as possibly being in the area. A more extensive and localised analysis of the flora was undertaken using the native vegetation map viewer and the site is not considered and environmentally sensitive area. NBN Co is willing to establish landscaping around the perimeter of compound to offset any clearance.</p> <p>There will be limited excavation to create a level hard standing area and for the footings of the monopole. A batter will stabilise exposed soil. There will be no discharge of concentrated storm water that would otherwise require erosion control at the outlet. Infrequent vehicular access will occur via an existing track which will be upgraded and gravelled to minimise erosion.</p> <p>No waste which requires collection or disposal will be generated by the operation of the facility. NBN Co intends to restore and reinstate the site to an appropriate standard upon the termination of any lease agreement. Site rehabilitation requirements are typically applied through the terms of any lease.</p>	<p>The Darling Fault line lies in an area to the west of Bell Hill Reserve. Whilst it is acknowledged that there may be the potential for an earthquake to occur in the Bindoon area with the tower being affected, it is not considered a reason for refusing the application.</p> <p>Noted and acknowledged.</p>
		6. Fire Fighting		

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		<p>Of great concern to us is the hinderance to low flying fire fighting aircraft if the tower is constructed.</p> <p>It is an absolute necessity of the aerial water bombers to have complete freedom of movement to respond to any threatened properties in the area, without the obstruction of a 40 metre plus tower on top of the hill.</p> <p>Would you tolerate any such obstruction near your home in a bushfire situation?</p> <p>Does this mean our homes are exposed to undue threat?</p> <p><b>7. <u>Amenity</u></b></p> <p>We all come to this area for its lovely scenic</p>	<p>Whilst there is no Civil Aviation Authority or BCA requirement to provide aviation lighting on structures less than 120m tall (unless within a nominated flight path) such lighting can be installed if required.</p> <p>The proposed infrastructure is not habitable so as to pose any risk to occupiers, nor does it require vegetation clearance for the purposes of a fire break. The infrastructure itself does not require any additional engineering response under the Building Code of Australia (BCA) in order to mitigate fire risk or be protected from it.</p> <p>NBN Co has selected a monopole which is the least</p>	

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		<p>beauty and country style amenity.</p> <p>Are you prepared to destroy this and the reputation of the whole Shire?</p> <p>How many towers will there be? The mind boggles!</p>	<p>visually intrusive structure able to support antennas at the minimum height able to achieve coverage objectives. The unpainted grey finish will be the least intrusive, particularly when viewed against lighter backgrounds such as the sky. Ground level infrastructure is limited to colour-treated cabinets and no more than two power poles one accommodating a switchboard. The provision of overhead power is in response to the soil composition and is consistent with supply arrangements for the Department of Fire and Emergency Services (DFES) lattice tower within the reserve. The proposed monopole will allow DFES the option to decommission their structure and relocate and afford co-location opportunities to other telecommunications carriers. The proposed compound location also takes advantage of existing vegetation to screen ground level infrastructure and the lower sections of the structure and enables a good degree of separation from nearby residences.</p> <p>The SAT and the Planning and Environment Court of Queensland has ruled that height is an integral part of a mobile phone base station.</p> <p><i>"While it is true that the tower will be higher than any other point in the immediate vicinity of the subject land, such height is an integral part of the successful functioning of the infrastructure, a matter recognised by SPP 5.2, cl 2.3 ('mounted clear of surrounding obstructions')." Optus Mobile v City of Stirling [2008] WASAT 238 [59]</i></p> <p><i>"The planning framework does not require the tower to be invisible."</i> Telstra Corporation v Shire of</p>	<p>Refer to Shire response to amenity addressed above.</p>

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			<p>Waroona [2012] WASAT 179</p> <p><i>"...there is no requirement for facilities such as those proposed to be located so that they cannot be seen. Indeed, the nature and operational requirements will ordinarily require them to be elevated structures visible to heights which exceed that of the existing vegetation."</i> Telstra Corporation v Pine Rivers Shire Council [2001] QPELR 350</p> <p>To this effect the NBN Co has sought to establish the facility in an elevated position, thus reducing the height of the structure necessary to achieve coverage objectives. This approach is consistent with visual planning best practice which encourages carriers to <i>"Minimise the height of the tower by assessing the local topography or height of buildings for the proposed area. Choose the site that minimises the height of the tower most effectively."</i> (Visual Landscape Planning in Western Australia WAPC, 2007 p. 138)</p> <p>The SAT also recognises that visual impact needs to be considered on balance <i>the visibility of the tower to nearby residents must be balanced against those policy provisions of the planning scheme which permit the provision of this form of infrastructure. It must also be balanced against the general community benefit to be derived from the development of a comprehensive telecommunication network.</i></p>	<p>Refer to Shire response to fire fighting above.</p> <p>Noted and acknowledged.</p> <p>r Justification for the proposed location is found in the accompanying Officers Report.</p> <p>Noted and acknowledged.</p>

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		<p><b>8. <u>Tourism</u></b></p> <p>At present the Bindoon area is a highly regarded tourist destination with its renown Bakery, wineries, orchards, pastures, woodlands and its lovely visual atmosphere of undulating hills and ridgelines.</p> <p>Who in their right mind would tamper with such beauty?</p> <p>One could well ask, what would the Tourists think of the UGLY towers on every townsite hill.</p>	<p>We recognise that Bell Hill Reserve has localised passive recreational and conservation value; however, we are not aware of the reserve being a tourist destination or containing any tourist infrastructure. We a further Acknowledge that local environmental, heritage and aesthetic impacts are matters to be considered which have the potential to affect tourism. We are of the view that on balance any such impact on Bell Hill Reserve is offset by the community benefit afforded by the provision of the NBN Co infrastructure.</p>	<p>Noted and acknowledged. Refer to Conditions No. 4 (a), (b), (d)</p> <p>Noted.</p>



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	<p><b>9. <u>Earthquake Zone</u></b></p> <p>Concern has been raised regarding the location of these telecommunications facilities within or adjacent to Earthquake zoned areas. Consideration should be given regarding the consequences should an earthquake occur.</p> <p>What impact should these tower have on adjoining homes, should they collapse in the event of an earthquake – 40 metres plus high and 40 metres from the nearest residence?</p> <p>Would feel safe? The hazard should be considered.</p>	<p>The proposed monopole structure and ground level infrastructure is designed, engineering and installed in accordance with the Building Code of Australia and will be subject to a Building Permit. It is our view that this is not a planning consideration and should be set aside.</p>	<p>Refer to Submission No. 8 relating to leasing of reserves.</p>	
	<p><b>10. Precedence Set in 2008/9 and 2013/14</b></p> <p>1. A precedence was set in 2008/9 when Optus proposed a telecommunication structure on Bell Hill Reserve. After much community concern and debate,</p>	<p>Telecommunications carriers transmission equipment operates differently to fixed wireless technology such that NBN Co does not have the same flexibility in selecting a site that will satisfy its' coverage objectives. Elevation is of greater importance for fixed</p>		

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	<p>Optus being a responsible corporate company, relocated the facility to a site on Parkinson's Hill to the east of the town and I quote from their letter:</p> <p><b>"After constructive feedback from the community Optus has amended its proposal by selecting an alternative site, outside of Bell Hill Reserve, and at a great distance from residential properties".</b></p>	<p>wireless which relies upon a direct line of sight to end users. Whilst one can reasonably argue precedence has been established it is our view that the NBN Co proposal should be assessed on its merits.</p>		
	<p>2. Also December 2013 NBN Co/Daly proposed a facility on a large private property that extends from Gray Road to Forrest Hills Parade – the site being the highest point along Forrest Hills Parade with very few residences nearby. Letters were sent to the community by NBN and a few neighbouring</p>	<p>The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application. In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.</p>		

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	<p>properties objected to council and NBN. The site was then cancelled and relocated on Bell Hill Reserve a short distance away.</p> <p>Again a <u>precedence</u> set – why did NBN and Council listen to these few objections and not consider our greater number of objections from a larger number of people against the site on Bell Hill Reserve.</p> <p>The site on the Reserve would impact far more properties and be far closer to our homes than the previous site?</p> <p>So why did you listen to one group of concerned residents and not another?</p> <p><b>Summary</b></p> <p>1. The proposed tower will be on a highly visible and significant rocky ridgeline overlooking the Bindoon townsite, producing an extremely</p>	<p>Matter for the Shire</p> <p>Addressed above</p> <p>Addressed above</p>		

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	<p>high level of visual pollution over a vast area.</p> <p>2. The tower is in the middle of a residential area and may produce a health hazard to local residences and also create a risk for fire fighting helicopters in a fire prone area.</p> <p>3. The construction of such a tower, 40+ metres high with a 96 square metre support structure, will devastate the most fragile area of the reserve. It will totally devastate its purpose as a recreation area and also devastate all flora and fauna – it amounts to rape of the environment.</p> <p>4. The line of sight technology of the proposed NBN Co Broadband is very questionable, due to the Bindoon area topography and vegetation – ridgelines, gullies and tall dense Wandoo trees. One branch in the wrong place and no signal would be received. Therefore, the Reserve would have to have most of its trees “modified” with devastating environmental results.</p>	<p>The compound is 96 square meters in area not to be confused with the small equipment cabinet.</p> <p>Not considered a ground of objection.</p> <p>Addressed above</p>		

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		<p>5. The amenity of the Reserve and surrounding area will be virtually destroyed day and night, an environmental disaster for all concerned – look at the Optus tower to the east.</p> <p>6. The environmental impact on flora and fauna would be huge, especially the Chuditch and Carnaby Black Cockatoo, both are endangered and on the reserve plus many, many other fauna species.</p> <p>7. There is also the question of Aboriginal Heritage issues – there needs to be a survey of Bell Hill Reserve.</p>	<p>Addressed above</p> <p>The proposed site of the NBN Co. compound is not included in the State Heritage Office's register of heritage places, nor is it affected by any registered aboriginal heritage sites. No items of heritage significance have been identified upon inspecting the proposed location for the facility. Should evidence of aboriginal heritage be identified construction will cease and the Department of Aboriginal Affairs will be notified in accordance with the <i>Aboriginal Heritage Act 1972</i>. NBN Co contractors are additionally obliged to comply with best environmental practice as stipulated in the <i>NBN Construction Specification</i> which includes guidance for erosion and sediment control.</p>	



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		<p>8. The reserve is protected by Law, it was created as an area of recreation and water drainage only, no other use should ever be considered, certainly not any commercial oriented ventures.</p> <p>The Reserve should be environmentally respected and protected for its pristine natural heritage value as a time capsule of ancient Australia. It is a Reserve to be preserved.</p> <p>The only reasonable way going forward is for NBN Co/Daly to find a <b>SAFE NEW SITE</b> for their 40 metre high Broadband tower, not in a residential area but in a safe area that will be applauded by all concerned. The Reserve needs your help please protect it.</p> <p><i>The submitter has also included the submission referred to in Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></p> <p><b>Additional comments:</b></p>	<p>The proposed use is not prohibited on the subject land and is; therefore, able to be established subject to planning approval, a building permit and the licensing requirements administered by the Australian Radiation and Nuclear Safety Agency (ARPANSA).</p> <p>See response to Submission 8</p>	

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		I totally agree with and support all of the above. Please located the proposed tower to an alternative site away from our homes or use another means of delivery being fibre, copper or satellite. Please protect our precious reserves.		
69.	20/3/2015	<p><i>Objection</i></p> <p>I am writing to you to express my deep concern and <b><u>OBJECTION</u></b> to the proposed Development Application by NBN Co/Daly/Ericsson to lease part of Bell Hill Reserve (Crown land) Corner of Forrest Hills Parade and Ridgetop Ramble, Bindoon Western Australia.</p> <p>I request that an <b><u>ALTERNATIVE SITE</u></b> be sought by Council and NBN Co in a safer location and not adjacent to residences or in a residential area or on any Reserves.</p>	<p>The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application. In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.</p>	<p>Refer to Submission No. 8 relating to alternative locations.</p>

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	<p>Whilst it is generally accepted that better telecommunications are needed in the Shire, and that you will find no opposition to a tower being constructed on a suitable site, I am afraid you have been misled as to the suitability of Bell Hill Reserve. Council merely has a management order over the Reserve from the Department of Planning/Department of Lands and has no power to Lease the land to anyone. If this proposal is successful, Council will be acting “ULTRA VIRES”!</p> <p>I have enclosed a copy of a detailed enlarged map of immediate and adjacent residential family landowners. Forty or more will be directly affected and these families are now suffering extreme anxiety at the prospect of having a “40 metre tower with a 96 metre compound containing a cooling system operating 24 hours, 7 days a week forever” in their midst. My heart goes out to them in this worrying time.</p> <p>They are absolutely opposed to the proposal</p>	<p>We are of the view that in good faith sufficient information has been provided in order for the Shire to determine the development application. The proposed use is not prohibited on the subject land and is; therefore, able to be established subject to planning approval, a building permit and the licensing requirements administered by the Australian Radiation and Nuclear Safety Agency (ARPANSA). We are of the view that proposal should be approved and, on balance is consistent with the planning policy framework.</p> <p>The infrastructure will be constructed and operate in accordance with Australian Standards and the <i>Environmental Protection (Noise) Regulations 1997</i>. The facility is not staffed, nor will access be required for maintenance activities with any frequency. The air conditioning unit will not generate noise above that of a domestic unit. It is noted that there is a significant separation of the facility from any noise sensitive premise. We are of the view that the emission of noise or thermal heat should be set aside.</p>	<p>Refer to Shire Officer response to Submission No. 8 in relation to leasing of reserved land.</p> <p>Noted and acknowledged.</p> <p>Refer to Condition No 4 (m) relating to noise.</p> <p>Noted and acknowledged.</p>	

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		<p>to construct it on Bell Hill Reserve and have made their opposition known to Council in a Petition signed by residents/owners of immediate surrounding lots as well as further afield. In addition, many other ratepayers/residents have sent numerous emails and letters to the Council expressing their indignation and opposition.</p> <p>The Bell Hill Reserve is very small – just 1.8151 hectares (about 4 1/2 acres). The majority of it, which fronts Ridgetop Ramble and Forrest Hills Parade has a steep gradient. There is a small plateau on the peak, which has some wonderful rock formations and which provides panoramic views over the surrounding countryside and Bindoon Townsite.</p>	<p>There will be limited excavation to create a level hard standing area and for the footings of the monopole. A batter will stabilise exposed soil. There will be no discharge of concentrated storm water that would otherwise require erosion control at the outlet. Infrequent vehicular access will occur via an existing track which will be upgraded and gravelled to minimise erosion.</p>	<p>The Bell Hill Reserve is acknowledged as a site prone to erosion due to its steep and fragile nature. The tower and compound is proposed to be located at the top of the plateau of Bell Hill Reserve. Furthermore, the applicant has advised that they would upgrade the existing track utilising it to access the site.</p> <p>By locating the proposed tower and compound on the plateau and utilising and improve the existing access track, this may result in a reduction in the erosion of the reserve.</p> <p>Conditions No 4 (a) and (b) envisage to screen and landscape the area around the compound with appropriate local vegetation may</p>

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		<p>Also, some of the local residents have deposited the ashes of some deceased family members, who had requested (whilst living) that their remains be allowed to rest here.</p> <p>There is also a question of it being an Aboriginal Heritage Site – currently being investigated.</p>	<p>Three submissions acknowledged that ashes had been spread within the reserve. It is our view that this is not a planning consideration and should be set aside.</p> <p>The proposed site of the NBN Co. compound is not included in the State Heritage Office's register of heritage places, nor is it affected by any registered aboriginal heritage sites. No items of heritage significance have been identified upon inspecting the proposed location for the facility. Should evidence of aboriginal heritage be identified construction will</p>	<p>mitigate any additional soil erosion as a result of the proposed development. Condition No. 4 (I) requires the applicant to stabilise any deposited or disturbed soils.</p> <p>Noted and acknowledged.</p> <p>Noted and acknowledged.</p>



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		<p>The local opinion also is that a Reserve is meant to be for Recreation – e.g. bush walking, picnics and enjoyment by local people and tourists, and we have many tourists visiting this beautiful valley and surrounding hills.</p> <p>My daughter and her life – partner own an adjacent property – [REDACTED] – so perhaps you can understand my concern for her health and well being and enjoyment of life. The tower would be little more than 50 metres from their house. Is this what you would like for your family members?</p>	<p>crease and the Department of Aboriginal Affairs will be notified in accordance with the <i>Aboriginal Heritage Act 1972</i>. NBN Co contractors are additionally obliged to comply with best environmental practice as stipulated in the <i>NBN Construction Specification</i> which includes guidance for erosion and sediment control.</p> <p>Bell Hill Reserve is reserved in accordance with the planning scheme for Parks and Recreation. Such a classification is consistent with areas of public open space required to be set aside when land is developed for residential purposes. Such areas of public open space are commonly utilised for many purposes including active and passive recreation including associated clubrooms and courts not open to the public, for drainage purposes, and to accommodate utility infrastructure (such as overhead HV power lines, telecommunications structures, emergency services buildings and water tanks). Within established neighbourhoods (particularly those devoid of industrial or commercial zoned land or tall buildings) areas of public open space are often the only option for carriers to establish infrastructure. We contend that the use of 96m<sup>2</sup> of the reservation by NBN Co will not unreasonably diminish the recreational use of the reserve and is consistent State</p>	<p>The proposal (including the 96m<sup>2</sup>m compound) will have some affect on the reserve, however the majority of the reserve will still be able to be utilised and accessed by the general public as which currently occurs.</p> <p>Refer to Shire Officer Response as detailed in Submission No. 8</p>

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	<p>Sir, I implore you to reconsider the application and to select an ALTERNATIVE SITE to Bell Hill Reserve or another means of delivery being satellite, fibre or copper – one that will be applauded by <u>ALL</u> local people.</p> <p>I have been told of some residents who are already suffering anxiety and depression resulting in nervous illness at this proposal. I trust that you will consider the worrying time that we are all enduring and that you will act to allay our fears.</p>	<p>Policy that encourages telecommunications infrastructure to co-locate with other utility infrastructure.</p> <p>The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application. In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.</p> <p>Not considered a ground of objection.</p>	Noted and acknowledged.	

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		<p>I also attach further documentation in support of my assertions (Submission prepared by the Environmental Defenders Office and signed by myself) which I completely concur.</p> <p><i>In addition to the above, the submitter has also included the submission referred to in Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></p> <p><b>Additional Comments</b></p> <p>Bell Hill Reserve is a 'sanctuary' for many native animals, whose habitat will be destroyed if the erection of this Tower goes ahead. Residents have reported seeing chuditchs, echidnas and Carnaby's Cockatoos amongst many other native animals who have nests amongst the rocks on the Plateau. It is reported that NBN will clear trees, shrubs etc and rocks in order to erect the tower.</p>	See response to Submission 8	
70.	20 March 2015  (refer also to Submission No. 7)	<p><i>Objection</i></p> <p>We the undersigned [REDACTED] of the above address wish to express our bitter disappointment with the proposed</p>		

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	<p>tower at Bell Hill Reserve.</p> <p>We are strongly opposed to the tower being installed at this site. We are not opposed to progress or the project, but consider Bell Hill to be an unsuitable site placement of the tower should be reconsidered and erected away from homes.</p> <p>When we purchased the property in 1992 we were looking for a caring and safe community at that time Bindoon seemed to fit the bill. There seemed to be no contamination or proposed projects that may cause health issues. During the time we were coming to a decision to purchase they were informed the reserve on Bell Hill would not be built on. We were also impressed with there being several reserves and bridal paths interconnecting for fauna to traverse safely and the conservation of flora. This information influenced our decision to purchase a property [REDACTED] Ridgetop Ramble Bindoon.</p>	<p>The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application. In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.</p>	<p>Refer to Shire Officer response to alternative sites in Submission No. 8.</p> <p>The Bell Hill Reserve is acknowledged</p>	

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		<p>1. Bell Hill is very fragile and we are very concerned a development of this magnitude would affect the stability of the area and would create extreme erosion. Careful consideration and planning to ensure environmental and visual issues are properly dealt with is most important.</p>	<p>The proposed development does not constitute a <i>significant proposal</i> or a <i>strategic proposal</i> in accordance with clause 37B of <i>Environmental Protection Act</i>. Furthermore, telecommunications infrastructure is not a use which would otherwise deem it to be a prescribed premise for the purpose of Environmental Protection Authority licensing.</p> <p>In order to determine any possible natural Flora and Fauna significance associated with the site, an <i>Environmental Protection and Biological Conservation Act</i> Protected Matters search was conducted. This report assesses a large area surrounding the site and identified that there may be threatened and migratory species of mammals and birds within the vicinity of the site. The proposed compound has been selected in an elevated area clear of significant vegetation (contains six small trees) and is limited to 96m<sup>2</sup> in area. We are of the view that the proposal will not significantly impact on the habitat of the fauna identified as possibly being in the area. A more extensive and localised analysis of the flora was undertaken using the native vegetation map viewer and the site is not considered an environmentally sensitive area. NBN Co is willing to establish landscaping around the perimeter of compound to offset any clearance.</p> <p>There will be limited excavation to create a level hard standing area and for the footings of the monopole. A batter will stabilise exposed soil. There will be no</p>	<p>as a site prone to erosion due to its steep and fragile nature. The tower and compound is proposed to be located at the top of the plateau of Bell Hill Reserve. Furthermore, the applicant has advised that they would upgrade the existing track utilising it to access the site.</p> <p>By locating the proposed tower and compound on the plateau and utilising and improve the existing access track, this may result in a reduction in the erosion of the reserve.</p> <p>Conditions 4 (a) and (b) are envisaged to screen and landscape the area around the compound with appropriate local vegetation may mitigate any additional soil erosion as a result of the proposed development.</p> <p>Refer to Condition No. (f)</p>



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			<p>discharge of concentrated storm water that would otherwise require erosion control at the outlet. Infrequent vehicular access will occur via an existing track which will be upgraded and gravelled to minimise erosion.</p> <p>No waste which requires collection or disposal will be generated by the operation of the facility. NBN Co intends to restore and reinstate the site to an appropriate standard upon the termination of any lease agreement. Site rehabilitation requirements are typically applied through the terms of any lease.</p> <p>The Department of Planning has prepared <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> (which we have been advised will be adopted shortly) to promote a consistent approach in the preparation, assessment and determination of development</p>	<p>Approval for the proposal shall be consistent with ARPANSA and ACMA requirements.</p> <p>The applicant has advised that the proposal may generate, if approved, EMR levels lower than current ARPANSA standards. During the advertising period, the Department of Health was referred to and stated they have no objection to the proposal. The Shire's Environmental Health Officer was referred to internally stated that he did not have any objection to the proposal. He noted that the application met APARNISA minimum standards in regard to electromagnetic radiation.</p>
		<p>2. There is considerable concern both overseas and in Australia to indicate health issues could be associated with living in close proximity to a radio and transmission</p>		

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		<p>telecommunication tower. There have been many developments over the years eg. Tobacco, lead and asbestos, thought to be safe at the time and years later have been found to impact on the health of people exposed to them with dire effect on their health. A common comment made when expressing concern regarding the microwaves being emitted is <b>‘it is only as much as a micro wave oven’, but who stands in front of a micro wave oven 24/7?</b></p> <p>There is increasing research and evidence regarding the health impacts of electromagnetic radiation, particularly on young children. The Australian standards are low and no doubt will change. However in the mean time it is important to be cautious regarding the location of the towers. In several European countries there is a 500 metre buffer between schools, homes and the towers. There is more and more concern in the studies related to the impact the towers are having on populations throughout the world.</p>	<p>applications for telecommunications infrastructure. Revisions to the current state policy make it abundantly clear that health is not a planning consideration given the Australian Radiation and Nuclear Protection Agency (ARPANSA) regulates emission standards and the Australian Communications and Media Authority (ACMA) issues broadcasting licences and is empowered to undertake compliance and enforcement under the <i>Broadcasting Services Act 1992</i>. This acknowledgement is consistent with tribunal rulings on this matter which have disregarded any objection based on human health. The draft policy states <i>“Research undertaken by ARPANSA demonstrates that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. The ARPANSA study reported that the highest daily average level was well below one per cent of the Standard’s public exposure limits and concluded that “given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research”. Based on ARPANSA’s findings, local planning authorities should not set additional setbacks for telecommunications infrastructure in local planning schemes or local planning policies for the purposes of health or safety standards for human exposure to electromagnetic radiation.”</i></p> <p>Furthermore, the State Administrative Tribunal (SAT)</p>	<p>Noted and acknowledged.</p>

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			<p>has ruled that <i>it is disingenuous to demand a guarantee of no adverse health impact when all the currently available expert material in this field suggests that the issue simply does not arise on the basis of present knowledge and research.</i></p> <p>Health is not a planning consideration and should be set aside.</p>	<p>Shire Officer's response to Property devaluation has been addressed in Submission No. 12 and by the applicant.</p>

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		<p>3. Our understanding is the position of this tower will not supply all residents with access to the broadband. Some residents have been assured they will receive both telephone and broadband, but their residence will not be in line of sight to the tower, therefore they will be unable to have any access. If this is the case they are being misled, and we consider this unethical.</p> <p>The information given to residents indicates they will have very fast access, unfortunately this will not necessarily be correct as in times</p>	<p>Whilst it is acknowledged that the facility will not deliver uniform internet speeds to the entire community, this argument does not demonstrate unreasonable detriment to any person so as to refuse the application and should be set aside.</p>	<p>Noted and acknowledged.</p>

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	<p>of high demand the system may be considerably slower. This information is readily available on the internet with complaints being registered and updated regularly on NBN's own site.</p> <p>One other thing of concern is the legality of placing the tower in an area so close to homes; maybe some research is required to protect the Shire of Chittering.</p> <p>4. I understand there is already Telstra microfiber from the new development in Endeavour Drive up to the Country Club in Ridgetop Ramble and there could be more access we have not been informed of.</p> <p>We believe NBN Co have entered a contract to use the Telstra copper wiring, if this is so why not have this used?</p> <p>Can this please be investigated?</p> <p>Yes we are in a rural area, however this does not mean we should be exposed to towers only. Why should the rural areas be second class citizens? There are huge problems with the posting of towers, reception and speed in QLD, NSW and Tasmania with these areas</p>	<p>Health is not a planning consideration.</p> <p>We are of the view that in good faith sufficient information has been provided in order for the Shire to determine the development application.</p>		



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	<p>being undulating country like Chittering.</p> <p>5. We are also aware the value of their property will substantially depreciate if the tower is installed. Who would want to be exposed to unnecessary risks to their health and the visual impact of the tower?</p> <p>I would no longer wish to bring our grandchildren to Bindoon to a home with a tower less than 200 metres away. We would also be concerned for their own health and the impact it would have in their declining years. We enjoy living in the Chittering Shire and look forward to many years yet (without a tower).</p> <p>Thank you for the opportunity to express our feelings on the topic. Also thank you for the</p>	<p>Clause 5.3 of the <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> stipulates the matters to be considered when determining development applications and has no regard to potential impact on property values. Notwithstanding, there is no recognised study which demonstrates that telecommunications infrastructure has a detrimental effect on property values. As opposed to subjective analysis, the only formal studies that considered at this matter was undertaken in New Zealand and published in the <i>International Journal of Housing Markets and Analysis</i> (2014). The study found no correlation between the sale price of houses and their distance from mobile phone antennas.</p> <p>As such this is not a planning consideration and should be set aside.</p>		

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		time and effort put into caring for the Shires development of facilities for all to enjoy, we understand this is sometimes a thankless task, but your efforts are appreciated.		
71.	20/3/2015	<p><i>Objection</i></p> <p>I am writing to you in regard to the proposed NBN Tower to be erected on the Bell Hill Reserve. I live with my husband at 21 Forrest Hills Parade, which is next door to Bell Hill and I am very concerned about the impacts this tower will have on our lives and the lives of our surrounding neighbours, not to mention our children and grandchildren who come to visit on a regular basis.</p> <p>I was born and raised here in Bindoon and Thomas Joseph Clune who lived in the stone cottage on Gray Road their grandfather. They land we now live on was part of my grandfather's property and I feel very privileged to be living back in Bindoon for the past 23 years on what was originally my family's property.</p> <p>I do believe it is an intrusion of our privacy and an interference to the natural habitat. The Bell Hill land was gazetted as Public Open Space to be enjoyed by all in the district.</p>	<p>Access on the structure is limited to infrequent maintenance activities and during a limited construction period. We do not believe that visual privacy is a consideration and should be set aside.</p>	Noted and acknowledged.

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		<p><b>The many and serious reasons for their objections are:</b></p> <p><b>Unacceptable Visual Impact</b></p> <p>Having an ugly 40 meter monopole complete with four x panel antennas measuring approximately 1077mm x 300mm x 115mm and one parabolic dish antenna towering above them is not our idea of being appropriately located so as to minimise visual impact to us and surrounding properties.</p>	<p>NBN Co has selected a monopole which is the least visually intrusive structure able to support antennas at the minimum height able to achieve coverage objectives. The unpainted grey finish will be the least intrusive, particularly when viewed against lighter backgrounds such as the sky. Ground level infrastructure is limited to colour-treated cabinets and no more than two power poles one accommodating a switchboard. The provision of overhead power is in response to the soil composition and is consistent with supply arrangements for the Department of Fire and Emergency Services (DFES) lattice tower within the reserve. The proposed monopole will allow DFES the option to decommission their structure and relocate and afford co-location opportunities to other telecommunications carriers. The proposed compound location also takes advantage of existing vegetation to screen ground level infrastructure and the lower sections of the structure and enables a good degree of separation from nearby residences.</p> <p>The SAT and the Planning and Environment Court of Queensland has ruled that height is an integral part of a mobile phone base station.</p>	<p>Whilst it is acknowledged that if constructed the tower will have some impact upon the visual amenity of the Chittering Country Club and the reserve itself, it should be noted that the rural aspects of properties within the Country Club Estate will largely remain intact.</p> <p>Many of the properties in close proximity to the Bell Hill Reserve have dwellings which do not utilise the view of the Reserve itself but the valleys north towards Gray Road and below to the Bindoon townsite. The applicant has endeavoured to, in the proposal provide a tower structure which is quite streamline in nature and grey in colour, not too dissimilar to the street light poles (albeit higher) found in the rural residential area of the Shire.</p> <p>A photomontage indicating the visual impact of the proposal from a</p>

Public Submissions				
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		<p><b>Economic Risk</b></p> <p>When we purchased our property we were told that the land next door was a public reserve, to us <i>this</i> made their property more appealing. In the event In the event that one day the need to sell our home arises, the sight of a metal monstrosity with the constant drone of the cooling unit will not only make it unattractive to perspective buyers, it will also greatly reduce the value of the property. I am sure the reader can appreciate their concerns.</p>	<p><i>"While it is true that the tower will be higher than any other point in the immediate vicinity of the subject land, such height is an integral part of the successful functioning of the infrastructure, a matter recognised by SPP 5.2, cl 2.3 ('mounted clear of surrounding obstructions')." Optus Mobile v City of Stirling [2008] WASAT 238 [59]</i></p> <p><i>"The planning framework does not require the tower to be invisible." Telstra Corporation v Shire of Waroona [2012] WASAT 179</i></p> <p><i>"...there is no requirement for facilities such as those proposed to be located so that they cannot be seen. Indeed, the nature and operational requirements will ordinarily require them to be elevated structures visible to heights which exceed that of the existing vegetation." Telstra Corporation v Pine Rivers Shire Council [2001] QPELR 350</i></p> <p>To this effect the NBN Co has sought to establish the facility in an elevated position, thus reducing the height of the structure necessary to achieve coverage objectives. This approach is consistent with visual planning best practice which encourages carriers to <i>"Minimise the height of the tower by assessing the local topography or height of buildings for the proposed area. Choose the site that minimises the height of the tower most effectively."</i> (Visual Landscape Planning in Western Australia WAPC, 2007 p. 138)</p>	<p>distance of some 200m from both Ridgetop Ramble and Forrest Hills Parade is provided in Attachment No 15 in the accompanying report.</p>

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			<p>The SAT also recognises that visual impact needs to be considered on balance <i>the visibility of the tower to nearby residents must be balanced against those policy provisions of the planning scheme which permit the provision of this form of infrastructure. It must also be balanced against the general community benefit to be derived from the development of a comprehensive telecommunication network.</i></p> <p>The main view from the nearest dwellings approximately 80 metres to the west and 115 metres to the north are toward the valleys to the north. Similarly, dwellings along Ridgetop Ramble Road are generally orientated toward the east. Together, these views form a very significant panorama away from the subject site. A further mitigating factor is that the telecommunications infrastructure is situated towards a plateau section of the reserve. This further limits views from surrounding dwellings and the immediate environs around these dwellings.</p> <p>We contend that on balance the visual impact is acceptable given the broader benefit the infrastructure will provide. A visual landscape assessment is provided in our development application submission.</p>	
		<b>Saving our Reserves</b>		The proposal (including the 96m <sup>2</sup> m

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		<p>When speaking to residents of Bindoon Country Estate, the consensus is that they are outraged that Bell Hill Reserve (deemed public open space) is even being considered as an NBN Tower site. A reserve by definition is a park, a restricted area, a protected area to be enjoyed by the people. The community needs pockets of natural beauty to be left for all to enjoy now and for the future. We must save our reserves and find safer and more appropriate sites away from residential areas.</p> <p><b>Health Risks</b></p> <p>We are is very concerned (as are the many</p>	<p>The Department of Planning has prepared <i>Draft State</i></p>	<p>compound) will have some affect on the reserve, however the majority of the reserve will still be able to be utilised and accessed by the general public.</p> <p>The proposed shall be consistent with ARPANSA and ACMA requirments as imposed by the relevant authorities.</p> <p>The applicant has advised that the proposal may generate, if approved, EMR levels lower than current ARPANSA standards. During the advertising period, the Department of Health was referred to and stated they have no objection to the proposal. The Shire's Environmental Health Officer was referred to internally stated that he did not have</p>



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		<p>groups around Australia protesting against the installation of NBN Towers) of the proven health issues they have on surrounding communities.</p> <p>Our research has shown that many countries in Europe have stopped installing wireless broadband in schools due to the concerns to the health of students, demonstrating that we need to be exceedingly aware of the harm these towers may cause to their health.</p> <p>The ARPANSA 'Fact Sheet 10' (made available at the NBN co community consultation meeting in November 2014) states that the maximum exposure levels to radiofrequency fields may be exceeded immediately surrounding the tower. It continues on to say 'that there are no established health effects from these very low levels of RF EMR'. The Bio Initiative 20142 report, compiled by Dr. Ronald M Powell, based on the findings of 67 independent studies conducted between 1974 and 2012 concluded there is a serious concern with the link between serious health risks and high levels of radiofrequency exposure. I quote:</p> <p>'WIRELESS WARNINGS FOR ALL</p>	<p><i>Planning Policy 5.2 Telecommunications Infrastructure</i> (which we have been advised will be adopted shortly) to promote a consistent approach in the preparation, assessment and determination of development applications for telecommunications infrastructure. Revisions to the current state policy make it abundantly clear that health is not a planning consideration given the Australian Radiation and Nuclear Protection Agency (ARPANSA) regulates emission standards and the Australian Communications and Media Authority (ACMA) issues broadcasting licences and is empowered to undertake compliance and enforcement under the <i>Broadcasting Services Act 1992</i>. This acknowledgement is consistent with tribunal rulings on this matter which have disregarded any objection based on human health. The draft policy states "<i>Research undertaken by ARPANSA demonstrates that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. The ARPANSA study reported that the highest daily average level was well below one per cent of the Standard's public exposure limits and concluded that "given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research". Based on ARPANSA's findings, local planning authorities should not set additional setbacks for telecommunications infrastructure in local planning schemes or local planning policies for the</i></p>	<p>any objection to the proposal. He noted that the application met APARNSA minimum standards in regard to electromagnetic radiation.</p> <p>Whilst it is acknowledged that the Bell Hill Reserve is prone to bushfire, the proposal would be unlikely to exacerbate the likelihood of bushfire. The applicant proposes to improve the existing access, which may improve the reserves accessibility for DFES officers in the case of a fire emergency.</p> <p>Refer further to the applicants response regarding Fire Fighting Rise</p> <p>Refer to Shire Officer response to Submission No. 8.</p>

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		<p>The continued rollout of wireless technologies and devices puts global public health at risk from unrestricted wireless commerce unless new, and far lower exposure limits and strong precautionary warnings for their use when implemented.</p>	<p><i>purposes of health or safety standards for human exposure to electromagnetic radiation."</i></p> <p>Furthermore, the State Administrative Tribunal (SAT) has ruled that <i>it is disingenuous to demand a guarantee of no adverse health impact when all the currently available expert material in this field suggests that the issue simply does not arise on the basis of present knowledge and research.</i></p> <p>Health is not a planning consideration and should be set aside.</p>	

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		<p><b>Fire Fighting Risk</b></p> <p>We are concerned that in the even to of a bush fire the NBN Tower would pose a significant hazard to fire fighting helicopter</p>	<p>The proposed infrastructure is not habitable so as to pose any risk to occupiers, nor does it require vegetation clearance for the purposes of a fire break.</p>	

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		<p>‘water bombers’ attempting to douse the fire. In endeavouring to negotiate the tower it would seriously limit their capacity to successfully save properties from burning. I ask the reader ‘would you be concerned?’.</p> <p><i>In addition to the above, the submitter has also included the submission referred to in Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></p>	<p>The infrastructure itself does not require any additional engineering response under the Building Code of Australia (BCA) in order to mitigate fire risk or be protected from it.</p> <p>Whilst there is no Civil Aviation Authority or BCA requirement to provide aviation lighting on structures less than 120m tall (unless within a nominated flight path) such lighting can be installed if required.</p> <p>See response to Submission 8</p>	
72.	20 March 2015  (refer also to Submission No. 1 & No.282)	<p><i>Objection</i></p> <p>My wife and I moved to Bindoon just over 2 years ago. The reason for our move was that after facing a life threatening illness together and watching someone dear to them pass away from cancer, we decided to move to the country, fulfilling a lifelong dream. The property we chose in Bindoon has fabulous views over the Bindoon hills and has given them the life they cherish, growing vegetables and fruit and enjoying the peace and quiet and fresh country air.</p>		Noted and acknowledged.

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		We now have the threat of having an NBN tower placed on Bell Hill Reserve which is across the road from their property. This tower will be an ugly blight on the top of the reserve where it will be clearly seen from all aspects of Bindoon.	<p>NBN Co has selected a monopole which is the least visually intrusive structure able to support antennas at the minimum height able to achieve coverage objectives. The unpainted grey finish will be the least intrusive, particularly when viewed against lighter backgrounds such as the sky. Ground level infrastructure is limited to colour-treated cabinets and no more than two power poles one accommodating a switchboard. The provision of overhead power is in response to the soil composition and is consistent with supply arrangements for the Department of Fire and Emergency Services (DFES) lattice tower within the reserve. The proposed monopole will allow DFES the option to decommission their structure and relocate and afford co-location opportunities to other telecommunications carriers. The proposed compound location also takes advantage of existing vegetation to screen ground level infrastructure and the lower sections of the structure and enables a good degree of separation from nearby residences.</p> <p>We contend that on balance the visual impact is acceptable given the broader benefit the infrastructure will provide. A visual landscape assessment is provided in our development application submission.</p>	<p>Whilst it is acknowledged that if constructed the tower will have some impact upon the visual amenity of the Chittering Country Club and the reserve itself, it should be noted that the rural aspects of properties within the Country Club Estate will largely remain intact.</p> <p>Many of the properties in close proximity to the Bell Hill Reserve have dwellings which do not utilise the view of the Reserve itself but the valleys north towards Gray Road and below to the Bindoon townsite.</p> <p>The applicant has endeavoured to, in the proposal provide a tower structure which is quite streamline in nature and grey in colour, not too dissimilar to the street light poles (albeit higher) found in the rural residential area of the Shire. A photomontage indicating the visual impact of the proposal from a distance of some 200m from both Ridgetop Ramble and Forrest Hills Parade is provided in Attachment No 15 in the accompanying report.</p>

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		<p>Siting of this tower would contravene the <b><i>Western Australian Planning Commissions Statement of Planning Policy No. 5.2 Telecommunications Infrastructure</i></b></p>	<p>The infrastructure will be constructed and operate in accordance with Australian Standards and the <i>Environmental Protection (Noise) Regulations 1997</i>. The facility is not staffed, nor will access be required for maintenance activities with any frequency. The air conditioning unit will not generate noise above that of a domestic unit. It is noted that there is a significant separation of the facility from any noise sensitive premise. We are of the view that the emission of noise or thermal heat should be set aside.</p> <p>The Department of Planning has prepared <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> (which we have been advised will be adopted shortly) to promote a consistent approach in the preparation, assessment and determination of development</p>	<p>This policy is included in the main body of the report.</p>



Public Submissions				
Submitter	Comment	Applicants Response	Shire Officer Response	
	<p><b>5. Policy Provisions</b></p> <p><b>5.1 Guiding principles for the location, siting and design of telecommunications infrastructure</b></p> <ul style="list-style-type: none"> <li>Telecommunication facilities should be designed and sited to minimise any potential adverse visual impact on the character and amenity of the local environment, in particular, impacts on prominent landscape features, general views in the locality and individual significant views;</li> <li>Telecommunications facilities should be designed and sited to minimise adverse impacts on the visual character and amenity of residential areas.</li> </ul>	<p>applications for telecommunications infrastructure. Revisions to the current state policy make it abundantly clear that health is not a planning consideration given the Australian Radiation and Nuclear Protection Agency (ARPANSA) regulates emission standards and the Australian Communications and Media Authority (ACMA) issues broadcasting licences and is empowered to undertake compliance and enforcement under the <i>Broadcasting Services Act 1992</i>. This acknowledgement is consistent with tribunal rulings on this matter which have disregarded any objection based on human health.</p> <p>The draft policy states <i>“Research undertaken by ARPANSA demonstrates that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. The ARPANSA study reported that the highest daily average level was well below one per cent of the Standard’s public exposure limits and concluded that “given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research”. Based on ARPANSA’s findings, local planning authorities should not set additional setbacks for telecommunications infrastructure in local planning schemes or local planning policies for the purposes of health or safety standards for human exposure to electromagnetic radiation.”</i></p> <p>Health is not a planning consideration and should be</p>	<p>The nearest dwellings to the tower and Bell Hill Reserve as advised by the applicant are 84m and 90m respectively. These distances provide an adequate buffer if approved between the airconditioning unit and residences</p> <p>If the noise generated by the unit exceeded normal limits, it would be investigated by the Shire’s Environmental Health Officer. Any issues would then be addressed and maintained to the satisfaction of the Environmental Health Officer and by the applicant. Condition No. 4 (m) relates to noise impact and states that ‘any noise emitted during the</p>	

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		People who visit our property comment on the peace and quite of the area, if the application to have the NBN tower is approved this peacefulness will be broken by the continuous operation of a cooling unit which will be in operation 24/7 of every year.	set aside.	operation of the tower shall be in accordance with the Environmental Protection (Noise) Regulations 1997  Noted.

