

**MINUTES FOR
ORDINARY MEETING OF COUNCIL**

Wednesday, 20 May 2015

Council Chambers
6177 Great Northern Highway
Bindoon

Commencement: 7.02pm

Closure: 9.51pm



These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 17 June 2015.

SIGNED BY

 Person presiding at meeting which minutes were confirmed

DATE

Disclaimer

The purpose of this Council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the *Local Government Act 1995* (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

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1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7.02pm.

2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 Attendance

The following members were in attendance:

Cr Robert Hawes	President (Presiding Member)
Cr Michelle Rossouw	Deputy President
Cr Don Gibson	
Cr Alex Douglas	
Cr Sandra Clarke	
Cr Doreen Mackie	
Cr Barni Norton	

The following staff were in attendance:

Mr Gary Tuffin	Chief Executive Officer
Ms Jean Sutherland	Executive Manager Corporate Services
Mr Azhar Awang	Executive Manager Development Services
Mr Jim Garrett	Executive Manager Technical Services
Mrs Karen Parker	Manager Human Resources
Ms Karen Dore	Economic Development/Communications Officer (Minute Secretary)

There were 38 members of the general public in attendance.

2.2 Apologies

Nil

2.3 Approved leave of absence

Council has previously approved leave of absence for Cr Barni Norton for the Ordinary Council meeting of 20 May 2015, however it is noted that Cr Norton was in attendance.

3. DISCLOSURE OF INTEREST

Cr Rossouw declared an impartiality interest in item 9.1.1 as her husband is a contractor and contracts for a company that contracts to NBN Co.

Cr Gibson declared an impartiality interest in item 9.3.3 as he is a member of the Bindoon Historical Society Inc.

Cr Norton declared an impartiality interest in item 9.1.1 as she would have a visual impact from the tower.

Cr Norton declared an impartiality interest in item 9.1.2 as her address fell within the zone of invited submissions.

Cr Norton declared an impartiality interest in item 9.3.3 as she is a member and delegate of the Chittering Tourist Association.

Cr Norton declared an impartiality interest in item 14.1.4 as she has been on the Binda Medical Service books since 2002.

Cr Clarke declared in impartiality interest in item 9.1.1 as she is living within 2.5km of the proposed tower.

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

4.1.1 Response to previous public questions – Patricia Tabor

Patricia Tabor, Wells Glover Road, Mooliabeenee

Question 1 Why does Council continue to support the Bindoon Practice by supplying premises virtually rent and maintenance free, at ratepayers expense, as well as pay \$20,000 per year for accommodation for the doctor which is periodically used by students.

Answer 1 Council has always provided the surgery on a rent free basis to assist in retaining the doctor. The additional funding provided is not used to accommodate medical students; it was intended for the second doctor's accommodation or visiting doctors (locums).

Unfortunately, it has become necessary for most rural local governments to offer some sort of additional incentive to attract and retain GPs. In fact many rural local government areas are struggling to retain their GP. Below is recent information regarding what other peri-urban local governments (similar to Chittering) are providing to attract and retain their GP's.

Shire 1

- *Approximate net cost \$230,000pa – contributes to the operation of the surgery (employs the doctor & support staff).*

Shire 2

- *Cash payment \$25,000 for two day a week GP service.*

Shire 3

- *A Surgery (Free of Charge, Council pays for Water and the Practice pays for Power and Telephone Charges)*

- Council provides a Photocopier and the Computer System for the Practice.
- A House (Free of Charge, Council pays Utilities Charges)
- A Car (Council pays for Services and Tyres. The Practice pays for Fuel)
- There is also a “Cash” component in the contract that would see Council providing financial support should the Practice turnover fall beneath a certain amount.

It appears generally the further out you go from Perth the higher the incentives become.

According to a recent study published in the Australian Association Press (AAP):

“WA has a shortage of 950 doctors, and has fewer doctors per head of population than anywhere else in Australia, a report says.

The study, commissioned by Curtin University, has called for an urgent program to train more medical students in the state to meet the needs of the rapidly growing population.

It highlights several recent studies, which confirmed WA continued to have the lowest levels of doctors in Australia despite having the fastest-rising population.

Health consultant Dr Felicity Jefferies, a former executive director of the WA Country Health Service, said the challenges facing WA's health service included:

- *a current shortage of 950 doctors*
- *a reliance on 1150 more overseas-trained doctors than the national average*
- *fewer doctors overall per head of population than the rest of Australia*
- *fewer GPs per head of population than the rest of Australia*
- *fewer medical students and doctors in training per head of population than the rest of Australia*
- *more overseas-trained doctors per head of population than the rest of Australia*

The university has proposed the opening of a Curtin Medical School in 2016 — subject to government approval and Australian Medical Council accreditation — including a \$60 million commitment from the college.”

Question 2 **Aren't the ratepayers who provide these funds entitled to an affordable medical service? Surely with these benefits, the doctor should be able to operate successfully without charging such high fees and at least accept Pension and Low Income Senior status by bulk billing.**

Answer 2 *It is understood that the fees and charges applied by the Bindoon GP are in line with recommended fees set by the AMA.*

Bulk billing is still provided to:

- *Over 75*
- *Under 15 (80% of the time)*
- *Any nursing work i.e. blood tests etc*
- *Any one a Care Plan – chronic disease*

Cost per visit \$75, of which 37.05 is refunded – cost to patient \$37.95. The surgery has a refund facility at the practice, so generally refunds are provided within 24hours or paying the account.

Question 3 Can the Shire put the new Medical Centre (also partially funded by ratepayer funds) out to tender to gauge what other medical practitioners are prepared to offer our Community?

Answer 3 Council resolved at its meeting held on 15 April 2015 as follows:

“That Council:

- 1. resolve to offer the lease on the North wing of the new Multipurpose Health Centre to the practice currently providing medical services to the Community from the existing Medical Centre.*
- 2. direct the Chief Executive Officer to prepare a lease document satisfactory to Council, for the North wing of the new Multipurpose Health Centre.”*

4.2 Public question time

4.2.1 Public Question Time - Clint O’Neil

Clint O’Neil, Chittering submitted the following questions prior to the Council Meeting

The Minister for Planning recently released the ‘Towards Perth and Peel @ 3.5 million’ strategy document for public comment. Within the document is the ‘North-East sub-regional planning framework’ that identifies what the WAPC will and won’t consider as appropriate land use activities.