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	<p>Added to this would be the health effects that have been associated with electromagnetic radiation.</p> <p>After researching the affects that these towers may have on the health of communities it seems countries around the world are halting Wi-Fi deployments due to scientific evidence they cause biological harm at low levels, over extended periods of time (such as):</p> <ul style="list-style-type: none"> <li>• Fatigue;</li> <li>• Nausea;</li> <li>• Insomnia;</li> <li>• Depression;</li> <li>• Behavioural problems in children;</li> <li>• DNA damage; and</li> <li>• Cancer clusters within 500 metres of EMR Towers.</li> </ul> <p>Research continues, but ARPANSA research is funded by the Telco Industry and refutes any scientific evidence claiming it is not 'proof'. It seems ludicrous if there is any doubt about the possible effects</p>	<p>The State Administrative Tribunal (SAT) has ruled that <i>it is disingenuous to demand a guarantee of no adverse health impact when all the currently available expert material in this field suggests that the issue simply does not arise on the basis of present knowledge and research.</i></p>		

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	<p>electromagnetic radiation may have on human life, that NBN Co are applying to place a 40 metre high metal monopole complete with radio and transmission telecommunications equipment on Bell Hill Reserve.</p> <p>I quote from <i>Inquiry into the Telecommunications Amendment (Mobile Phone Towers) Bill 2011</i> by Lyn McLean managing director of EMR Australia PL</p> <p><b>5. Responsibility</b></p> <p><i>It is incumbent on the Inquiry to address the issue of responsibility for the long – term impacts of telecommunications technology.</i></p> <p><i>It is premature to presume that the radiation it emits is safe. In the even that it is a public health risk, who will bear the cost of litigation and of reconstituting Australia's communication network? Does the Australian government have insurance to cover this eventuality or does it require carriers to do so? I suggest that the public health burden of smoking, asbestos and lead are nothing compared to the burden that society will face from exposure to radiofrequency radiation should it be proven</i></p>		<p>Noted and acknowledged</p> <p>Alternatives sites have been explored by the applicant and has been addressed in detailed in the accompanying Officers Planning Report.</p> <p>Noted and acknowledged.</p>	

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		<p><i>to cause or contribute to health problems.</i></p> <p>I remind council of its legal obligations under state legislation to protect communities and the environment.</p> <p>I ask Council to consider whether, as consent authority, it may be legally liable for damages if EMR is <i>proven</i> to cause health problems.</p> <p>My suggestion is that NBN Co finds an alternative site away from residential homes, extending the height of the tower to 60 metres if the topography of the land is unsuitable. This would at least solve the problem of impacting on the health of residents living close to Bell Hill Reserve.</p> <p>I ask that you follow other Shires across Australia, who have rejected similar proposed locations for NBN Towers in support of their own rate paying residents concerns.</p>		
73.	20/3/2015	<p><b>Objection</b></p> <p><b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b></p> <p>Additional comments:</p>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.

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		I am not sure that this area will receive coverage even with a 40+m. A site needs to be found where all Bindoon has coverage.	Whilst it is acknowledged that the facility will not deliver uniform internet speeds to the entire community, this argument does not demonstrate unreasonable detriment to any person so as to refuse the application and should be set aside.	
74.	20/3/2015	<b>Objection</b>  <i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
75.	20/3/2015	<b>Objection</b>  <i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i>  Additional comments:  There are plenty of hills around that are unpopulated	See response to Submission 8  The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application. In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
76.	20/3/2015	<b>Objection</b>	See response to Submission 8	Noted and acknowledged. Please



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		<i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i>		refer to the Shire's Planning Officers response to Submission No. 8.
77.	20/3/2015	<b>Objection</b>  <i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i>	See response to Submission 8	Noted and acknowledged. Please refer to the Shire's Planning Officers response to Submission No. 8.
78.	20/3/2015	<i>Objection</i>  Thank you for the opportunity to educate themselves on the pros and cons for this apparently burgeoning phenomenon they see suddenly and inexplicably appearing in urban, rural/regional and generally unexpected places across our once beautiful country side and pass comment on the above.  Below is the submitters considered response taking into account as much as possible the perceived community expectations, the perceived role of local government and the perceived effect on the immediate landholders in so far as the effect it will have on them from the perspectives of aesthetics, lifestyles, property valuation and health.		

Public Submissions				
	Submitter	Comment	Applicants Response	Shire Officer Response
		<p>I wish to make it abundantly clear that I am not against technology; along with most of the population and appreciate the ease with which we can now communicate, however, as an ex nurse, I am also very aware of the potential health hazards many of the modern gadgets have the potential to either be or contribute to from a cumulate effect.</p> <ul style="list-style-type: none"><li>Bell Hill Reserve is a <b>sacred site</b> from the point of view that the ashes of at least two long term residents – a husband and wife – have been placed/scattered there at their request. A [REDACTED] knows the particulars as they were responsible for the first distribution. Imagine the fracas if the indigenous population had ancestral remains there .... but really – what’s the difference between white indigenous and black indigenous Australians? Obviously the deceased and their family never envisaged a communications tower disturbing the sanctity of their chosen site;</li></ul>	<p>Three submissions acknowledged that ashes had been spread within the reserve. It is our view that this is not a planning consideration and should be set aside.</p>	<p>Noted and acknowledge.</p>

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		<ul style="list-style-type: none"> <li>They note the effects of <b>runoff</b> on the hills around Bindoon. Anywhere the soil has been disturbed leaves it vulnerable. It readily washes with gutters and ruts rapidly forming. If private land owners engaged in the sort of activity planned for Bell Hill, they're in deep strife from Council and the EPA, as there is going to be massive soil disturbance to allow for vehicle access, power poles and of course, the tower itself. Added to that will be the vehicle access necessary for ongoing maintenance, and although this may be planned as an annual event, every time the soil is driven over will cause added degradation. One only has to observe the washouts and gullies at the base of Bell Hill (along the road verge) to get the general ideal of the potential for disaster.</li> </ul>	<p>There will be limited excavation to create a level hard standing area and for the footings of the monopole. A batter will stabilise exposed soil. There will be no discharge of concentrated storm water that would otherwise require erosion control at the outlet. Infrequent vehicular access will occur via an existing track which will be upgraded and gravelled to minimise erosion.</p>	<p>The Bell Hill Reserve is acknowledged as a site prone to erosion due to its steep and fragile nature. The tower and compound is proposed to be located at the top of the plateau of Bell Hill Reserve. Furthermore, the applicant has advised that they would upgrade the existing track utilising it to access the site.</p> <p>By locating the proposed tower and compound on the plateau and utilising and improve the existing access track, this may result in a reduction in the erosion of the reserve.</p> <p>Conditions 4 (a) and (b) envisage to screen and landscape the area around the compound with appropriate local vegetation may mitigate any additional soil erosion as a result of the proposed development.</p> <p>Refer also to Condition No. 4 (I)</p>

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		<ul style="list-style-type: none"> <li>Not only will there be added <b>visual pollution</b> from the tower and attachments, but also from the added power poles necessary to supply power and what will then be an obvious road to the top of the hill. As a keen, but amateur photographer, those are the sorts of backdrops the submitter tries to avoid. From their home they look north and see the Telstra tower. I look east and they see the Optus Tower. They do not want to look south and see an NBN/Telstra tower looming above them.</li> </ul>	<p>The main view from the nearest dwellings approximately 80 metres to the west and 115 metres to the north are toward the valleys to the north. Similarly, dwellings along Ridgetop Ramble Road are generally orientated toward the east. Together, these views form a very significant panorama away from the subject site. A further mitigating factor is that the telecommunications infrastructure is situated towards a plateau section of the reserve. This further limits views from surrounding dwellings and the immediate environs around these dwellings.</p> <p>We contend that on balance the visual impact is acceptable given the broader benefit the infrastructure will provide. A visual landscape assessment is provided in our development application submission.</p>	<p>Whilst it is acknowledged that if constructed the tower will have some impact upon the visual amenity of the Chittering Country Club and the reserve itself, it should be noted that the rural aspects of properties within the Country Club Estate will largely remain intact.</p> <p>Many of the properties in close proximity to the Bell Hill Reserve have dwellings which do not utilise the view of the Reserve itself but the valleys north towards Gray Road and below to the Bindoon townsite.</p> <p>The applicant has endeavoured to, in the proposal provide a tower structure which is quite streamline in nature and grey in colour, not too dissimilar to the street light poles (albeit higher) found in the rural residential area of the Shire.</p> <p>A photomontage indicating the visual impact of the proposal from a distance of some 200m from both Ridgetop Ramble and Forrest Hills Parade is provided in Attachment No 15 in the accompanying report.</p>

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				Refer to Shire Officers response to Submission No. 12 Property Devaluation.
				Refer to Shire Officer Response to amenity above.

Public Submissions				
Submitter	Comment	Applicants Response	Shire Officer Response	
	<ul style="list-style-type: none"> <li>Our <b>land values</b> will most assuredly be negatively impacted because no one with a slightly functioning brain would choose to live under a communication tower, and had it pre-existed, they would NEVER have purchased their block or built our home in this locality.</li> </ul>	<p>Clause 5.3 of the <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> stipulates the matters to be considered when determining development applications and has no regard to potential impact on property values. Notwithstanding, there is no recognised study which demonstrates that telecommunications infrastructure has a detrimental effect on property values. As opposed to subjective analysis, the only formal studies that considered at this matter was undertaken in New Zealand and published in the <i>International Journal of Housing Markets and Analysis</i> (2014). The study found no correlation between the sale price of houses and their distance from mobile phone antennas.</p> <p>As such this is not a planning consideration and should be set aside.</p>		
	<ul style="list-style-type: none"> <li><b>Up until now Bindoon has been unique</b> with an acknowledged</li> </ul>	Not considered a valid ground of objection	Noted and acknowledged.	



Public Submissions				
Submitter	Comment	Applicants Response	Shire Officer Response	
	<p>beauty and sense of invitation. The beautiful little hill to the east with the fenceline, tank, trees, rich red soil and gently rounded top is magnificent. Of a morning the sun strikes the curve of the hill and it makes a soft halo above the town. With the bush beyond and orchards adorning its base, it is so often magical by its simplicity. Catch a rainbow over it during a storm, or have a backdrop of a dark and ominous cumulous clouds; or the variations between sun and shadow paying on its slopes .... <i>and now there's a horrible great red and white tower in the background with its red glowing eyes keeping a constant vigil.....</i></p> <ul style="list-style-type: none"> <li>What I can't understand is the <b>almost malignant determination</b> of some to put this particular tower on this particular hill – right smack dab in the middle of a residential area.</li> </ul>	<p>Telecommunications carriers transmission equipment operates differently to fixed wireless technology such that NBN Co does not have the same flexibility in selecting a site that will satisfy its' coverage objectives. Elevation is of greater importance for fixed</p>	<p>Noted and acknowledged. Shire is not aware of fibre optic internet for the Bindoon catchment.</p>	

Public Submissions				
Submitter	Comment	Applicants Response	Shire Officer Response	
	<p>Right smack bang in the middle of a beautiful vista. What's going on?</p> <p>Our objections were listened to and heeded by Optus (and certainly no-one to the best of their knowledge had to go to the time consuming lengths that they have gone to in researching the health effects) so what makes this one so special? Its not as if its essential to the town; its not essential or even necessary in a chain of communication as its an <b>end station</b> – not a relay station. Its not even going to benefit the entire settlement as can be seen from the drawing of its antennae and where they face ..... not to mention the topography. Who stands to benefit? Certainly not the residents living in its shadow. There has to be some major revelation that is not being shared with us (the community) as to why <u>this</u> instillation has to be on <u>this</u> hill.</p> <ul style="list-style-type: none"> <li>I have heard via a source they</li> </ul>	<p>wireless which relies upon a direct line of sight to end users. Whilst one can reasonably argue precedence has been established it is our view that the NBN Co proposal should be assessed on its merits.</p> <p>NBN Co is a Government Business Enterprise (GBE) and the role of a GBE is to implement and execute the instructions it is given by the government of the day. NBN Co is tasked with upgrading the current telecommunications network in the most cost-efficient way using best-fit technology and taking into account existing infrastructure.</p> <p>See response above</p>	<p>The impact of noise in the long term from the air condition unit has been addressed by the applicant</p> <p>The nearest dwellings to the tower and Bell Hill Reserve as advised by the applicant are 84m and 90m</p>	

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		<p>consider very reliable, that <b>fibre optic cable</b> is already laid to Bindoon; both to the proposed new development that seems to have stalled on Donaldson Road and also to the centre of town. Under the circumstances, with the topography we have, surely that this is a viable alternative, the more so because its already here!</p> <ul style="list-style-type: none"> <li>• If the laying of the fibre optic cable is to be a costly <b>white elephant</b>, we have the right to know! After all, we the tax payers have footed the bill</li> <li>• As the proposed NBN tower has only limited range and only a restricted number will benefit from its coverage, would it no be far more prudent (if for whatever reason fibre optic is dismissed) to use satellite communication. At least everyone would have the choice and the health effects could'nt possibly be as bad as from the proposed NBN Tower.</li> </ul>	<p>Whilst it is acknowledged that the facility will not deliver uniform internet speeds to the entire community, this argument does not demonstrate unreasonable detriment to any person so as to refuse the application and should be set aside.</p>	<p>respectively. These distances provide an adequate buffer if approved between the airconditioning unit and residences</p> <p>If the noise generated by the unit exceeded normal limits, it would be investigated by the Shire's Environmental Health Officer. Any issues would then be addressed and maintained to the satisfaction of the Environmental Health Officer and by the applicant. Condition No. 4 (m) . relates to noise impact and states that 'any noise emitted during the operation of the tower shall be in accordance with the Environmental Protection (Noise) Regulations 1997</p> <p>Noted and acknowledged.</p>

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		<ul style="list-style-type: none"> <li>There's also the matter of 24/7 noise and heat pollution from a constantly running air conditioner. The decibels may not be very high, but a constantly running electric motor is also emitting electromagnetic radiation and adding to the <b>electrosmog</b>.</li> <li>If NBN goes ahead, what is the cost to the individual householder who chooses to join, because an <b>aerial/antenna</b> has to be fitted to each individual residence to enable reception? It is only fair that we be given ALL the relevant information up front.</li> <li>Another area that cries out for clarification: is it correct that if NBN is implemented, landlines will be disconnected forthwith? The</li> </ul>	<p>The infrastructure will be constructed and operate in accordance with Australian Standards and the <i>Environmental Protection (Noise) Regulations 1997</i>. The facility is not staffed, nor will access be required for maintenance activities with any frequency. The air conditioning unit will not generate noise above that of a domestic unit. It is noted that there is a significant separation of the facility from any noise sensitive premise. We are of the view that the emission of noise or thermal heat should be set aside.</p> <p>Not considered a valid ground of objection.</p> <p>Not considered a valid ground of objection.</p>	<p>The applicant has addressed aspects pertaining to health in their response to Submission No. 8.</p> <p>During the advertising period, the Department of Health was referred to and stated they have no objection to the proposal. The Shire's Environmental Health Officer was referred to internally stated that he did not have any objection to the proposal. He noted that the application met APARNSA minimum standards in regard to electromagnetic radiation.</p>

Public Submissions				
Submitter	Comment	Applicants Response	Shire Officer Response	
	<p>submitter believes this has occurred in other areas. The residents were taken by surprise and had a choice of alternatives involving purchasing an aerial at considerable personal expenses etc.....</p> <ul style="list-style-type: none"> <li>We are under continual attack from electromagnetic fields (EMFs) radiating from power lines, household wiring, microwave ovens, computers, televisions, clock radios, cellular phones, electric blankets and other appliances. Researchers have correlated electropollution with increases in cancer, birth defects, depression, learning disabilities, chronic fatigue syndrome, Alzheimer's disease and sudden infant death syndrome. The danger is read and with increasing use of electricity in our environment it is one of the reasons so many scientists believe some disease rates are on the rise. With most of the above, we have a choice as to whether or not we use appliances; with a communication tower on our</li> </ul>	<p>The Department of Planning has prepared <i>Draft State Planning Policy 5.2 Telecommunications Infrastructure</i> (which we have been advised will be adopted shortly) to promote a consistent approach in the preparation, assessment and determination of development applications for telecommunications infrastructure. Revisions to the current state policy make it abundantly clear that health is not a planning consideration given the Australian Radiation and Nuclear Protection Agency (ARPANSA) regulates emission standards and the Australian Communications and Media Authority (ACMA) issues broadcasting licences and is empowered to undertake compliance and enforcement under the <i>Broadcasting Services Act 1992</i>. This acknowledgement is consistent with tribunal rulings on this matter which have disregarded any objection based on human health. The draft policy states "<i>Research undertaken by ARPANSA demonstrates that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. The ARPANSA</i></p>		

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	<p>doorstep emitting frequencies 24/7 – we have no choice.</p> <p>Add that inescapable 24/7 radiation to the mix and its a pretty sure bet that health problems will manifest sooner rather than later ..... and none of the above listed complaints are of a minor nature.</p> <ul style="list-style-type: none"> <li>“Illness linked to electromagnetic radiation exposure include many cancers, neurological conditions, ADD&lt; sleep disorders, depression, autism, cognitive problems, cardiovascular irregularities, hormonal disruption, immune system disorders, metabolism changes, stress, fertility impairment, increased blood brain barrier permeability, mineral disruption, DNA damage and much, much more (Scientists Believe Your Cell Phone is a Death Trip, December 1 2009, Mercola.com).</li> <li>As infatuating as this type of technology can be to technological geeks and business people alike (myself included) the health ramifications cannot be ignored. We are already seeking increasing</li> </ul>	<p><i>study reported that the highest daily average level was well below one per cent of the Standard’s public exposure limits and concluded that “given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research”. Based on ARPANSA’s findings, local planning authorities should not set additional setbacks for telecommunications infrastructure in local planning schemes or local planning policies for the purposes of health or safety standards for human exposure to electromagnetic radiation.”</i></p> <p>Furthermore, the State Administrative Tribunal (SAT) has ruled that <i>it is disingenuous to demand a guarantee of no adverse health impact when all the currently available expert material in this field suggests that the issue simply does not arise on the basis of present knowledge and research.</i></p> <p>Health is not a planning consideration and should be set aside.</p>		



Public Submissions				
Submitter	Comment	Applicants Response	Shire Officer Response	
	<p>numbers of people suffering the very real effects of electrohypersensitivity. The problem has gotten bad enough that France, for example, has created 'EMF refugee zones' where those who are hypersensitive now live in trailers, doing everything they can to protect themselves in order to be able to function normally' (Dr. Mercola).</p> <p>Attachment 1 – Do you experience electromagnetic hypersensitivity symptoms?</p> <p>'All living organisms have adapted themselves to this very unique radiation climate prevalent on planet earth. This natural balance is being threatened now because over the last 100 years humans have been very busy adding their own versions of electromagnetic energies without giving due considerations to the biological implications'.</p> <p>'The belief that low level electric, magnetic and other electromagnetic fields, such as those emanating from electric home wiring systems and common appliances, have biological effects is an established scientific fact. The 'only' question that remains is how great and how harmful those health effects</p>			

Public Submissions				
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	<p>are, especially in the long run. Since technical advancements tend to develop much fast than scientific research providing their safety or harmfulness, the following discussion is based on the motto: Prevention is better than cure!</p> <p>‘Electromagnetic Hypersensitivity is characterised by a variety of non-specific symptoms, which afflicted individuals attribute to exposure to electromagnetic fields (EMF). The symptoms most commonly experienced include dermatological symptoms (redness, tingling and burning sensations) as well as neurasthenic and vegetative symptoms (fatigue, tiredness, concentration difficulties, dizziness, nausea, heart palpitation and digestive disturbances). The collection of symptoms is not part of any recognised syndrome. EHS resembles multiple chemical sensitivities (MCS) another disorder associated with low level environmental exposure to chemicals’.</p> <p>‘Any device that is at a higher potential than ground will emit an electrical field. Picture this a bunch of hair like lines springing forth from the source in all directions. Anything or anyone between the source and the earth will be influenced by these lines. The human body functions on electricity; it is composed</p>			

Public Submissions				
Submitter	Comment	Applicants Response	Shire Officer Response	
	<p>of conductive and semi-conductive materials, so that if it is exposed to a high electric field, a voltage will be induced that upsets the natural communications' (Mercola et al Cross Currents 1990)</p> <p><b>Proposed Mechanisms of Harm</b></p> <p>One mechanism of harm, published in 2010 explains how electromagnetic fields damage your cells and DNA by induced cellular stress response. The research was conducted by Dr. Martin Blank, PhD, a former Associate professor at Columbia University in the department of physiology and cellular biophysics, and past president of the Bioelectromagnetics Society.</p> <p>He gave an informative speech at the November 18 2010 Commonwealth Club of California program 'The Health Effects of Electromagnetic Fields' co-sponsored by Electromagnetic-Health.org</p> <p>In his lecture, Dr. Blank explained that DNA, with its 'coil of coils' structure is very vulnerable to electromagnetic fields. It possesses the same structural characteristics of a fractal antenna (electronic conduction and self – symmetry) and these two properties allow for greater reactivity of</p>			

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	<p>DNA to electromagnetic fields than other tissues.</p> <p>Moreover, no heat is required for this DNA damage to occur. Dr. Blank believes the potential harm of wireless technologies can be significant, and there's plenty of peer – reviewed research to back up such suspicions'.</p> <p><b>Cell Phones are Dangerous But This May Be Far Worse...</b></p> <p>An increasingly alarmed army of international scientists have researched a controversial conclusion:</p> <p>The 'electrosmog' that first began developing with the rollout of the electrical grid a century ago now envelops every inhabited of Earth is responsible for many of the diseases that impair or kill then.</p> <p>During the past 100 years we have methodically filled in the electromagnetic spectrum far beyond what occurs in nature.</p> <p>Recently, several developments have highlighted the growing hazards of EMF pollution and the crucial need to address them.</p>			

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	<p>In 2007 the Bioinitiative Working Group released a 650 page report citing more than 2,000 studies (many very recent) that detail the toxic effects of EMFS from all sources. Chronic exposure to even low – level radiation (like that from cell phones) can cause a variety of cancers, impair immunity and contribute to Alzheimer’s disease and dementia, heart disease and many other ailments’.</p> <p>New scientific evidence is continually emerging that nearly all the twentieth century human plagues can be tied to some aspect our use of electricity, including:</p> <ul style="list-style-type: none"> <li>(1) Acute lymphoblastic leukaemia in children;</li> <li>(2) Brain tumours;</li> <li>(3) Malignant melanoma;</li> <li>(4) Asthma</li> <li>(5) Cardiovascular disease;</li> <li>(6) Immune system dysfunction;</li> <li>(7) Hormone disturbance;</li> <li>(8) Brittle diabetes;</li> <li>(9) Sleep disorders;</li> <li>(10)Headaches;</li> <li>(11)Alzheimer’s disease; and</li> <li>(12)ADHD</li> </ul> <p>and this is only a partial list.</p>			

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	<p>‘Cells in your body can react to EMFs as a harmful invader, just like they do to other environmental toxins. <u>Remember that you are an electrical being</u></p> <p>Your body is a complex communication device where cells ‘talk’, tissues ‘talk’, organs ‘talk’ and organisms ‘talk’.</p> <p>At each of these levels, the communication includes finely tuned bio-electrical transmitters and receivers which are tuned like tuning into a radio station. What happens when you expose a radio antenna to a significant amount of external noise? You get a static from the noise – and that is what is happening to your body in today’s electrosmog environment.</p> <p>Two of the more well known biological impacts from electrosmog are the interruption of the brain wave pattern, leading to behavioural issues</p>			



Public Submissions				
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	<p>and the interference to your body's entire communication system (cytoskeleton leading to abnormal neurological function such as dementia, chronic fatigue syndrome and fibromyalgia.</p> <p>At a cellular level, your cell membrane receptors (the brain of the cell) recognise electromagnetic fields at very low levels of exposure producing a stress response similar to that produced by exposure to heavy metals or toxic chemicals.</p> <p>This can cause the cell membrane to go from an 'active' or permeable state where it allows nutrients in and toxins out, to an 'inactive' state where the cell membrane is impermeable. During a normal day, your cells will change states thousands of times, but when under constant environmental stress, the membranes can be locked in the inactive state. This is often referred to as 'oxidative stress' as nutrients are able to</p>			

Public Submissions				
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	<p>enter into the cell, while toxins (free radicals) are not allowed to leave.</p> <p>There is also real evidence that this inactive state can even have geno-toxic effects, meaning electrosmog is toxic by both damaging DNA and preventing your body from repairing DNA which can be the first step to cancer.</p> <p>We are not really sure that the 'trigger' is that causes health problems, but we known that the electrosmog is definitely a <b>contributing factor</b>. For health, you body must be able to communicate within itself, that is, to be in harmony with the natural rhythm of the earth and all life.</p> <p>The chaotic and unpredictable patterns from electrosmog can create noise in your body and force your body out of harmony. These damaging biological effects have been found at levels far below the so-called industrial</p>			

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	<p>and governmental safety limits – 1,000,000 times lower than those limits, in some cases?</p> <p>Why do things such as MTT, acupuncture, TENS units, pacemakers and other bioelectrical treatment work? Most likely a major reason why they work is because they focus on getting your body back into its natural rhythm or resonance. Just as you breathe in oxygen from an atmosphere you can't see, your cells are suspended in a sea of vibrating energy that you can't see or feel - that is, until it makes your sick.</p> <p>As the MSNBC article states</p> <p><i>Remember, these positive negative shifts are occurring many thousands of times per second, so the electrons in your body are oscillating to that tune. Your body becomes charged up because you're basically coupled to the transient's electrical field. Keel in mind that all cells in your body, whether islets in the</i></p>			

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	<p><i>pancreas awaiting a signal to manufacture insulin or white blood cells speeding to the site of an injury, use electricity – or ‘electron change’ – to communicate with each other.</i></p> <p><i>By overlapping the body’s signalling mechanisms, could transients (electrosmog) interfere with the secretion of insulin, drawn out the call and response of the immune system and cause other physical havoc?</i></p> <p>Yes, absolutely and the really frightening aspect about electrosmog is how little control you have over it’.</p> <ul style="list-style-type: none"> <li>• <b>A group of scientists and doctors in Freiburger, Germany, presented evidence at a conference in 2002 of a ‘dramatic rise in severe chronic diseases among out patients ‘ exposed to RF/MR (Radio Frequency/Microwave). These included extreme</b></li> </ul>			

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	<p>fluctuations in blood pressure, heart attacks and strokes in increasingly younger people, degenerative brain diseases such as Alzheimer's and epilepsy, leukaemia and brain tumours. They also found a rise in headaches, sleeplessness, tinnitus and other ailments that were able to be correlated with the onset of exposure to communications microwaves.</p> <ul style="list-style-type: none"> <li>Communications frequencies use so called non thermal levels of radiation (they do not heat living tissue as a microwave oven does). Scientist and author <b>Robert Becker</b> said in 1985 "... when non-thermal dangers were originally documented in America, military and</li> </ul>			

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	<p><i>industrial spokesperson refused to acknowledge them, lying to Congress and the public. Many scientists who naturally wanted to continue working went along with the charade’.</i></p> <p>Personally I don't think much has changed, as there are still many with vested interests within the telecommunications industry who continue to proclaim there is no danger from communication towers, cell phones and wireless gadgets.</p> <ul style="list-style-type: none"> <li>• <i>‘I have no doubt in my mind that, at the present time, the greatest polluting element in the earth's environment is the proliferation of electromagnetic fields’</i> Robert O Becker, Nobel Prize Nominee</li> <li>• Dr. GJ Hyland of the University of Warwick, calls the human body ‘an electrochemical instrument of exquisite sensitivity’, noting that, like a radio, it can be interfered with by</li> </ul>			



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	<p>incoming radiation. Therefore it is misguided to think that electromagnetic radiation would not be having a negative effect on public health, and there is plenty of scientific research to show that this is the case.</p> <ul style="list-style-type: none"> <li>• A decade ago, one scientist in particular led the charge in trying to warn us of the dangers. <b>As far back as 1994 Australia's CSIRO did a 150 page literature review on the status of health effects from EMR. The reports author, Dr. Stan Barnett said 'whilst researching the scientific database in preparation for this report it has become evident that subtle changes in cell structure and biochemistry have been frequently reported at exposure levels where gross thermal change could not be attributed as a cause'.</b></li> <li>• From 1996 until he died in 2003, New Zealand physicist and electromagnetic radiation *EMR) meta-analyst, Dr. Neil Cherry, studied over 600 researchers worldwide. He found EMR caused</li> </ul>			

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	<p>DNA breakages, chromosome aberrations, increased oncogene activity in cells, altered brain activity, altered blood pressure and increased brain cancer at very low levels – much lower than those allowed by the Australian Standard. He also found that it impacts on the pineal gland in the brain, resulting in a reduction of melatonin – a vital part of many of the body's biochemical systems, including the mediation of many hormone functions (including control of weight) and a major scavenger of damaging free radicals.</p> <ul style="list-style-type: none"> <li>• These findings – in direct conflict with the interests of the multi – billion dollar telecommunications industry – have not only been replicated many times since, but have proved to be prophetic; cancer, leukaemia, cardiac disease, diabetes, sleep disturbances, dementia, weight loss or gain, weakened immune system, asthma allergies, arthritis, nausea, memory and concentration problems, neurological conditions and depression to name but a few – all</li> </ul>			

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	<p>on a sharp rise. He was surprised to find how much published research there is to show that – across the entire EMR spectrum – damage was done to cellular DNA, rendering it genotoxic and therefore likely to be implicated in the formation of tumours and other illnesses.</p> <ul style="list-style-type: none"> <li>• There is not a lot of point to having the fastest broadband in the west if I'm sick or dead as a result of electrosmog!</li> <li>• <b>With all the relevant scientific medical research that is available from totally independent sources with no vested interest what so every, the submitter can't help but conclude that the erection of ANY communication tower on Bell Hill is a matter of genocide against the residents.</b></li> <li>• May I suggest that you (Council) carefully – they mean <u>very</u> carefully – consider the ramifications of the decision if they choose to proceed with the location of <u>any</u> telecommunications devices on Bell Hill or in any residential area.</li> </ul>			

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		<p>Ignorance as to the effects of electromagnetic radiation can no longer be claimed as a mitigating factor, as there is now overwhelming evidence to the contrary.</p> <ul style="list-style-type: none"> <li>Please make sure that those who choose to vote against the proposal have their <b>names clearly recorded</b> so that they can be exempt from future litigation as it becomes apparent the problems warned about by this installation come to fruition.</li> </ul> <p>Further attached include:</p> <ul style="list-style-type: none"> <li>'Do you experience Electromagnetic Hypersensitivity Syndrome?'</li> </ul> <p><b><i>Refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></b></p>		
79.	<p>Petition from Friends of Bell Hill Reserve</p> <p>20/3/2015</p>	<p><i>Objection</i></p> <p><i>142 signatures were received in the Petition submitted by the Friends of Bell Hill Reserve.</i></p> <p><i>This objection is made in reference to the information provided in <b>Submission No. 8</b></i></p>	See response to Submission 8	

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		<i>complied by Annaleen Harris of the Environmental Defenders Office WA</i>		
80.	<p>25/3/2015 (Note – submission received after closing date upon agreement with Shire &amp; submitter due to health reasons</p> <p>(refer also to Submission No. 19 &amp; No. 68)</p>	<p><i>Objection</i></p> <p>1. It must first be acknowledged that Bell Hill Reserve, Crown Land, is not available for any form or telecommunication facility such as the one proposed by NBN Co – a 40 metre tower with a 96 square metre support structure.</p> <p>Bell Hill is a “local reserve” and as such its sole purpose under <b>the Planning and Development Act 2005, Section 152</b> is for <b>“RECREATION AND DRAINAGE” ONLY</b>. It is to be protected against any form of exploitation by commercial or government interests. In essence it is an area set aside for passive recreation for the residents and an area for native fauna. The Chuditch (Woylie) and Carnaby Black Cockatoo <b>“which are endangered species”</b> both reside on Bell Hill Reserve.</p>	<p>The proposed use is not prohibited on the subject land and is; therefore, able to be established subject to planning approval, a building permit and the licensing requirements administered by the Australian Radiation and Nuclear Safety Agency (ARPANSA). A 96 square metre compound not support structure is proposed.</p> <p>Bell Hill Reserve is reserved in accordance with the planning scheme for Parks and Recreation. Such a classification is consistent with areas of public open space required to be set aside when land is developed for residential purposes. Such areas of public open space are commonly utilised for many purposes including active and passive recreation including associated clubrooms and courts not open to the public, for drainage purposes, and to accommodate utility infrastructure (such as overhead HV power lines, telecommunications structures, emergency services buildings and water tanks). Within established neighbourhoods (particularly those devoid</p>	<p>Whilst a telecommunications tower does not fall within the intended prescribed purpose of Bell Hill Reserve, advice from the Department of Lands outlined that:</p> <p><i>“Under the Land Administration Act 1997 (LAA) the reserve purpose is inconsistent with any alternative land use. Further, it is not only the reserve purpose but the fact that it</i></p>

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			<p>of industrial or commercial zoned land or tall buildings) areas of public open space are often the only option for carriers to establish infrastructure. There is no requirement for local government to initiate a scheme amendment to reclassify land used for telecommunications with a Parks and Recreation reservation. Indeed the specific classification of land for Public Purposes – Telecommunications in schemes was only common prior to 1993 when Telstra (then Telecom) was a public authority.</p> <p>We contend that the use of 96m<sup>2</sup> of the reservation by NBN Co will not unreasonably diminish the recreational use of the reserve and is consistent State Policy that encourages telecommunications infrastructure to co-locate with other utility infrastructure.</p> <p>The proposed use is not prohibited on the subject land and is; therefore, able to be established subject to planning approval.</p>	<p><i>was set aside as such a reserve as a condition of subdivision under section 20A of the former Town Planning and Development Act 1928. (Now s152 of the Planning and Development Act 2005). These types of reserves are afforded high protection and attract greater scrutiny since they were given up out of the freehold estate” (email dated 22/4/2015).</i></p> <p><i>Despite the above, it is noted that “<u>recent policy shift allows for additional purposes</u>, and in this case, excisions of small areas for telecommunications facilities. Ordinarily Crown land will be leased directly from DoL under the LAA and we would expect to see an application. However, in the cases of telecommunications facilities over s152 reserves policy allows for direct leasing from the local authority” (email dated 22/4/2015)</i></p> <p><i>“Given that the Shire has a</i></p>



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			Not considered a valid ground of objection.	<p><i>management order over the present reserve, on receipt of an application from the Shire, DoL will investigate excising a portion of land from the parent reserve and setting it aside for say "Telecommunications Purposes" and grant a new management order for that purpose to the Shire with power to lease under s41 of the LAA" (email dated 22/4/2015).</i></p> <p>.</p> <p>To initiate the above, it would require a portion of the current reserve to be excised and re-reserved for 'Telecommunications Infrastructure' prior to the commencement of any development (refer to Conditions 1 and 2).</p> <p>The applicant has addressed the above stating that <i>'Bell Hill Reserve is reserved in accordance with the planning scheme for Parks and Recreation. Such a classification is consistent with areas of public open space required to be set aside when land is developed for residential purposes. Such areas of public open</i></p>

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	<p>2. All the “local reserves” in the Bindoon Country Club subdivision are unequivocally protected by the following pieces of legislation and guidelines:</p> <p>2.1 Shire of Chittering Town Planning Scheme No. 6 – District Zoning Scheme</p> <p>2.2 WA State Planning Policy No. 5.2 – Telecommunications Infrastructure</p> <p>2.3 Planning and Development Act 2005 – Section 152 on Reserves</p> <p>2.4 Shire of Chittering Local Biodiversity Strategy – Adopted April 2010</p> <p>2.5 Shire of Chittering Public Submission – Review of Local Planning Strategy</p> <p>2.6 Shire of Chittering Management Plan for Reserves – endorsed by Council 2003 (Chittering Country Club)</p> <p>2.7 NBN Co Local Government Checklist</p>		<p><i>space are commonly utilised for many purposes including active and passive recreation including associated clubrooms and courts not open to the public, for drainage purposes, and to accommodate utility infrastructure (such as overhead HV power lines, telecommunications structures, emergency services buildings and water tanks). Within established neighbourhoods (particularly those devoid of industrial or commercial zoned land or tall buildings) areas of public open space are often the only option for carriers to establish infrastructure.</i></p> <p><i>There is no requirement for local government to initiate a scheme amendment to reclassify land used for telecommunications with a Parks and Recreation reservation. Indeed the specific classification of land for Public Purposes – Telecommunications in schemes was only common prior to 1993 when Telstra (then Telecom) was a public authority’.</i></p>	

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		<p>To illegally exploit any of these reserves would be a wilful breach of part or all of the above pieces of legislation and could well precipitate a legal challenge.</p> <p>3. Many residents in the Bindoon area and the Bindoon Townsite itself are amazed that the Shire and NBN Co would <b>ever</b> consider using Bell Hill as a site for an ugly prominent tower. Bell Hill is a very beautiful feature, a wonderful serene backdrop to our tourist centre the Bindoon townsite. We wonder for example, what the patrons of our legendary Bakery, The Bakehaus, would be thinking when they enter this tourist centre and look up to the west and are faced with an ugly tower right in their face and then when they leave and look up to the East, they are faced yet again with a larger ugly foreign object, the Optus tower.</p> <p>What ever would they think of our lovely tourist site, that we would have two ugly towers straddling our lovely pristine country</p>	<p>We recognise that Bell Hill Reserve has localised passive recreational and conservation value; however, we are not aware of the reserve being a tourist destination or containing any tourist infrastructure.</p> <p>We a further Acknowledge that local environmental, heritage and aesthetic impacts are matters to be considered which have the potential to affect tourism. We are of the view that on balance any such impact on Bell Hill Reserve is offset by the community benefit afforded by the provision of the NBN Co infrastructure.</p>	<p>Whilst it is acknowledged that if constructed the tower will have some impact upon the visual amenity of the Chittering Country Club and the reserve itself, it should be noted that the rural aspects of properties within the Country Club Estate will largely remain intact.</p> <p>Many of the properties in close proximity to the Bell Hill Reserve have dwellings which do not utilise the view of the Reserve itself but the valleys north towards Gray Road and below to the Bindoon townsite.</p> <p>The applicant has endeavoured to, in the proposal provide a tower structure which is quite streamline in nature and grey in colour, not too dissimilar to the street light poles (albeit higher) found in the rural</p>

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		<p>setting. They would wonder how we could soil our natural beauty, the very soul of our livelihood.</p> <p>Who would ever want to settle in an area that does not even love itself!</p>		<p>residential area of the Shire.</p> <p>A photomontage indicating the visual impact of the proposal from a distance of some 200m from both Ridgetop Ramble and Forrest Hills Parade is provided in Attachment No 15 in the accompanying report.</p> <p>The applicant has addressed the issue of amenity in their response state that ‘<i>“The main view from the nearest dwellings approximately 80 metres to the west and 115 metres to the north are toward the valleys to the north. Similarly, dwellings along Ridgetop Ramble Road are generally orientated toward the east. Together, these views form a very significant panorama away from the subject site. A further mitigating factor is that the telecommunications infrastructure is situated towards a plateau section of the reserve. This further limits views from surrounding dwellings and the immediate environs around these dwellings. We contend that on balance the visual impact is acceptable given the broader benefit the infrastructure will provide. A visual landscape assessment is provided in our development application</i>’</p>

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		<p>4. The Bindoon area is blessed with a picture postcard country town location, with lovely rolling hills, striking ridgelines, forests, vineyards and tourist facilities. Again, why would the Shire <b>deliberately harm</b> an industry that has contributed so much to the areas economy and growth. The townsite and its beautiful visual amenity is pure gold and should be diligently protected and certainly not abused and trashed.</p>	<p>We recognise that Bell Hill Reserve has localised passive recreational and conservation value; however, we are not aware of the reserve being a tourist destination or containing any tourist infrastructure. We a further Acknowledge that local environmental, heritage and aesthetic impacts are matters to be considered which have the potential to affect tourism. We are of the view that on balance any such impact on Bell Hill Reserve is offset by the community benefit afforded by the provision of the NBN Co infrastructure.</p>	<p><i>submission.</i></p> <p>Refer to response above.</p>
		<p>5. Also, why have two ugly towers dominating the Bindoon townsite that will be doing basically the same thing? Surely if they have a very similar footprint, it would be logical to locate all their combined services on the one site – the present Optus</p>	<p>The existing structure does not afford sufficient height to achieve NBN's coverage objectives. An opportunity to decommission the existing structure will present should the NBN Co structure be approved.</p>	<p>Refer to applicants response.</p>

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	<p>site.</p> <p>If NBN Co is a line of sight services, then it stands to reason that if the residents West of the township and the township itself North and South can see the Optus tower and its red lights, surely <b>they can be serviced by NBN Co Broadband attached to the Optus tower or on the same site.</b></p> <p>NBN Co states the following: “NBN Fixed Wireless base stations facilities operate at a unique frequency allocated by the Federal Government. In addition the facility operates on a low power output. As a result its operation will not have any effect on the operation of another transmission frequencies” (quote).</p> <p>Surely this statement means that NBN Co could coexist on the Optus tower present services. This would eliminate the need for the proposed NBN Co tower on Bell Hill Reserve.</p> <p>The proposed tower on the Bell Hill site could then be relocated to a more productive site in the south west area next to the Bindoon Country Club subdivision, at the end of Water Road on Lot 20 or Lot 7 private property, subject to owners</p>	<p>The NBN Co has undertaken a rigorous site selection process which identified nine candidate sites following a desktop analysis and scoping visit. The search area was required to concentrate on a ridgeline close to customers in order to satisfy coverage objectives. A summary of these candidate sites which included the Optus facility and the reasons for not pursuing other options are contained in the development application. In short, the inability to secure land tenure or achieve coverage objectives ruled the other sites out.</p> <p>See comment above.</p>	<p>In relation to the proposed alternative locations on Lot 20 or Lot 7 Gray Road the applicant advises (email dated 15/4/2015) that:</p>	



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		approval.		<p><i>“the proposed facility at Bell Hill Reserve is sited and designed to service approximately 364 -371 premises across Bindoon. We also note that Telstra has confirmed that this location is suitable for its' purposes in terms of co-locating its antennas and providing improved mobile coverage.</i></p> <p><i>In that context, the NBN Radio Engineers have modelled the coverage for Lot 20 and Lot <a href="#">7 Gray Rd</a> and the coverage result is identical insofar as a facility at either of these locations would only serve approximately 276 premises, or a loss of approximately 25% compared to the site that is the subject of the NBN Application on Bell Hill Reserve.</i></p> <p><i>The Radio Engineers have also modelled the coverage from a facility at the property identified as "between Crest Hill Road and Gray Road on Location P49823 – 208" which is 251 metres high. A facility at this location</i></p>

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		<p>6. The vast majority of residents in this area (two thirds of the Bindoon Country Club) would prefer this new tower site, as they have extremely poor mobile and computer services. They also have very limited TV reception. <b>No wonder they feel deprived!</b></p> <p>7. The school children in this area are at a distinct disadvantage in learning computer skills. Remember we are supposed to be living in the “Lucky Country”, these children need a break! The Shire has a <b>Duty of Care</b> to give them the best education enriched possible.</p> <p>8. The proposed new site might not be ideal by NBN Co’s standards but as a practical and substantial source of telecommunications services for the public in this large area, they would think this service was fantastic and the best thing going! A major win for the NBN Co and the Shire! In the</p>	See comment above.	<p>would serve approximately 262 premises, or a loss of approximately 28% compared to the site that is the subject of the NBN Application on Bell Hill Reserve”.</p> <p>Noted and acknowledged.</p> <p>Noted and acknowledged.</p>

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		<p>long term it would well end up the very best site for all!!!</p> <p>9. This <b>alternative site</b> on either Lot 20 or Lot 7 both on Gray Road, is in a large area of high ground overlooking a vast area to the NORTH, EAST, SOUTH and WEST. It would be a perfect site for <b>“line of sight”</b> delivery in every direction.</p> <p>Lot 20 already has a major service road on it, going West from the end of Water Road in the South West corner of the Bindoon Country Club subdivision. This site has excellent access and power adjacent to the roadway. There would be no problem for access or power supply!</p> <p>10. It is an isolated area with no adjacent residences and well outside the Bindoon Country Club subdivision, a stark contrast to the Bell Hill reserve site which is right in the middle of a large subdivision and 40 metres from homes. In this area there would be no constraining legislation.</p> <p>11. A tower in this location would cover future development in this area</p>		<p>Noted and acknowledged. Refer to Shire Officer response (above) as derived from information sourced by the applicant.</p> <p>Noted and acknowledged.</p>

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	<p>South and West along Tee Tree Road and also North and West along Gray Road. It would pay dividends to the Shire and NBN Co for a long time to come!</p> <p>12. Another distinctive benefit would be to install the Bushfire Brigade's pager system on this new site and also on the Optus tower. Together these two sites would provide an excellent communication coverage for the Bush Fire Brigade in this large fire prone area. It would provide the Brigade with a First Class service that they deserve!</p> <p>In conclusion it is recognised that this alternative proposed site on Lot 20 or Lot 7 Gray Road might push NBN Co's guidelines for site location but the rewards for them and the Shire of Chittering would be immense, in an extremely positive sense. It would provide excellent publicity and goodwill. It would be perceived as a brilliant example of corporate cooperation and accommodation for all concerned – <b>a gold mine of goodwill!</b></p> <p><u>Postscript</u> Another possible alternative site, that would</p>		<p>Co-location of the existing DFES pager is provided for in Condition No. 4 (g).</p> <p>The applicant responded to the suggested site between Crest Hill and</p>	

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		<p>depend upon landowners consent, is one located between Crest Hill Road and Gray Road on Location P49823 – 208 which is 251 metres high, compared to Bell Hill Reserve at 243 metres. It would be well outside any built up area and would cover essentially the same area as the proposed tower on the Bell Hill reserve site, with the added advantage of having a better line of sight into the South West area of the Bindoon Country Club subdivision.</p> <p>It may not be as versatile as the Lot 20 and Lot 7 Gray Road sites but would be much more acceptable to the many residents around Bell Hill Reserve as <b>THEIR LIVES WOULD NOT BE RUINED!</b></p> <p>Also, this site would have no legislation protecting it as it is privately owned land and not on a protected reserve in a subdivision. Note: All these proposals are of course subject to owners approval.</p> <p><b>IMPORTANT – PLEASE NOTE ALL NBN CO/DALY/ERICSSON STATEMENTS MADE ABOUT AVAILABLE SITES NEEDS TO BE VERIFIED AND DOCUMENTED BY AN INDEPENDENT TELECOMMUNICATIONS EXPERT.</b></p>		<p>Gray Roads (Lot 208) stating that:</p> <p><i>"Radio Engineers have also modelled the coverage from a facility at the property identified as "between Crest Hill Road and Gray Road on Location P49823 – 208" which is 251 metres high. A facility at this location would serve approximately 262 premises, or a loss of approximately 28% compared to the site that is the subject of the NBN Application on Bell Hill Reserve".</i></p>

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	<p>Attachments:</p> <p>(1) (1)Shire of Chittering Town Planning Scheme No. 6 District Zoning Scheme</p> <p>(2) WA State Planning Policy 5.2 – Telecommunications Infrastructure</p> <p>(3) Planning and Development Act 2005 – Section 152</p> <p>(4) Shire of Chittering Local Biodiversity Strategy (Adopted April 2010)</p> <p>(5) Shire of Chittering Public Submission – Review of Local Planning Strategy</p> <p>(6) Shire of Chittering Management Plan for Reserves Endorsed by Council 2003 (Chittering Country Club)</p> <p>(7) NBN Co Government Checklist</p> <p>(8) Letter from Friends of Bell Hill Reserve – to Members of Parliament Federal and State</p> <p>(9) Precedence:</p> <p>(a) Relocation of Tower from Bell</p>	See response to Submission 8		



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	<p>Hill Reserve to Parkinson's Hill Optus/Daly International 2008/9 (b) Rejection by Bridgetown/Greenbushes Shire of NBN Tower Sites – Use of Satellite and existing tower.</p> <p>(10) Relevant Maps - 4</p> <p><i>In addition to the above, the please refer to Submission No. 8 complied by Annaleen Harris of the Environmental Defenders Office WA</i></p> <p><i>Additional Comments</i></p> <p>This submission was drafted by Annaleen Harris of the EDO from data supplied by myself. I concur with her document completely, it is brilliant!</p> <p>Find another site or an alternative form of delivery such as fibre, copper or satellite.</p> <p><b>Attachment 1 SO Chattering TPS</b></p> <p>1.6 Aims of Schemes</p> <p>(a) To provide environmental protection and enhancement of biodiversity and the natural resources including land, air and</p>		<p>The aims of the Scheme have been considered in assessing the application. Whilst it acknowledged</p>	

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		<p>water quality;</p> <p>(d) To maintain the rural lifestyle as part of the community structure and well being;</p> <p>(g) To protect and improve areas of remnant vegetation and, waterways from further degradation;</p> <p>(h) To facilitate vegetated wildlife corridors and greenways, particularly along the primary water courses throughout the Shire by means of reserves and partnerships with government agencies and private landholders;</p> <p>(i) To protect the landscape values of any designated landscape precinct/area/zone;</p> <p>2.3 Relationship of Local Planning Policies to Scheme</p> <p><i>Note: Local Planning Policies are guidelines used to assist the Local Government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the</i></p>		<p>that there will be some environmental impact on Bell Hill Reserve, conditions 4 (a) and (b) envisage to mitigate the impact of compound by improving the reserve revegetation and landscaping.</p> <p>Noted and acknowledged.</p>

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		<p><i>Residential Planning Codes. In considering an application for Planning Approval, the Local Government must have due regard to relevant Local Planning Policies as required under clause 10.2.</i></p> <p>3.3 Local Reserves</p> <p>"Local Reserves" are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.</p> <p>3.4 Use and Development of Local Reserves</p> <p>3.4.1 A person must not-</p> <p>(a) use a Local Reserve; or</p> <p>(b) Commence or carry out any development on a Local Reserve</p> <p>Without first having obtained planning approval under Part 9 of the Scheme.</p> <p>3.4.2 In determining an application for Planning Approval the Local Government is to have regard to:</p> <p>(b) the ultimate purpose intended for the Reserve.</p>		<p>In liaising with the Department of Lands they have advised that: <i>"Bell Hill Reserve is reserved in accordance with the planning scheme for Parks and Recreation. Such a classification is consistent with areas of public open space required to be set aside when land is developed for residential purposes. Such areas of public open space are commonly utilised for many purposes including active and passive recreation including associated clubrooms and courts not open to the public, for drainage purposes, and to accommodate utility infrastructure (such as overhead HV power lines, telecommunications structures, emergency services buildings and water tanks). Within established neighbourhoods (particularly those devoid of industrial or commercial zoned land or tall buildings) areas of public open space are often the only</i></p>

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		<p>4.2 Objectives of the Zones</p> <p>The objectives of the zones are:</p> <p>4.2.1 Townsite Zone</p> <p>AMD 21 GG 3/4/09</p> <ul style="list-style-type: none"> <li>To provide for a range of</li> </ul>		<p><i>option for carriers to establish infrastructure.</i></p> <p><i>There is no requirement for local government to initiate a scheme amendment to reclassify land used for telecommunications with a Parks and Recreation reservation. Indeed the specific classification of land for Public Purposes – Telecommunications in schemes was only common prior to 1993 when Telstra (then Telecom) was a public authority’.</i></p> <p>To initiate the above, Conditions 1 and 2 of the officers recommendations require a portion of the current reserve to be excised and re-reserved for ‘Telecommunications Infrastructure’ prior to the commencement of any development.</p> <p>Whilst it acknowledged that there will be some environmental impact on Bell Hill Reserve, conditions4 (a) and (b) envisage to mitigate the impact of</p>

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	<p><i>compatible uses within the Bindoon and Muchea townsites to provide for a high range of services, residential types, community and recreational facilities in a village with rural character;</i></p> <ul style="list-style-type: none"> <li><i>To prohibit land use which may adversely effect the living and visual amenity of the location;</i></li> <li><i>To provide for the protection of the natural environment; and</i></li> <li><i>To protect or enhance any local reserves.</i></li> </ul> <p>5.5 Variations to Site and Development Standards and Requirements</p> <p>5.5.2In considering an application for Planning Approval under this clause, where, in the opinion of the Local Government, the variation is likely to <i>affect</i> any owners or occupiers in the general locality or adjoining the site, which is subject of consideration for the variation, the Local Government is to:</p> <p>(a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4;</p> <p>(b) have regard to any expressed views prior</p>		<p>compound by improving the reserve revegetation and landscaping.</p> <p>In addressing the application, the Shire has undertaken significant consultation with the local residents and rate payers in addition to a range of referral authorities including the Department of Lands. The submissions received have been compiled, considered and expressed in this Schedule of Submissions.</p>	

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	<p>to making its determination to grant the variation.</p> <p>6.2 Landscape Protection Areas</p> <p>Sec 6.2.2 Purpose</p> <p>(a) To secure the areas delineated on the Scheme Map from undue subdivision and development that would detract from the landscape value of the rural environment</p> <p>(b) to conserve and enhance the character of the significant landscape area; and</p> <p>(c) to ensure land use and developments are compatible with the landscape values.</p> <p>6.2.3 Landscape Areas</p> <p>(a) the Chittering Valley Landform System: for the protection of the Brockman River Catchment its biodiversity and the drainage pattern and land degradation problems;</p> <p>6.2.4 Planning Requirements</p> <p>(a) a dwelling or outbuilding on any</p>		<p>The Bell Hill Reserve is not contained within the Shire of Chittering's Special Control Area for Landscape Protection Areas as expressed in Scheme Maps of TPS No. 6.</p>	



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	<p>ridgeline as may be prominently visible from any public road or which may adversely affect the aspects of neighbouring dwellings</p> <p>(b) land uses which are not related to the general objectives of the zone;</p> <p>(d) the removal of any natural vegetation from any ridgeline;</p> <p>(e) the removal or lopping of trees other than for-</p> <p>i. fire fighting or fire protection purposes;</p> <p>ii. the removal of dead or dying trees;</p> <p>iii. clearance for power lines, emergency access, emergency works by a public authority, sight lines and traffic safety on roads;</p> <p>iv. if the vegetation is posing a risk to public safety;</p> <p>v. the vegetation is part of an area planted for fodder, timber plantation, or any other crop;</p> <p>vi. in association with the</p>			

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	<p>establishment of a Building Envelope.</p> <p>6.2.5 Relevant Considerations</p> <p>(a) the statement and the nature of the key elements of the landscape and its character;</p> <p>(b) the conservation and enhancement of the landscape values</p> <p>(c) the impact of any buildings and associated works on the landscape due to height, bulk, colour, general appearance and the need to remove vegetation;</p> <p>(e) a change of land use where in the opinion of the Local Government the proposed development may cause a deterioration of the landscape value and/or cause an adverse effect (s) on the environment.</p> <p>6.3 Water Prone Area – Ellen Brook Palusplain</p> <p>6.3.4 Relevant Considerations</p> <p>In considering applications for Planning Approval, the Local Government shall have regard to-</p> <p>(a) the likely impact on the health and welfare of future occupants;</p>		<p>The Bell Hill Reserve is not contained within the Shire of Chittering's Special Control Area for Water Prone Area as expressed in Scheme Maps of TPS No. 6.</p>	

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		<p>(b) the proposed activities for the land and their potential increase in the risk of causing an increase in nutrients entering the water regimes;</p> <p>(c) any provision or recommendation from any Catchment Management Plan;</p> <p>(d) The likely impact on any wetland;</p> <p>6.5 Military Considerations</p> <p>6.5.1 The Military Considerations Area (for RAAF Base Pearce-Flight Paths) are delineated on the Scheme Map.</p> <p>6.5.2 Purpose</p> <ul style="list-style-type: none"> <li>To protect the integrity of the operations of the RAAF Air Base Pearce and its flight paths and to provide conditions on development on land within the designated Special Control Areas which may be effected by noise.</li> <li>To minimise the number of people residing in the delineated flight path subject to significant levels of aircraft noise.</li> </ul> <p>6.5.4</p>		<p>The Bell Hill Reserve is not contained within the Shire of Chittering's Special Control Area for Military Considerations as expressed in Scheme Maps of TPS No. 6.</p>

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	<p>(d) whether the proposal constitutes a hazard or interference to aircraft flying in the area.</p> <p>7.2 Designation of Heritage Area</p> <p>7.2.1 If, in the opinion of the Local Government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the Local Government may, by resolution, declare that area as a heritage area.</p> <p>7.2.2 The Local Government is to-</p> <p>(a) adopt for each Heritage Area a Local Planning Policy, which is to comprise-</p> <ul style="list-style-type: none"> <li>i. a map showing the boundaries of the heritage area;</li> <li>ii. a record of places of heritage significance</li> </ul> <p>7.4 Heritage Assessment</p> <p>Despite any existing assessment on record, Local Government may require a heritage assessment to be carried out prior to the approval of any development proposed in a Heritage</p>		<p>The Bell Hill Reserve is not contained within the Shire of Chittering's Municipal Inventory.</p>	

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		<p>Area or in respect of a heritage place included on the Heritage List.</p> <p>9.2 Accompanying Material</p> <p>(c) any specialist studies that Local Government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies</p> <p>10.2 Matters to be considered by Local Government</p> <p>(a) the aims and provisions of the Scheme;</p> <p>(b) the requirements of orderly and proper planning including any relevant proposed new district planning scheme or amendment, which has been granted consent for public submissions to be sought;</p> <p>(d) any approved environmental protection policy under <i>the Environmental Protection Act 1986</i>;</p> <p>(e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the</p>		<p>The information provided by the applicant has been deemed satisfactory for the assessment of the application.</p> <p>In assessing the application, officers have taken into consideration all procedures for dealing with applicants in accordance with Part 10 of TPS No. 6. Officers response to the provisions of Section 10 'Matters to be considered by local government' have been addressed in the accompanying report to Council.</p>

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	<p>State;</p> <p>(f) any Local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme;</p> <p>(g) the aims and objectives of Catchment Management Plans and Principles for the Scheme Area</p> <p>(h) In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;</p> <p>(j) the compatibility of a use or development within its setting taking into consideration any Special Control Area.</p> <p>(k) any social issues that have an effect on the amenity of the locality;</p> <p>(l) the cultural significance of any place or area affected by the development;</p> <p>(m) the likely effect of the proposal on</p>			



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	<p>the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;</p> <p>(n) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, <u>bushfire</u> or any other risk (Earth Quake Zone?) (<i>underlined bushfire and Earth Quake zones are highlighted by the submitter</i>).</p> <p>(o) the preservation of the amenity of the locality</p> <p>(w) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;</p> <p>(x) whether the proposal is likely to cause soil erosion or land degradation;</p> <p>(y) the potential loss of any community service or benefit resulting from the Planning Approval;</p>			

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	<p>(aa) any relevant submissions received on the application;</p> <p>(bb) the comments or submissions received from any authority consulted under clause 10.1.1</p> <p>10.3 Determination of Applications (b)</p> <p>In determining an application for Planning Approval the Local Government may:</p> <p>(b) refuse to grant its approval.</p> <p>11.5 Compensation</p> <p>11.5.1 A person whose land or property is injuriously affected by the making or amending of the Scheme may make a claim for compensation under Section 173 of the Planning and Development Act- AMD 21 GG 3/4/09</p> <p><b>Attachment No 2 – WAPC SPP 5.2 Telecommunications Infrastructure</b></p> <p>1. Citation</p> <p>This is a Statement of Planning Policy made under Section 5AA of the <i>Town Planning and</i></p>		<p>In addressing the above, the application is required to go to Council for deliberation, with the ultimate decision to grant its approval with or without conditions or refuse its approval ultimately made by Councillors.</p> <p>Noted and acknowledged.</p>	

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	<p><i>Development Act 1928</i> (as amended). It may be cited as Statement of Planning Policy NO. 5.2 Telecommunications Infrastructure.</p> <p>2.3 Mobile Telephone Networks</p> <p>Due to the rapid expansion of the telecommunications industry, and the increasing demand for mobile telephone services in particular, the location, siting and development of facilities can become an issue of particular interest in local communities, with debate focusing on visual amenity and public health.</p> <p>Use of mobile phones has raised public interest in possible health issues associated with exposure to electromagnetic emissions. All carriers are required to comply with the Australian Communications Authority' <i>Radiocommunications (Electromagnetic Radiation - Human Exposure) Standard (2003)</i>. This incorporates substantial safety margins to address concerns for potentially sensitive groups in the community such as children, pregnant women, the infirm and aged.</p>		<p>In assessing the application, the Shire officers have been guided by the principles contained within SPP 5.2.</p> <p>Officers have responded to Section 5 Policy Provisions under the guises of Part 5.1 Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure, 5.2 Matters to be Considered when Determining Planning Applications and 5.3 Information Required to be Submitted when Lodging a Planning Application within the accompanying report to Council.</p> <p>The applicant has also addressed Part 5.1 Guiding Principles for the Location, Siting and Design of Telecommunication Infrastructure as part of their submitted planning report accompanying the development application. The applicant addressing of Part 5.1 is included within the accompanying report to Council and also forms part of Attachment No. 1. .</p>	

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	<p>2.5 Planning Approval Required for Telecommunications Infrastructure</p> <p>Planning approval is required from the relevant planning authority before development of telecommunications infrastructure can be commenced.</p> <p>3. Objectives</p> <p>The objectives of this Policy are to:</p> <ul style="list-style-type: none"> <li>• facilitate the provision of telecommunications infrastructure in an efficient, cost effective and environmentally responsible manner to meet community needs;</li> <li>• facilitate the development of an effective state wide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in Western Australia as set out in the <i>Town Planning and Development Act 1928</i> and the <i>State Planning Strategy</i>;</li> <li>• minimise disturbance to the</li> </ul>			

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	<p>environment and loss of amenity in the provision of telecommunications infrastructure; and</p> <ul style="list-style-type: none"> <li>• ensure compliance with all relevant health and safety standards in the provision of telecommunications infrastructure.</li> </ul> <p>4. Application</p> <p>This Policy applies to the zoning, subdivision and development of land throughout Western Australia in respect to all telecommunications infrastructure other than those exempt under the Telecommunications Act.</p> <p>5. Policy Provisions</p> <p><b>5.1 Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure</b></p> <p>Telecommunications infrastructure should be located, sited and designed in accordance with the following Guiding Principles:</p> <ul style="list-style-type: none"> <li>• Telecommunications facilities</li> </ul>			

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	<p>should be designed and sited to minimise any potential adverse visual impact on the character and amenity of the local environment, in particular, impacts on prominent landscape features, general views in the locality and individual significant views.</p> <ul style="list-style-type: none"> <li>• Telecommunications facilities should be designed and sited to minimise adverse impacts on area of natural conservation value and places of heritage significance or where declared rare flora are located.</li> <li>• Telecommunications facilities should be designed and sited with specific consideration of water catchment protection requirements and the need to minimise land degradation .</li> <li>• Telecommunications facilities should be designed and sited to minimise adverse impacts on the visual character and amenity of residential areas.</li> <li>• Unless it is impractical to do so telecommunications towers should be located within commercial, business, industrial</li> </ul>			



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	<p>and rural areas and areas outside identified conservation areas.</p> <ul style="list-style-type: none"> <li>• Construction of a telecommunications facility (including access to a facility) should be undertaken so as to minimise adverse effects on the natural environment and the amenity of users or occupiers of adjacent property, and ensure compliance with relevant health and safety standards.</li> </ul> <p>5.2 Matters to be considered when Determining Planning Applications</p> <ul style="list-style-type: none"> <li>• effect of the proposal on the environment and natural landscape and the extent to which the proposal affords protection of these elements;</li> <li>• effect of the proposal on any place of cultural heritage significance on or near the land;</li> <li>• extent to which the proposal enhances or maintains visual amenity</li> </ul>			

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	<p>including streetscape and minimises adverse visual impacts;</p> <ul style="list-style-type: none"> <li>• extent to which the proposal adheres to the Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure Set out in Section 5.1 of this Policy.</li> </ul> <p>5.3 Information Required to be Submitted when Lodging a Planning Application</p> <ul style="list-style-type: none"> <li>• graphic illustrations (including photographs of similar facilities and/or computer-generated simulations) showing the type of facility and its relationship with adjacent development;</li> <li>• elevations showing the extent, height and appearance of the proposed facility as viewed from any adjacent street, public place and adjacent property;</li> <li>• proposed materials and colour of the facility, and proposed</li> </ul>			

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	<p>arrangements for maintenance and/or future modifications in response to changes to any adjacent buildings or structure;</p> <ul style="list-style-type: none"> <li>any screening or fencing proposed in conjunction with the facility, including arrangements for maintenance;</li> <li>any external lighting of the proposed facility and/or the facility site;</li> <li>details of any existing vegetation to be removed and any proposals for landscaping and/or restoration or any disturbed land;</li> <li>details of any significant environmental constraints and,</li> </ul>			

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		<p>where relevant, commitments stating how these constraints will be managed to prevent an unacceptable impact on the environment; and</p> <ul style="list-style-type: none"> <li>• details of the timing of works involved in establishing the facility and any arrangements (or temporary access and/or changes to existing access facilities during the course of construction.</li> </ul> <p>The application should also be supported by a written statement or report setting out:</p> <p>(i) the maximum power output of the facility and radiofrequency electromagnetic energy levels in accordance with the Industry Code for the Deployment of Radiocommunications Infrastructure 2002. This statement is to demonstrate</p>		

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	<p>that the carrier accepts full responsibility for compliance with the Radiocommunications Act;</p> <p>(ii) how the proposed facility relates to the existing and proposed network of telecommunications infrastructure, and what (if any) additional facilities are known by the proponent to be under consideration to meet projected future increases in demand;</p> <p>( iii) the extent to which the proposed facility complies with any relevant town planning scheme or planning policy adopted under a scheme and (if applicable justification for any variation from relevant scheme or policy provisions;</p> <p>(iv) where the proposed facility (e.g. trenching cables such as</p>			

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	<p>optic fibre) is to be located within an easement or corridor, details as to how the facility will affect the capacity for future installations within that easement or corridor; and</p> <p>( v) how the proposed facility addresses the Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure set out in Section 5.1 of this Policy.</p> <p><b>Attachment No. 3</b></p> <p><b>State Land Services – Reserves (June 2008)</b></p> <p><b>Reserves arising from the subdivisional process</b></p> <p>The <i>Planning and Development Act 2005</i> is the State's primary legislation dealing with orderly town planning. Section 152 of this Act provides for the vesting in the State, land within private subdivisions which is designed for</p>		<p>In relation to the Reservations under Section 152 of the Planning and Development Act (2005) the Shire has been advised by an officer at the Department of Lands that:</p> <p style="text-align: right;"><i>Under the Land Administration Act 1997 (LAA) the reserve purpose is</i></p>	



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		<p>public purposes such as recreation and drainage.</p> <p>To ensure maximum public access is preserved to such land, leasing powers are not given in management orders.</p>		<p><i>inconsistent with any alternative land use. Further, it is not only the reserve purpose but the fact that it was set aside as such a reserve as a condition of subdivision under section 20A of the former Town Planning and Development Act 1928. (Now s152 of the Planning and Development Act 2005). These types of reserves are afforded high protection and attract greater scrutiny since they were given up out of the freehold estate” (email dated 22/4/2015).</i></p> <p><i>Despite the above, it is noted that “<u>recent policy shift allows for additional purposes</u>, and in this case, excisions of small areas for telecommunications facilities. Ordinarily Crown land will be leased directly from DoL under the LAA and we would expect to see an application. However, in the cases of telecommunications facilities over s152 reserves policy allows for direct leasing from the local authority”</i></p>

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	<p>Attachment 4 – Shire of Chittering Local Biodiversity Strategy (April 2010)</p> <p>2.2 Significant Fauna</p> <p>Chuditch – Vulnerable, rare or likely to become extinct fauna (Schedule 1)</p> <p>Carnaby Black Cockatoo – Endangered, rare or likely to become extinct (see in more detail p. 22)</p> <p>4.2 Goal 1 – Retention of Natural Areas</p> <p>4.3.2 High Biodiversity Value Areas</p>		<p>(email dated 22/4/2015)</p> <p>To initiate the above, Conditions 1 and 2, conditions of approval require a portion of the current reserve to be excised and re-reserved for ‘Telecommunications Infrastructure’ prior to the commencement of any development.</p> <p>Noted and acknowledged. The matter of the Bell Hill Reserves inclusion as a Priority 1A reserve in the Shire of Chittering’s Biodiversity Strategy has been addressed by Chittering Landcare in Submission No. 1 of the Referral Agency Responses and also in the accompanying Officers report to Council. .</p>	

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	<p><b>Owned or Vested in the Shire</b></p> <p><b>Highest Priority Natural Area for Protection:</b></p> <p><b>Priority 1A</b></p> <p><b>Bell Hill Reserve – Yalanbee 6 is Priority 1A</b></p> <p><b>Recommended to be a ‘Conservation Reserve’.</b></p> <p><b>On our (the submitters) research these areas such as Bell Hill Reserve should be classified as ‘Conservation Areas’.</b></p>				
	Species/community	Status	Leg Pro		
	Significant Fauna #				
	Dasyurus geoffroyii Chuditch	Vulnerable, rare or likely to became extinct (Schedule 1)	EP0 Wil 195		
	Calyptorhynchus Latirostris Carnaby’s black cockatoo	Endangered, rare or likely to became extinct (Schedule 1)	EP0 Wil 195		

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		<p>Shire of Chittering Biodiversity Strategy 2010</p> <p>Sec 4.3.2 High biodiversity value areas owned or vested in the Shire</p> <p>The prioritisation framework can be used to identify the highest priority areas for protection, ranking natural areas as Priority 1A – 1C being of high regional significance.....</p> <table><tr><td>Priority Rank</td><td>Reserve name, Locality</td><td>Area native rem</td></tr><tr><td>1A</td><td>Bell Hill Reserve, Chittering</td><td>2.14</td></tr></table> <p>The protection status of the regionally significant reserves could be improved by amending their current zoning in the Town Planning Scheme to a ‘conservation reserve’.</p> <p><b>Attachment No 5 Public Submission – Review of the Shire of Chittering Local Planning Strategy (July 2014)</b></p> <p>Some of the objectives of the Local Planning Strategy are to:</p> <ul style="list-style-type: none"><li>• retain the lifestyle in the context of</li></ul>			Priority Rank	Reserve name, Locality	Area native rem	1A	Bell Hill Reserve, Chittering	2.14		
Priority Rank	Reserve name, Locality	Area native rem										
1A	Bell Hill Reserve, Chittering	2.14										

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	<p>the rural character of the Shire;</p> <ul style="list-style-type: none"> <li>• promote and enhance the region as a tourist destination;</li> <li>• protect the natural environment and landscape qualities from adverse impacts of inappropriate development and exploitation.</li> </ul> <p><b>Attachment No. 6 Letter to Chittering Country Club Public Open Space Committee</b></p> <p>‘Recommendations for the management of Public Open Space in the Chittering Country Club’.</p> <p>“Council at its meeting of the 20 February 2003, resolve as follows:</p> <p>‘That Council thank the Chittering Country Club Public Open Space Committee for the completion of an updated Management Plan for the reserves within the Chittering Country Club Estate (CCC) and note that Council endorses the new Plan ‘....’”</p> <p><b>Recommendations for the Management of Public Open Space in the Chittering Country Club Estate</b></p> <p><b>TERMS OF REFERENCE</b></p>		<p>Noted and acknowledged. This document has been addressed in the officer’s accompanying report to Council.</p>	

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	<p>As a result of liaison between the Shire of Chittering and the Public Open Space Committee, this document is solely comprised of a recommended management plan for the public open space defined herein.</p> <p>It is in no way binding on Council or Committee members.</p> <p>It is assumed that all final decisions and liability regarding public open space is vested in Council.</p> <p><b>INTRODUCTION</b></p> <p>In early May 2000, the Shire of Chittering Council mailed a survey to Country Club residents requesting public comment on the use and development of the public open space in the Country Club Estate. Return of the surveys showed a desire for the formation of a committee to examine the public open space and formulate recommendations for its management. These recommendations were then to be submitted to Council.</p> <p><b>GENERAL PHILOSOPHY</b></p> <p>The general philosophy of this set of recommendations is to form a plan for the</p>			



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	<p>management of the Public Open Space in the Country Club Estate such that it is preserved for the use and enjoyment of the local public first and general public second, and is maintained in a manner conducive to current Landcare principles.</p> <p>In the development of the plan there are three basic considerations: -</p> <ul style="list-style-type: none"> <li>• What is the current status of the land?</li> <li>• What is the desired result and its feasibility?</li> <li>• Which management practices are to be adopted to achieve the desired result?</li> </ul> <p>In the consideration of the first of these points the land will be graded into one of six categories: -</p> <ul style="list-style-type: none"> <li>• Waterways;</li> <li>• Cleared land;</li> <li>• Spare vegetation;</li> </ul>			

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	<ul style="list-style-type: none"> <li>• Medium vegetation</li> <li>• Dense vegetation; and</li> <li>• Bridle/Walk trails</li> </ul> <p><b>Weeds</b></p> <p>The control of weeds is a vital part of the management of the POS and control should be via displacement i.e. conditions on the POS should be managed such that indigenous species have the competitive edge over weed species, this involves minimisation of disturbance and greater planning of cool burns.</p> <p>Areas such as fire breaks tend to become the focus of weed infestation when these are created with graders rather than offset ploughs, it is recommended that fire breaks be formed with an offset plough rather than a grader, this has the added advantage of reducing the erosion caused by channelling of runoff in grader trails.</p> <p><b>Access</b></p> <p>It is recommended that access be banned to all motorised vehicles other than those required for maintenance of fire breaks and emergency services. To this end access will be restricted by the installation of concrete bollards and chains at all entry and exit points on the POS.</p>			

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	<p><b>Bushwalking</b></p> <p>Bushwalking is seen as a major attraction of any bushland area and as such is to be encouraged. The creation of trails for the purposes of bushwalking is highly recommended for Chittering Country Club POS.</p> <p><b>Dogs</b></p> <p>At this time dogs are not a problem, however should a problem arise it is felt that the normal actions of the Council Ranger should cope with the situation.</p> <p><b>Horses</b></p> <p>Horse riding is a form of recreation suited to POS. The walking trails should be wide enough to accommodate the riding of horses such that they double as bridle and walk trails.</p> <p><b>Rubbish</b></p> <p>The dumping of rubbish is at present not a problem on the POS. It is recommended that the provision of rubbish bins be restricted as they</p>			

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	<p>encourage litter if not regularly serviced.</p> <p><u>Report for</u> <u>Chittering Country</u> <u>Club Public Open</u> <u>Space Committee</u></p> <p>30 October 2001</p> <p>Prepared by: Dennis Badcock Chief Bush Fire Control Officer</p> <p>Re: <i>General fire and recommended burning regime Current fire status</i></p> <p><i>General fire and recommended burning regimes</i> as per the prepared document titled Recommendations for the management of public open space in the Chittering Country Club, are found to be a sound and accurate assessment of the needs associated with the management of public open space lands.</p> <p>It would be my recommendation that your committee adopt the policy that hazard reduction measures be implemented at a fuel loading of 8.5 tonnes per hectare as a fuel loading of</p>			

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	<p>more than 10 tonnes per hectare is considered to be a major hazard.</p> <p>I also suggest that the need to assess hazards would in reality only need to be carried out once annually.</p> <p><i>Current fire status</i> of public open space areas that your committee are associated with, namely Bell Hill and Evergreen Reserve, have been assessed in regard to hazard management and both of these reserves have been tagged for hazard reduction by means of a hazard reduction bum. Time permitting, the local Fire Brigade will carry out these bums during this current season.</p> <p>Hazard reduction inspections within the Shire of Chittering are conducted annually by local Fire Control Officers and I would suggest that your committee liaise with the same for further information regarding fire matters.</p> <p>Yours sincerely</p> <p>Dennis Badcock</p>			

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	<p><b>Information from Rafferty Andreoli – Landcare Coordinator</b></p> <p><b>Soils</b></p> <p>Evergreen Reserve is predominantly made up of gravely duplex soils underlain by laterite and granite. These soils are fairly stable but are susceptible to soil erosion by both wind and water if cleared of vegetative cover.</p> <p><b>Management</b></p> <p>The reserve is in fairly good condition, however it does have two main areas that need to be actively managed to ensure no further degradation takes place.</p> <p>The firebreaks and trails have been constructed by a grader and as such are approximately 2m wide and are maintained by annual grading. Given the gravely soil, I would suggest that maintenance is done by spraying the weeds rather than constant grading. This only brings up large rocks and creates disturbance, which again promotes more weed growth.</p>			



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	<p><b>Walking Trails</b></p> <p>I would also recommend that no more walking trails are put through. I understand that as POS, the reserve needs to be accessible and utilised by people, but the main priority has to be to maintain the health of the vegetation. More paths will increase the fragmentation of the reserve and will encourage weed growth into previously weed free areas. Horses, vehicles and walkers can bring in weed seed, which will thrive in disturbed areas. The reserve is already divided into five segments, which should be more than enough for controlled burns, which need to occur on a rotational basis. In addition, extensive research has indicated that controlled burns should only be carried out in the same area no more than once every 10-15 years to ensure that native species are not burnt out. Recurrent burning, weed invasion and fragmentation are real issues that can potentially put the health of the whole reserve at risk.</p> <p><b>Disused Gravel Pit</b></p> <p>If the gravel pit is no longer being used,</p>			

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	<p>it would be a fantastic site to rehabilitate. Seed could be collected from other areas in the reserve, and the site direct seeded.</p> <p>Prior to seeding, the area would need to be ripped and sprayed. Pre treated seed could then be broadcast to replace the vegetative cover.</p> <p>Conclusion</p> <p>Evergreen Reserve is in relatively good condition with a diversity of flora species. It provides a refuge for local native wildlife and also provides locals with a excellent site for passive recreation such as bushwalking and horse riding. Given this, it is imperative that we ensure that it remains in good condition and doesn't get weed infested, which in turn increases the fuel load and bush fire potential. The firebreaks and trails in and around the reserve need to be maintained using chemical rather than mechanical weed removal methods. Further walking trails are not recommended. The thick understorey provides good habitat for native fauna, and should be left undisturbed. The reserve has a more than</p>			

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	<p>adequate network of walking trails.</p> <p>The gravel pit site would benefit greatly from rehabilitation, especially in the form of direct seeding, which provides a more natural look than re planting.</p> <p><u>Bell Hill Reserve</u> {44213- 1.815 hectares) Present Situation The area known as Bell Hill Reserve Public Open Space, bounded by Ridgetop Ramble, Forest Hills Parade and Lots 152 and 153 (see Maps land 3) currently consists of medium vegetation on the higher areas with cleared grassed areas on the lower slopes. The higher area is typified by steep slopes and rocky ground and it is a fragile area that could be prone to erosion (see Landcare Report on Bell Hill Reserve) At present there is ready access to the Reserve for bushwalkers.</p> <p><b>Recommended Action</b></p> <p>The general recommendation for the area is the preservation of the existing flora and fauna with the upgrading of firebreaks, control of wild oats and weeds and the removal of hazardous dead trees and fire hazard reduction.</p>			

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	<p>There commendations set out in the Landcare Report will be followed for the regeneration of the Reserve,</p> <p>It is recommended that no development be undertaken on the reserve due to the Reserve's fragile nature, small size (1815 hectares) and impact on adjacent properties.</p> <p>This area is recommended as a total conservation area, due to its fragile nature. The Reserve has at present several natural points of access for local bushwalkers and it is recommended that no formal access be undertaken or developed.</p> <p>As for Evergreen Reserve, picnic facilities and public toilets are not recommended or desirable.</p> <p><b>Report from Site Visit to Bell Hill Reserve No. 44213 Chittering Country Club Estate Mon 22<sup>nd</sup> October 2001</b></p> <p><b>Vegetation Types</b> Bell Hill Reserve is a classic example of much of the higher land in the Brockman River Catchment.</p> <p><b>Soils</b> The area is a classic example of lateritic uplands, which are typified by rubbly,</p>			

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	<p>orange/red lateritic soils and pea gravel. These soils are prone to erosion, therefore care needs to be taken in developing and/or rehabilitating this site. In addition, the steep grade of the area means that rainfall will have a greater erosive velocity and therefore its capacity to erode the soil is greater.</p> <p><b>Conclusion</b> Bell Hill Reserve would greatly benefit from rehabilitation works. The weed control necessary would lessen the fire risk and reduce the erosive potential of the reserve. In addition, the vast majority of the revegetation species recommended to not burn well so do not encourage fire.</p> <p>It is very important from an ecological point of view that these natural areas that are left in subdivisions are looked after and managed as to provide an example of local flora and provide hassle free habitat for our native fauna.</p> <p><b>Signage – Recommended Action</b></p> <p><u>BELL HILL</u> RESERVE 2 required: (Shire Logo)</p> <p>Walking, No Riding, No Motorbikes, No</p>		<p>The “Recommendations for the Management of Public Open Space in the Chittering Country Club Estate” have been considered in the assessment of the application and addressed in the officer comments included in the accompanying report. From an officer perspective, Conditions No. 4 (a) and (b) may have the ability to provide the rehabilitation works and reduce the erosive potential of the reserve.</p>	

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	<p>Camping, No Fires Caution – Difficult Terrain</p> <p><b>Attachment No. 7 – Local Government Checklist</b></p> <p>The following checklist provides a guide for local councils as to the information NBN Co and its contractors/agents may need to assist in the NBN planning process:</p> <ul style="list-style-type: none"> <li>• Location of environmentally significant or heritage areas that may not be in the zoning and overlay maps eg. Conservation/protect areas, national parks/nature reserves, wetlands, bushland and significant street trees;</li> <li>• Any specific local planning controls or restrictions, policies or codes that may apply specifically to telecommunications facilities;</li> <li>• Awareness of previous telecommunication infrastructure rollout legacy issues or locations.</li> </ul> <p><b>Attachment No. 8 – Letter to various members of Parliament – State and Federal from Friends of Bell Hill Reserve (Concerned Property Owners) ‘Preserve our Reserves’.</b></p>		<p>Noted and acknowledged. Whilst assessing the application, the Shire officers have taken into consideration a number of local strategic and statutory documents in addition to State policies to adequately assess the application.</p> <p>Noted and acknowledged. Refer to Shire responses to Submission No. 8</p>	



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	<p><b>SUBJECT:PROPOSED NATIONAL BROADBAND NETWORK FIXED WIRELESS FACILITY AT BELL HILL RESERVE NO. 44213, BINDOON W.A. Corner Forrest Hills Parade &amp; Ridgetop Ramble</b></p> <p>We are appealing for your help in protecting our reserve - The Bell Hill Reserve" in the Bindoon Country Club Subdivision from wanton exploitation.</p> <p>We are trying to prevent NBN Co/Daly International from installing a 40 metre high National Broadband Network Fixed Wireless Tower, with a 96 square metre supporting compound on our Reserve.</p> <p>The Reserve is a small 5 acre reserve of Crown Land that was set aside in our subdivision for purely Recreational purposes and as an area to protect native flora and fauna. There are two other reserves, Evergreen Reserve and Hidden Gully Reserve in the subdivision, all these were never meant to be exploited for any commercial or other purpose!</p>		and Shire Officer report to Council addressing the application. .	