Within the ‘North-East sub-regional planning framework’ a large area (400 hectares) in south Bullsbrook has been identified as zoned for industrial purposes with a further significant area (2,500 hectares) to the west proposed for future industrial area expansion. In addition, the framework identifies a significant intermodal freight terminal adjoining the south Bullsbrook industrial area.

The framework also notes the existence of the WAPC Muchea Employment Node structure plan (2011) (MEN), however does not consider it relevant to the strategy document nor the planning framework as the MEN industrial area is not zoned for industrial purposes in the Shire’s Town planning Scheme TPS 6.

The Shire’s recently released economic strategy identifies the Shire will facilitate and foster opportunities for economic growth within the Shire, presumably by removing or reducing economic development constraints and barriers. It is also my understanding that Council has the authority to amend TPS 6 (as exemplified by the proposed scheme amendment on the agenda) and the ability to rezone the identified WAPC MEN structure plan area (2011) from the existing agricultural resource zoning to industrial purposes.

Question1 Will Council, as a matter of urgency, consider providing a remedy to the Minister’s stated position, identified above, by rezoning the WAPC MEN land area from agricultural resource to industrial, with the scheme amendment document identifying industrial super lots consistent with the WAPC structure plan (2011) precinct areas?

Answer 1 It should be mentioned that the ‘Towards Perth and Peel @ 3.5 million’ strategy document covers the Metropolitan Perth Area and the Peel Region. The Shire of Chittering is covered under the Wheatbelt Region and has its own Regional Strategy

covering the Wheatbelt Region in which the Shire of Chittering is one of the Local Authorities in the region. The Shire has recently approved a Scheme Amendment in relation to the Muchea Employment Node to rezone Precinct 1 on the east of Great Northern Highway and the north side of Muchea East Road to "Industrial Development Zone" and is with the Western Australian Planning Commission for the proposal to be gazetted. The Western Australian Planning Commission is also proposing to create a Special Control Area (SCA) to cover the whole of the Muchea Employment Node Structure Plan.

Question 2 Will Council allocate sufficient funds and resources to the Shire administration to develop a sound and compelling argument, sufficient to convince the Minister, that the Muchea area is the most logical and economically sustainable location for intermodal freight transfer, given the natural linkages to Brand Highway, Great Northern Highway and the termination point of the States 'Perth freight link' routes, inclusive of the 'Northlink' project, which recently gained additional Federal Government funding?

Answer 2 We agree that the location of the Muchea Employment Node (MEN) provides the best opportunity for the location of Intermodal freight transfer given its location to the Great Northern Highway and Brand Highway. However, the site also provides a myriad of Industrial land uses that can be accommodated and hence the need to provide the flexibility to accommodate the variety of industrial land uses within the Muchea Employment Node. The suitability of the Muchea Employment Node has been identified and planned for in the north east strategy document and in the Shire of Chittering Local Planning Strategy and the development of this land would be driven by market demand due to individual landowners.

Council will make a submission to the Minister outlining the significance of Muchea Employment Node and the need for greater acknowledgement in their planning report.

4.2.2 Public Question Time - Graham Belgrove

Graham Belgrove, Lower Chittering submitted the following questions prior to the Council Meeting

Last year pro Targa West councillors maintained their support for the rally to go ahead despite continued concerns being put to council in relation to the inadequacy of the Risk assessment and the likelihood of a catastrophic event being imminent. It truly pains me to bring to the attention of councillors the death of a 6 year old child and the serious injuries to his brother and sister which may have been contributed to by cost saving measures and the possible deception of not having protection barriers properly installed. According to police reports the event was organized by the same Ross Tapper who is responsible for the Targa West in Maryville downs. Police are currently investigating the Donnelly tragedy to determine the cause and possible prosecution, surly responsible councillors cannot approve the continuance of this event before the outcome of the investigation and proper safety initiatives are taken to ensure the safety of Maryville residents.

Question 1 May I ask the 4 pro Targa West councillors of last year if they regard safety measures taken by Targa West to be adequate for public safety and if not maybe the Shire President can offer a collective response?

Answer 1 Yes.

Question 2 Do last years pro Targa West councillors acknowledge that this event could result in serious injury and or death to one or more of our community members?

Answer 2 The relevant Councillors accept that any sport has a risk of injury and hence the conditions of approval to mitigate any injury as much as possible.

As yet this item has not come to Council and it will be reviewed on the information supplied and will be treated as a fresh application. Until such time Council cannot provide a definitive response.

4.2.3 Public Question Time - John Curtis

John Curtis, Bindoon asked the following questions at the Council Meeting

Question 1 Is No2 Casuarina Close included in the STED Program? When is this to commence and, what is the cost to the household and to the Shire?

Answer 1 The Chief Executive Officer advised that unfortunately the Shire does not currently have those details, but more information has been requested.

Question 2 What has Council done in the last 6 months to get public transport for the Shire?

Answer 2 The Chief Executive Officer advised that nothing had been done. He further advised that the Muchea bus service had recently been cancelled due to lack of use. He assured Mr Curtis, and the gallery, that the Shire did lobby the relevant departments whenever possible.

4.2.4 Public Question Time - Patricia Tabor

Patricia Tabor, Mooliabeenee asked the following questions at the Council Meeting

At the end of last month's meeting I asked the Shire President if we, the community, could scrutinize the proposed lease document for the existing doctor before it is ratified by Council and if we have queries and concerns regarding the contents put our questions to Council either before or at the next Council meeting. The President replied that the proposed lease document would be published in and form part of the Agenda of the next meeting.

I have received and acknowledged President Hawes' apology for incorrectly giving this information, as a matter of this nature was considered to be confidential under Clause 5.23 of the Local Government Act.

Question 1 Could you please explain to me why this lease document is confidential and why the Community is not entitled to know the contents of a lease of a Shire owned facility. Is there something in this lease document that you don't want the ratepayers to know about?

Answer 1 The Chief Executive Officer advised that the contents was not a secret, that it was just a standard template lease. He further advised that it was behind closed doors in order for the Council to be able to freely discuss the matter and finalise the terms and conditions of the lease.

The Shire President advised that he had been advised that a motion was proposed to be put forward to alter the item on the Agenda.

Question 2 But what happens if it isn't passed?

Answer 2 The Shire President advised that he believed that it would be passed.