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	<p>NBN Co/Daly's claim that Bell Hill Reserve is the best site for their tower is extremely questionable, for if Bell Hill did not exist, they would without doubt find many other suitable sites. There are other means available for them to deliver their network - fibre, copper or satellite, they are a professional company and know their options.</p> <p>If they are successful in installing their tower on Bell Hill Reserve they will, with the help of the Shire of Chittering and Councillors, deliberately breach and wilfully contravene numerous sections of:</p> <ol style="list-style-type: none"> <li>1. Shire of Chittering Town Planning Scheme No. 6 - District Zoning Scheme.</li> <li>2. W.A. State Planning Policy 5.2 - Telecommunications Infrastructure</li> <li>3. NBN Co Local Government Checklist</li> <li>4. Shire of Chittering Public Submission -Review of Local Planning Strategy</li> <li>5. Planning &amp; Development Act 2005 - Section 152 on Reserves</li> </ol>			

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	<p>6. Shire of Chittering Local Biodiversity Strategy - Adopted April 2010</p> <p>7. Shire of Chittering Management Plan for the Reserves- endorsed by Council 2003.</p> <p>It must be stated that the property owners around Bell Hill Reserve and their supporters are not opposed to the NBN Co/Daly Broadband tower, they are only opposed to its location on a small reserve in the midst of a large subdivision. It is a totally inappropriate location for such a visually obtrusive and potentially hazardous structure.</p> <p>NBN Co/Daly are using a fallacious argument to present their case for justifying the installation of their tower on Bell Hill Reserve. Their argument goes, that because a large number of people want their broadband, they NBN Co have the right to install the tower on Bell Hill Reserve no matter what the negative impact this would have on a <b>pristine natural</b> recreational Reserve and also on all the properties around it.</p>			

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		<p>They argue that the rights of the majority over the rights of the individual should prevail - but in reality they are wrong. They seem to forget all property owners are equal in the eyes of the law, no individual or group of individuals have more legal rights to impose their will on any other individual or group of individual property owners. It is the democratic right of the individual to have their rights respected and protected by Law - this is the concept of the "Fair Go" that Australia is renown for. The right to preserve and respect the rights of the individual. The same must be said of our local Reserves, they must be preserved and their integrity and purpose respected.</p> <p>The final issues to address are Electromagnetic Radiation and the 24 x 7 threat it exposes all life forms in its path, from egg to sperm, to embryo, infants and the elderly. Who will give an absolute guarantee it does not have a hazard? Will anyone give such a written guarantee to smoking and asbestos? Why put towers in any residential areas?</p> <p>One more obvious hazard of a tower located on top of a hill in a residential area, is the hazard to low flying aircraft.</p>		

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	<p>Fire fighting helicopters and planes have enough hazards with smoke and flames to also worry about a lurking tower hazard.</p> <p>This region could be classified as a high fire risk area. The firefighters just don't need this extra risk when they are trying to protect life and property.</p> <p>There could well be Aboriginal Heritage issues that need to be investigated under the Aboriginal Heritage Act 1972 and the Aboriginal Heritage Regulations 1974.</p> <p>Summary</p> <ol style="list-style-type: none"> <li>1. The proposed tower will be on a highly visible and significant rocky ridgeline overlooking the Bindoon townsite, producing an extremely high level of visual pollution over a vast area.</li> <li>2. The tower is in the middle of a residential area and may produce a health hazard to local residences and also create a risk for fire fighting helicopters in a fire prone area.</li> <li>3. The construction of such a tower, 40+ metres high with a 96 square metre support structure, will devastate the</li> </ol>			

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	<p>most fragile area of the reserve. It will totally devastate its purpose as a recreation area and also devastate all flora and fauna - it amounts to rape of the environment.</p> <p>4. The line of sight technology of the proposed NBN Co Broadband is very questionable, due to the Bindoon area topography and vegetation - ridgelines, gullies and tall dense Wandoo trees. One branch in the wrong place and no signal would be received. Therefore, the Reserve would have to have most of its trees "modified" with devastating environmental results.</p> <p>5. The amenity of the Reserve and surrounding area will be virtually destroyed day and night, an environmental disaster for all concerned - look at the Optus tower to the east.</p> <p>6. The environmental impact on flora and fauna would be huge, especially the Chuditch and Carnaby Black Cockatoo, both are endangered and on the reserve plus many, many other fauna species.</p>			

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	<p>7. There is also the question of Aboriginal Heritage issues - there needs to be a survey of Bell Hill Reserve.</p> <p>8. The Reserve is protected by Law, it was created as an area for recreation and water drainage only, no other use should ever be considered, certainly not any commercial oriented ventures.</p> <p>The Reserve should be environmentally respected and protected for its pristine natural heritage value as a time capsule of ancient Australia.</p> <p>It is a Reserve to be preserved.</p> <p>The Reserve needs your help, please protect it.</p> <p><b>Attachment 9 a)</b></p> <p><b>Extract from Daly International – Community Information Update</b></p> <p>As part of the expansion of its 3G mobile network in Western Australia, Optus has submitted a proposal to improve its mobile telephone</p>		<p>Noted and acknowledged. Included in the Officer's report to Council is a section titled 'Alternative Sites' which the applicant has explored and</p>	



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		<p>coverage in the Bindoon area. Optus is planning to build the new telecommunications facility at Parkinson's Hill, Off Great Northern Highway, Bindoon.</p> <p>The purpose of this update is to inform you, the residents of Bindoon, of the new mast location and to advise that a Development Application will be submitted to the Shire of Chittering for consideration next week.</p> <p>During its search for suitable mobile sites, Optus works hard to strike a balance between customer demand for improved mobile and broadband coverage in the area and the preferences of individual residents. After constructive feedback from the community Optus has amended its proposal by selecting an alternative site, outside of Bell Hill Reserve, and at a greater distance from residential properties.</p> <p>The new Optus proposal would involve erecting a 50m high lattice tower with 3 panel antennas (provision for 6 future antennas) mounted on a</p>		<p>provided justification as to the reasoning behind Bell Hill Reserve being seen as the prime location for the Fixed Wireless Facility.</p>

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		<p>headframe at 50m and 3 1200mm diameter parabolic antennas fixed to the tower at various heights. Associated equipment will be stored in a new external equipment shelter located at the base of the tower within a new compound surrounded by security fencing and a gate.</p> <p><b>Attachment 9 b)</b></p> <p>Extract from the Manjimup-Bridgetown Times (May 29, 2014) 'Satellite use may boost broadband'.</p> <p><b>NBN Co is investigating the use of satellite technology and boosting the signal from Bridgetown's existing communications tower on Sutton Close to deliver fast broadband in the shire.</b></p> <p>The company, which has already begun construction of a wireless tower in Manjimup, said on May 21 that 13,300 WA home and business owners were connected to its network.</p> <p>NBN Co said it accepted Bridgetown-Greenbushes Shire Council's vote in March to refuse planning permission for new</p>		<p>Noted and acknowledged. The applicant has provided sufficient justification as to the reasoning behind the installation of the tower as opposed to sourcing it from alternative means. The Shire of Chittering has different statutory and strategic documents which are utilised to assess applications from a local government perspective as opposed to the local government mentioned in the article</p>

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Public Submissions				
Submitter	Comment	Applicants Response	Shire Officer Response	
	<p>wireless tower on Giblett Road and Maslin Street.</p> <p>The council voted against the proposed 40-metre towers after receiving 338 submissions citing concerns about visual and environmental impact and perceived health issues.</p> <p>NBN Co will not appeal the upheld rejection and is assessing its options on how to best deliver on its commitment to providing better broadband to the region," a spokesman said.</p> <p>"Engineers are still figuring out what's possible and what's not."</p> <p>As with mobile phone towers, fixed wireless internet operates on the 'line of sight' principle and without the new towers, satellite services would be needed to cover black spots, he said.</p> <p>NBN last month said its interim satellite service was at capacity but it would spend \$34 million to launch its own satellites, scheduled for 2015 to connect another 9000 premises.</p>			

**Item 9.1.1**

Proposal for NBN Tower – Forrest Hills Parade, Bindoon

**Attachment 7**

Public Submissions				
	Submitter	Comment	Applicants Response	Shire Officer Response
		<p>A spokesman at the council's March meeting urged the Bridgetown towers be approved, with appropriate conditions, to give 450 premises east and west of town a better service. The towers would allow another 1400 other premises in Greenbushes Boyup Brook and Balingup to be connected via the wider network he said.</p> <p>Despite the planning delay in Bridgetown -Greenbushes the roll-out is expected to remain on schedule, the spokesman said."We're not expecting it to cause delays in any other part of the roll-out schedule." He said.</p> <p>NBN Co last week said it was working to connect another 6300 properties in Manurah, Perth, Brunswick. Stratham and Boyanup.</p> <p><b>Attachment 10 – Alternative Sites</b></p>		<p>Noted and acknowledged. The applicant has explored the 3 additional sites included in Submission No. 80 and have been addressed above. Further analysis of alternative sites is included in the accompanying Officer report to Council.</p>

**Item 9.1.1**

Proposal for NBN Tower – Forrest Hills Parade, Bindoon

**Attachment 7**

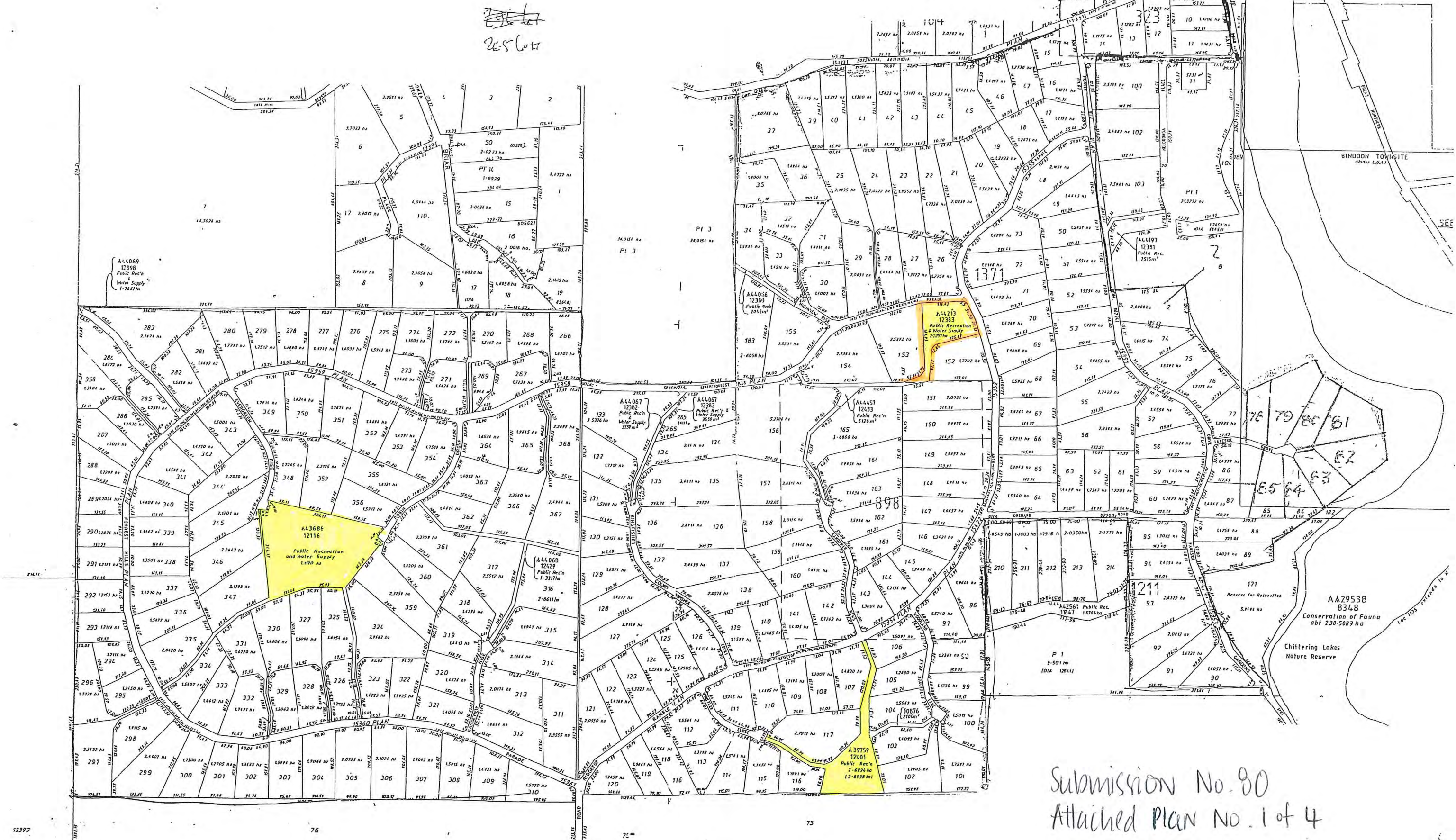
	Public Submissions			
	Submitter	Comment	Applicants Response	Shire Officer Response

\*Note: Comments are as per original submission received by the Shire. Submission comments have not been edited unless for the purposes of confidentiality where necessary.

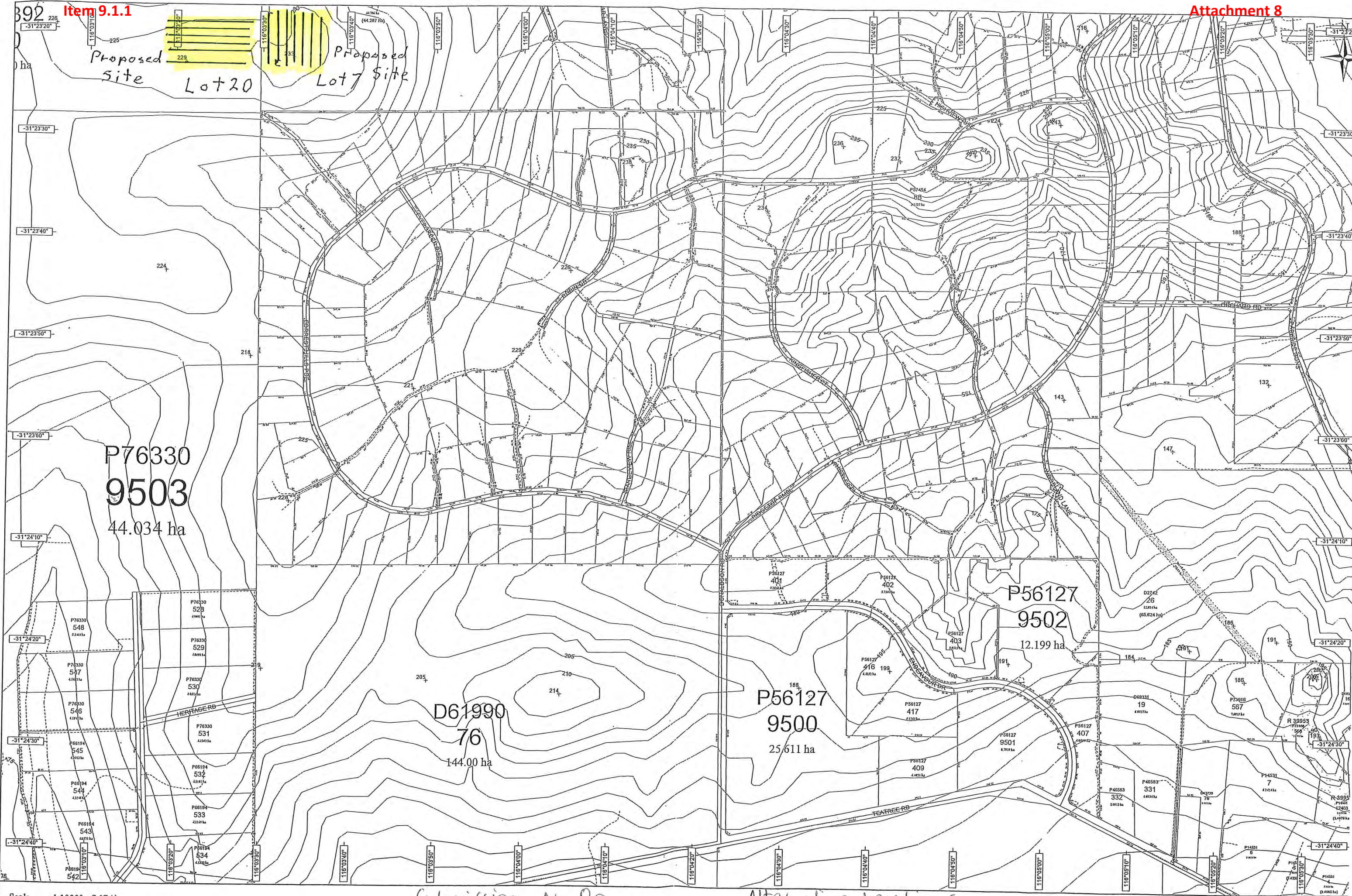


# BELL HILL RESERVE No. 44213 CROWN LAND

CORNER RIDGETOP RAMBLE &  
FORREST HILLS PARADE BINDOON  
WESTERN AUSTRALIA





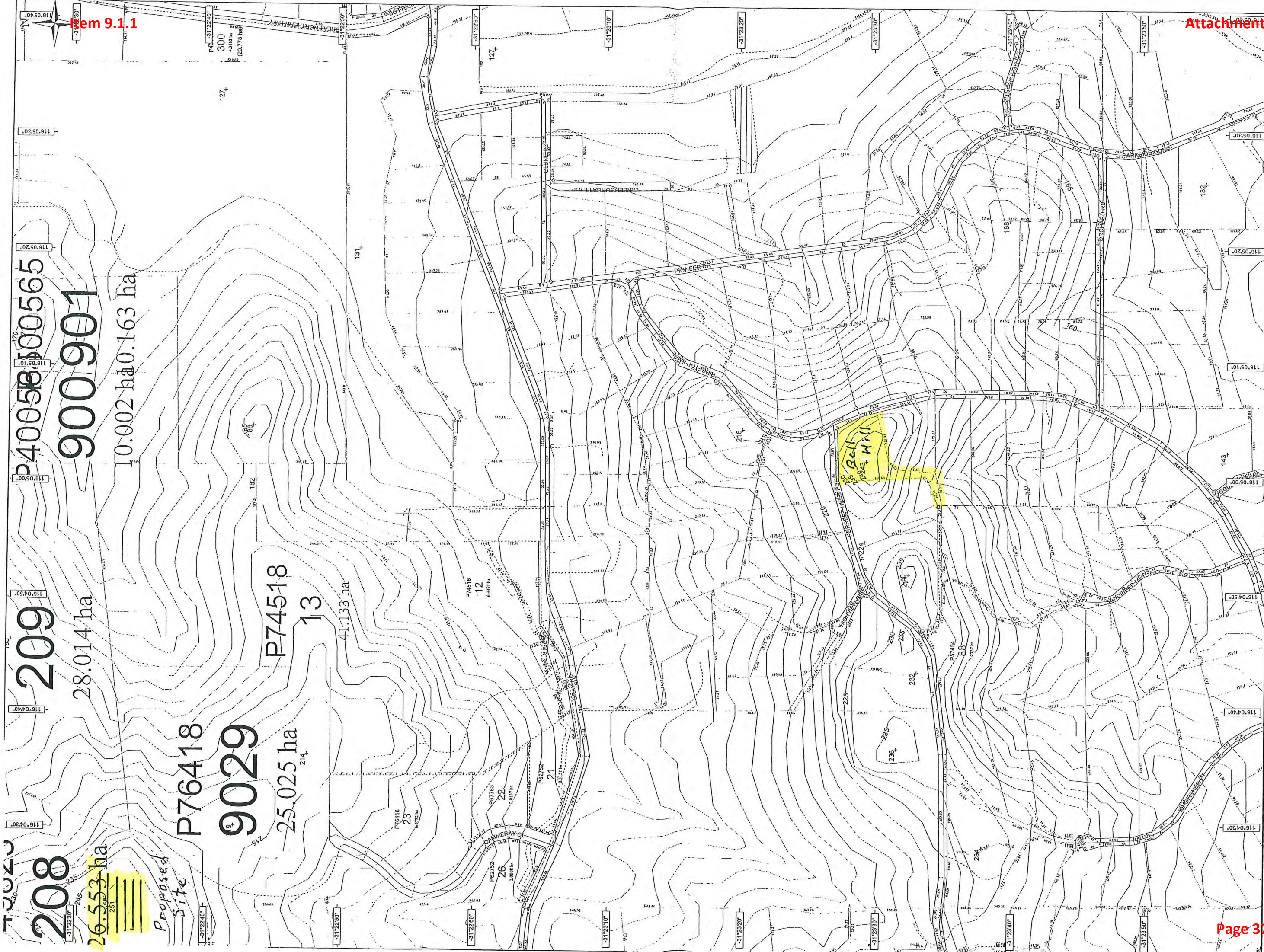


Scale : 1:10000 (MGA)  
MGA : SW=409700.572,6524326.505 Zone 50 / NE=413814.462,6526986.144 Zone 50  
Lat/Long : -31°24'43.849", 116°03'00.106" / -31°23'18.599", 116°05'36.724" H 266mm by W 411mm

Submission No. 80  
Attached Plan No. 2 of 4

Alternative Locations  
- Lot 20 Gray Rd  
- Lot 7 Gray Road





Item 9.1.1

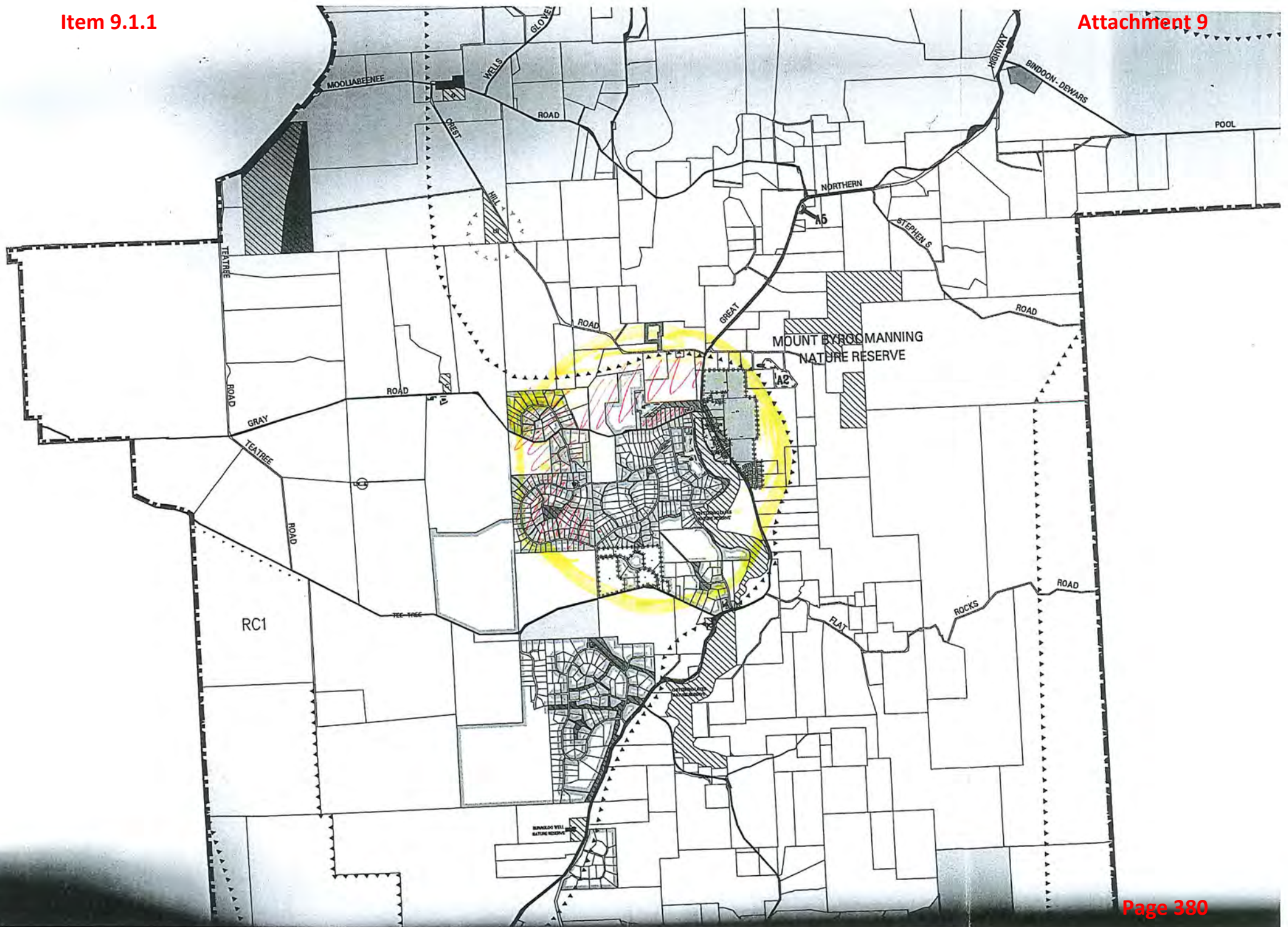
Attachment 8





Submission No. 80  
Attachment plain No. 4 of 4





OUR REF: O1556527, A10088  
Enquiries to: Stephanie Gladman, Planning Officer



9 February 2015

SHIRE OF CHITTERING  
PO BOX 70  
BINDOON WA 6502

ABN 48 445 751 800  
6177 Great Northern Highway  
PO Box 70 Bindoon WA 6502  
T: 08 9576 4600 F: 08 9576 1250  
E: [chatter@chittering.wa.gov.au](mailto:chatter@chittering.wa.gov.au)  
[www.chittering.wa.gov.au](http://www.chittering.wa.gov.au)

Dear Sir/Madam

**PROPOSED NBN FIXED WIRELESS FACILITY  
LOT 12383 FORREST HILLS PARADE BINDOON**

Council has recently received an application for the purpose of:-  
**Proposed NBN Fixed Wireless Facility**

As a nearby/adjoining landowner Council is seeking your comments in relation to the proposal. The proposal is to utilise the property for a NBN Fixed Wireless Facility. The purpose of this development is envisaged to provide an important community benefit by providing co-ordinate and open access shared communication infrastructure thereby improving fixed wireless internet coverage within the local area. Please find attached a copy of the proposal. Should you wish to make written comment on this proposal please address such to the undersigned by the **6 March 2015**.

To assist Council staff, the following points should be observed:-

- Make your comments easy to read ('dot points' are acceptable);
- Make sure you include your name and a return address so that we can acknowledge your letter and later let you know what Council's decision is;
- Try to ask any questions **before** you lodge your submission (we suggest you phone or email us for a quicker response).

Should an objection be received this proposal will be presented to a Council meeting for determination upon completion of the advertising period. If a reply is not received the matter will proceed as an indication you do not object to the proposal.

If further information is required please do not hesitate to contact Stephanie Gladman Planning Officer by email at [chatter@chittering.wa.gov.au](mailto:chatter@chittering.wa.gov.au) or telephone 08 9576 4600.

Yours faithfully

**Azhar Awang**  
Executive Manager Development Services



# 1 INTRODUCTION

NBN Co has engaged Ericsson as the equipment vendor and project manager to establish the infrastructure required to facilitate the fixed wireless component of the National Broadband Network (NBN). Ericsson has in turn engaged Daly International to act on its behalf in relation to the establishment of the required fixed wireless network infrastructure.

The NBN is an upgrade to Australia's existing telecommunications network. It is designed to provide Australians with access to fast, affordable and reliable internet and landline phone services. NBN Co plans to upgrade the existing telecommunications network in the most cost-efficient way using best-fit technology and taking into consideration existing infrastructure.

To support the Fixed Wireless component of this network, NBN Co requires a fixed wireless transmission site to provide fixed wireless internet coverage to.

An in-depth site selection process was undertaken in the area prior to confirming the site as the preferred location. This process matched potential candidates against four key factors, namely:

- Town planning considerations (such as zoning, surrounding land uses, environmental significance and visual impact);
- The ability of the site to provide acceptable coverage levels to the area;
- Construction feasibility; and
- The ability for NBN Co to secure a lease agreement with the landowner.

This application seeks planning consent for:

- a 40 meter high monopole;
- radio and transmission telecommunications equipment; and
- ancillary equipment cabinet(s).

Located at Lot 12383 on Plan 15355.

This submission will provide assessment in respect of the relevant planning guidelines, and demonstrates site selection on the basis of:

- The site is designed so as to be appropriately located & sited so as to minimise visual impact on the immediate & surrounding area;
- The site is designed to achieve the required coverage objectives for the area;
- The proposal is designed to operate within the regulatory framework of Commonwealth, State and Local Government; and
- The facility is designed to operate within all current and relevant standards and is regulated by the Australian Communications and Media Authority.

This planning report provides details of the proposed installation, assesses its compliance with the relevant planning instruments, draws a number of conclusions regarding likely impacts in terms of key relevant issue areas and recommends that the proposal be approved.

## 2 BACKGROUND

### 2.1 NBN Co and the National Broadband Network

NBN Co is the organisation responsible for overseeing the upgrade of Australia's existing telecommunications network and for providing wholesale services to retail service providers. The NBN is designed to provide Australians with access to fast, affordable and reliable internet and landline phone services.

NBN Co plans to upgrade the existing telecommunications network in the most cost-efficient way using best-fit technology and taking into consideration existing infrastructure. The NBN's fixed wireless network will use cellular technology to transmit signals to and from a small antenna fixed on the outside of a home or business, which is pointed directly towards the fixed wireless facility.

NBN Co's fixed wireless network is designed to offer service providers with wholesale access speeds of up to 25Mbps for downloads and 5Mbps for uploads.<sup>1</sup>

### 2.2 What is Fixed Wireless and how is it different to Mobile Broadband?

The NBN's fixed wireless network, which uses advanced technology commonly referred to as LTE or 4G, is engineered to deliver services to a fixed number of premises within each coverage area. This means that the bandwidth per household is designed to be more consistent than mobile wireless, even in peak times of use.

Unlike a mobile wireless broadband service where speeds can be affected by the number of people moving into and out of the area, the speed available in a fixed wireless network is designed to remain relatively steady.

### 2.3 The Fixed Wireless Network – Interdependencies

Although fixed wireless facilities are submitted to Council as standalone developments from a planning perspective, they are highly interdependent. Each fixed wireless facility is connected to another to form a chain of facilities that link back to the fibre network. This is called the 'transmission network'.

The transmission network requires line of sight from facility to facility until it reaches the fibre network. The fixed wireless network will remain unconnected without the transmission network and a break in this chain can have flow on effects to multiple communities.

A typical fixed wireless facility will include three panel antennas mounted above the surrounding area. Each antenna is designed to cover a set area to maximise signal strength. These network antennas communicate to a small antenna installed on the roof of each customer's home or business. The proposed Fixed Wireless facility at Bindoon is a terminal site.

---

<sup>1</sup> NBN Co is designing the NBN to provide these speeds to our wholesale customers, telephone and internet service providers. End user experience including the speeds actually achieved over the NBN depends on some factors outside NBN Co's control like equipment quality, software, broadband plans and how the end user's service provider designs its network.



## 5 THE PROPOSAL

### 5.1 Facility and Equipment Details

#### 5.1.1 Equipment to be Installed

Approval is sought for the development of a telecommunications facility, comprising a forty (40) metre high monopole, associated radio transmission telecommunications equipment and ancillary components including an outdoor cabinet enclosed within a secure compound which measures approximately 96 m<sup>2</sup> in area.

The proposed monopole will feature a circular headframe at the top of the monopole accommodating four (4) x panel antennas measuring approximately 1077 mm x 300mm x 115mm. One (1) parabolic dish antenna will also be installed at approximately 37 metres on the monopole and will be 600mm in diameter. (Please refer to **Appendix 3 – Proposed Plans** for further details.)

#### 5.1.2 Access and Construction Details

The proposed NBN compound will be accessed via the existing locked access track of Forrest Hills Parade (Please refer to **Appendix 3 – Proposed Plans** for further details). NBN Co considers the site access to be appropriate given the NBN Co facility will not be a significant generator of traffic. Once operational, the facility should require once annual maintenance visits, but would remain unattended at all other times. As the facility is expected to generate minimal trips per year, it is anticipated that traffic interference will be negligible.

During the construction phase, it is planned that a truck will be used to deliver the equipment and a crane will be utilised to lift most of the equipment into place. Any traffic impacts associated with construction are expected to be of a short-term duration and are not anticipated to adversely impact on the surrounding road network. In the unlikely event that road closure will be required, NBN Co will apply to the relevant authorities for permission.

The facility and all ancillary components are proposed to be constructed over the one title. A copy of title is provided as **Appendix 1**. Plans indicating the details of the proposal form part of the documentation of this application. Additional photos of the site and proposed development plans are provided as **Appendices 2 & 3** respectively.

#### 5.1.3 Utility Service Details

The facility will be powered by a proposed underground power cable from existing western power pole (#355549) to the proposed NBN equipment shelter.

#### 5.1.4 Construction and Noise

Noise and vibration emissions associated with the proposed facility are expected to be limited to the construction phase outlined above. Noise generated during the construction phase is anticipated to be of short duration and accord with the standards outlined in the relevant EPA guidelines. Construction works are planned only to occur between the hours of 7.00am and 6.00pm.

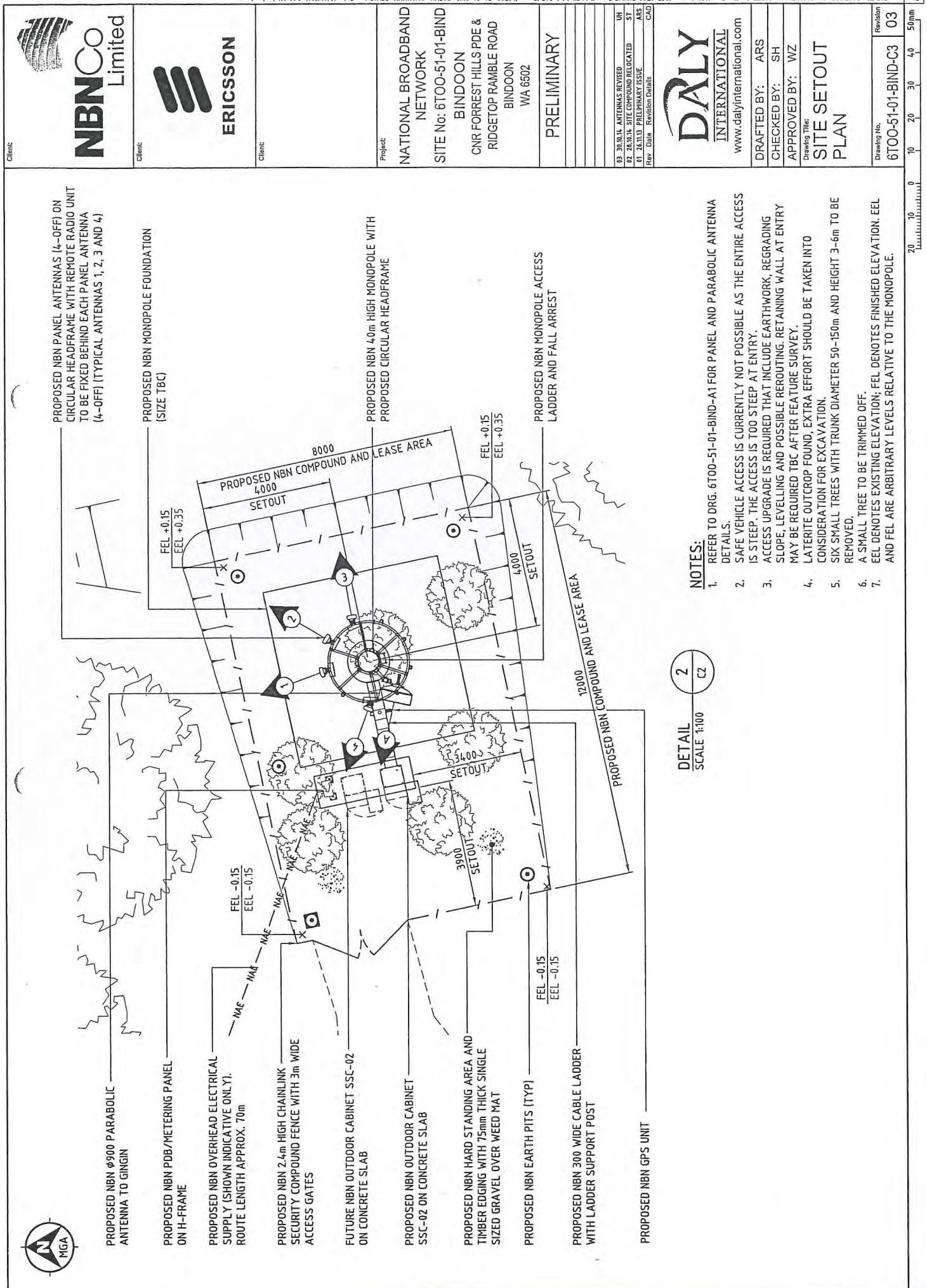
There is expected to be some low level noise from the ongoing operation of air conditioning equipment associated with the equipment shelter, once installed. Noise emanating from the air conditioning equipment is expected to be at a comparable level to a domestic air conditioning installation, and should generally accord with the background noise levels prescribed by relevant guidelines.

A total construction period of approximately ten weeks (including civil works and network integration and equipment commissioning) is anticipated. Construction activities will involve four basic stages:

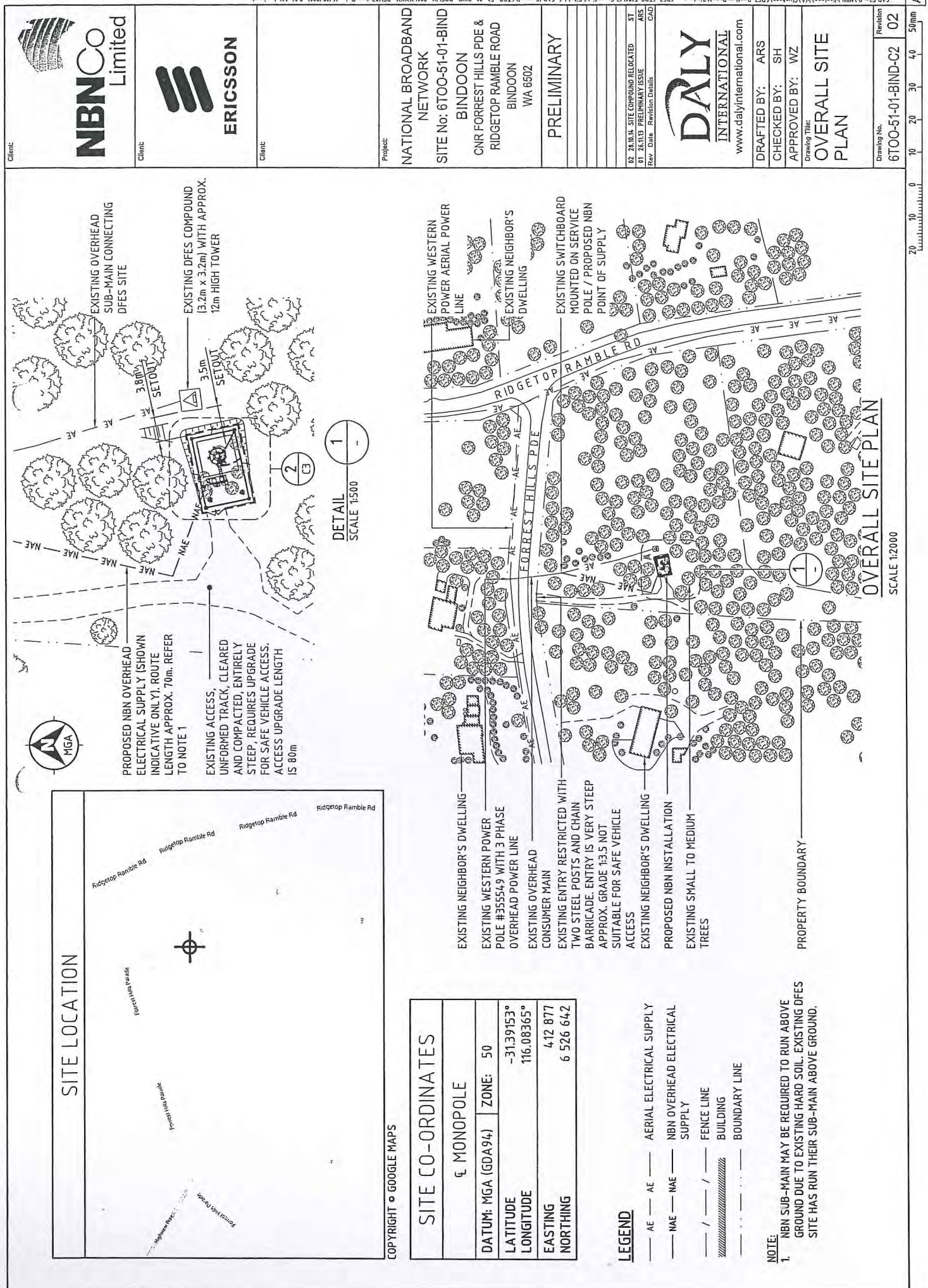
- Stage 1 (Week 1) – Site preparation works, including field testing, excavation and construction of foundations;
- Stage 2 (Weeks 2, 3 and 4) – Construction of the mast;
- Stage 3 (Weeks 5 and 6) – Construction of the equipment shelter and fences;
- Stage 4 (Weeks 7 – 10) – Installation of antennas and radio equipment, as well as equipment testing.

Once operational, the facility is designed to function on a continuously unstaffed basis and will typically only require maintenance works once a year, for approximately one day per year.



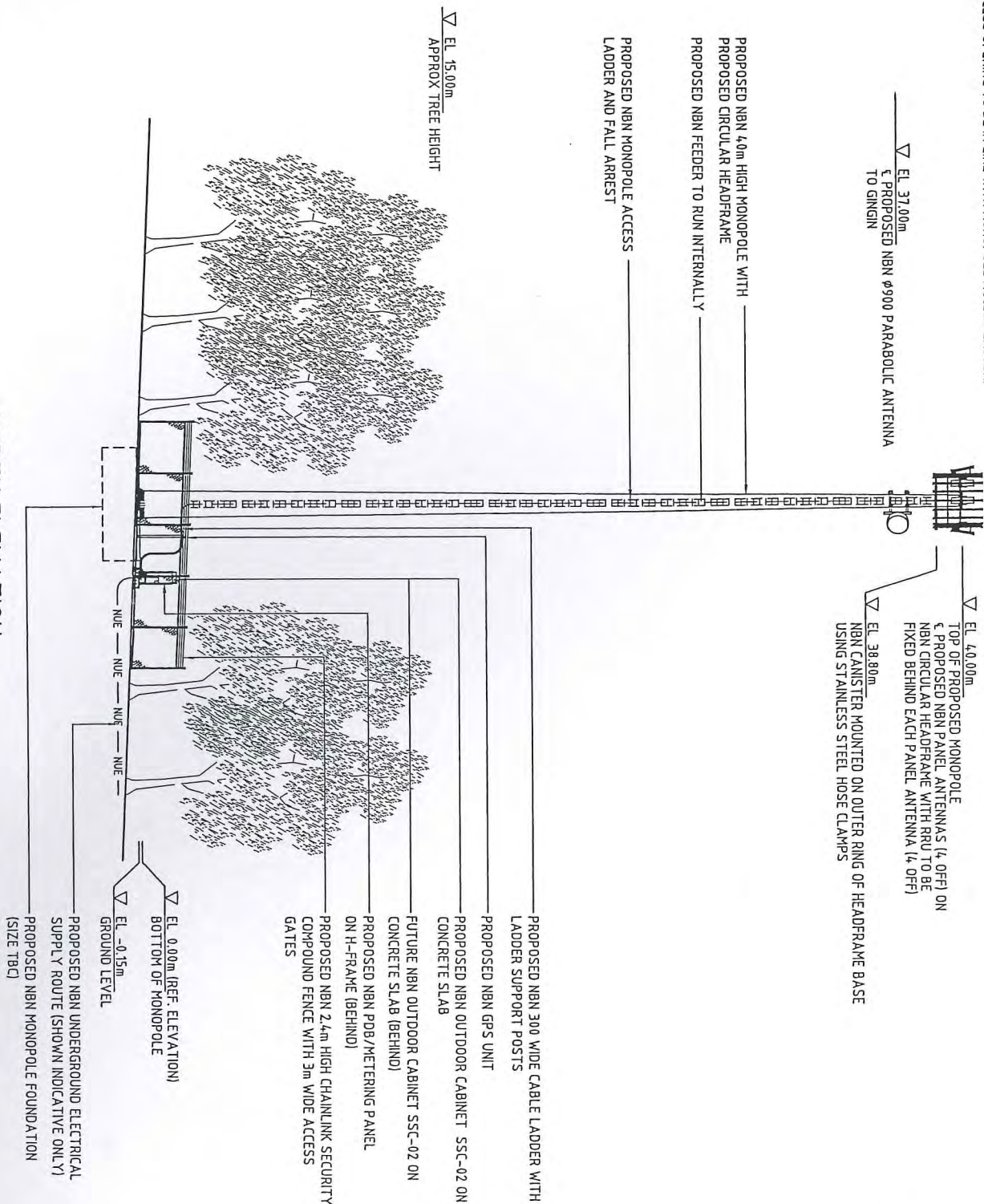








- NOTES:
1. PROPOSED NBN PANEL ANTENNAS TO BE FACTORY COLOUR (LIGHT GREY).
  2. REFER TO DRG. 6T00-51-01-BIND-A1 FOR ORIENTATION OF ANTENNAS.
  3. HEADFRAME ACCESS OPENING TO BE IN LINE WITH MONOPOLE ACCESS LADDER.



Project:  
NATIONAL BROADBAND NETWORK  
SITE No: 6T00-51-01-BIND  
BINDOON  
CNR FOREST HILLS PDE &  
RIDGETOP RAMBLE ROAD  
BINDOON  
WA 6502

PRELIMINARY

10	30.00m ANTENNAS REVIEWED	10/11
02	20.00m SITE COMPOUND REGULATED	5/11
01	20.00m PRELIMINARY ISSUE	05/11
Rev	Date	Revision

**DAILY**  
INTERNATIONAL  
www.dailyinternational.com

DRAFTED BY: ARS  
CHECKED BY: SH  
APPROVED BY: WZ

Drawing Title:  
**SITE ELEVATION  
AND DETAILS**

Drawing No.	Revision
6T00-51-01-BIND-C4	03



Attachment No. 11

Advertising of Planning Application onsite (date taken 13/2/2015)





**Development Application P397-14 Response to Submissions Received****Purpose of Submission**

The purpose of this submission is to provide to the Council a summary to be read in conjunction with the Schedule of Submissions provided to us by the Shire's Planning Department following public consultation undertaken by the Shire of Chittering for the proposed NBN Telecommunications Infrastructure at Bell Hill Reserve.

The objective of providing this submission is not to discredit those persons who have taken the time to make a submission or be combative in any way, but rather to provide an explanation as to why on balance our proposal should be supported notwithstanding the individual ground of objection. To do this we have provided extracts from telecommunications policy, reiterated what we have stated in our development application, and provided evidence of how administrative appeal tribunals have ruled when weighing up those grounds of objection against broader community benefit.

**Breakdown of Submissions**

Following public notification a total of 80 submissions were received by the Shire and a summary of the submissions provided to the proponent. Five submissions were on behalf of government agencies/the Chittering Landcare Group and 75 were from the public. One of the public submissions was a petition objecting to the proposal signed by 142 people (assumedly one person listed did not sign).

**Summary of Support/No Objection**

The Chittering Landcare Group, Department of Environmental Regulation, Department of Health, and the Department of Parks and Wildlife supported the proposal or had no objection. The Department of Planning acknowledged the visual prominence of the structure whilst also acknowledging the opportunity to improve public access to reservation and to seek a contribution for rehabilitation of the site.

Eight public submissions were in support of the proposal citing the need to improve internet services in Bindoon and the benefits of improved digital connectivity. Although less people have made a submission in support of the proposal than those opposed, we are of the view that the majority of the Bindoon community has no objection to the proposed development in its current form and will benefit from it.

**Summary of Objections**

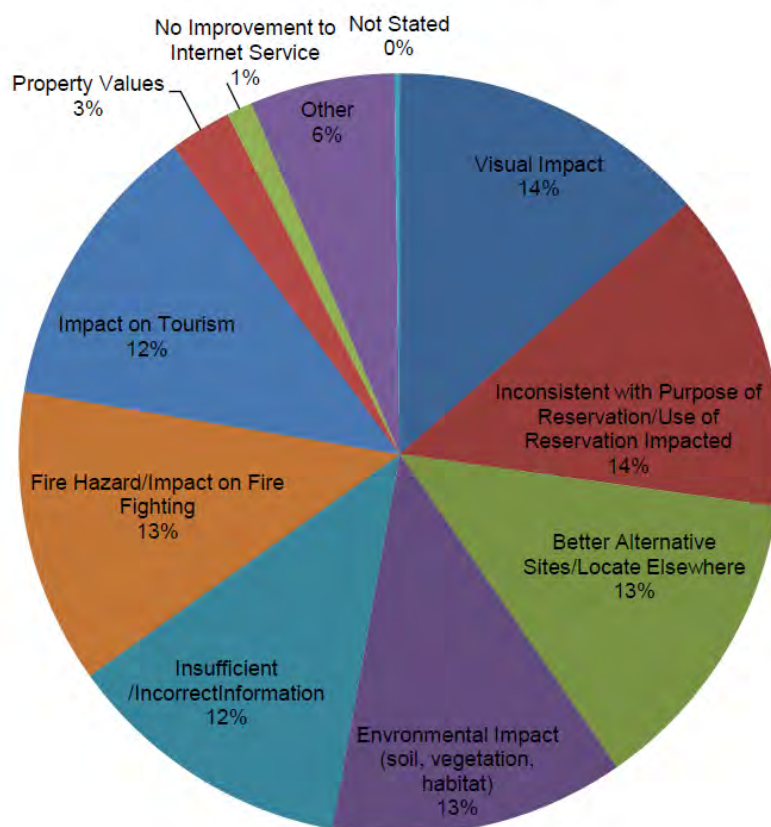
67 public submissions objected to the proposal, of these submissions 54 either wholly or partly relied on the eight grounds articulated in a submission under the authorship of the Environmental Defenders Office WA (including the petition)

Given the large number of submissions (many of which raised numerous grounds of objection) our preference was to provide a detailed response to the principal grounds they represent and a further respond to those 'individual' issues which could not be comfortably grouped within this summary. The Shire's Planning Department requested that we instead respond to the individual matters raised by the 80 submissions within the Schedule of Submissions. Given the vast majority of the individual matters raised by the submissions address the same broader issue (albeit often framed slightly differently) our responses in the Schedule of Submissions may be construed as repetitious.

A small number of objectors raised the threat of legal action against the Shire. Such threats are frankly fanciful and without precedence. Legal action has duly not been acknowledged as a ground of objection or responded to in this submission. It should also be acknowledged that objections on the grounds of health or property devaluation have been ruled to have no planning merit and should be set aside.

A total of 458 individual grounds of objection were identified when analysing the submissions which are presented graphically below.

## Grounds of Objection



### Summary

Draft State Planning Policy state that when considering an application for telecommunications infrastructure, the relevant approval authority should only have regard to the extent to which co-location opportunities are available and have been investigated, the need to ensure continuity of supply of telecommunications services in the local area and the need to eliminate *blackspots*, the proposal's local environmental, heritage and aesthetic impacts and the extent to which the proposal adheres to the guiding principles for the location, siting and design of telecommunications infrastructure set out in the draft policy. We are of the view our development application suitably addresses the above and, on balance, should be supported.



St John

St John Ambulance Chittering /Gingin Sub Centre  
Post Office Box 200  
GINGIN WA 6503

23 April 2015

Mr Gary Tuffin  
Chief Executive Officer  
Shire of Chittering  
Post Office Box 70  
BINDOON WA 6502

SHIRE OF CHITTERING  
RECEIVED

28 APR 2015

Off. of... *EMDS & Planner*  
File... *A10088*  
Ref... *I1558737*

Dear Gary,

**NBN TOWER PROPOSAL**

At the Chittering/Gingin Sub Centre's most recent Committee Meeting, information was provided that your Council will, on 20 May 2015, be discussing and deliberating on an application for the erection of an NBN Tower in the Bindoon Townsite.

As a vital emergency service provider, that relies completely on having a first rate communication capability, our Committee wishes to strongly support the proposal. As your Councillors are only too aware, there are numerous "black spots" where mobile telephone coverage is basic to say the least. Our Sub Centre has had to purchase (at a considerable cost) a Satellite phone for use in the Chittering Shire, in order to facilitate communications in some areas.

Improved and quicker internet connections available through the establishment of the proposed tower, will ultimately improve coverage for the ePCR's (patient recording system) in each Ambulance. If there is any chance at all, that one of the telephone Service Providers could "hang" an aerial on the proposed 30m tower, that would even slightly improve mobile telephone coverage for your residents, this would be such a huge step forward for our volunteers and a distinct advantage to all patients.

Even though the OOO emergency service is always available, in the Shire of Chittering, some of your residents who live in "black spot" areas are unable to use a mobile phone to call for other help. These "black spots" also prevent Ambulance Officers contacting a patient directly to provide assurance and support while en-route. Additionally, a number of prospective Ambulance Officers have had to withdraw their applications because the "Spectrum" call-out system is not effective in their "black spot" area and they cannot receive calls from the Communications Centre.

With modern communication technology advancing at such a rapid rate, we sincerely urge all Councillors to give this NBN Tower application your serious consideration – the time saved though improved internet and mobile phone network infrastructure could save your life or a member of your family.

Yours sincerely

*Sally Gifford*  
S GIFFORD ASM  
VICE CHAIRPERSON



# Fact Sheet: Fixed Wireless

## What is the **National Broadband Network**?

The National Broadband Network (NBN) is an upgrade to Australia's existing telecommunications network. It's designed to provide Australians with access to fast, affordable and reliable internet and landline phone services.

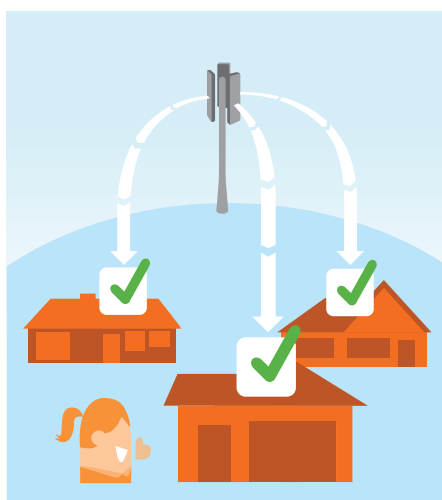
NBN Co plans to upgrade the current telecommunications network in the most cost-efficient way using best-fit technology and taking into consideration existing infrastructure. This will vary from place to place and will include technologies such as Fibre to the Node (FTTN), Fibre to the Premises (FTTP), Fixed Wireless and Satellite. Other technologies may also be considered.

## How does fixed wireless work?

The NBN's fixed wireless network, which uses advanced technology commonly referred to as LTE or 4G, is engineered to deliver services to a fixed number of premises within each coverage area.

This means that the bandwidth per household is designed to be more consistent than mobile wireless, even in peak times of use.

Unlike a mobile wireless service where speeds can be affected by the number of people moving into and out of the area, the speed available in a fixed wireless network is designed to remain relatively steady.



### Fixed Wireless

Single type of device with a fixed number of connections operating at a fixed cell boundary



### Mobile Wireless

Variable numbers and types of devices, operating at variable cell boundaries

NBN Co's fixed wireless network is designed to offer service providers with wholesale access speeds of up to 25Mbps for downloads and 5Mbps for uploads. With this fixed wireless service you could have access to fast internet at speeds people in the city take for granted.\*

While NBN Co's high-quality fixed wireless service is not a mobile service, it will use cellular technology to transmit signals to and from a small antenna fixed on the outside of a home or business, which is pointed directly towards the fixed wireless facility.

NBN Co has designed each fixed wireless facility to serve a set number of premises, which enables greater consistency in the speed and quality of service that can be delivered to each home and business receiving the fixed wireless service. The actual speed and quality of the service experienced by end users will depend on some factors outside NBN Co's control including equipment quality, software, plans offered by service providers and how their service provider designs its network.

\* We're designing the NBN to provide these speeds to our wholesale customers, phone and internet providers.

## Building NBN Co's fixed wireless network

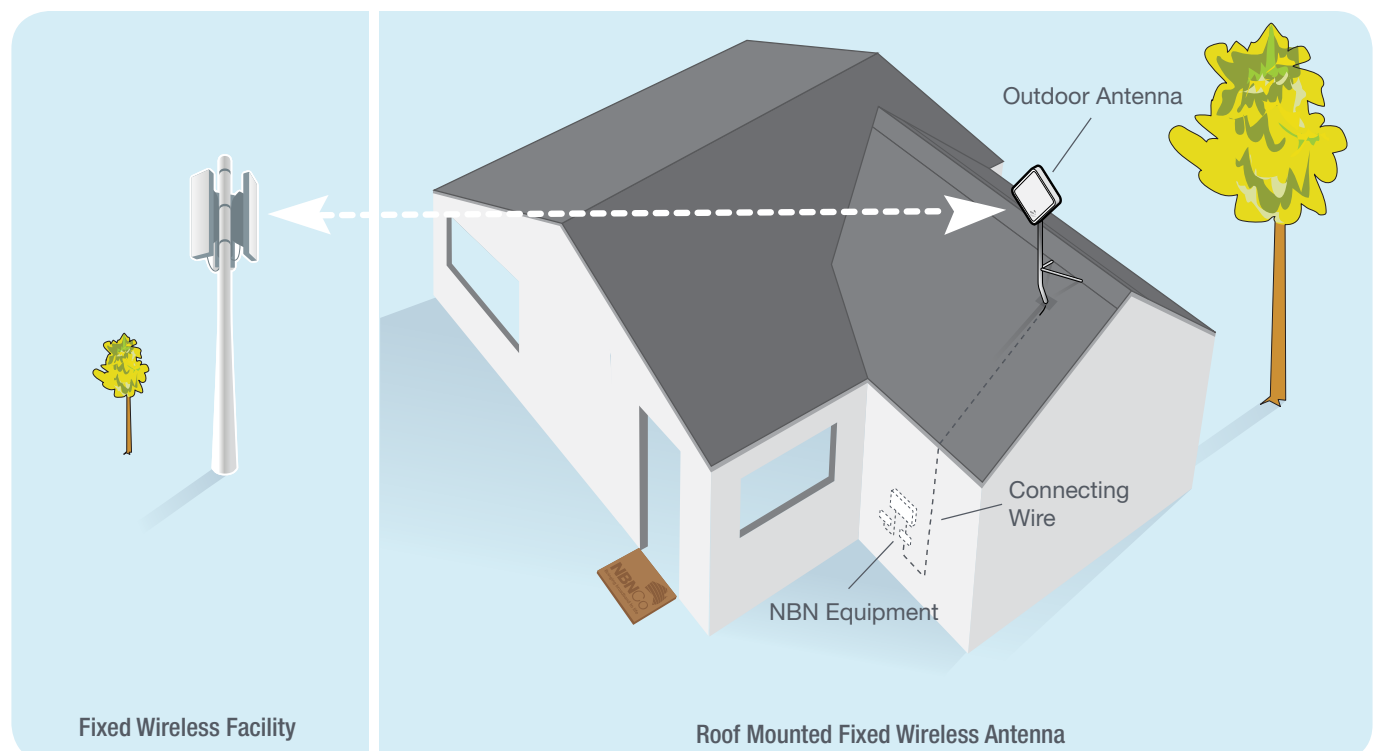
In order to provide access to fast, affordable and reliable internet, NBN Co works in consultation with local, state and federal governments to determine the most efficient and effective way to roll out the fixed wireless network. A key consideration in these decisions is the optimal network design. NBN Co engineers take into account factors such as population density, geography and other network specific considerations when defining rollout plans.

The fixed wireless rollout is now underway, with some regions already live and receiving services. Consultations are continuing with local authorities and communities for the rest of the regions scheduled to receive the fixed wireless service. NBN Co's priority is to use existing telecommunications structures wherever possible. Where there is a lack of suitable, available infrastructure, NBN Co will seek to establish new sites to facilitate the delivery of consistent, high quality broadband. This generally involves lodging a development application with the relevant authority and engaging with the local community.

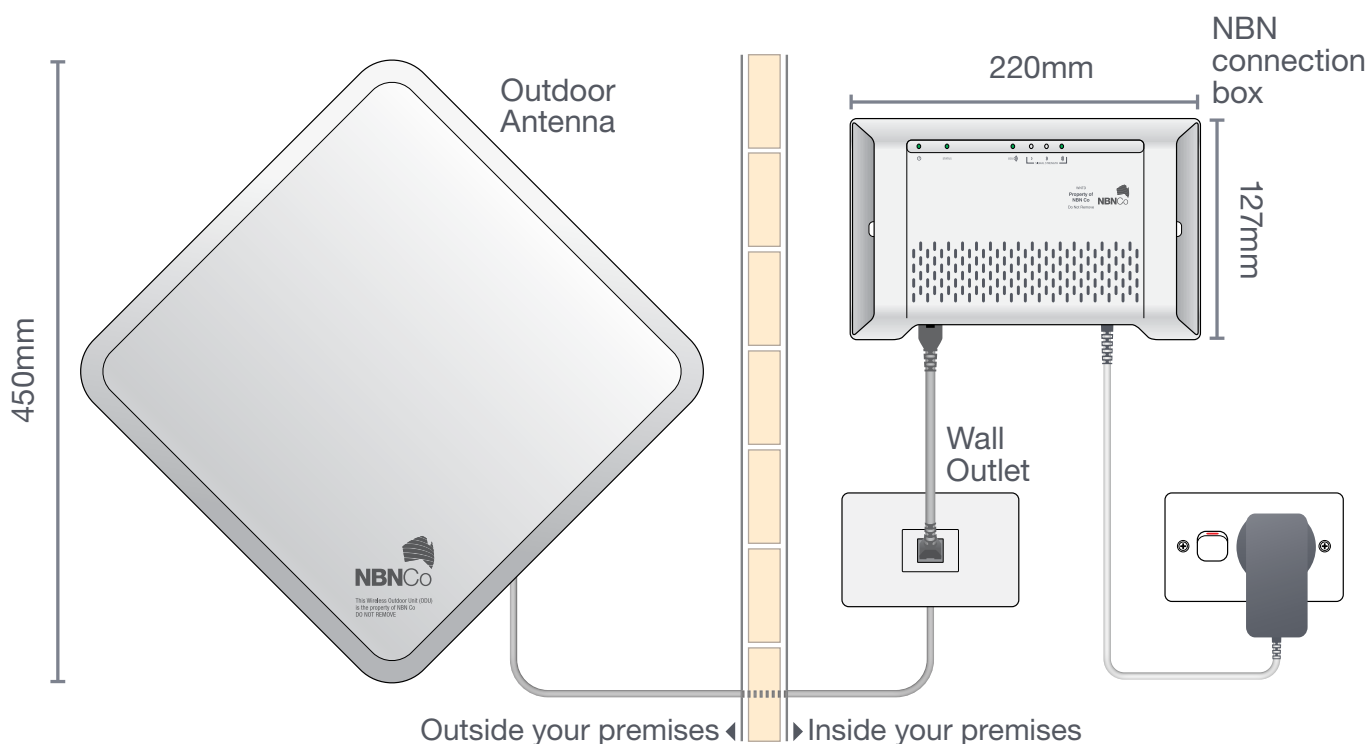
### Fixed wireless to your premises

Our fixed wireless services are delivered by radio communications from a fixed wireless facility direct to a small outdoor antenna attached to the premises.

The antenna on the outside of a home or business will be connected by a cable running through the wall to the NBN connection box (Network Termination Device) which will be located within the home or business. Generally your phone or internet service provider will assist you with the best means of connecting your computer, TV or Wi-Fi router to the NBN connection box. That device sits within the building, and is hardwired to the outdoor antenna pointed at a fixed wireless site.



## Fixed wireless equipment



## Getting connected

NBN Co is a wholesale provider, which means that to connect a service you will need to contact your preferred phone or internet service provider. Once fixed wireless becomes available in your area, you are encouraged to contact your preferred service provider to order a service.

Before the network equipment is installed, a service validation test will be carried out. If your home or business is unable to be served by fixed wireless or other fixed line technologies, you will be able to receive NBN Co's Long Term Satellite service which is scheduled for launch in 2015. In the meantime there may be a number of other options available including mobile internet and commercial satellite. We recommend that you speak to your preferred phone or internet service provider to discuss your options.

Once the validation test has been confirmed, your service provider will organise the installation of NBN equipment at your premises. A standard installation of NBN equipment is currently free of charge. Remember to ask your preferred provider if they have any other fees. For more information about standard and non-standard installations please visit our website at: **[www.nbnco.com.au](http://www.nbnco.com.au)**.

As NBN Co doesn't sell directly to the public, it's important that you contact your preferred service provider to find the right package for you. They will be able to talk to you about any particular offers and help make your switch to the NBN an easy one.

In fixed wireless areas, NBN Co provides a broadband service only. The copper phone line will remain in place to provide a landline telephone service. However service providers that sell fixed wireless services over the NBN may choose to offer their customers voice over broadband products in those areas as an alternative to landline telephone services over copper phone lines.

### To switch to the NBN:

- Call your preferred phone or internet provider.
- Choose the package that suits your needs. They'll do the rest.

For a full list of service providers visit **[www.nbnco.com.au/serviceproviders](http://www.nbnco.com.au/serviceproviders)**



## Why switch to the NBN?

NBN Co's fixed wireless network delivers fast wholesale speeds of up to 25 Mbps for downloads and 5 Mbps for uploads, so you can experience a high speed internet connection.<sup>^</sup>

**By switching to the NBN, you're able to enjoy:<sup>^</sup>**



### **Fast speeds for everyone**

From great quality Skype™ calls, to downloading large files quickly, the whole family can enjoy fast internet at the same time.



### **Working from your home with ease**

With the speed of the NBN, you can quickly send and receive large files and participate in high-quality video calls – making it easy to work from your home.



### **New ways to study**

From online courses and school studies to virtual museum tours, the speed of the NBN allows you to easily access interactive and educational online content.



### **Entertainment on demand**

Whether it's downloading a movie or streaming your favourite TV shows, you and your family can have quick access to the content you need when you need it.

## For more information:

If you would like to find out more general information about the NBN and the fixed wireless service, please phone **1800 OUR NBN** (1800 687 626).

If you want to order a service over the NBN you will need to speak to a service provider. Maps showing the current rollout plans for the fibre and fixed wireless services areas, as well as further information about the NBN rollout are available on the NBN Co website at: **[www.nbnco.com.au](http://www.nbnco.com.au)**



<sup>^</sup>We're designing the NBN to provide these speeds to our wholesale customers, telephone and internet service providers. Your experience including the speeds actually achieved over the NBN depends on some factors outside our control like your equipment quality, software, broadband plans and how your provider designs its network.



Copyright © Google Earth

GREENFIELD CANDIDATE  
PROPOSED VIEW LOOKING EAST  
ALONG FORREST HILLS PARADE  
TOWARDS THE PROPOSED 40m  
MONOPOLE INSTALLATION  
PHOTO TAKEN APPROXIMATELY  
290 METRES FROM THE LOCATION  
OF THE PROPOSED FACILITY

PHOTOMONTAGE FOR ILLUSTRATIVE PURPOSES ONLY

FOR REFERENCE



Level 1 1002 Hay Street  
 PERTH WA 6000  
 Australia 08 6318 6608  
 www.dalyinternational.com

Client:

NBN

Project:

NBN

Drawing Title:

PHOTOMONTAGE  
 SHEET 1 OF 1

Drawn: RB

Date: 4/11/2014

Scale: NTS

# Item 9.1.1



# Attachment 15



Copyright © Google Earth

GREENFIELD CANDIDATE  
PROPOSED VIEW LOOKING SOUTH-  
WEST ALONG RIDGETOP RAMBLE  
ROAD  
TOWARDS THE PROPOSED 40m  
MONOPOLE INSTALLATION  
PHOTO TAKEN APPROXIMATELY  
210 METRES FROM THE LOCATION  
OF THE PROPOSED FACILITY

PHOTOMONTAGE FOR ILLUSTRATIVE PURPOSES ONLY

**FOR REFERENCE**



Level 1 1002 Hay Street  
 PERTH WA 6000  
 Australia 08 6318 6608  
 www.dalyinternational.com

Client: NBN

Project: NBN

Drawing Title:  
 PHOTOMONTAGE  
 SHEET 1 OF 1

Drawn: RB

Date: 4/11/2014

Scale: NTS

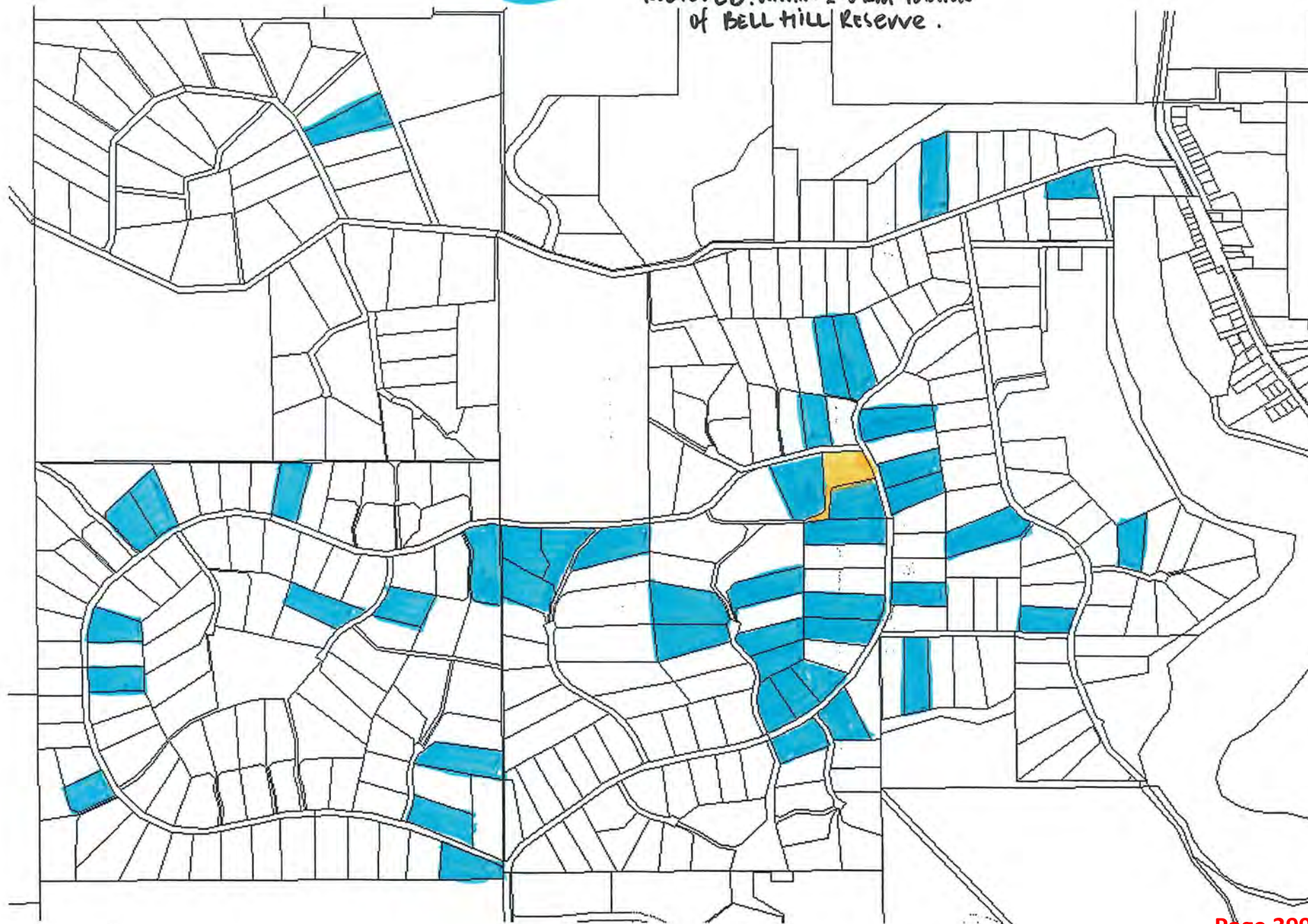




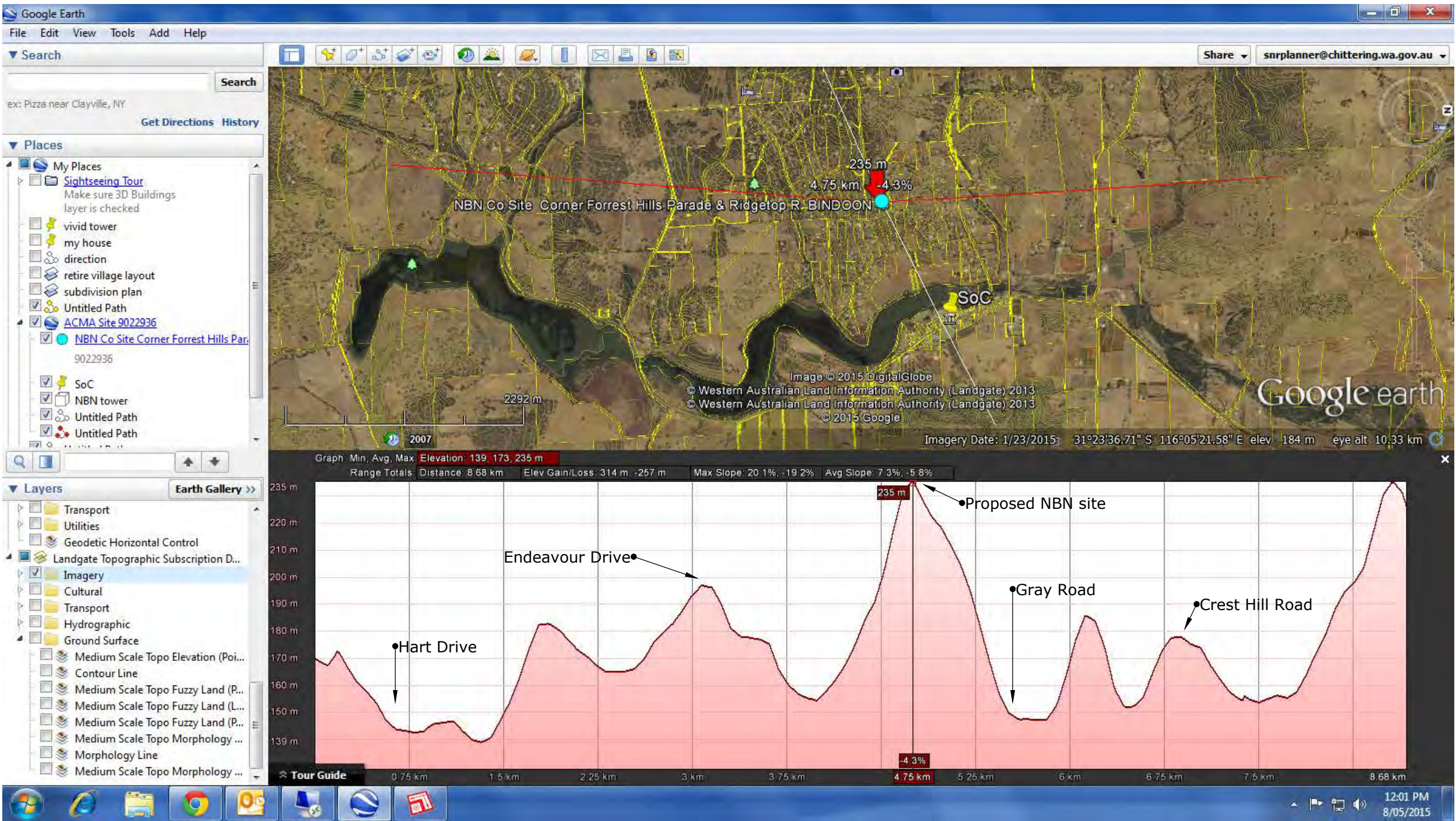
BELL HILL RESERVE



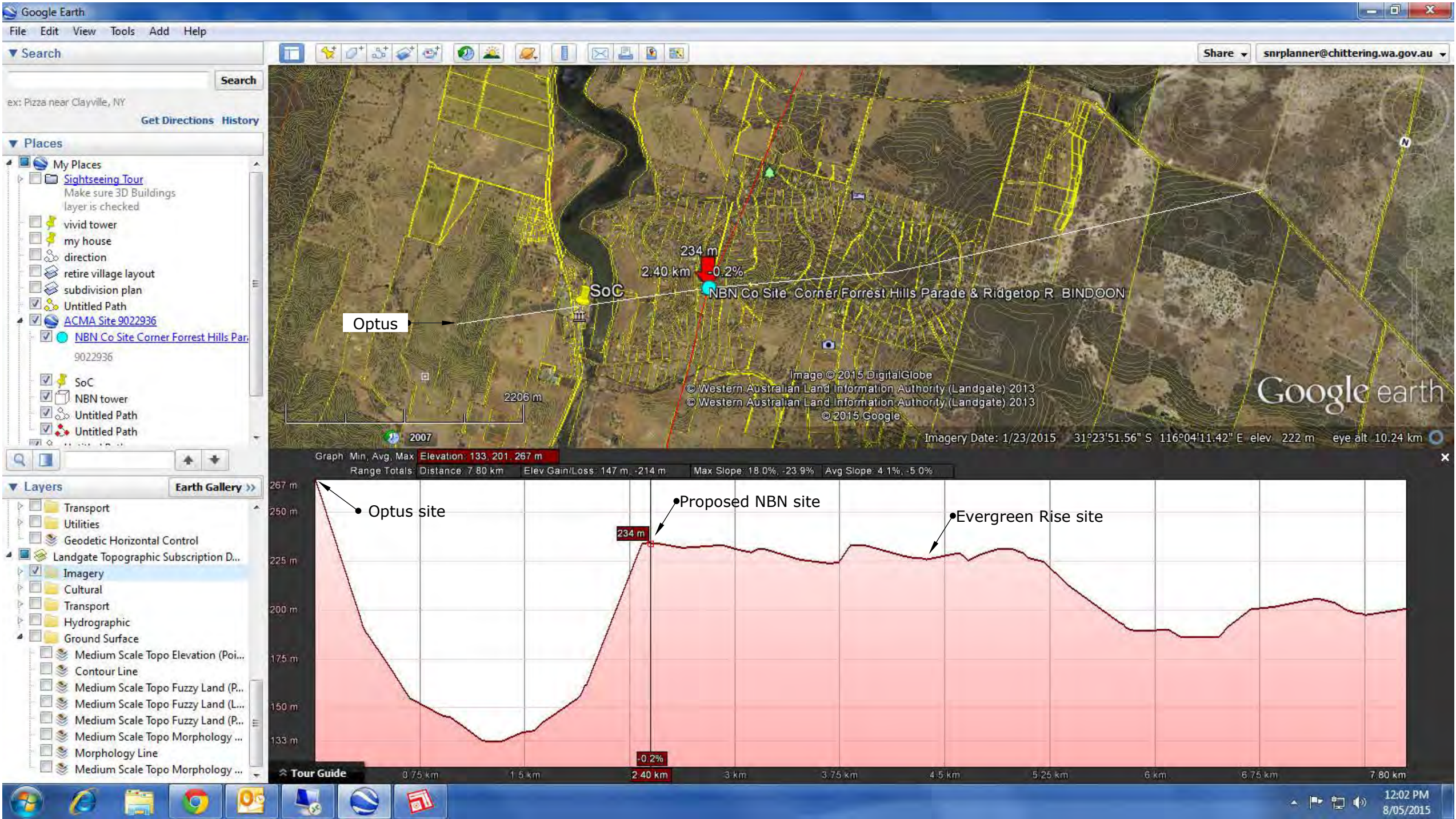
LOCATION OF SUBMISSIONS  
RECEIVED WITHIN 2.5km RADIUS  
OF BELL HILL RESERVE.