4.2.5 Public Question Time - John Nagel

John Nagel, Bindoon presented a letter to Council and asked the following question at the Council Meeting

Question 1 Why has the Shire chosen to ignore the Bullsbrook Medical Service for the last 6 months when it can only be a benefit to our town?

Answer 1 The Shire President advised that they had not been ignored and that a presentation was to be made to Council next week. The President further advised that Mr Nagel's letter would be received as inwards correspondence.

Mr Nagel made a verbal reference to "conflicts of interest" and "code of conduct" quoting "5.62 Closely Associated Persons".

The Shire President clarified with Mr Nagel whether Mr Nagel was intimating that 'someone' had an undeclared interest. Mr Nagel confirmed this to be correct.

The Shire President advised that he had no current conflict of interest.

4.2.6 Public Question Time - Norrie Merrifield

Mr Merrifield asked whether he could speak regarding the Communication Tower following receiving an invitation from the Shire. The Shire President confirmed that he could ask questions during this part of proceedings.

Mr Merrifield shared his concern about where the tower was to be located, knowing that originally it was to be located directly in front of his house (when the property on Gray Road was being considered). He further advised of his research regarding what a Reserve is.

The Shire President clarified Public Question Time and asked Mr Merrifield if he had a question.

No question was asked.

4.2.7 Public Question Time - Lee Martin

Lee Martin, Bindoon asked the following questions at the Council Meeting

With regards to the NBN Tower, in 2000 several sites were tested for the purpose of locating a UHF repeater at treetop level for the Volunteer Bush Fire Brigades, including Chinkabee Hill, Bell Hill and Castle Hill.

Question 1 Have the other two sites, Chinkabee and Castle Hill, been tested?

Answer 1 The Shire President advised that the NBN representatives were asked to explore alternative venues and they advised that none were as suitable as Bell Hill. The Shire President agreed that the Castle Hill site had not been included in that research.

Question 2 Was the position for a Medical Practitioner advertised for expressions of interest or tender?

Answer 2 The Shire President advised that it had not.

Mr Martin felt that Council had failed the community. He shared that he felt this was an opportunity for benchmarks and additional services, including bulk billing, evening practices and a 5.5 day service. He felt that there was no need to pay someone to be there.

4.2.8 Public Question Time - John Pilbeam

John Pilbeam, Bindoon asked the following question at the Council Meeting

Question 1 Why was the information that was posted missing pages 3 and 4?

Mr Pilbeam's wife, Janet, advised that when she attended Development Services she was told that they were left out as they were private emails that couldn't be shared.

Answer 1 Azhar Awang, Executive Manager Development Services, advised that the missing pages were available in today's Agenda item.

The Shire President advised that the question would be taken on notice.

4.2.9 Public Question Time - Steve Vallance

Steve Vallance, Muchea asked the following questions at the Council Meeting

With regards to Northlink, looking at the plans Muchea residents will need to drive 2km north, out of their way, to get onto the main road.

Question 1 What will Muchea's access be once Northlink goes through?

Answer 1 The Chief Executive Officer advised that he couldn't give an answer as it wasn't our project, and Main Roads have not finalised their design. The publications produced by Main Roads (Northlink) shows the ultimate design which is currently not funded in total.

He further stated it was his understanding that currently only funding for a single lane each way has been provided from the back of Ellenbrook to Muchea. This matter is understood to be under review by the Northlink Project team.

Question 2 Is there going to be a toll?

Answer 2 The Chief Executive Officer advised that this had been brought up at the last [Northlink] reference group meeting and that they were possibly looking at charging heavy haulage vehicles only. It is understood that a final decision is yet to be advised by State Government.

Question 3 When will the results of the CEO's review become available to the public?

Answer 3 The Shire President advised that it would be available following the meeting.

Question 4 Can we be assured that, with the generous rise awarded last year (double inflation) and even tighter economic conditions than experienced for a long time, there will be no further pay rises for this position this year?

Answer 4 The matter will be considered tonight.

4.2.10 Public Question Time - Robert Pizzino

Robert Pizzino, Bindoon asked the following question at the Council Meeting

Question 1 Is the sewage necessary? It's not London or Rome, we all have our own systems.

Answer 1 The Chief Executive Officer advised that it was required in order to create smaller blocks (currently can't go below 1,000m²). Uptake will be a condition of acceptance of the project.

Cr Rossouw advised that Mr Shane Love MLA advised that there would be community consultation.

4.2.11 Public Question Time - Norrie Merrifield

Mr Merrifield made further comments regarding the communications tower application. He further shared that he felt that Council should not sit with their backs to the public who they service. He also mentioned the need for microphones.

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

5.1.1 Petition – Bindoon Medical Centre lease

A petition was presented to Council on behalf of Janet Peterson (not present), in relation to the Bindoon Medical Centre lease containing 62 signatures.

5.2 Presentations

Nil

5.3 Deputations

5.3.1 Deputation - Julie Duzevich, Bindoon

Julie Duzevich from Ridgetop Ramble, on behalf of the Friends of Bell Hill Reserve, made a deputation in relation to Item 9.1.1 Proposed Telecommunications Facility / NBN Fixed Wireless Facility, Lot 12383 (Bell Hill Reserve, Reserve No 44213) Forrest Hills Parade, Bindoon.

5.3.2 Deputation – Matt Evans, Ericsson

Matt Evans, representing Ericsson (acting for NBN Co), made a deputation in relation to item 9.1.1 Proposed Telecommunications Facility / NBN Fixed Wireless Facility Lot 12383 (Bell Hill Reserve, Reserve No. 44213) Forrest Hills Parade, Bindoon.

6. APPLICATIONS FOR LEAVE OF ABSENCE

6.1 Leave of Absence – Cr Norton

Cr Norton requested a leave of absence for the period 31 May 2015 to 20 June 2015.

6.1 COUNCIL RESOLUTION – 010515

Moved Cr Norton / Seconded Cr Gibson

That Councillor Norton be granted leave of absence from 31 May 2015 to 20 June 2015 inclusive.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

7. CONFIRMATION OF MINUTES

7.1 Ordinary Meeting of Council – 15 April 2015

7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION – 020515

Moved Cr Douglas / Seconded Cr Mackie

That, subject to item 5.3.1 being amended to read:

*5.3.1 Julie Duzevich - Bell Hill Reserve, Hidden Gully Reserve and Evergreen Reserve
Protection status of the Reserves and their priority classification plus endangered
species as stated in the Shire of Chittering Local Biodiversity Strategy document
as adopted by Council in 2010.*

the minutes of the Ordinary meeting of Council held on Wednesday, 15 April 2015 be confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

8. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Nil

Cr Douglas requested the Council resolve to remove item 14.1.4 from the confidential items as he felt the item should be open to the public as there is nothing specifically confidential contained in the lease.

COUNCIL RESOLUTION – 030515

Moved Cr Douglas / Seconded Cr Norton

That the matter of the Medical Centre, item 14.1.4 ‘Chittering Health Centre Lease – Bindoon Medical Centre’ be moved from the Confidential section to the public section of the Agenda.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

Cr Douglas then requested that the item not be dealt with at this meeting as he felt that more information is required.

COUNCIL RESOLUTION – 040515

Moved Cr Douglas / Seconded Cr Gibson

That the matter of the Medical Centre, item 14.1.4 ‘Chittering Health Centre Lease – Bindoon Medical Centre’ be deferred until the next Council Meeting in order to receive additional information.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

COUNCIL RESOLUTION – 050515

Moved Cr Norton / Seconded Cr Gibson

That item 6.1 ‘Leave of Absence - Cr Norton’ be revoked.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

COUNCIL RESOLUTION – 060515

Moved Cr Gibson / Seconded Cr Douglas

That Councillor Norton be granted leave of absence from 31 May 2015 to 19 June 2015 inclusive.

THE MOTION WAS PUT AND DECLARED CARRIED 5/2

9. REPORTS

9.1 DEVELOPMENT SERVICES

Cr Rossouw declared an impartiality interest in item 9.1.1 as her husband is a contractor and contracts for a company that contracts to NBN Co.

Cr Norton declared an impartiality interest in item 9.1.1 as she would have a visual impact from the tower.

Cr Clarke declared in impartiality interest in item 9.1.1 as she is living within 2.5km of the proposed tower.

9.1.1 Proposed Telecommunications Facility/ NBN Fixed Wireless Facility Lot 12383 (Bell Hill Reserve (Reserve No. 44213)) Forrest Hills Parade, Bindoon*

Report Date	20 May 2015
Applicant	Daly International/NBN Co
File ref	A10088, P397/14, (04/08/32)
Prepared by	Brendan Jeans, Senior Planner /Stephanie Gladman, Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Report Accompanying Planning Application2. NBN Co Community Drop In Session – Feedback3. Aerial of site4. Images from site inspection5. Overall site plan (from planning applications)6. Alternative Locations (by Applicant)7. Schedule of Submissions8. Alternative Locations (by submitter)9. Map indicating area of 2.5km radius of initial and secondary letter drop10. Letter to residents and rate payers including attachments11. Advertising onsite12. Applicants response to submissions received;13. Letter from St John Ambulance Chittering/Gingin Sub Centre;14. 'How NBN Works'15. Photomontage of Proposed Fixed Wireless Facility atop Bell Hill Reserve16. Map indicating location of submissions received (within 2.5km radius) of initial and secondary letter drop17. Shire Locality Elevation Desktop Assessment18. Endorsed Management Plan

Background

Council's consideration is requested for the proposed construction of a Fixed Wireless Facility comprising -

- A 40m high monopole;
- Radio and transmission telecommunications equipment; and
- Ancillary equipment cabinet (s).

The total area of the compound to house these structures on the site will be 96m² (12m x 8m) which will be fenced with a 2.4m height chainlink security compound fence with 3m wide access gates. The Applicant has advised that if approved, they would improve the current access to the Bell Hill Reserve.

Proposed/Subject Site

The proposed location for the Fixed Wireless Facility is Lot 12383 (Bell Hill Reserve – Reserve 44213) at the corner of Forrest Hills Parade and Ridgetop Ramble. Bell Hill Reserve overlooks down towards the Bindoon townsite, Great Northern Highway to the east and the Chittering Country Club Estate to the west. The Bell Hill Reserve is steep in nature, with a plateau at the top.

Bell Hill Reserve is undeveloped in terms of recreational facilities, it is however a network of open space reserves (Evergreen and Hidden Gully) which were set aside as part of the Country Club Estates initial subdivision. Bell Hill Reserve currently has a DFES tower which is used by local Fire and Emergency and Ambulance Services paging system. Access to the property is via an existing steep unsealed track from Forrest Hills Parade (see Attachment No. 4).

The Applicant advised that the nearest residential dwellings are located approximately 80 metres and 94 metres respectively from the proposed Fixed Wireless Facility on Bell Hill Reserve (see Attachment No. 5 - Overall Site Plan).

Bell Hill Reserve is owned by the Crown, with the Department of Lands being the representative of the Crown and vested with the Shire of Chittering for “care and control” of the site. The property is reserved as Parks and Recreation for the purpose of “Public Recreation and Water Supply”.

Statutory Environment

Federal: *Telecommunications Act (1997)*

State: *Planning and Development Act (2005)*

Sec. 152 – Certain land to vest in Crown

Division 6 – Crown Land, Sec 97 – Schemes for Crown Land

Land Administration Act (1997)

Part 4 Reserves

S. 41 Ministers Power as to Reserving Crown Land

Local: *Shire of Chittering Town Planning Scheme No. 6 (TPS No. 6)*

Lot 12383 (Reserve No. 44213) is designated as “Local Reserve” for the purpose of “Parks and Recreation”.

Under TPS No. 6, Lot 12383 (Bell Hill Reserve) is designated as a “Local Reserve” for ‘Parks and Recreation’ with its intended purpose for “Public Recreation and Water Supply”. In 1996 at the time of vesting, a Management Order was created with a number of conditions observed.

At present, the land use definition most closely aligned with the Fixed Wireless Facility, would be Telecommunications infrastructure “*means land used to accommodate 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 or in connection with a telecommunications network*”.

Part 10 - Procedure for Dealing with Applications

10.2 Matters to be considered by Local Government

Policy Implications

State: *State Planning Policy No. 5.2 – Telecommunications Infrastructure (2008)*
Draft State Planning Policy No. 5.2 – Telecommunications Infrastructure (2014)
Visual Landscape Planning in Western Australia (2007)

Local: *Shire of Chittering Local Planning Policy No. 1 – Bindoon*

The above statutory and policy implications are addressed in detail under the Officer's Comments section.