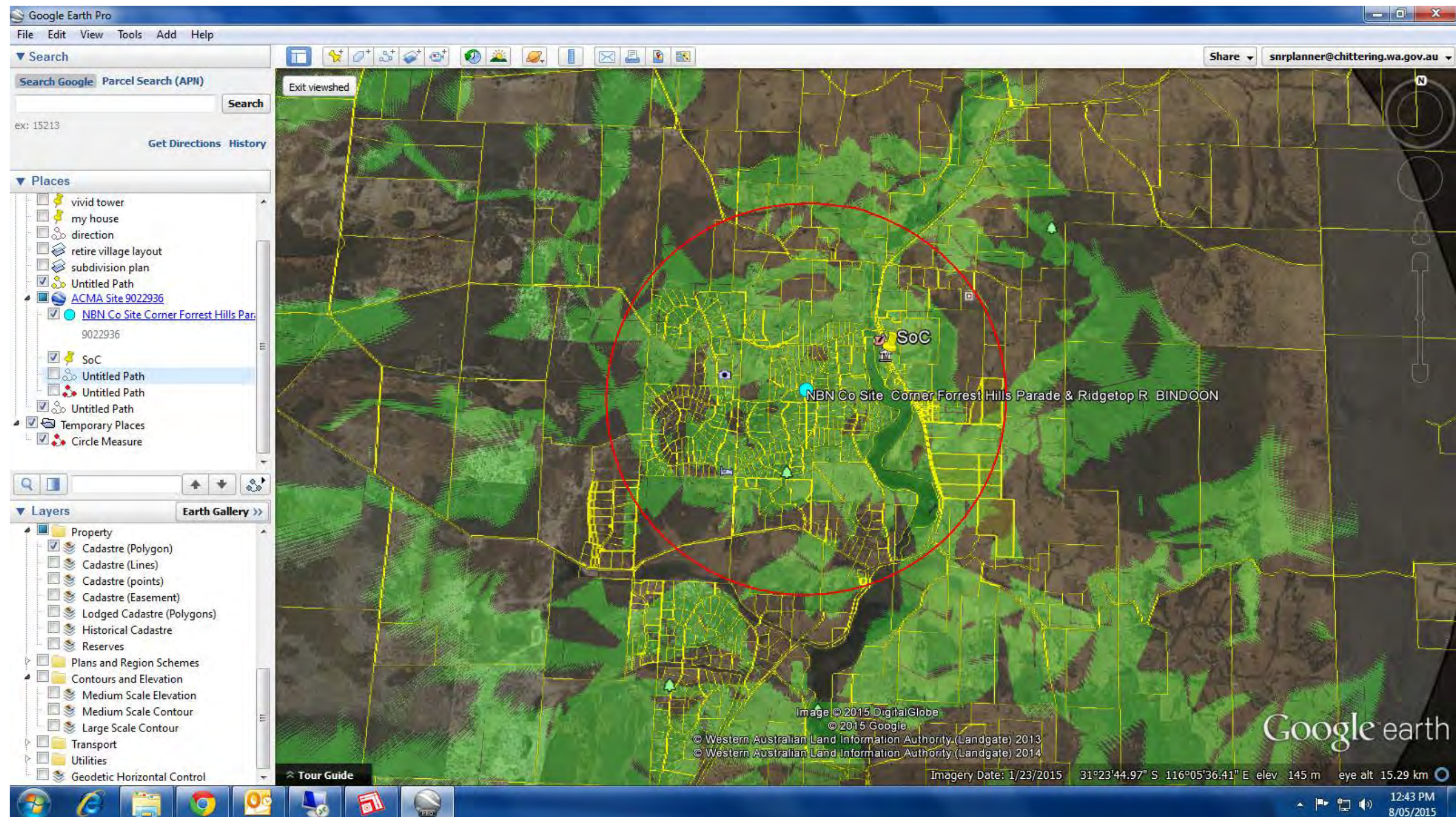






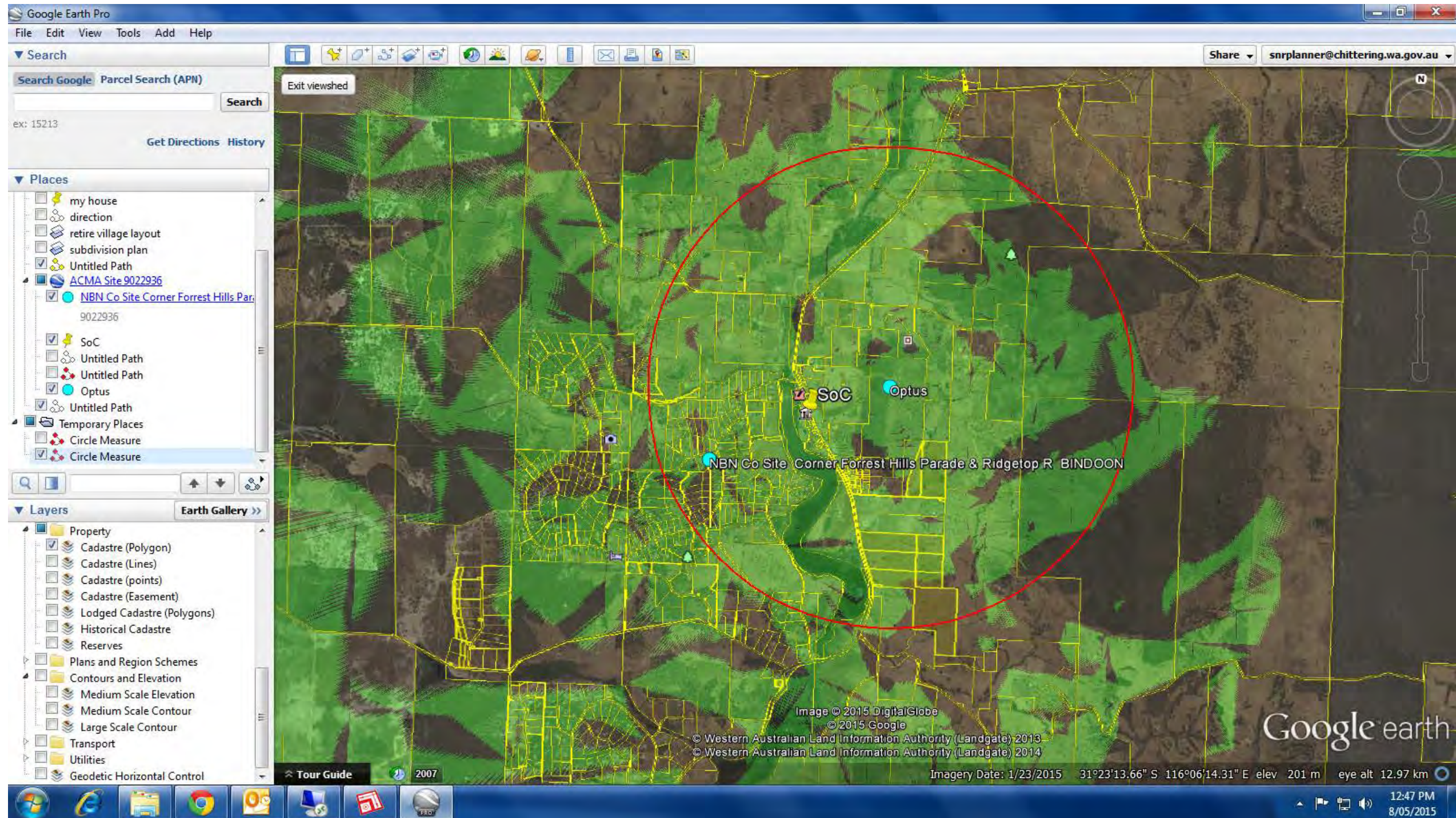


## NBN Viewshed at proposed height



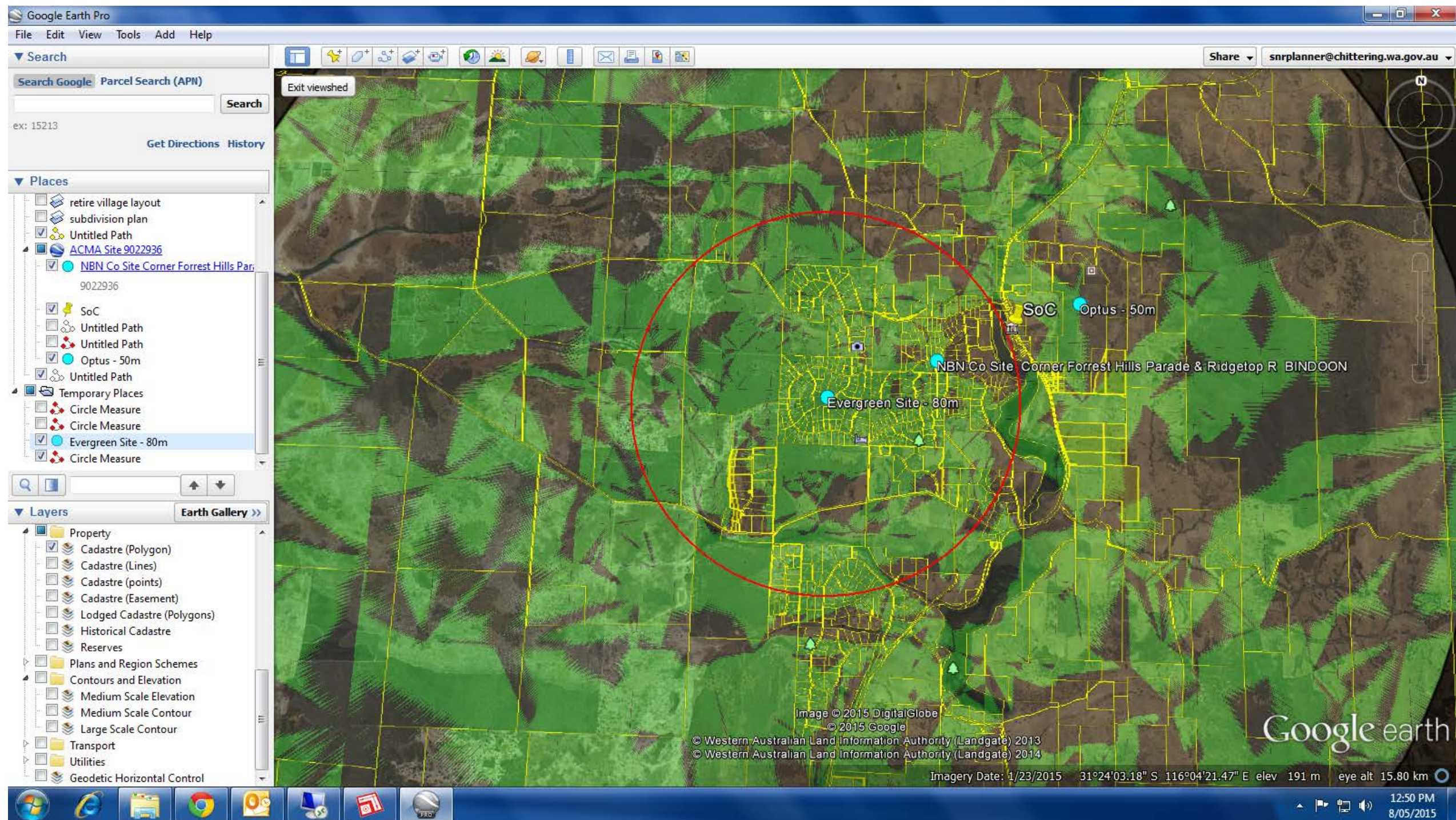


Optus site viewshed at 50m hieght (without signal interference)

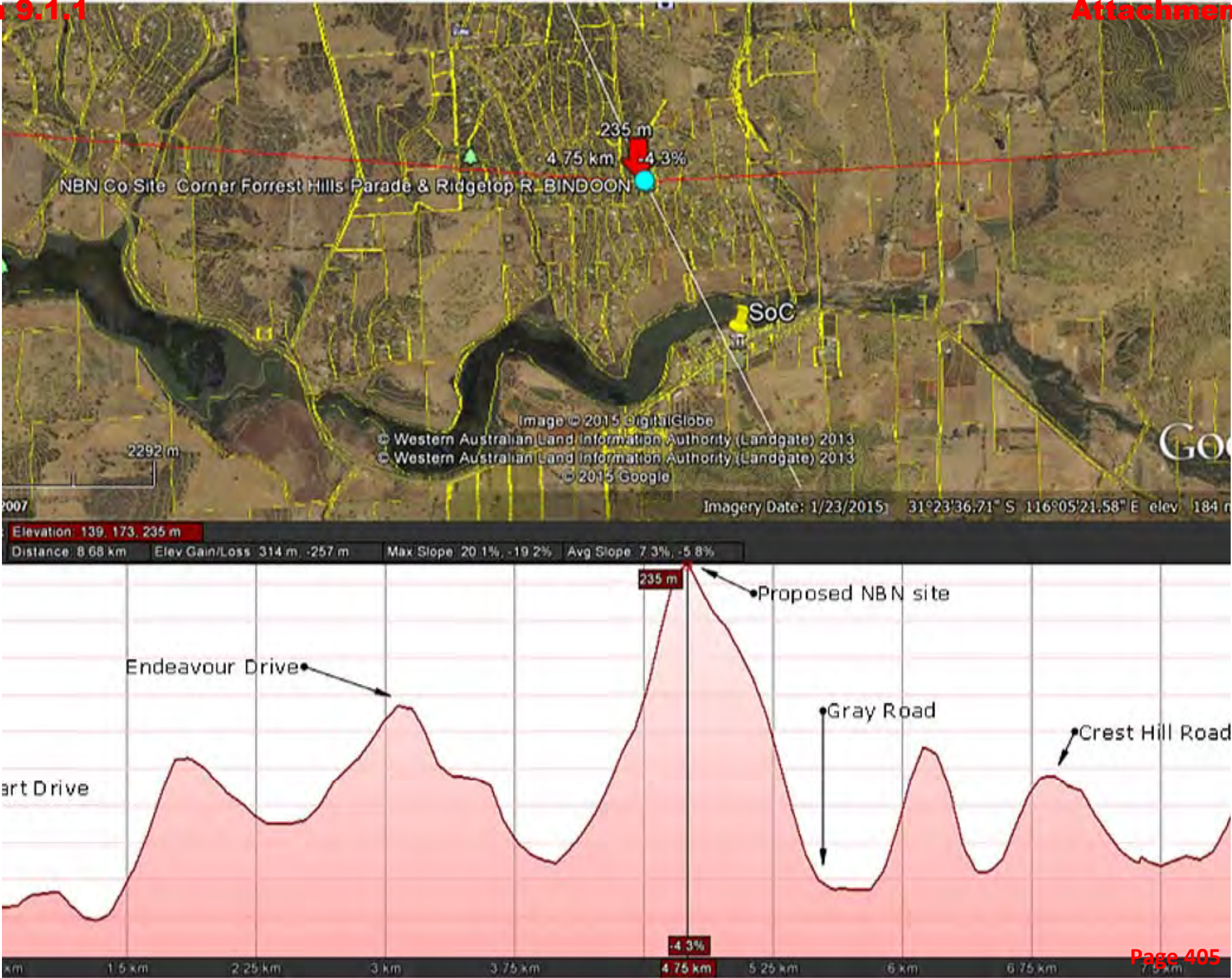




## Evergreen Rise site viewshed at 80m height













**SHIRE OF CHITTERING**

Post Office Box 70  
Great Northern Highway  
BINDOON WA 6502



ABN: 48 445 751 800

**ATTACHMENT 6****OFFICE HOURS:**

Monday to Friday  
9.00am-4.30pm

Telephone: (08) 9576 1044

Facsimile: (08) 9576 1250

Email: chatter@chittering.wa.gov.au

Website: www.chittering.wa.gov.au

**'Keeping the Balance'**

OUR REF: DRS:JMD:11.2.3.8

**Enquiries to: Dale Stewart, Deputy CEO**

5 March 2003

Mr R Frew & Ms J Duzevich  
Co Secretaries  
Chittering Country Club Public Open Space Committee  
C/- Lot 152 Ridgetop Ramble  
BINDOON WA 6502

Dear Richard & Julie

**RECOMMENDATIONS FOR THE MANAGEMENT OF PUBLIC OPEN SPACE IN THE CHITTERING COUNTRY CLUB**

Further to your letter dated 5 February 2003 I advise that Council at its meeting of the 20 February 2003, resolved as follows:

***"That Council thank the Chittering Country Club Public Open Space Committee for the completion of an updated Management Plan for the reserves within the Chittering Country Club Estate (CCC) and note that Council endorses the new Plan with the exception of the following points;***

- 1. Bollard installation needs to continue on the current basis of allowing a 1.2 metre wide horse, pedestrian and wheelchair access (for disability / accessibility requirements);***
- 2. Fire Management and fuel build assessment will continue on an annual basis rather than twice yearly;***
- 3. Council will continue with the primary practice of maintaining firebreaks within the CCC reserves utilising a grader due to the need and desire for a fully trafficable surface for fire vehicles and pedestrians and in consultation with the CCC POS Committee.***
- 4. Council is reluctant to install refuse litter bins in bush reserves as it is Councils experience that it encourages the attraction and proliferation of litter. Council will remove the build up of litter on reserve 43686.***
- 5. Council seek clarification of why any of the reserves need to be resurveyed and whether this cost should be borne by any third parties such as adjoining owners either in full or in part."***

I also confirm that many of the signs that have been requested have already been received and will be installed over the next four (4) weeks.

I also confirm that Council is continuing with its process of installing bollards to restrict vehicle access to the reserves and that funding to assist in securing this will be on a scheduled basis over the next eighteen (18) months.

In order that works are prioritised in the correct order, Council would appreciate your written advice as to the works suggested by your Committee on a priority order list, so that Council may work through these and/or budget for these if necessary.

For the benefit of your Committee Council has also taken the liberty of enclosing colour aerial photographs (approximately twelve 12 months old) of the Chittering Country Club showing the cadastre boundaries and reserve boundaries.

If you require further information please contact Dale Stewart, Deputy Chief Executive Officer, by email on [dale@chittering.wa.gov.au](mailto:dale@chittering.wa.gov.au) or telephone 08 95761044.

Yours faithfully



**Ray Hooper**  
**CHIEF EXECUTIVE OFFICER**

Enc: Colour maps



## 6.1.9 Chittering Country Club Public Open Space(11.2.3.8)

REPORT DATE: 21 February 2003  
 LOCATION/ADDRESS: Recreation reserves in the Chittering Country Club rural residential estate, Bindoon  
 APPLICANT: Chittering Country Club POS Committee  
 SENIOR OFFICER: Dale Stewart, Deputy CEO  
 DISCLOSURE OF INTEREST: NO  
 APPENDICES: Management Plan Recommendations  
 DOCUMENTS TABLED: Nil

**Summary:**

The Chittering Country Club Public Open Space Committee (CCC POS) is a recognised voluntary committee helping Council with the management options for the public open space in the Chittering Country Club (CCC). The Committee has provided Council with an updated Management Plan addressing the recreation reserves vested in Council within the estate.

**Background:**

The Council has previously considered and endorsed the first management Plan recommended by the Committee at its meeting of the 6 September 2001.

Resolution 250901;

"That Council:

1. Endorse the Management Plan as presented.
2. Thanks the CCC POS Committee for the work undertaken in preparation of the Management Plan and associated recommendations.
3. Continue the practice of installing bollards and chains to the trails in the CCC Estate.
4. Continue the practice of installing graded firebreaks around the perimeter of Reserve 4386 in the CCC Estate.
5. Undertake the delegated walk trail development within the annual works program.
6. That the design of the bollards and chains across the firebreaks be such that it allows for pedestrian access, horses and wheelchairs (viz 1.2 metres wide)."

**Consultation:**

In finalising the report and management plan the CCC POS Committee has consulted with the Chief Bush Fire Control Officer and local FCO and resident of the CCC, Dennis Badcock and also consulted with the land care officers. The Committee represents a diverse group of interested residents of the estate.

**Statutory Environment:**

Not applicable.

**Policy Implications:**

Nil

**Financial Implications:**

The Council has included in the 2002/03 Budget the sum of \$5,000 for CCC POS development / maintenance of which to date has funded the purchase of much of the required and suggested signage in the management plan (\$1,882.88). This sum includes the sum of \$3,500 specifically with respect to upgrade works proposed by the Committee in relation to Evergreen reserve (43686), Bell Hill Reserve (44213) and Reserve at the end of Woodland Land and Whistler Close (39759).

The sum should go close to allowing the desired works of the committee and signage to be completed this financial year.

**Strategic Implications:**

Nil

**Voting Requirement:**

Absolute Majority Required: No

**Site Inspection:**

Site Inspection Undertaken: Yes

**Triple Bottom Line Assessment:****Economic Implications:**

Nil

**Social Implications:**

The CCC POS reserves serve as a valuable resource for the residents and community to enjoy the natural bush land whether it is for walking, resting or horse riding.

**Environmental Implications:**

The actions proposed in the CCC POS Management Plan have been assessed and commented on by the land care officer.

**Comment:**

The changes to the Management Plan deal with Evergreen Reserve 43686 such that;

- The eastern border of the reserve is re-surveyed as pegs are missing (no other justification is provided for the need for re-surveying nor mention of whether this cost should be borne by adjoining owners).
- Further division of the reserve take place into 1-metre paths for fire control and walking (noting that this is contrary to the land care officers recommendation).
- Additional signage is provided denoting paths / species of flora and fauna.
- The continuation of Councils bollard installation at entry points allowing walker access only (which would prevent a wheelchair or small horse and cart).
- The installation of a refuse bin (as there is some litter present).
- Firebreaks be sprayed or disc ploughed to minimise run-off and drainage concerns (at present the firebreaks of the CCC are mostly natural gravel or imported gravel construction for the purposes of acting as strategic fire breaks as well as horse and pedestrian access and should ploughing be undertaken this would be contrary to two principal purposes of the firebreaks.)

**Bell Hill reserve 44213**

- Upgrading of firebreaks.
- Control of wild oats.
- Removal of dead trees.
- No development of trails on the reserve due to its fragile nature.
- Additional signage required.

**Hidden Gully Reserve 39759**

- No disturbance to the pristine nature of the reserve.
- Fire Management take place.
- Slight upgrading of the firebreak.
- Additional signage required.

**Reserve 44197**

- Leave in its present state
- Annual fire assessment



## Reserve 43381

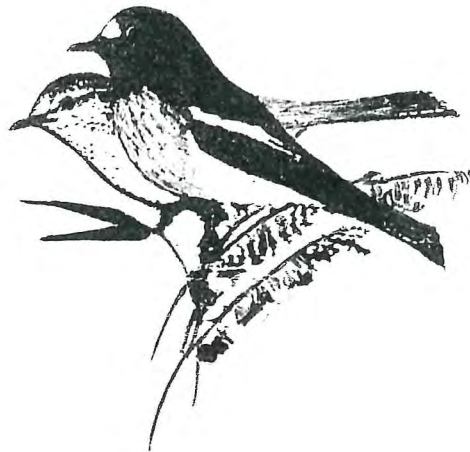
- The reserve should be incorporated into development plans for Clune Park and the proposed walk trail network.
- Close consultation with adjoining residents required.

## OFFICER RECOMMENDATION TO BE DEBATED AND RESOLVED BY COUNCIL

***"That Council thank the Chittering Country Club Public Open Space Committee for the completion of an updated Management Plan for the reserves within the Chittering Country Club Estate (CCC) and note that Council endorses the new Plan with the exception of the following points;***

1. ***Bollard installation needs to continue on the current basis of allowing a 1.2 metre wide horse, pedestrian and wheelchair access (for disability / accessibility requirements);***
2. ***Fire Management and fuel build assessment will continue on an annual basis rather than twice yearly;***
3. ***Council will continue with the practice of maintaining firebreaks within the CCC reserves utilising a grader due to the need and desire for a fully trafficable surface for fire vehicles and pedestrian;***
4. ***Council is reluctant to install refuse litter bins in bush reserves as it is Councils experience that it encourages the attraction and proliferation of litter. Council will remove the build up of litter on reserve 43686.***
5. ***Council seek clarification of why any of the reserves need to be resurveyed and whether this cost should be borne by any third parties such as adjoining owners either in full or in part."***

**RECOMMENDATIONS FOR THE  
MANAGEMENT OF PUBLIC  
OPEN SPACE IN THE  
CHITTERING COUNTRY CLUB  
ESTATE**



CHITTERING COUNTRY CLUB  
PUBLIC OPEN SPACE COMMITTEE

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## TERMS OF REFERENCE

As a result of liaison between the Shire of Chittering and the Public Open Space Committee, this document is solely comprised of a recommended management plan for the public open space defined herein. It is in no way binding on Council or Committee members. It is assumed that all final decisions and liability regarding public open space is vested in Council.

## INTRODUCTION

In early May 2000, the Shire of Chittering Council mailed a survey to Country Club residents requesting public comment on the use and development of the public open space in the Country Club Estate. Return of the surveys showed a desire for the formation of a committee to examine the public open space and formulate recommendations for its management. These recommendations were then to be submitted to Council. This document is the culmination of the research and considerations of the committee.

## GENERAL PHILOSOPHY

The general philosophy of this set of recommendations is to form a plan for the management of the Public Open Space in the Country Club Estate such that it is preserved for the use and enjoyment of the local public first and general public second, and is maintained in a manner conducive to current Landcare principles. The land management paradigm commonly referred to as "Landcare" is well established and has a sound basis in ecological principles such that its management practices are accepted nationally and are the overriding factor in many recommendations made herein.

In the development of the plan there are three basic considerations:-

- \* What is the current status of the land?
- \* What is the desired result and its feasibility?
- \* Which management practices are to be adopted to achieve the desired result?

In the consideration of the first of these points the land will be graded into one of six categories:-

- \* Waterways
- \* Cleared land
- \* Sparse vegetation
- \* Medium vegetation
- \* Dense vegetation
- \* Bridle/Walk trails

Further to the classification of the land, additional information regarding principle species, erosion (present and possible), and general geography are included in the "Present Situation" of each area.

In the deliberation of the committee the overwhelming consensus was that POS is exactly that, Public Open Space and as such should be preserved and managed for the recreational activities of the public. In regard to access it is considered that removal of all internal fencing is desirable on the POS, and as such stocking of these areas was not considered a viable option.

## GENERAL RECOMMENDATIONS

### Landowners

Properties adjacent to any area that is to be developed beyond firebreaks/bridle paths, the owners must be notified in writing and their written approval should be sought regarding recommended actions.

### Fire

#### General

Any mechanism designed to reduce fire risk should be based on the ability of local brigades using current equipment to control a fire, and it is recommended that 8.5 tonnes/hectare is a controllable amount of fuel. Assessment of fuel loads is vital to indicate the necessity for burns due to exceptional seasonal factors increasing fuel levels.

#### Recommended Burning Regime

The fire hazard associated with POS is a real and important part of its management, however any controlled burning of the POS should be conducted to not only reduce fire hazard but also to prevent speciation of flora caused by such events. The subject of speciation by fire events is well documented and references in the bibliography will provide further information, but basically when fires are too large or too frequent on any area of bushland some species are favoured over others due to variations in habitat and lifestyle. The speciation of flora is often accompanied by speciation in fauna as well. When large areas are burnt little or no habitat remains for the native wildlife of that area. It is for these reasons that it is recommended that no area of POS be burned in its entirety, but rather it is split into defined sections by the addition of walking paths and scheduled for burning at defined times.

It is recommended that the POS be assessed for fuel levels twice annually and that the outcome of these assessments form the basis of the burning regime. These assessments should be carried out by qualified personnel and the fuel level quantitatively assessed and recorded. The records of fuel levels will provide a secondary indication of likely fuel loads and can be used to anticipate the outcome of future assessments.



**Weeds**

The control of weeds is a vital part of the management of the POS and control should be via displacement i.e. conditions on the POS should be managed such that indigenous species have the competitive edge over weed species, this involves minimisation of disturbance and greater planning of cool burns.

Areas such as fire breaks tend to become the focus of weed infestation when these are created with graders rather than offset ploughs, it is recommended that fire breaks be formed with an offset plough rather than a grader, this has the added advantage of reducing the erosion caused by channelling of runoff in grader trails.

**Access**

It is recommended that access be banned to all motorised vehicles other than those required for maintenance of fire breaks and emergency services. To this end access will be restricted by the installation of concrete bollards and chains at all entry and exit points on the POS.

**Bushwalking**

Bushwalking is seen as a major attraction of any bushland area and as such is to be encouraged. The creation of trails for the purposes of bushwalking is highly recommended for Chittering Country Club POS.

**Dogs**

At this time dogs are not a problem on the POS, however should a problem arise it is felt that the normal actions of the Council Ranger should cope with the situation.

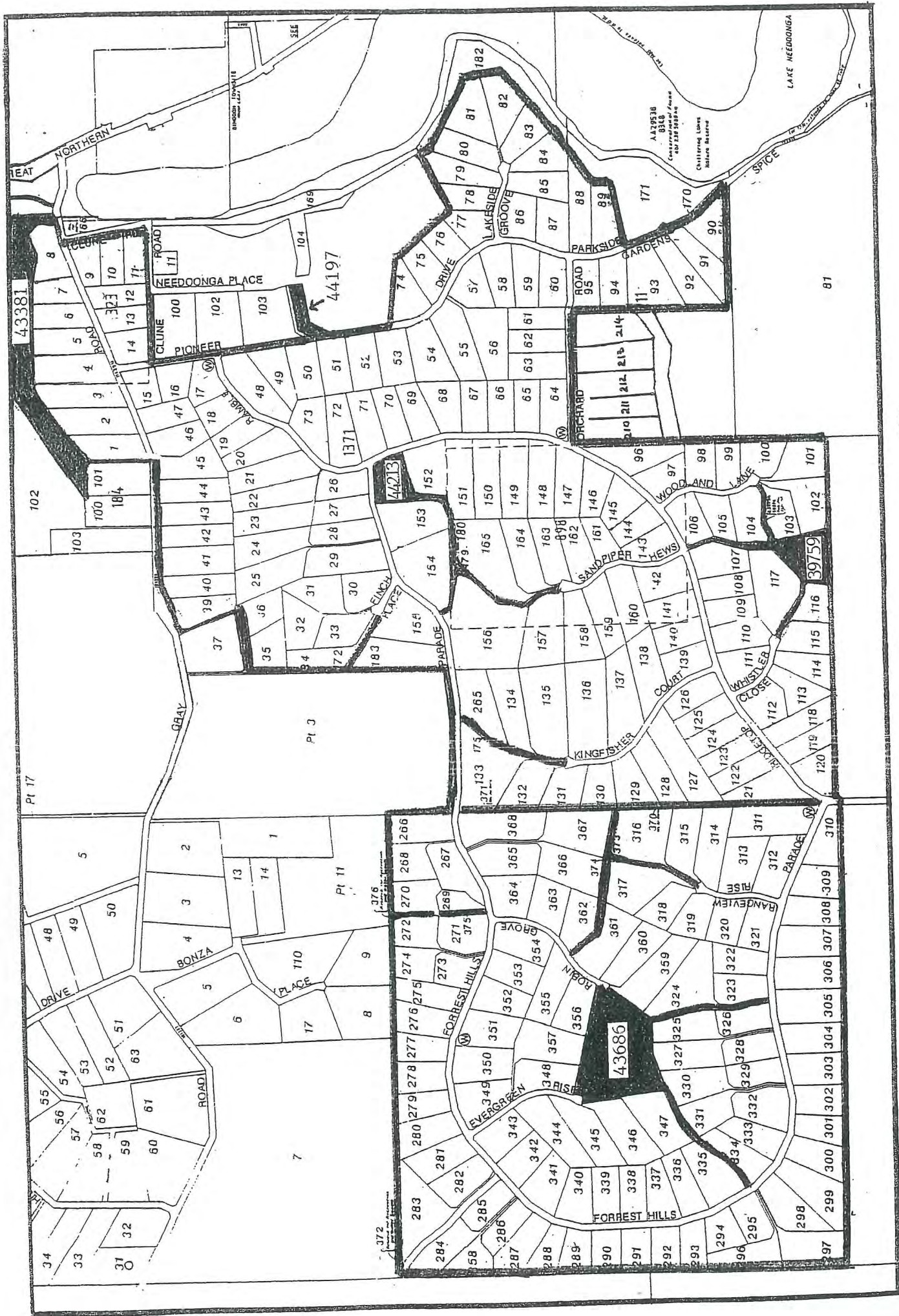
**Horses**

Horse riding is a form of recreation suited to POS. The walking trails should be wide enough to accommodate the riding of horses such that they double as bridle and walk trails.

**Rubbish**

The dumping of rubbish is at present not a problem on the POS. It is recommended that the provision of rubbish bins be restricted as they encourage litter if not regularly serviced.





MAP 1 - CHITTERING COUNTRY CLUB ESTATE



Report for Chittering Country Club Public Open Space Committee

30 October 2001

Prepared by: Dennis Badcock Chief Bush Fire Control Officer

Re: *General fire and recommended burning regime*  
*Current fire status*

*General fire and recommended burning regimes* as per the prepared document titled Recommendations for the management of public open space in the Chittering Country Club, are found to be a sound and accurate assessment of the needs associated with the management of public open space lands.

It would be my recommendation that your committee adopt the policy that hazard reduction measures be implemented at a fuel loading of 8.5 tonnes per hectare as a fuel loading of more than 10 tonnes per hectare is considered to be a major hazard.

I also suggest that the need to assess hazards would in reality only need to be carried out once annually.

*Current fire status* of public open space areas that your committee are associated with, namely Bell Hill and Evergreen Reserve, have been assessed in regard to hazard management and both of these reserves have been tagged for hazard reduction by means of a hazard reduction burn. Time permitting, the local Fire Brigade will carry out these burns during this current season.

Hazard reduction inspections within the Shire of Chittering are conducted annually by local Fire Control Officers and I would suggest that your committee liase with the same for further information regarding fire matters.

Yours sincerely

Dennis Badcock

**Bell Hill Reserve** (44213 - 1.815 hectares)**Present Situation**

The area known as Bell Hill Reserve Public Open Space, bounded by Ridgetop Ramble, Forest Hills Parade and Lots 152 and 153 (see Maps 1 and 3) currently consists of medium vegetation on the higher areas with cleared grassed areas on the lower slopes. The higher area is typified by steep slopes and rocky ground and it is a fragile area that could be prone to erosion (see Landcare Report on Bell Hill Reserve). At present there is ready access to the Reserve for bushwalkers.

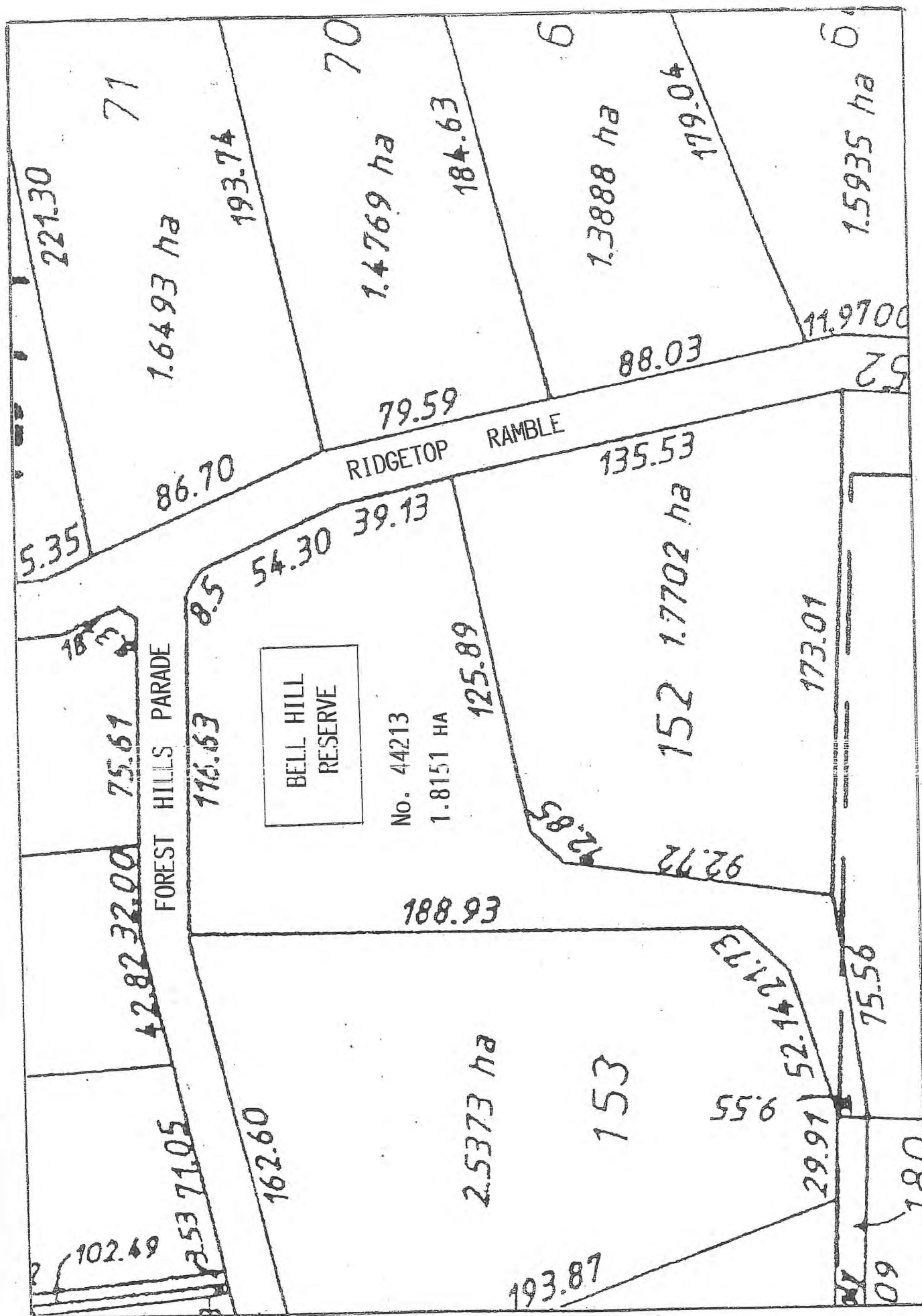
**Recommended Action**

The general recommendation for the area is the preservation of the existing flora and fauna with the upgrading of firebreaks, control of wild oats and weeds and the removal of hazardous dead trees and fire hazard reduction. The recommendations set out in the Landcare Report will be followed for the regeneration of the Reserve. It is recommended that no development be undertaken on the Reserve due to the Reserve's fragile nature, small size (1.815 hectares) and impact on adjacent properties.

This area is recommended as a total conservation area, due to its fragile nature. The Reserve has at present several natural points of access for local bushwalkers and it is recommended that no formal access be undertaken or developed.

As for Evergreen Reserve, picnic facilities and public toilets are not recommended or desirable.





MAP 3 - BELL HILL RESERVE



**Report from Site Visit to Bell Hill Reserve No. 44213**  
**Chittering Country Club Estate**  
**Mon 22<sup>nd</sup> October 2001**

The Chittering Country Club Public Open Space Committee (CCCPOSC) are in the process of writing up the recommendations for the management of Public Open Space in the estate. The management plan for one of these areas, Evergreen Reserve, has already been completed. The management plan for Bell Hill is in progress.

I have been asked to provide some information on 3 issues facing the reserve – Weeds and Weed control, Erosion potential and vegetation type.

### **Vegetation Types**

Bell Hill Reserve is a classic example of much of the higher land in the Brockman River Catchment. The vegetation is classified as predominantly Redgum (*E.calophylla*) and Whitegum (*E.wandoo*) woodlands, however there is also a significant number of *Zamias* (*macrozamas sp.*) and Balga Trees (*Xanthorrea sp.*)

Other native species present on the site include:

*Ptilotis sp.* (Mulla Mullas) x 3 species

*Stypandra glauca* (Blind Grass)

*Jacksonia sp*

*Hibbertia sp.*

There is also a stand of *Casuarina sp.* (sheoaks) establishing itself on the North side slope.

There is a significant amount of new growth of both the Redgums and Whitegums on the eastern side of the reserve.

### **Weeds**

The most significant weed by far affecting the reserve is wild oats (*Avena barbata*). It is also these wild oats that are the main fire hazard in the reserve. They predominantly affect the more disturbed perimeter of the area to the north and to the east, but are present throughout.

Other significant weeds noted were:

*Fumaria capreolate* (white fumitory)

*Solanum nigra* (black nightshade)

### **Soils**

The area is a classic example of lateritic uplands, which are typified by rubbly, orange/red lateritic soils and pea gravel. These soils are prone to erosion, therefore care needs to be taken in developing and/or rehabilitating this site. In addition, the steep grade of the area means that rainfall will have a greater erosive velocity and therefore its capacity to erode the soil is greater.

### **Management**

Firstly, we need to recognise that the rehabilitation of this site is a long term project. It has a high weed burden and this alone will take several years to control. Secondly, in order to control the weeds, it is not enough to spray or burn them; they need to be replaced with something, otherwise they will just keep coming back.

I would suggest that the area is divided up into 3 different stages.

1. The Slope to the North
2. The Slope to the East
3. The plateau at the top



All three require different management strategies. The areas can be prioritised with regards to urgency of action. I would recommend starting on the slope to the north and attempting to control the wild oats.

### Stage 1 North Slope

Where the wild oats are very thick, a controlled fire can be put through to get rid of the fire risk. I would then suggest that the area is sprayed with herbicide when the oats start to actively grow again next year. The area could be sprayed twice; once in early winter, and then depending on the regrowth, again in mid winter. Then I would suggest starting the revegetation.



View of Northern Aspect  
from Forest Hills Pde

Some possible revegetation species would include:

Native grasses – Kangaroo grass, Wallaby Grass

More casuarinas – Granite Sheoaks

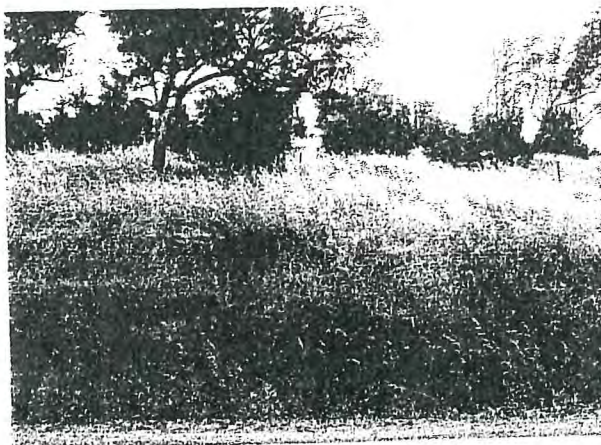
Locally occurring shrubs – Acacias etc

Groudcovers – *Kennedia prostrata* (running postman), *Hardenbergia comptoniana* (native wisteria).

Preparation for revegetation will be difficult due to the steepness of the terrain, and where I would normally advocate ripping a site before planting, this will probably be impossible on this site. Therefore, individual holes will need to be dug for the seedlings.