Financial Implications

Subject to approval from Landgate a lease agreement would need to be drawn up between the Applicant and the Shire of Chittering to utilise the property for the proposed Fixed Wireless Facility.

The value of the lease would be negotiated with the Applicant if the application was to be approved. Generally, the rental received is fairly nominal.

Strategic Implications

State: *State Planning Strategy 2050*

Local: *Shire of Chittering Local Biodiversity Strategy (2010)*
Shire of Chittering Local Planning Strategy (2001 – 2015)
Shire of Chittering Strategic Community Plan (2012 – 2022)

OTHER DOCUMENTATION

Management Plan – Bell Hill Reserve

Council at its Ordinary meeting held on 6 September 2001 resolved to endorse the first Management Plan for the Chittering Country Club Estate. The plan was prepared by a volunteer group, the Chittering Country Club Public Open Space Committee.

Management Plan Recommendation – Bell Hill Reserve

"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."

In October 2001 Landcare co-ordinator, Mr. Raffy Andreoli provided a report of the site visit of the Bell Hill Reserve. The purpose of the report was to investigate 3 issues facing the Reserve, "*Weeds and Weed Control, Erosion potential and vegetation types.*"

Below is the conclusion of the report stating the status of the site:

Site visit 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 do not burn well so does 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.”

Later in February 2003, Council endorsed an amended version of the Management Plan which dealt with changes to Evergreen Reserve 43686.

Site Inspection

A number of site inspections have been undertaken since the lodgment of the application by the Planning Officers at the Shire (see Attachment No. 4 – Images from Site Inspection). The Officers observed that Bell Hill Reserve is quite steep in nature, with a large rocky outcrop protruding towards the plateau of the Reserve. Furthermore the site is quite visible on entering the Bindoon townsite from both the north and south via Great Northern Highway.

The lower section is quite steep and is mainly grassed. The middle section of the Reserve is vegetated with native plants, and contains a rocky outcrop towards the higher plateau. The high plateau is largely cleared of vegetation, with the area mostly grassed and bordered by mature trees. At present the DFES Pager tower is located at the plateau nearby where the Fixed Wireless Facility is proposed to be located.

The Planning Officer observed some wildlife on Bell Hill Reserve at the time of inspection including birds and kangaroos resting and grazing on the reserve during their inspection.

Triple Bottom Line Assessment

Economic implications

The economic implications as a result of the establishment of the Fixed Wireless Facility would be as follows:

- It would meet the objectives outlined in the Shire of Chittering’s Strategic Community Plan in terms of supporting local business and advocating for improved broadband access;
- Provide opportunities for local businesses to conduct business activities over the internet in a more efficient and time effective way due to faster speeds;

A number of submissions advised that they believed there would be a negative economic impact, in that the development of the Fixed Wireless Facility would result in the devaluation of private property as a result of its construction. The issue of devaluation has been addressed by the Applicant in the Schedule of Submissions (see Attachment No. 7). Whilst acknowledged, other members of the community may see the installation of the Fixed Wireless Facility on Bell Hill Reserve as a positive contribution to the value of their property as they may be able to access readily and reliably, services which they may have been unable to do so before.

Social implications

A variety of social implications were expressed by residents who submitted both support and objections to the proposal during the advertising period.

From a positive social perspective, they noted that the proposed Fixed Wireless Facility may enhance their ability to stay connected with family and friends using the internet in addition to providing faster speeds to conduct and undertake business transactions. The Applicant stated that there may be possibilities for the co-location of additional communication services such as Telstra and the DFES Pager Tower. The co-location has the potential to provide residents with a more reliable mobile connection and also be of assistance to volunteer organisations during emergency situations.

The negative social aspects mentioned in the submissions include:

- a diminished level of visual amenity for residents living in close proximity to the Bell Hill Reserve;
- devaluation of property;
- impact on lifestyle;
- health implications such as exposure to electro magnetic radiation and also the risks associated with exposure for those with serious illness and pacemakers; and
- restricted access to a site which is used for public recreation.

Environmental implications

During the advertising period, a range of submissions outlined the environmental implications as a consequence of the Fixed Wireless Facility being constructed on the Bell Hill Reserve.

These included (amongst others):

- disturbance of native flora and fauna;
- removal of remnant vegetation;
- increased bushfire risk ie obstruction of fire fighting aircraft as a result of the construction of the Fixed Wireless Facility; and
- land degradation and soil erosion.

In an email dated 19 March 2015, the Ellen Brook Integrated Catchment Group provided information on Bell Hill Reserve and stated that:

'In 2006 the review of the vegetation survey listed the site as Rating 3 – Good. Evidence of localised high level damage to otherwise low level damaged bush. Recruitment is localised and populations of some species may be senescent (dying). Weed and grazing damage is apparent in <50% of the area. Modification to vegetation structure due to changes in fire regimes may be apparent. Gall and mistletoe damage may be apparent. Evidence of logging or fire wood collection.

This is an improvement on the 2001 survey – possibly the two major fires in the late nineties and the spraying for weeds by the shire in the 2003 (see management plan) has allowed some natural restoration.

It is still a very damaged area and could do with some help – but as far as the placement of the tower (Fixed Wireless Facility) goes the site is already disturbed'.

In the submissions from the Ellen Brook Integrated Catchment Group and the Department of Parks and Wildlife respectively they supported the applications subject to conditions. Their responses are included in the Schedule of Submissions (see Attachment No. 7).

Comment

SITE ASSESSMENT

Alternative Locations

The Applicant in the accompanying planning report submitted to the Shire with the development application (p. 9/10) (Attachment No. 6 – Alternative Locations (by Applicant)), indicated a number of sites in the Bindoon townsite area which had been investigated to identify a suitable location for the Fixed Wireless Facility. The location, facility type and description/justification (as derived from the planning report) are included in the table below:

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

Candidate	Address and Lot Number	Facility Type	Description
F	57 Forrest Hills Parade Bindoon WA (Lot 88 on Plan 57454)	New 40m monopole	<i>NBN Co investigated establishing a new 40 metre monopole at 57 Forrest Hills Parade, Bindoon. Land tenure was unavailable.</i>
G	Lot 12383 on Plan 15355	New 40m monopole	Current Prime Candidate
H	Lot 12116 on Plan 15360 (Evergreen Reserve)	New 40m monopole	<i>NBN Co investigated establishing a new 40m monopole at Lot 12116 on Plan 15360. The site did not meet coverage objectives.</i>
I	Lot 148 Forrest Hills Parade (Lot 269 on Plan 15358)	New 40m monopole	<i>NBN Co investigated establishing a new 40m monopole at Lot 148 Forrest Hills Parade (Water Corp Site). The site did not meet coverage objectives of this height.</i>

Sites 'H' and 'I' were reviewed at the request of Council following NBN's Community Information Session in November 2014.

During the advertising period, a submission was received from a member of the community (and recorded in the Schedule of Submissions (Attachment No. 7) as Submission No. 80 (and included as Attachment No. 8 Alternative Locations (by Submitter)). The submitter outlined 3 potential alternative sites for the proposed Fixed Wireless Facility to be located (including maps indicating their respective locations) as opposed to the current proposal on the Bell Hill Reserve.

The sites included in the submission were:

- Lot 20 Gray Road;
- Lot 7 Gray Road; and
- Lot 208 (between Crest Hill and Gray Roads (P49823))

These sites are privately owned landholdings.

Maps indicating the location of the above properties can be viewed in Attachment No. 8.

The Applicant (NBN Co.) provided feedback as to the appropriateness of the suggested sites in Submission No. 80 (addressing the applicability of the abovementioned sites via email dated 15 April 2015). Their response was as follows:

“At present, 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.

In that context, the NBN Radio Engineers have modelled the coverage for Lot 20 and Lot 7 Gray Rd 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.

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 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.

On this basis, NBN Co must proceed with its' current Application. The proposal at Bell Hill Reserve that is currently before Council is a critical part of the NBN plan in the Shire. The approximately 364 premises in the coverage footprint of the proposed NBN Fixed Wireless facility cannot receive the NBN via a different technology. The NBN Fixed Wireless network is designed to deliver significant improvements into this area 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”.

Further to the above, submissions have expressed as to why the Fixed Wireless Facility cannot be co-located on the existing Optus tower. NBN Co have responded to this stating that:

“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” (p. 9, Attachment No. 1)”.

In addition to the above, a Councillor asked whether *“NBN Company (has) done the footprint to co-locate with the Optus tower above the school? How many properties does this footprint reach?”*

The Applicant responded (email dated 24/4/2015) as follows:

“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."*

The information provided by the Applicant indicates that the site which is currently being proposed enables NBN Co to provide connectivity to a higher number of residents than if it was to be located on other sites elsewhere in the townsite. The Applicant has advised that the coverage of the Bell Hill Reserve site (whilst not confirmed) will be in the following directions:

"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" (email 26/4/2015).*

Consultation

NBN Consultation

In August 2014, the Applicant, NBN Co, met with Councillors to discuss the proposal prior to them lodging a formal application. Further to this meeting on 11 November 2014, NBN Co conducted a community drop-in session at the Bindoon Hall to ascertain the level of support for the construction of a Fixed Wireless Facility in Bindoon (results of the session – see Attachment No. 2) which earmarked Bell Hill Reserve as its preferred location to site the said Fixed Wireless Facility. Following the drop-in session, a Planning Application was submitted by Daly International to the Shire (15/1/2015) for planning approval.

Notification of the consultation session (conducted by NBN Co) was sent to 300 households via letter in addition to advertisements in the Northern Valley News and invitations were sent to Council staff, Councillors, local MP's and local business representatives via letters.

The session was attended by 50 people, with 27 feedback forms received from the drop in session.

The results of the consultation session conducted by NBN Co. indicated that **71%** of attendees supported the proposal, whilst **22%** of attendees did not. The remaining **7%** did not know (refer to Attachment No. 2).

A variety of additional suggestions and comments (both positive and negative) were tabled by NBN Co in Attachment No. 2.

During the advertising period, a number of residents queried what benefits the installation of the Fixed Wireless Facility, if approved, would have to the greater community of Bindoon. In addressing these concerns (email dated 8/4/2015) the Applicant advises:

What are the benefits the community will receive (in terms of the tower's installation)?

"In Bindoon and elsewhere, NBN Co's fixed wireless network delivers fast wholesale speeds of up to 25 Mbps for downloads and 5 Mbps for uploads.

For those that switch to the NBN once it is available, users will be able to undertake a range of tasks that are not always possible without a fast and reliable internet connection. For example, fast speeds will allow Skype™ calls and downloading large files quickly. People will be able to work from home with ease by quickly sending and receiving large files and participating in high-quality video calls – making it easy to work from your home. In relation to education, the NBN will be a conduit for online courses and school studies as the NBN allows easy access to interactive and educational online content. When highlighted at the NBN Community Information Session at the Bindoon Hall in November last year, it was the benefits described above that were emphasised by the community as being of importance.

What percentage of residents are currently affected by no or minimal data service?

Data speeds, reliability and cost can fluctuate across a locality, but we note that the best way to determine the quality of broadband in an area is to access the Federal Government's My Broadband website (www.mybroadband.communications.gov.au). According to this website, the estimated median ADSL speed for the area in the direct vicinity of the proposed Fixed Wireless facility in Bindoon is download speeds of 6 Mbps. There are pockets closer to town with higher speeds than this, but speeds and reliability diminish quickly beyond the immediate centre of Bindoon. The NBN Fixed Wireless network is designed to offer service providers with wholesale access speeds of up to 25Mbps for downloads and 5Mbps for uploads. Each NBN fixed wireless facility is dimensioned 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.

What benefits will the residents that already have a good data service gain?

The NBN is designed to use "scalable" technology that will offer reliable services now and into the future. Whilst some residents may experience sufficient service for their current needs, there is increasing pressure on existing network infrastructure due to the growth in data traffic. For example:

- (i) The Australian Bureau of Statistics latest figures reveal that Australians downloaded one "Exabyte" of data in the December quarter of 2014 - up 15% on the June quarter (Source: ABS Internet Activity, Australia, December 2014 Quality Declaration, Released at 11:30 AM, 01/04/2015).*

- (ii) Australia's 4G mobile network download speeds have slumped in the past year, with leading carriers slowing by up to 50 per cent as providers struggle to keep up with consumers' growing demand for data. Average speeds of LTE for the three Australian mobile network carriers has slipped back to between 12-15 Mbps. (Source: Open Signal's State of LTE Report March 2015) (email 8/4/2015).