### Stage 2 East Slope

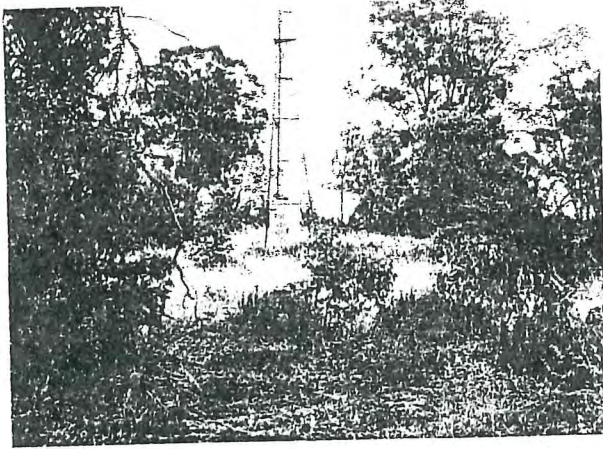
On the east slope, the method of weed control will be similar to the Northern Slope on the lower parts of the slope, but where there is new growth and young trees, the area will need to be handsprayed, not burnt. Again, the area will require revegetation to ensure that there is vegetative cover to prevent erosion and to stop the weeds returning.



View of Eastern  
Aspect from  
Ridgetop Ramble

**Stage 3 Plateau**

The plateau is the least degraded of the three areas and as such can be left until last. It would benefit from some handspraying of the wild oats and spraying and/or pulling of the fumaria and the nightshade. It would also benefit greatly from some further revegetation.



Example of Plateau  
vegetation

**Conclusion**

Bell Hill Reserve would greatly benefit from rehabilitation works. The weed control necessary would lessen the fire risk and reduce the erosive potential of the reserve. In addition, the vast majority of the revegetation species recommended to not burn well so do not encourage fire.

It is very important from an ecological point of view that these natural areas that are left in subdivisions are looked after and managed as to provide an example of local flora and provide hassle free habitat for our native fauna.

Raffy Andreoli  
Landcare Coordinator  
Chittering & North Swan  
08 9571 0200



**SHIRE OF CHITTERING**  
**TOWN PLANNING SCHEME NO. 6**  
**LOCAL SCHEME AMENDMENT NO xxx**

**RESERVE 35116 (LOCATION 9758) AND  
PORTION OF LEARNERS WAY, BINDOON**



(Image Source: Dept of Education, 2014)

**SEPTEMBER 2014**

**HEAD OFFICE:**  
Suite 4, First Floor, 40 Hasler Road, Osborne Park WA 6017  
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**PERTH | KARRATHA | BROOME | KUNUNURRA | KALGOORLIE**

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**SURVEYING**

**MAPPING**

**TOWN PLANNING**



SHIRE OF CHITTEIRNG  
TOWN PLANNING SCHEME NO. 6

AMENDMENT NO xxx

RESERVE 35116 (LOCATION 9758) AND  
PORTION OF LEARNERS WAY, BINDOON

SCHEME AMENDMENT CONTENTS

1. RESOLUTION .....	3
2. SCHEME AMENDMENT REPORT .....	5
3. EXECUTION .....	10



**PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME**

**SHIRE OF CHITTERING  
TOWN PLANNING SCHEME NO. 6**

**AMENDMENT No. xxx**

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above local planning scheme by:

1. Reclassifying Reserve 35116 (Location 9758) and portion of Learners Way, Bindoon from 'Parks and Recreation' and 'Learners Way Road Reserve' to 'Townsite' and amending the Scheme Map accordingly.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2014

---

Chief Executive Officer



**MINISTER FOR PLANNING  
PROPOSAL TO AMEND A TOWN PLANNING SCHEME**

LOCAL AUTHORITY	:	Shire of Chittering
DESCRIPTION OF TOWN PLANNING SCHEME	:	Town Planning Scheme No. 6
TYPE OF SCHEME	:	District Scheme
SERIAL NUMBER OF AMENDMENT	:	Amendment No. xxx
PROPOSAL	:	To reclassify Reserve 35116 (Location 9758) and portion of Learners Way, Bindoon from 'Parks and Recreation' and 'Learners Way Road Reserve' to 'Townsite', in order to consolidate the reservation and site area of the existing Bindoon Primary School.

## SCHEME AMENDMENT REPORT

### 1.0 INTRODUCTION

This report presents a proposal to initiate a Town Planning Scheme Amendment to the Shire of Chittering Town Planning Scheme No. 6 (TPS 6). The proposal seeks to reclassify Reserve 35116 (Location 9758) and portion of Learners Way, Bindoon ("the subject site"), from 'Parks and Recreation' and 'Learners Way Road Reserve' to 'Townsite'.

The Department of Education has constructed a substantial portion of the school's Music and Art Multi-Purpose facility across the school's boundary, encroaching into the adjacent Reserve 35116. Discussions have been held with key stakeholders and in order to resolve the encroachment issue, it is proposed to:

- Cancel Reserve 35116;
- Amalgamate Reserve 35116 with Reserve 24627; and
- Rationalise the existing school carpark in Learners Way road reserve by closing and amalgamating the portion of road reserve with Reserve 24627.

These actions will formalise the Bindoon Primary School site into a single (larger) Reserve 24627.

## 2.0 SITE DETAILS

### 2.1 PROPERTY DESCRIPTION AND OWNERSHIP

The subject site is situated at the northern end of Bindoon townsite at the end of Learners Way. The location of the subject site is shown in **Figure 1**. **Figure 2** shows the cadastral boundaries and immediate neighbouring context of the subject site. **Figure 3** shows an aerial image of the location of the subject site in the context of Bindoon.

Reserve 35116 (Location 9758) is Crown Land administered by State of Western Australia, with a Management Order held by Shire of Chittering. The reserve is encumbered by a Water Corporation easement (F228563 – 3134B/134), varying 5m - 10m wide, along the western and southern boundaries of the reserve.

### 2.2 HISTORICAL AND EXISTING LAND USE

Bindoon Primary School (established on Reserve 24627) is a public school operated by the Western Australian Department of Education. The school caters for approximately 205 pupils (Kindergarten to Year 7), of which most come from within the Shire of Chittering. The only road leading to the school is Learners Way, connected directly to Great Northern Highway. Fishers Road is adjacent the western and northern boundaries of the school, however this road is not sealed but is trafficable.

In 1977 Reserve 35116 - Location 9758 (then known as Lot 81) was created on Plan 11647 as a 'Reserve for Public Recreation' under s.20A of the *Town Planning & Development Act 1928* (now superseded by *Planning & Development Act 2005*). Plan 11647 also created (11) residential lots ranging 920m<sup>2</sup> – 3,646m<sup>2</sup> (refer to **Figure 4**), with frontage and access to Bottlebrush Place (being a slip road in front of Great Northern Highway).

Aerial images from 1981 – 2000 (**Figures 5a & 5b**) show that since 1981, Reserve 35116 has not been developed for public recreation, however, a portion of the reserve had been incorporated into the school's playing fields. At present, Reserve 35116 appears on ground as part of the Bindoon Primary School.

## 3.0 REGIONAL AND LOCAL PLANNING CONTEXT

### 3.1 SHIRE OF CHITTERING TOWN PLANNING SCHEME No. 6

The current Bindoon Primary School site (Reserve 24627) is zoned 'Townsite' (with no R-Code density applicable). Reserve 31156 is reserved 'Parks and Recreation' under the Scheme. The surrounding land is zoned 'Townsite – R10/30'. The portion of Learners Way that is proposed to be closed and amalgamated into Reserve 24627 is not currently zoned (i.e. Learners Way Road Reserve).

### 3.2 SHIRE OF CHITTERING LOCAL PLANNING STRATEGY

The Shire of Chittering Local Planning Strategy identifies the subject site and Bindoon Primary School as 'Townsite'. There is nothing specific in the LPS with relation to planning for the subject site and future use of Reserve 31156, other than the identification as 'Townsite' in the Strategy.



## 4.0 RATIONALE FOR PROPOSED RECLASSIFICATION

The Department of Education has constructed a substantial portion of the school's Music and Art Multi-Purpose facility across the school's boundary, encroaching into the adjacent Reserve 35116. Discussions have been held with key stakeholders and in order to resolve the encroachment issue, it is proposed to:

- Cancel Reserve 35116;
- Amalgamate Reserve 35116 with Reserve 24627; and
- Rationalise the existing school carpark in Learners Way road reserve by closing and amalgamating the portion of road reserve with Reserve 24627.

The Department of Lands has indicated its support to the above proposal, subject to the completion of the relevant local scheme amendment to the Shire's TPS 6 to rationalise the zoning of the new proposed site of the Bindoon Primary School.

The Water Corporation has indicated no objection to the boundary amendments, subject to transfer of the existing easement configuration and inclusion/extension of easement through the Learners Way closure, to protect WC's infrastructure.

It is unlikely that Reserve 35116 will be used for public recreation as the encroachment of the Music and Art Multi-Purpose facility is substantial and the balance of the reserve land is predominantly being used by the school. The school's playing fields are partially within Reserve 35116 and a portion of the school's main car park is also encroaching within the western portion of Reserve 35116.

The current Bindoon Primary School site (Reserve 24627 with area of 2.02ha), is insufficient in area to accommodate the primary school infrastructure. It is noted that under WAPC Policy DC 2.4 and WAPC Liveable Neighbourhoods, the expected size of a public primary school site is a minimum of 3.5ha – 4.0ha. A minimum 3.5ha primary school site may be provided where there is co-location with adjoining public open space. Under the proposed Local Scheme Amendment, the Bindoon Primary School site will ultimately be rationalised to comprise the following land parcels:

Land Identifier	Tenure	Area
Reserve 24627	Crown Reserve (Management Order to Department of Education)	2.0296 ha
Reserve 35116	Crown Reserve (Management Order to Shire of Chittering)	0.8955 ha
Portion Learners Way	Crown Land (Care and control of Shire of Chittering)	0.1428 ha
Total		3.0679ha

The proposed Local Scheme Amendment will provide opportunity to increase the size of the Bindoon Primary School site to an area more consistent with the area of land required for a public primary school under WAPC Policy DC 2.4 and WAPC Liveable Neighbourhoods.

It is noted that Department of Education school sites are not formally included as local public open space for public recreation. Although, at times, the playing fields of school may be used after hours by the community, in circumstances where school sites are not fenced. Closure of Reserve 35116 would result in a loss of public open space that has been set aside by land development for parks and recreation.

However, the loss of Reserve 35116 will not adversely impact on the provision of public recreation land in the immediate vicinity and locality. Reserve 35116 is not easily accessible to the public, being isolated at the end of Learners Way, at the northern end of the townsite and bound by privately owned fenced land, currently being used for rural activities.

The immediate area (at the northern end of Bindoon townsite) is serviced by an existing public recreational facility at the corner of Gray Road and Great Northern Highway. This local park is well developed as a public recreation destination and is reserved under the Shire's TPS 6 as 'Parks and Recreation'.

The "Gray Road Park" is relatively large and includes a range of facilities for active and passive recreation, including a skatepark, picnic facilities and children's playground. The park has been developed on Crown Land (Lot 11883) that has not been set aside by land developers, under the Planning & Development Act, for 'Public Recreation'.

It is considered that the residential area at the northern end of Bindoon townsite is sufficiently serviced by the developed park at the corner of Gray Road/Great Northern Highway. Accordingly, in terms of the provision of public open space for residential land uses, the closure/disposal of Reserve 35116, for inclusion into the Bindoon Primary School, would not have a detrimental impact on proper and orderly planning for the area.



**PLANNING & DEVELOPMENT ACT 2005**

**SHIRE OF CHITTERING**

**DISTRICT TOWN PLANNING SCHEME NO. 6**

**AMENDMENT NO. xxx**

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above local planning scheme by:

1. Reclassifying Reserve 35116 (Location 9758) and portion of Learners Way, Bindoon from 'Parks and Recreation' and 'Learners Way Road Reserve' to 'Townsite' and amending the Scheme Map accordingly.

**ADOPTION**

Adopted by resolution of the Council of the Shire of Chittering on the \_\_\_\_\_ day of

\_\_\_\_\_ 2014.

\_\_\_\_\_  
SHIRE PRESIDENT

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER



## FINAL APPROVAL

Adopted for Final Approval by resolution of the Council of the Shire of Chittering on the

\_\_\_\_\_ day of \_\_\_\_\_ 2015 and the Common Seal of  
the Shire of Chittering was hereunto affixed by the authority of a resolution of the Council in the presence of:

\_\_\_\_\_  
SHIRE PRESIDENT

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

## Recommended/Submitted for Final Approval

\_\_\_\_\_  
Delegated under S.16  
of the PD Act 2005

\_\_\_\_\_  
Date

## Final Approval Granted

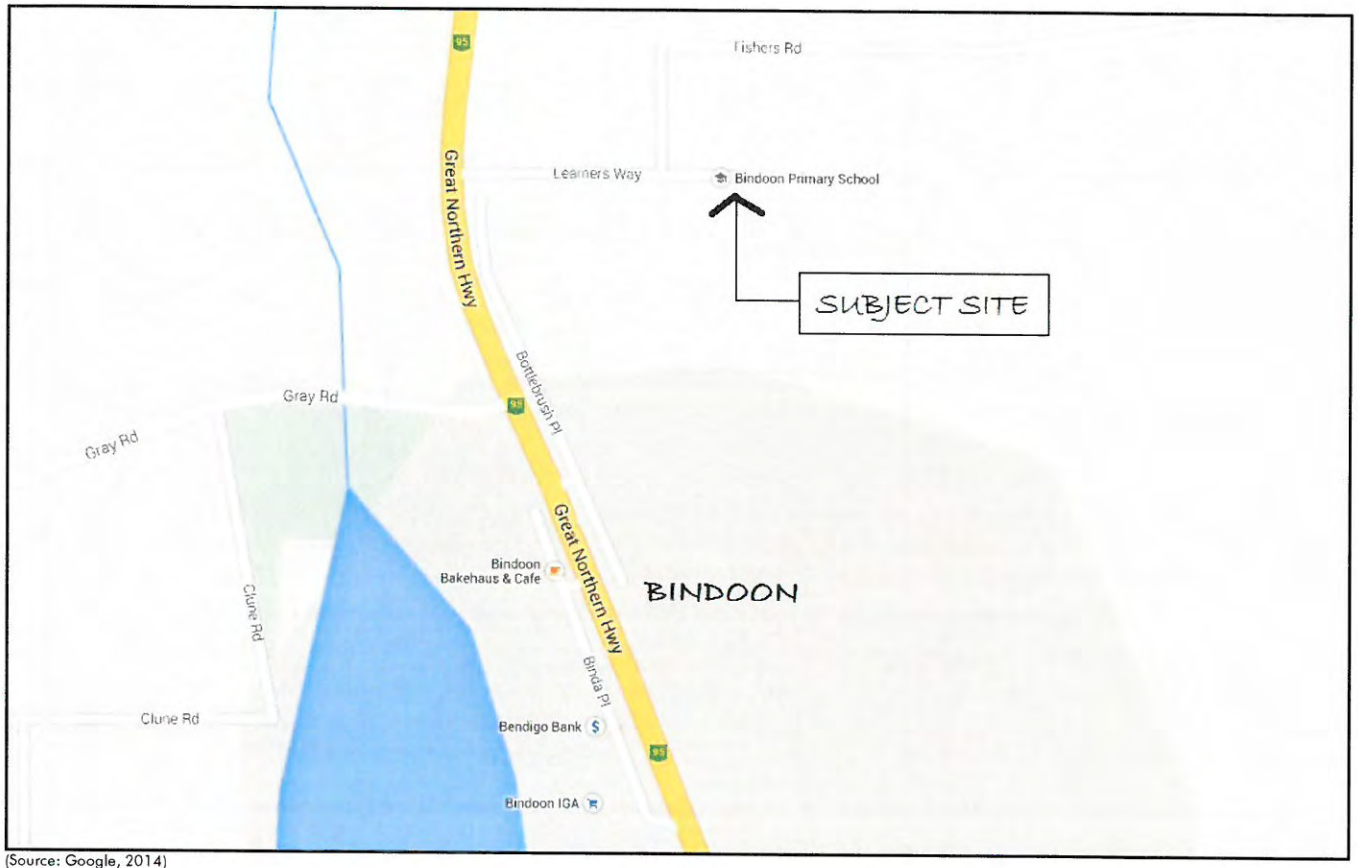
\_\_\_\_\_  
Minister for Planning

\_\_\_\_\_  
Date



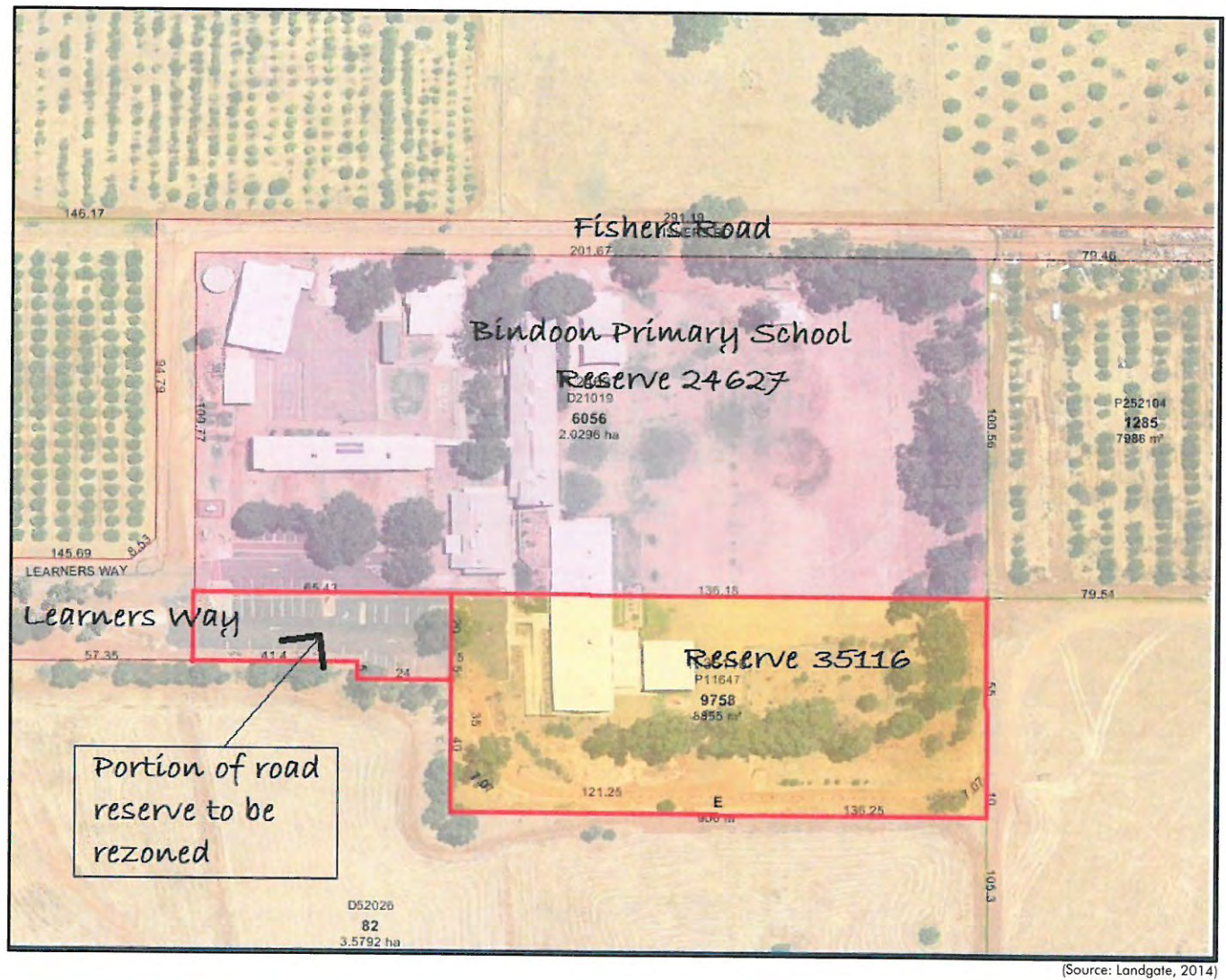
## FIGURES





LOCATION PLAN

FIGURE 1



SUBJECT SITE

FIGURE 2

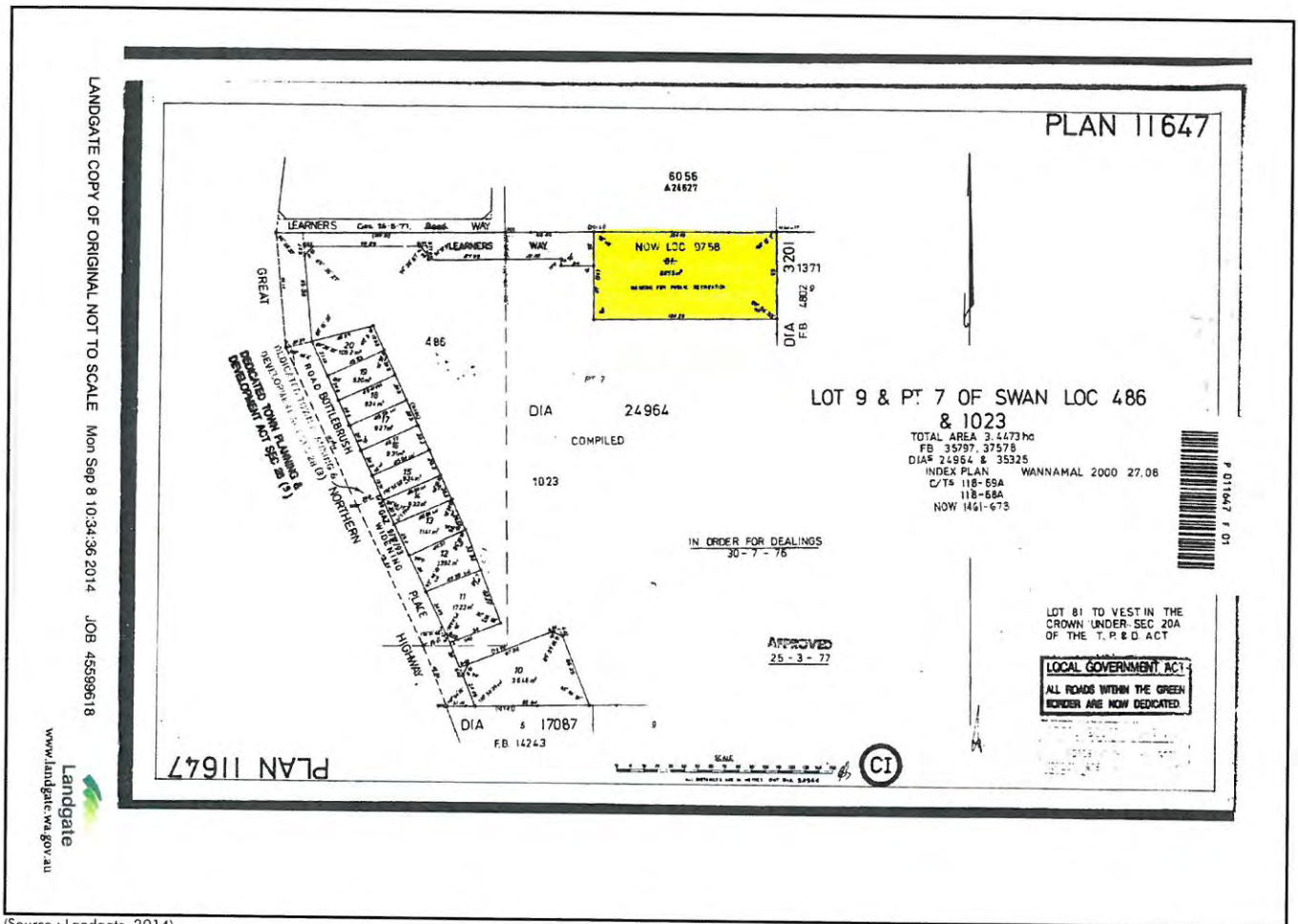




(Source : Landgate, 2014)

AERIAL VIEW OF BINDOON

FIGURE 3



(Source : Landgate, 2014)

PLAN 11647

FIGURE 4





(Source : Landgate, 2014)

HISTORICAL AERIAL (BINDOON) - 1981

FIGURE 5a



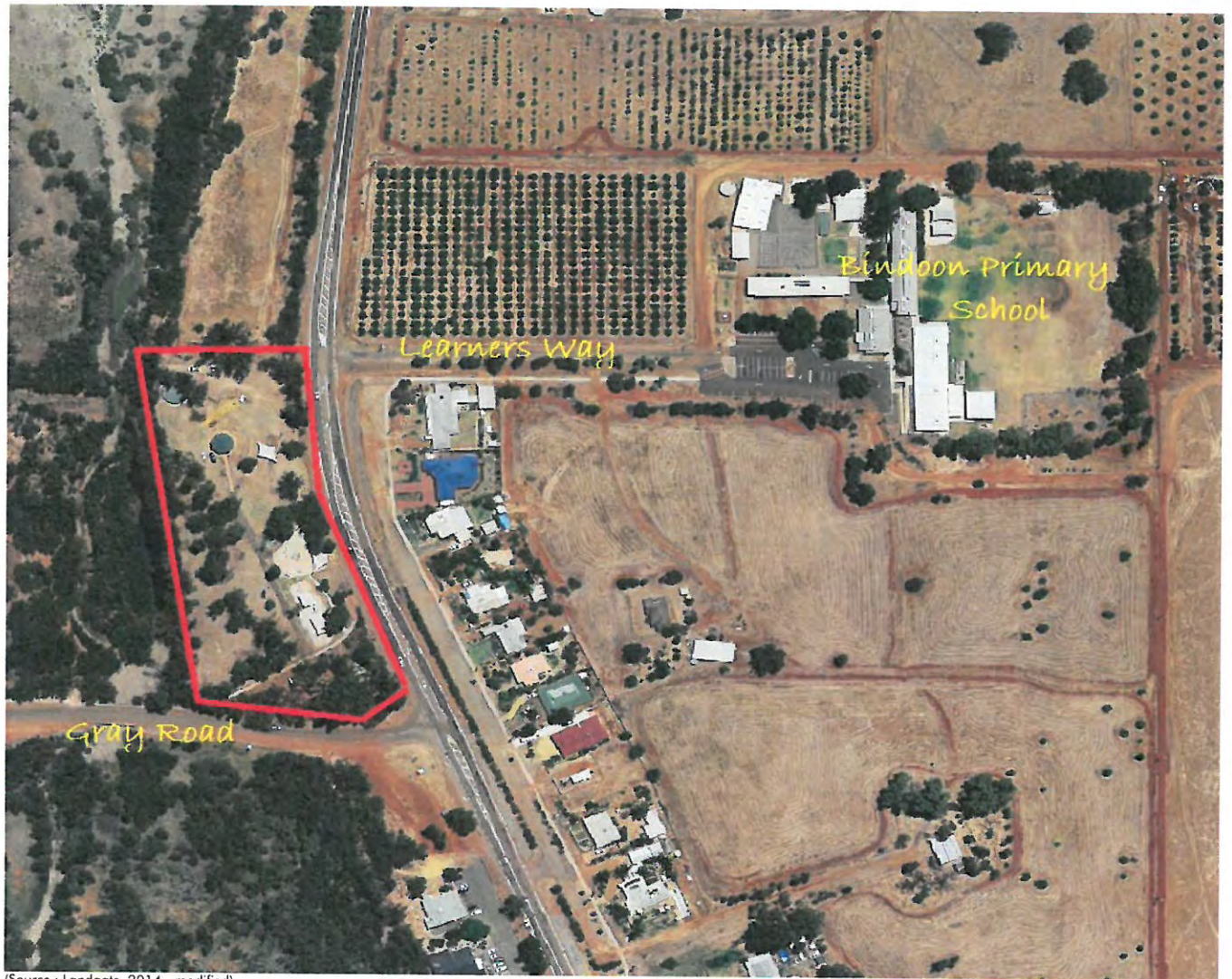


(Source : Landgate, 2014)

HISTORICAL AERIAL (BINDOON) - 2000

FIGURE 5b





(Source : Landgate, 2014 - modified)

AERIAL VIEW OF BINDOON SKATEPARK

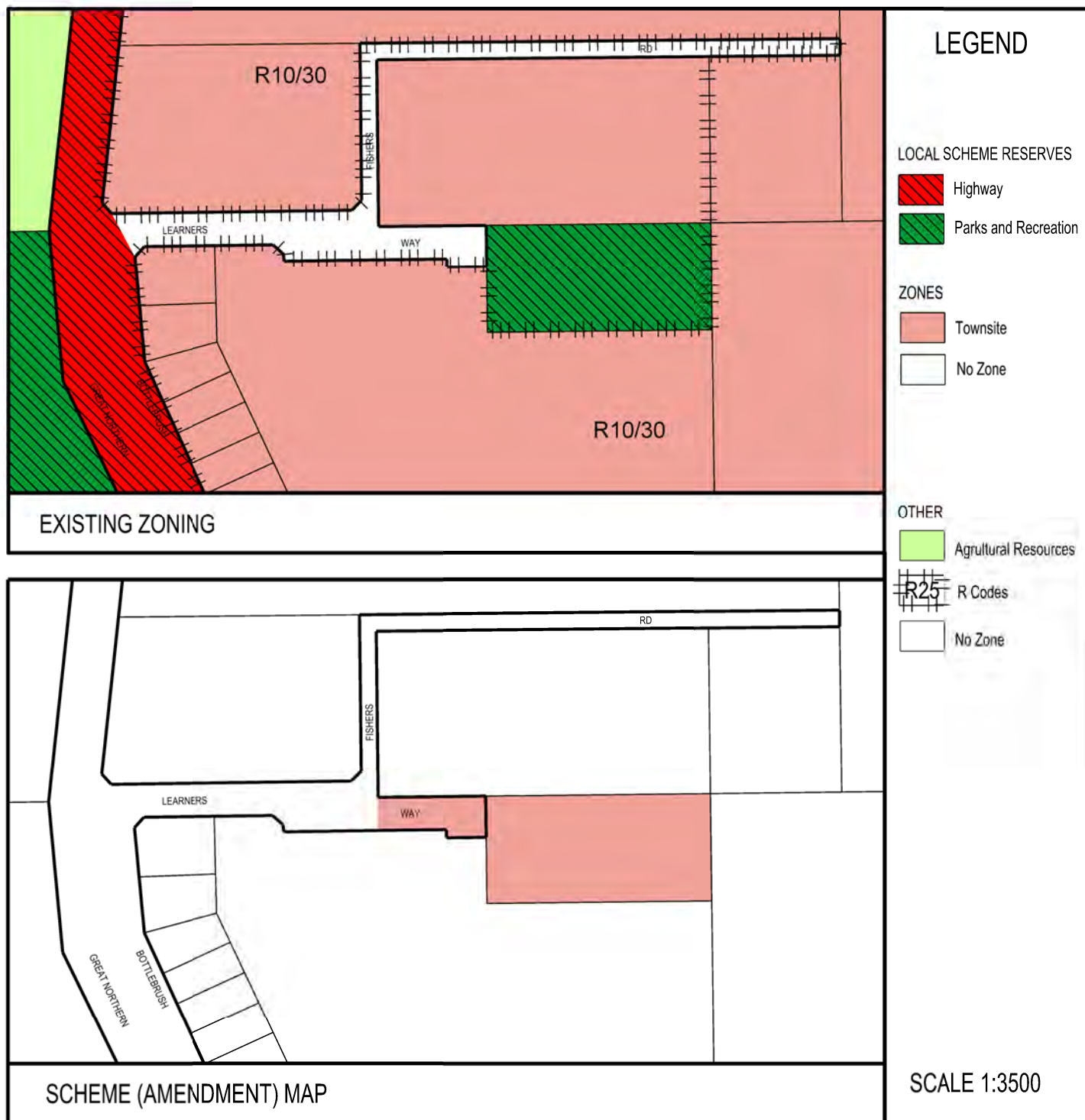
FIGURE 6



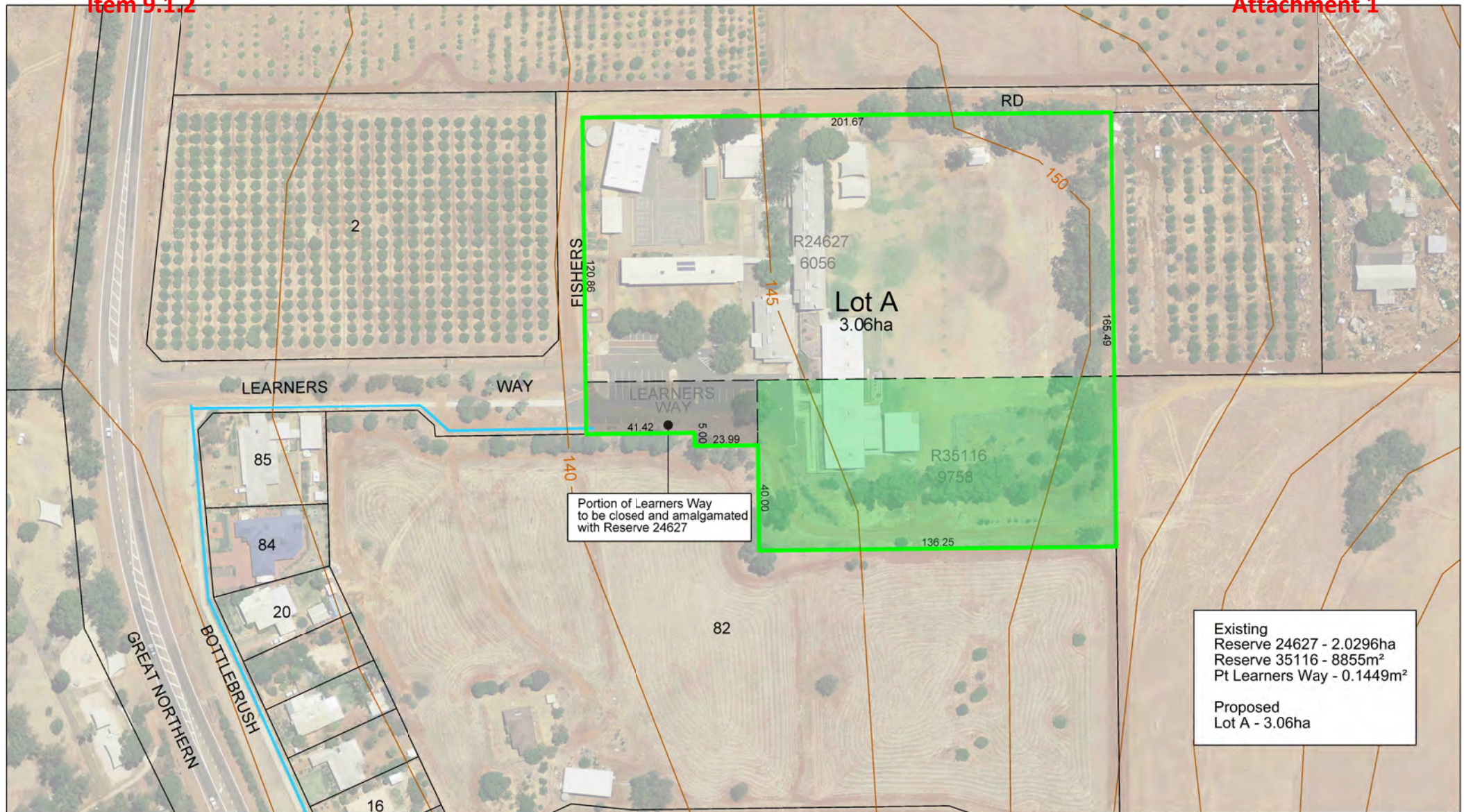
# SCHEME AMENDMENT MAP

# SHIRE OF CHITTERING TOWN PLANNING SCHEME No. 6

-Amendment No.







Plan No. : 20387-1

Revision : REV.0

Scale : 1:2000@A4

0 20 40 80

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# SUBDIVISION & AMALGAMATION RESERVES 24627 & 35116 & PORTION OF LEARNERS WAY BINDOON

DATE DRAWN: 15/09/2014 FILE: 140915 Subdivision & Amalgamation.dgn  
DRAWN BY: CdeL V DATUM: AHD  
CHECKED BY: JP H DATUM: MGA84 (50)



**9.1.3 Proposed Scheme Amendment No 53 – Rezoning of Bindoon Primary School Site\***

<b>Applicant</b>	Land Insights
<b>File ref</b>	18/02/24; A10065; 04/08/14; 04/15/1
<b>Prepared by</b>	Brendan Jeans, Senior Planning Officer
<b>Supervised by</b>	Azhar Awang, Executive Manager Development Services
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Scheme Amendment documents 2. Item 9.4.1 18 December 2013 OCM

**Background**

Council is requested to consider a proposed Scheme Amendment for rezoning of the Bindoon Primary School Site.

In 2010 the Shire became aware of site works and building construction occurring at the Bindoon Primary School (Reserve 24627) which had encroached into the adjoining Reserve land (Reserve 35116) vested to the Shire of Chittering. The Shire made the Department of Education aware of this and following some correspondence on ways to resolve the matter, including Council's earlier determination at the 18 December 2013 Ordinary Council Meeting (Attachment 2), the Department engaged a planning consultant to prepare a Scheme Amendment to rezone the Reserve land.

Should the rezoning process be approved it is expected a subdivision application would be lodged with the Western Australian Planning Commission (WAPC) to amalgamate the land.

The proposal in its entirety would result in Reserve 35116 being amalgamated into Reserve 24627 vested to the Department of Education and portion of Learners Way being formally closed to amalgamate the car parking bays into the Reserve. The easement to the benefit of the Water Corporation on Reserve 35116 is to be maintained.

**Consultation**

Consultation of the Scheme Amendment shall occur in accordance with the *Town Planning Regulations 1967* should Council determine to initiate the scheme amendment. This requires the scheme amendment to be referred to the Environmental Protection Authority for a period of forty two (42) days prior to commencing public advertising.

**Statutory Environment**

State: *Planning and Development Act 2005*

*Town Planning Regulations 1967*

***Land Administration Act 1997*****58. Closure of roads**

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered*

*any objections made to it within that period concerning the proposals set out in that notice.*

- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*
  - (a) by order grant the request;*
  - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
  - (c) refuse the request.*
- (5) If the Minister grants a request under subsection (4) —*
  - (a) the road concerned is closed on and from the day on which the relevant order is registered; and*
  - (b) any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) When a road is closed under this section, the land comprising the former road—*
  - (a) becomes unallocated Crown land; or*
  - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.*

Local: *Shire of Chittering Town Planning Scheme No 6*

The Bindoon Primary School site is zoned 'Townsite'. The objectives of this zone are:

- To provide for a range of compatible uses within the Bindoon and Muchea townsites*
- To provide for a high range of services, residential types, community and recreational facilities in a village with rural character;*
- To prohibit land uses which may adversely effect the living and visual amenity of the location;*
- To provide for the protection of the natural environment;*
- To protect or enhance any local reserves.*

The extensions to Bindoon Primary School have occurred on 'Local Reserve' land, Reserve 35116, set out for the purpose of 'Public Recreation'.

### **3.4 USE AND DEVELOPMENT OF LOCAL RESERVES**

#### **3.4.1 A person must not-**

- (a) use a Local Reserve; or*
- (b) commence or carry out any development on a Local Reserve, without first having obtained planning approval under Part 9 of the Scheme.*

#### **3.4.2 In determining an application for Planning Approval the Local Government is to have regard to:**

- (a) the matters set out in Clause 10.2; and*
- (b) the ultimate purpose intended for the Reserve.*

#### **3.4.3 In the case of land reserved for the purposes of a public authority, the Local Government is to consult with that authority before determining an application for Planning Approval.**

### Policy Implications

Local: *Local Planning Policy No 1 Bindoon Townsite*

An objective of the Policy includes:

*“...To provide for the expansion of the primary school and additional educational facilities...”*

Section 3.2.6 refers to ‘Education’ services in Bindoon and states:

*“The primary school is located on a 2.0352-hectare lot with a 0.7927-hectare lot of public open space adjoining it to the south. The site is constrained and requires enlargement to accommodate future expansion.*

*To accommodate additional students and buildings the school site needs to be expanded or a new site provided as part of the overall development plan. Alternatively, a new school site should be provided closer to the town community purposes precinct where facilities can be shared and a greater interaction between the school and the wider community can be experienced.”*

The Policy sets out Recommendations under Section 3.2.8 for the Services (Section 3.2) in Bindoon. One Recommendation is relevant to this proposal:

- c) *That any future development pattern allow for an increase in area of the primary school site to accommodate expansion or a new site provided closer to the centre of the town”*

The site falls within ‘Development Precinct G’ of Bindoon, to which a Broad Policy for this precinct under Section 4.9.3 states:

- e) *To designate land for the expansion of the primary school or to provide a larger site elsewhere in the town centre”*

The site is also included in ‘Sub-Precinct B – Community (School) and Northern Residential’, which provides relevant Directions to:

- b) *Expand the school grounds to allow for building for future classrooms retaining the school sports fields;*
- c) *Amalgamate part of the existing recreation reserve to the school and additional land when subdivision occurs”*

### Financial Implications

The proposed Scheme Amendment is not considered to create any financial implications on Council. The Department of Education are to bear all associated costs for the rezoning and future subdivision of the land.

### Strategic Implications

Nil

### Site Inspection

Site inspection undertaken: Yes

### Triple Bottom Line Assessment

#### Economic implications

The cancellation and amalgamation of Reserve 35116 (vested to the Shire of Chittering) into Reserve 24627 would reduce the Shire’s assets of recreation land but would remove the need for the Shire to maintain the land.