Who will benefit from the installation of the tower? Will it be for the majority, or the minority of the Bindoon townsite as most residents I speak to in Bindoon already have an ADSL service! For example is it about providing an improved data service (internet) for the majority or minority of the residents at the cost of the rest of the community?

Most communities have some form of ADSL service. It's quality both now and into the future that is important, rather than simply the presence of ADSL. We note that a clear majority of attendees at NBN Co's 11th November Information Session at Bindoon Hall expressed support for the proposal. More broadly, attendees identified improved broadband as a significant priority with many having insufficient ADSL and mobile wireless options, or choice of service provider.

Is there any information/correspondence with other service providers such as Telstra for co-location of telephone coverage? The ratepayers states that 'when we talk about communications we must include all 3 services, the mobile network, land lines and Internet. The NBN tower is not going to fix the current failing copper network. It will not fix the lack of mobile reception through many areas.

Yes, Telstra has provided the following confirmation to Council in relation to improvements to mobile coverage in Bindoon: "Should NBN secure development consent for its infrastructure, the likelihood that funding would be provided under the WA Government or the Commonwealth Black Spot program for mobile communications, would be enhanced due to the reduced cost of delivering this service. Without the NBN tower, the community may miss the opportunity of securing both NBN wireless broadband services and mobile services."

Property De-valuation

Further to the above, the Applicant advised in relation to property devaluation that:

"While property value is not a town planning matter and a Council decision should not be made on this basis, it is acknowledged that this issue may be of concern to some local residents. It should be noted that property valuation is an extremely complex issue, with fluctuations in price being subject to a vast number of factors. Many of these are subjective, and may be as diverse as aspect, views, condition of the property, local amenity and access to services, including high quality communications.

Since the mid 1990s there have been over 18,000 telecommunications facilities developed throughout Australian metropolitan and regional areas, with most located in the vicinity of where people use the service which is increasingly within the home. During this period, property values across the board have continued to increase, showing no sign of deterioration as a result of specific factors such as the location of telecommunications base stations. The improvements to broadband connectivity resulting from access to the NBN are likely to be very significant, which will in turn support business, health, education and a range of other sectors. Notwithstanding, NBN Co is not aware of any credible evidence that directly links the siting of a telecommunications facility to either an increase or a decrease in property prices (email 13/3/2015)."

Current Situation

Research from the Federal Governments "My Broadband" website (<https://www.mybroadband.communications.gov.au/>) indicates that the estimated median ADSL speed for

the Bindoon townsite area (namely the Shire of Chittering offices) area is up to **20** (Mbps) download and **0.8** (Mbps) upload. It was stated that this area had good availability for mobile broadband availability and 3G coverage.

Whilst for the area along Ridgetop Ramble, the “My Broadband” website indicates that the estimated median ADSL speed in that area as being up to 6.04 (Mbps).

The Ridgetop Ramble/Forrest Hills Parade areas have been identified as a mobile phone blackspot areas by the Federal Government’s Department of Communications ‘Mobile Blackspot Program’. Poor mobile coverage has been highlighted in a number of submissions as needing improving.

It should be noted that Broadband is available in the area with no fibre optic technology to node, only ADSL and Mobile 3G.

Future Situation

NBN’s fixed wireless facilities use a 4G signal to provide high speed broadband to a fixed number of premises within a coverage area. Because the number of premises is fixed, bandwidth per household is designed to be more consistent than mobile wireless even during peak times (refer to Attachment No. 14).

The service will be provided by radio communications from the fixed wireless facility directly to a small antenna attached to the outside of a house or business. The antenna will be connected by a cable running through the wall to an NBN connection box within the building (email dated 10/3/2015).

The Applicant has advised that if the proposal was to be approved, the NBN “*Fixed Wireless network is designed to deliver significant improvements into Bindoon 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*” (email dated 24/4/2015).

Shire of Chittering Consultation

Following the NBN Co’s drop-in session (November 2014), an application for planning approval was submitted to the Shire in January 2015.

Once the application was made, the Shire’s Planning Officers undertook advertising of the application, pursuant to section 3.4.2 of the Shire’s Town Planning Scheme No. 6 (TPS No. 6) which states that:

*“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.”*

The initial advertising period commenced on 9 February 2015, with the closing date for submissions falling on the 6 March 2015. Advertising was conducted under the following methods:

- A letter drop of rate payers within a 2.5 km radius (Attachment No. 9) of the proposed development site (total of 435 letters) which included a brief overview of the application and site maps (see Attachment No. 10 – Attachment to letters to residents and ratepayers inc attachment));
- A letter was also sent out to various referral authorities for comment (included in the 435 letters). There referral authorities included;
 - Landgate;
 - Department of Health;

- Department of Communications;
 - Department of Planning;
 - Department of Lands;
 - Department of Environmental Regulation;
 - Department of Fire and Emergency Services;
 - Department of Parks and Wildlife; and
 - Ellen Brook Integrated Catchment Group.
-
- Advertising of the application in the local newspaper (*Bullsbrook Gingin Advocate*)
 - A sign erected on the boundary of the property which included the advertisement and attachment included in the letters to ratepayers (Attachment No. 11).

During the advertising period, the Shire was notified that a number of residents had not received their letters notifying them of the Planning Application. Upon receiving this notification, it was decided that another letter drop was to be undertaken, with an extension to the close of submission period. This was extended to the 20 March 2015, with the additional letter drop totaling 445 residents and referral authorities and included the previous 435 letters in addition to the 10 residents which did not receive the first letter sent.

In total, the application was advertised for a period of 42 days.

Upon close of advertising on 20 March 2015, a total of 85 submissions were received. These submissions have been provided to Councillors in full and are referenced in Attachment No. 7 - Schedule of Submissions.

There were 5 from the referral agencies (one was received after close of advertising) with 5 indicating their support with 2 noting that their support is subject to conditions.

The 2011 ABS census states Bindoon has an estimated population of 1,063 persons.

Submissions from local residents and rate payers totaled 80. Eight (8) supported the proposal, whilst Seventy Two (72) objected to the proposal (see Attachment No. 7 – Schedule of Submissions). The 72 objections included a petition lodged with Council which contained 142 signatures.

Included in the submissions were 47 signed template submissions (some of which contained additional comments addressed in the Schedule of Submissions). The template submissions were compiled by Annaleen Harris of the Environmental Defender of WA's office.

Included in the 72 objections there were 6 submissions which included both an individually written submission in addition to the template submission. Whilst 18 submissions objecting to the proposal did not use the template.