Social implications

Reserve 35116 was created for 'Public Recreation', ultimately for the purpose to provide recreation facilities to the community.

Environmental implications

There are no known environmental implications as a result of this proposal.

**Comment**

At the 17 September 2008 OCM Council endorsed a Subdivision Guide Plan for Sub-Precinct B for the road network which adjoins Reserve 35116 to the south. This proposal does not conflict with this Subdivision Guide Plan.

Council at the 18 December 2013 resolved to support the Reserve being surrendered to the Bindoon Primary School site (refer Attachment 2).

Reserve 35116 was created for the purpose of 'Public Recreation' but has not been developed or any plan to develop for the purpose it was created. An easement for access for Water Corporation is along the western and southern side of the Reserve. It appears the school oval was developed into Reserve 35116 and the recent building works were clearly constructed in Reserve 35116 as can be seen from aerial photography.

Local Planning Policy No 1 – Bindoon Townsite

The Policy does not identify Reserve 35116 for any future development or retention. Numerous sections of the Policy do recommend the expansion of Bindoon Primary School or relocation if possible. It is believed the amalgamation of Reserve 35116 into Reserve 24627 will formalise the existing building extension and allow for further expansion and consolidation of the school site which would meet the objectives and recommendations of the Policy.

Final comments

It is recommended Council support the initiation of the proposed Scheme Amendment for the following reasons:

1. The proposal meets the objective and is consistent with several sections of *Local Planning Policy No 1 Bindoon Townsite*.
2. The proposal is consistent with Council's determination at its 18 December 2013 Ordinary Council Meeting.
3. The proposal does not conflict with the Subdivision Guide Plan for Sub-Precinct B endorsed by Council at its 17 September 2008 Ordinary Council Meeting.
4. The proposal aims to resolve unauthorised building works in the Reserve with no financial implications on Council.
5. The proposal resolves the issue of the car parking bays for the school developed in Learners Way road reserve.

**9.1.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 121214****Moved Cr Gibson / Seconded Cr Rossouw****That Council:**

- 1. Prior to initiation, request the following modification to the Scheme Amendment:**
  - a. Modify 'no zone' to 'Learners Way Road Reserve'.**
- 2. In pursuance of Section 75 of the *Planning and Development Act 2005*, support the initiation of amending the *Shire of Chittering Town Planning Scheme No 6* by:**
  - a. Reclassify Reserve 35116 (Location 9758) and portion of Learners Way, Bindoon from 'Parks and Recreation' and 'Learners Way Road Reserve' to 'Townsite'; and**
  - b. Amend the Scheme Map accordingly.**
- 3. Numbers the proposed amendment as 'Amendment No 53' of the Shire of Chittering Town Planning Scheme No 6 and forwards to the Environmental Protection Authority for assessment in accordance with Section 81 of the *Planning and Development Act 2005*, prior to advertising in accordance with the *Town Planning Regulations 1967*.**
- 4. Authorise the closure of the portion of Learners Way as per the proposed Scheme Amendment No 53 in accordance with Section 58 of the *Land Administration Act 1997*.**

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0**



SHIRE OF CHITTERING  
TOWN PLANNING SCHEME NO. 6  
LOCAL SCHEME AMENDMENT NO xxx

RESERVE 35116 (LOCATION 9758) AND  
PORTION OF LEARNERS WAY, BINDOON



(Image Source: Dept of Education, 2014)

SEPTEMBER 2014

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TOWN PLANNING



SHIRE OF CHITTEIRNG  
TOWN PLANNING SCHEME NO. 6

AMENDMENT NO xxx

RESERVE 35116 (LOCATION 9758) AND  
PORTION OF LEARNERS WAY, BINDOON

SCHEME AMENDMENT CONTENTS

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2. SCHEME AMENDMENT REPORT .....	5
3. EXECUTION .....	10



**PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME**

**SHIRE OF CHITTERING  
TOWN PLANNING SCHEME NO. 6**

**AMENDMENT No. xxx**

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above local planning scheme by:

1. Reclassifying Reserve 35116 (Location 9758) and portion of Learners Way, Bindoon from 'Parks and Recreation' and 'No Zone' to 'Townsite' and amending the Scheme Map accordingly.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2014

\_\_\_\_\_  
Chief Executive Officer



**MINISTER FOR PLANNING  
PROPOSAL TO AMEND A TOWN PLANNING SCHEME**

<b>LOCAL AUTHORITY</b>	:	Shire of Chittering
<b>DESCRIPTION OF TOWN PLANNING SCHEME</b>	:	Town Planning Scheme No. 6
<b>TYPE OF SCHEME</b>	:	District Scheme
<b>SERIAL NUMBER OF AMENDMENT</b>	:	Amendment No. xxx
<b>PROPOSAL</b>	:	To reclassify Reserve 35116 (Location 9758) and portion of Learners Way, Bindoon from 'Parks and Recreation' and 'No Zone' to 'Townsite', in order to consolidate the reservation and site area of the existing Bindoon Primary School.

## SCHEME AMENDMENT REPORT

### 1.0 INTRODUCTION

This report presents a proposal to initiate a Town Planning Scheme Amendment to the Shire of Chittering Town Planning Scheme No. 6 (TPS 6). The proposal seeks to reclassify Reserve 35116 (Location 9758) and portion of Learners Way, Bindoon ("the subject site"), from 'Parks and Recreation' and 'No Zone' to 'Townsite'.

The Department of Education has constructed a substantial portion of the school's Music and Art Multi-Purpose facility across the school's boundary, encroaching into the adjacent Reserve 35116. Discussions have been held with key stakeholders and in order to resolve the encroachment issue, it is proposed to:

- Cancel Reserve 35116;
- Amalgamate Reserve 35116 with Reserve 24627; and
- Rationalise the existing school carpark in Learners Way road reserve by closing and amalgamating the portion of road reserve with Reserve 24627.

These actions will formalise the Bindoon Primary School site into a single (larger) Reserve 24627.



## 2.0 SITE DETAILS

### 2.1 PROPERTY DESCRIPTION AND OWNERSHIP

The subject site is situated at the northern end of Bindoon townsite at the end of Learners Way. The location of the subject site is shown in **Figure 1**. **Figure 2** shows the cadastral boundaries and immediate neighbouring context of the subject site. **Figure 3** shows an aerial image of the location of the subject site in the context of Bindoon.

Reserve 35116 (Location 9758) is Crown Land administered by State of Western Australia, with a Management Order held by Shire of Chittering. The reserve is encumbered by a Water Corporation easement (F228563 – 3134B/134), varying 5m - 10m wide, along the western and southern boundaries of the reserve.

### 2.2 HISTORICAL AND EXISTING LAND USE

Bindoon Primary School (established on Reserve 24627) is a public school operated by the Western Australian Department of Education. The school caters for approximately 205 pupils (Kindergarten to Year 7), of which most come from within the Shire of Chittering. The only road leading to the school is Learners Way, connected directly to Great Northern Highway. Fishers Road is adjacent the western and northern boundaries of the school, however this road is not sealed but is trafficable.

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Aerial images from 1981 – 2000 (**Figures 5a & 5b**) show that since 1981, Reserve 35116 has not been developed for public recreation, however, a portion of the reserve had been incorporated into the school's playing fields. At present, Reserve 35116 appears on ground as part of the Bindoon Primary School.

## 3.0 REGIONAL AND LOCAL PLANNING CONTEXT

### 3.1 SHIRE OF CHITTERING TOWN PLANNING SCHEME No. 6

The current Bindoon Primary School site (Reserve 24627) is zoned 'Townsite' (with no R-Code density applicable). Reserve 31156 is reserved 'Parks and Recreation' under the Scheme. The surrounding land is zoned 'Townsite – R10/30'. The portion of Learners Way that is proposed to be closed and amalgamated into Reserve 24627 is not currently zoned (i.e. 'No Zone').

### 3.2 SHIRE OF CHITTERING LOCAL PLANNING STRATEGY

The Shire of Chittering Local Planning Strategy identifies the subject site and Bindoon Primary School as 'Townsite'. There is nothing specific in the LPS with relation to planning for the subject site and future use of Reserve 31156, other than the identification as 'Townsite' in the Strategy.

## 4.0 RATIONALE FOR PROPOSED RECLASSIFICATION

The Department of Education has constructed a substantial portion of the school's Music and Art Multi-Purpose facility across the school's boundary, encroaching into the adjacent Reserve 35116. Discussions have been held with key stakeholders and in order to resolve the encroachment issue, it is proposed to:

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The Water Corporation has indicated no objection to the boundary amendments, subject to transfer of the existing easement configuration and inclusion/extension of easement through the Learners Way closure, to protect WC's infrastructure.

It is unlikely that Reserve 35116 will be used for public recreation as the encroachment of the Music and Art Multi-Purpose facility is substantial and the balance of the reserve land is predominantly being used by the school. The school's playing fields are partially within Reserve 35116 and a portion of the school's main car park is also encroaching within the western portion of Reserve 35116.

The current Bindoon Primary School site (Reserve 24627 with area of 2.02ha), is insufficient in area to accommodate the primary school infrastructure. It is noted that under WAPC Policy DC 2.4 and WAPC Liveable Neighbourhoods, the expected size of a public primary school site is a minimum of 3.5ha – 4.0ha. A minimum 3.5ha primary school site may be provided where there is co-location with adjoining public open space. Under the proposed Local Scheme Amendment, the Bindoon Primary School site will ultimately be rationalised to comprise the following land parcels:

Land Identifier	Tenure	Area
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Reserve 35116	Crown Reserve (Management Order to Shire of Chittering)	0.8955 ha
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It is noted that Department of Education school sites are not formally included as local public open space for public recreation. Although, at times, the playing fields of school may be used after hours by the community, in circumstances where school sites are not fenced. Closure of Reserve 35116 would result in a loss of public open space that has been set aside by land development for parks and recreation.

However, the loss of Reserve 35116 will not adversely impact on the provision of public recreation land in the immediate vicinity and locality. Reserve 35116 is not easily accessible to the public, being isolated at the end of Learners Way, at the northern end of the townsite and bound by privately owned fenced land, currently being used for rural activities.

The immediate area (at the northern end of Bindoon townsite) is serviced by an existing public recreational facility at the corner of Gray Road and Great Northern Highway. This local park is well developed as a public recreation destination and is reserved under the Shire's TPS 6 as 'Parks and Recreation'.

The "Gray Road Park" is relatively large and includes a range of facilities for active and passive recreation, including a skatepark, picnic facilities and children's playground. The park has been developed on Crown Land (Lot 11883) that has not been set aside by land developers, under the Planning & Development Act, for 'Public Recreation'.

It is considered that the residential area at the northern end of Bindoon townsite is sufficiently serviced by the developed park at the corner of Gray Road/Great Northern Highway. Accordingly, in terms of the provision of public open space for residential land uses, the closure/disposal of Reserve 35116, for inclusion into the Bindoon Primary School, would not have a detrimental impact on proper and orderly planning for the area.



**PLANNING & DEVELOPMENT ACT 2005**

**SHIRE OF CHITTERING**

**DISTRICT TOWN PLANNING SCHEME NO. 6**

**AMENDMENT NO. xxx**

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above local planning scheme by:

1. Reclassifying Reserve 35116 (Location 9758) and portion of Learners Way, Bindoon from 'Parks and Recreation' and 'No Zone' to 'Townsite' and amending the Scheme Map accordingly.

**ADOPTION**

Adopted by resolution of the Council of the Shire of Chittering on the \_\_\_\_\_ day of

\_\_\_\_\_ 2014.

\_\_\_\_\_  
SHIRE PRESIDENT

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER





## FINAL APPROVAL

Adopted for Final Approval by resolution of the Council of the Shire of Chittering on the

\_\_\_\_\_ day of \_\_\_\_\_ 2015 and the Common Seal of  
the Shire of Chittering was hereunto affixed by the authority of a resolution of the Council in the presence of:

\_\_\_\_\_  
SHIRE PRESIDENT

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

## Recommended/Submitted for Final Approval

\_\_\_\_\_  
Delegated under S.16  
of the PD Act 2005

\_\_\_\_\_  
Date

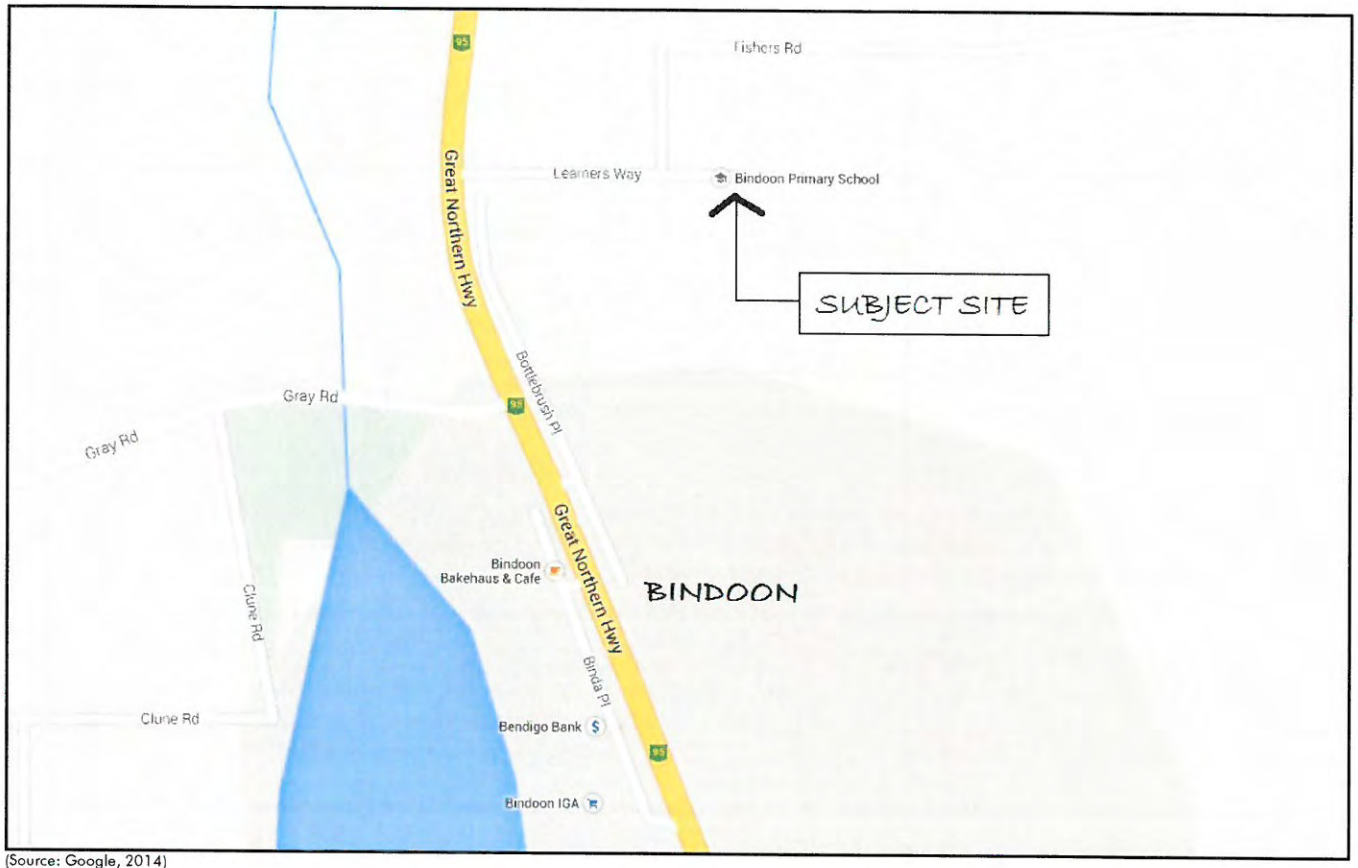
## Final Approval Granted

\_\_\_\_\_  
Minister for Planning

\_\_\_\_\_  
Date

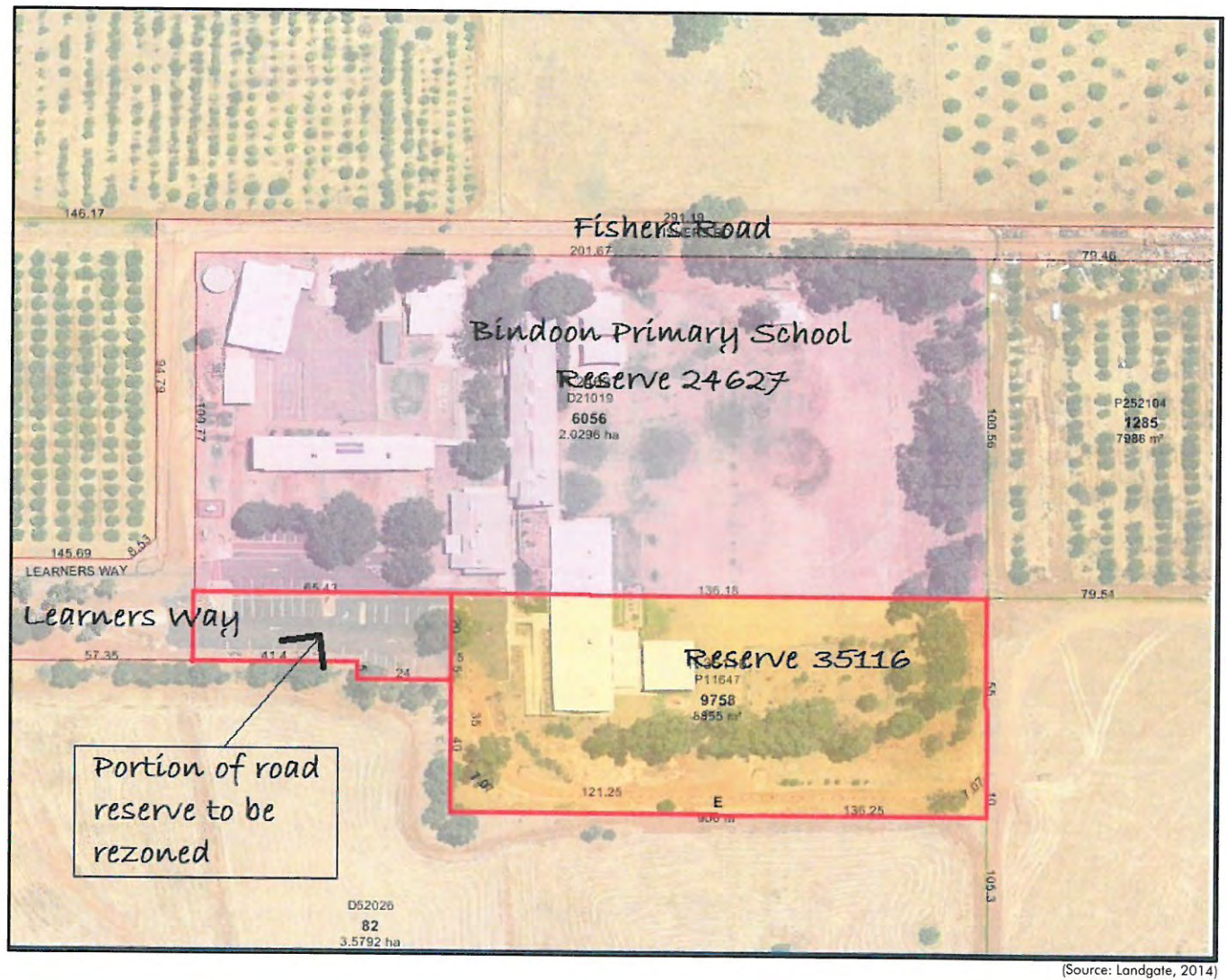


## FIGURES



LOCATION PLAN

FIGURE 1



SUBJECT SITE

FIGURE 2



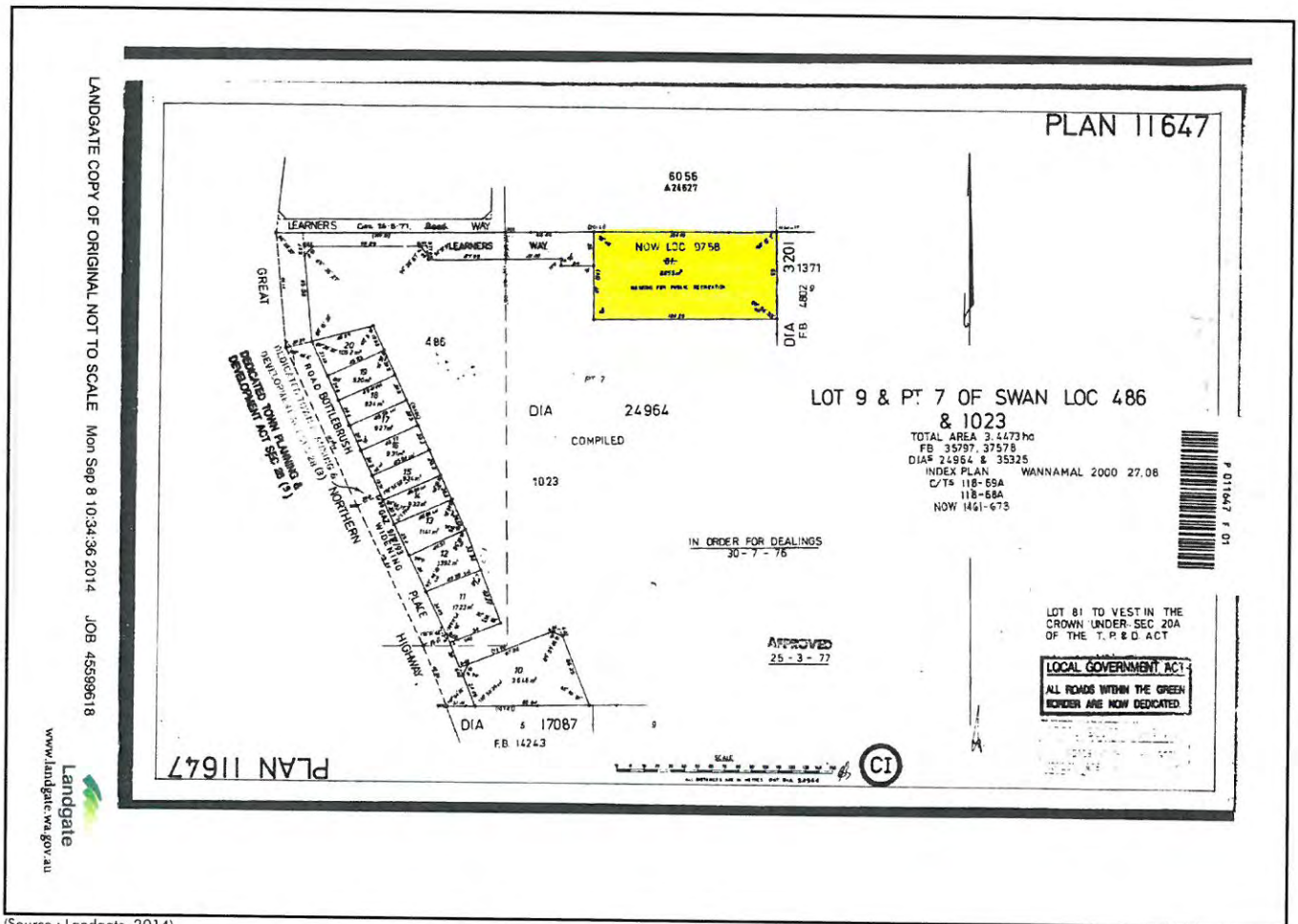


(Source : Landgate, 2014)

AERIAL VIEW OF BINDOON

FIGURE 3





PLAN 11647

FIGURE 4

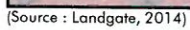


FIGURE 5a



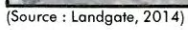
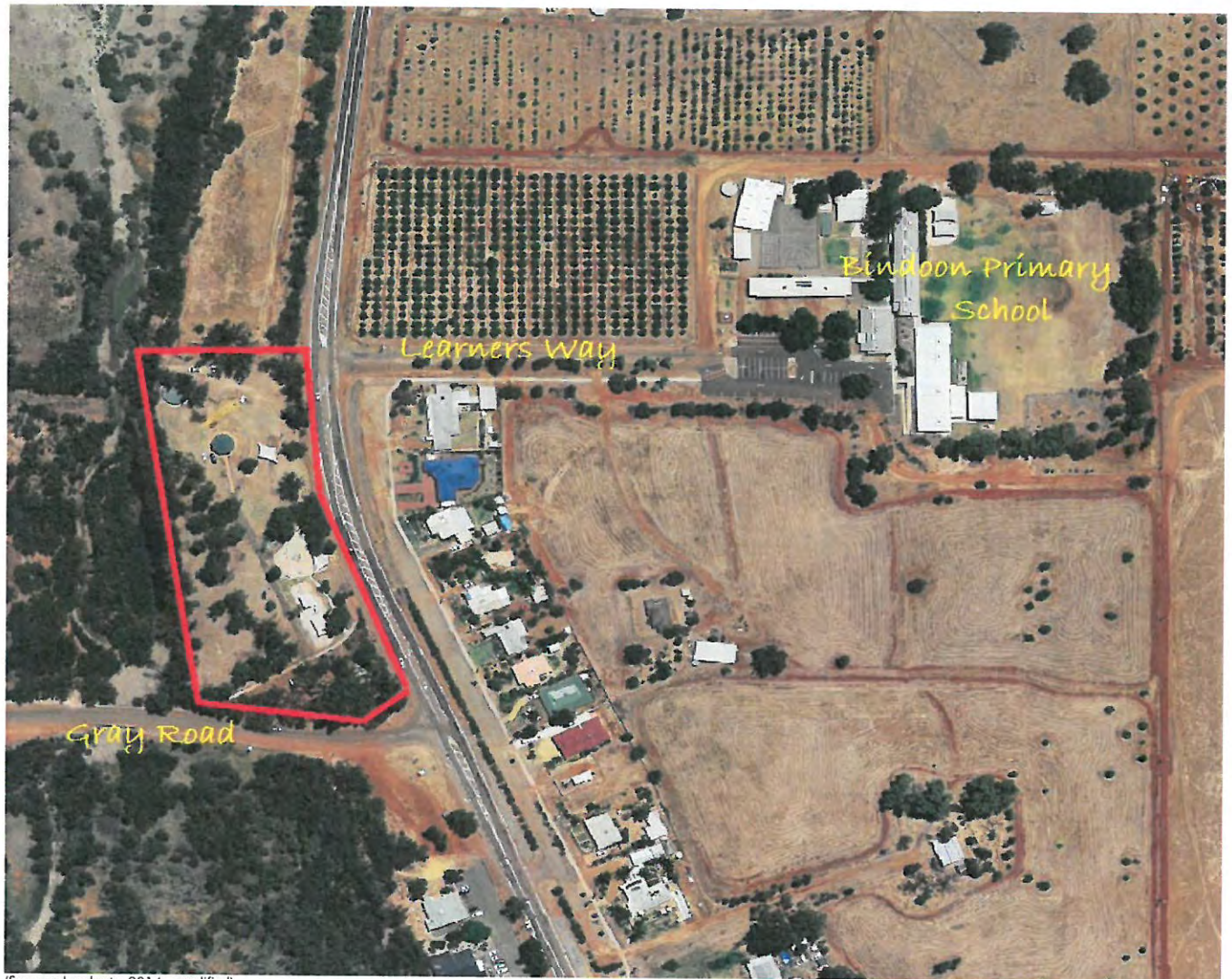


FIGURE 5b





(Source : Landgate, 2014 - modified)

AERIAL VIEW OF BINDOON SKATEPARK

FIGURE 6

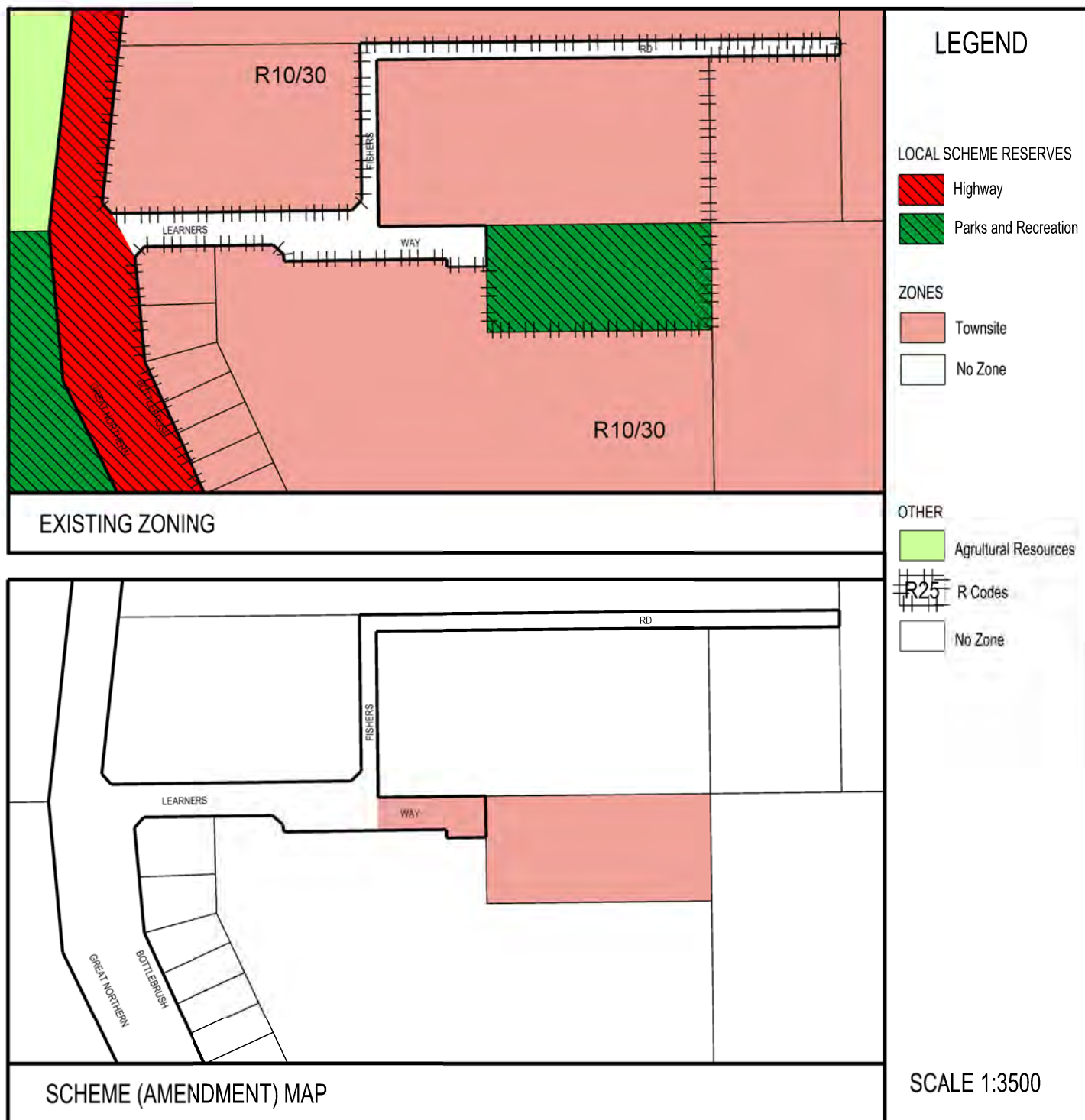


# SCHEME AMENDMENT MAP

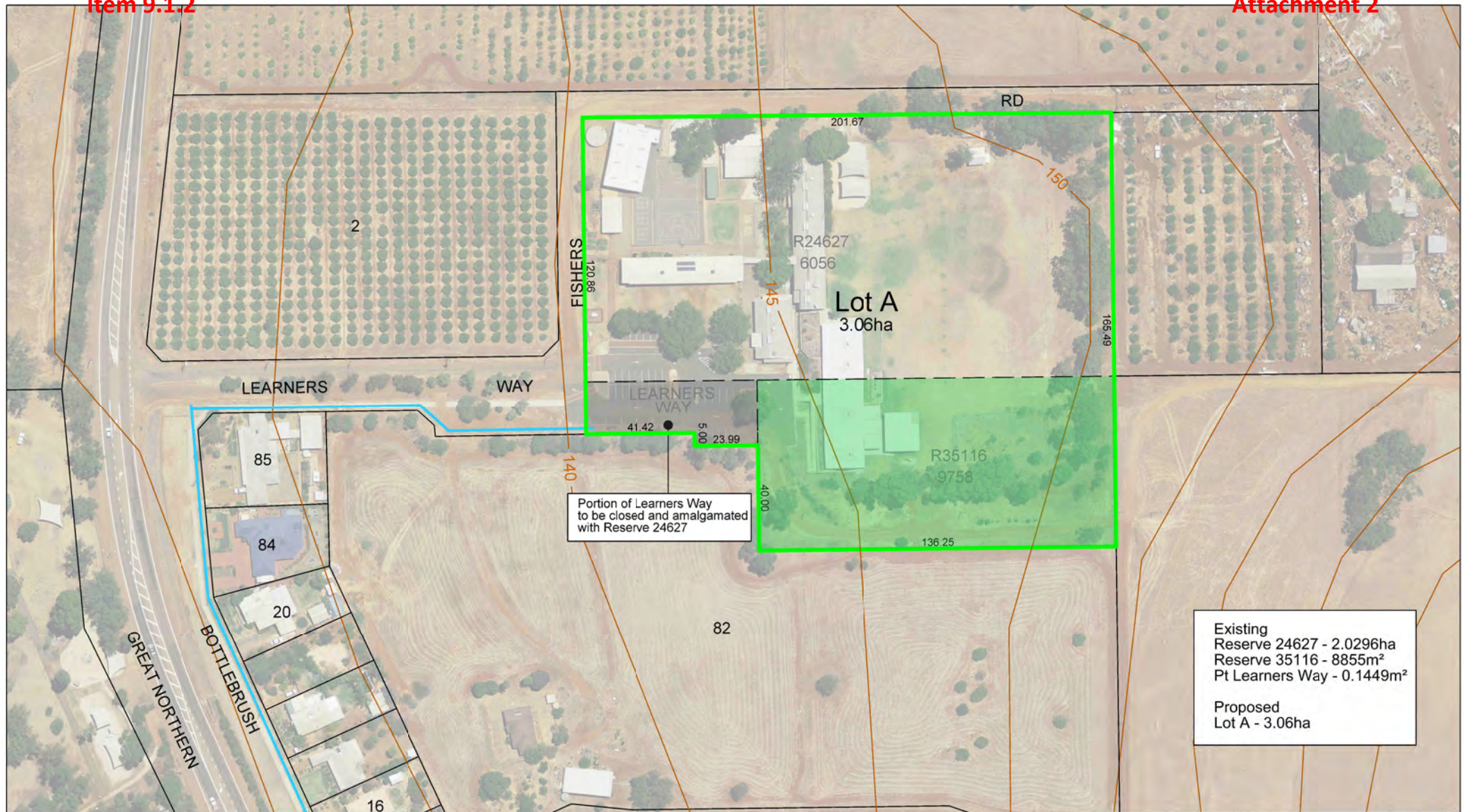


# SHIRE OF CHITTERING TOWN PLANNING SCHEME No. 6

## -Amendment No.







Plan No. : 20387-1

Revision : REV.0

Scale : 1:2000@A4

0 20 40 80

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# SUBDIVISION & AMALGAMATION RESERVES 24627 & 35116 & PORTION OF LEARNERS WAY BINDOON

DATE DRAWN: 15/09/2014 FILE: 140915 Subdivision & Amalgamation.dgn  
DRAWN BY: CdeL V DATUM: AHD  
CHECKED BY: JP H DATUM: MGA84 (50)

## 9.4 CHIEF EXECUTIVE OFFICER

### 9.4.1 Transfer Management of Reserve 35116, Learners Way, Bindoon\*

<b>Applicant</b>	Shire of Chittering
<b>File ref</b>	A10108
<b>Prepared by</b>	Danica Kay, Executive Assistant
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	1. Endorsed Subdivision Guide Plan

#### Background

In 2010 a letter was sent to the Department of Education giving permission to construct a building as part of the Bindoon Primary School on Council Reserve 35116, subject to the *'Department of Education and Training lodging revestment of Reserve 35116 and excising the agreed road alignment within six months'*.

It has come to our attention that the reserve is still vested to Council and in investigating the situation, it is our responsibility to request that the reserve management be vested to the Department of Education as the reserve is a Council reserve.

In September 2008, Council at its meeting held on 17 September 2008 resolved that Council:

1. *Endorse the subdivision guide plan – road network for the sub precinct B for the Bindoon Townsite;*
2. *Advise the Western Australian Planning Commission of Council's endorsement for the subdivision guideline – road network; and*
3. *Writes to all affected land owners of the adopted subdivision guide plan –road network.*

The divesting of Council's reserve 35116 would not impact on the future road alignment which will be condition as part of the subdivision of adjoining land.

The majority of Bindoon Primary School is located on a reserve vested to the Department of Education which shares a boundary with the reserve in question.

This reserve is under section 152 of the *Planning and Development Act 2005* which outlines the purposes of such reserves. Section 152 Reserves should also be retained for their intended purpose and not be used as a source of general revenue.

#### Consultation

Department of Education  
Department of Lands  
Chief Executive Officer  
Executive Manager Technical Services  
Executive Manager Development Services

#### Statutory Environment

*Land Administration Act 1997*  
*Planning and Development Act 2005, section 152*

#### Policy Implications

Nil

**Financial Implications**

There will be nominal fees involved to transfer the land which is unknown until the formal application is submitted and the Department of Lands investigates the process to transfer the reserve vesting.

**Strategic Implications**

Nil

**Site Inspection**

Site inspection undertaken: Not applicable

**Triple Bottom Line Assessment**Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

**Comment**

The Department of Lands has advised that there are three options to rectify the issue of the Bindoon Primary School Building being on Council reserve:

1. Transfer the management vesting to the Department of Education at the approval of both parties.
2. Amend the reserve boundaries to exclude the building from our reserve.
3. Lease the reserve to the Department of Education, as the reserve Management Order does include the 'Power to Lease'.

As the majority of the reserve is taken up by the building and Council does not use the reserve for any other purpose it is recommended that option 1 be considered by Council. As the land is under Section 152 of the *Planning and Development Act 2005*, the Department of Lands require formal letter be sent to the investigate the processes involved in transferring the management vesting of the land.

It is noted that the car parking areas for the school is constructed in the road reserve and this could be a public liability issue for the Council. In this regard it is recommended that the car parking areas be excised from the road reserve and amalgamated into the school reserve.

It is further noted that there is currently an easement over Reserve 35116 granted to the Water Authority of WA which will require their consent.



**9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 171213****Moved Cr Rossouw / Seconded Cr Mackie****That Council:**

- 1. agree to relinquish the management of Reserve 35116, Learners Way, Bindoon and support the transfer to the Department of Education;**
- 2. advises the Department of Education to excise the car parking area from the road reserve (Fisher Road) and amalgamate into the school reserve;**
- 3. advises the Department of Education to provide the Shire of Chittering in writing any indemnity liability against the Shire for any claims or damages in relation to the road reserve and Reserve 35116;**
- 4. all costs associated with the transfer will be at the cost of the Department of Education; and**
- 5. authorise the Chief Executive Officer to carry out the actions required to transfer the management of Reserve 35116 to the Department of Education, and a portion of the Learners Way Road Reserve.**

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0**



Agency Submissions			
Submitter	Comment	Proponent Response	Shire Officer Response
Main Roads Western Australia	No objection to proposal.	Noted	Noted.
Department of Water	No comments.	Noted	Noted.
Western Power	<ul style="list-style-type: none"> <li>Western Power has an existing 22kV high voltage overhead distribution line located along the Learner Way road reserve. Ultimately, this line will be located within the school property.</li> <li>Western Power requires that the Shire of Chittering apply the minimum clearance requirements for any proposed structure plan, subdivision and/or development to the existing distribution line within the jurisdiction to ensure appropriate protection of the asset. For distribution lines and underground cables this is 3m from the centre line (horizontal and vertical).</li> <li>At the time of amalgamation, subdivision and/or development, arrangements shall be made for the provision of an easement(s) pursuant to Section 167 of the Planning and Development Act 2005 for existing or planned distribution infrastructure being granted free of cost to Western Power. This includes the existing 22kV overhead distribution infrastructure.</li> <li>No development (including drainage, fill, fencing, storage or parking) or subdivision will be permitted within Western Power easements or restriction zones without prior written approval of Western Power.</li> </ul>	Consultation will be undertaken at subdivision stage.	Advice noted and will be addressed at subdivision stage.

Agency Submissions			
Submitter	Comment	Proponent Response	Shire Officer Response
	<ul style="list-style-type: none"> <li>Recommendation – Easements to the benefit of Western Power being registered on the certificate of title over areas affected by the Distribution network (3m each side from centre line) at the time of amalgamation, subdivision and/or development.</li> <li>Recommendation – If further development on the site is to occur, Western Power may require relocation of the Distribution network, you should liaise with Western Power if this is to occur.</li> </ul>		
<b>Water Corporation</b>	<ul style="list-style-type: none"> <li>No objection.</li> <li>Advises there is a small section of water main that will extend into the lot once it is amalgamated. The Corporation shall not require the end of the main to be relocated to within the road reserve. The location of the existing 40mm meter shall need to be investigated, and may need to be relocated as part of the amalgamation. The Corporation shall investigate the current location and advise the planner if this is the case.</li> </ul>	Noted. Consultation to be undertaken following scheme amendment.	Noted. Shall be addressed at subdivision stage.
<b>Department of Parks and Wildlife</b>	No objection.	Noted.	Noted.

\*Note: Comments are as per original submission received by the Shire. Submission comments have not been edited unless for the purposes of confidentiality where necessary.