A number of households who provided multiple submissions (ie husband/wife/life partner and then individually) totalled 11. The multiple submissions, whilst accepted does distort the figures as it is generally thought of that 1 submission is received per 1 household.

It should be noted that in the letter sent to residents within a 2.5 km radius of Bell Hill Reserve, stated that ***'if a reply is not received, the matter will proceed as an indication you do not object to the proposal'***.

A reply percentage of **19% (85/435)** was achieved from the letter drop, which included referral authorities and those living within a 2.5 km radius of the Bell Hill Reserve. With the non-reply response of **81%** highlighting that those who received a letter but did not respond indicating that they either did not object to the proposal or at least did not feel that strongly opposed to the application to make the effort to lodge a submission.

Those supporting the proposal indicated their support for the proposal as it has the potential for the Shire to provide an opportunity to modernise and improve internet accessibility, which was seen as essential in progressing the town. It was noted in the submissions that many residents of Bindoon (and all around Australia), rely on the internet to connect with family both locally and internationally as well as use it for business and for educational purposes.

It was additionally outlined that if it were approved, the proposal may provide an opportunity to co-locate the existing essential emergency services paging tower on Bell Hill Reserve. Its co-location has the potential to improve the connectivity of the existing pager system for the essential emergency volunteer groups – many of whom currently experience poor/intermittent service from its current location.

Those objecting to the proposal stated that based on social perspective their concerns were based upon the unknown health risks from exposure to electromagnetic radiation, loss of amenity (visual), impact on tourist considerations and loss of use as a recreation reserve due to the installation of the tower.

From an environmental perspective, objectors outlined the proposal may result in increased land degradation i.e. soil erosion from wind/water runoff; an increase in bushfire hazard with concerns relating to access and fire fighting aircraft obstruction from the Fixed Wireless Facility. In addition to the above, there was significant concern relating to the proposal and the impact to flora and fauna which are located in Bell Hill Reserve.

Also outlined by the objectors was the impact the proposal may have on the value of their respective properties if it were to be constructed.

Additionally, concerns were expressed about the Shire's ability to entertain an application for a development on land which is reserved for "*Public Recreation and Water Supply*" in addition to the existence of an endorsed "*Management Plan*" (see Attachment No. 18 - Endorsed Management Plan for Bell Hill Reserve) for the site. Further objectors questioned as to why the proposed Fixed Wireless Facility cannot be co-located on the Optus tower or on any other alternative location which is away from residential dwellings.

Further objections expressed that the development application is not satisfactory with no proposed requisite security fencing or gates or assessment of the development by the Environmental Protection Authority (EPA) further stating that they believed the proposal is against the preservation of the amenity which should be one of the Shire's key objectives.

The above issues have been addressed by both the Applicant and the Shire's Planning Officers in Attachment No. 7 – Schedule of Submissions and Attachment No. 12 – Applicant's Response to Submissions Received.

A deputation was presented at Council's April 2015 meeting. The deputation queried Council as to when they were going to consider the reservation of Bell Hill Reserve, Hidden Gully and Ever Green Reserve being converted to the status of "Conservation Reserves" considering their identification in the Shire of Chittering's Biodiversity Strategy (2010).

In addressing the one deputation from April's Council's meeting it is noted that the Reserves need to demonstrate that the property contains significant conservation value as this needs to be supported in the application to Landgate. Council can still apply for the vesting of the land to include "Conservation", but it may restrict the overall use of the land where the land currently provides the linkages to other Reserves in the Country Club area for the purpose of Parks and Recreation.

The Chittering Landcare Centre in its submission stated that:

"As Bell Hill is not identified on the revised mapping of High Value Conservation Areas (HVCA's) and is not within a local or regional linkage, its priority for changing its purpose from "Recreation and Water Supply" to "Conservation" would not be high.

In addition to the above submissions in late April after the closed advertising period, Planning Officers received 3 letters of support for the proposal (which are not included in the Schedule of Submission) including one from St Johns Chittering/Gingin Sub Branch.

St John's Chittering/Gingin Sub Branch letter from the Vice Chairperson from the St John Ambulance/Gingin Sub Centre (refer to Attachment No. 13), stated:

"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 change 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 hug step forward for our volunteers and a distinct advantage to all patients.

Even though the 000 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 Officer have had to withdraw their applications because the 'Spectrum' call-out system is not effective in their 'blackspot 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 through improved internet and mobile network infrastructure could save your life or a member of your family".

Internal Consultation

The Shire's Planning Officers referred the application internally to the Shire's Principal Environmental Health Officer, Community Emergency Services Manager and the Economic Development and Communications Officer. Their respective advice is detailed below.

Health

The Shire's Environmental Health Officer did not have any objection to the proposal. He noted that the application met APARNSA minimum standards in regard to electromagnetic radiation.

Community Emergency Services

The Shire's Community Emergency Services Manager outlined there would be benefits for the existing DFES paging tower being co-located on the Fixed Wireless Facility if the proposal was to go ahead.

He stated that if it were not co-located then there would be a risk of overshadowing of the paging tower leading to a decrease in connectivity and service for those operating in the area.

The potential for Telstra to also co-exist on the Fixed Wireless Facility would also increase the reception and operational capacity to communicate between officers in the area which would be significantly beneficial to those volunteer organisations operating in Bindoon and beyond. Co-location of the DFES paging tower with the Fixed Wireless Facility, if approved, has the potential to allow for the increased connectivity between all emergency service officers who use the paging system. He also stated that it may provide extended coverage to the Hart Drive area which at present is difficult to receive reception.

The above was reiterated by a late submission received (but not included in the Schedule of Submissions) by the Shire from St John Ambulance Chittering/Gingin Sub Centre (see Attachment No. 13).

Economic Development/Communications

The Shire's Economic Development/Communications Officer highlighted that the proposed Fixed Wireless Facility if approved would provide improved telecommunications within Chittering which can only be seen as a positive move forward for the community and business.

Further to the above, According to the Australian Government the digital economy is *"the global network of economic and social activities that are enabled by information and communications technologies, such as the internet, mobile and sensor networks"*.

They advise that *"the digital economy is part of the shift from the past industrial period to the new digital or information period, where the factors of production rely on the deployment / use of information and communications technology (ICT) such as computers, the Internet, mobile telephones, landlines and multi-media devices"*.

It is agreed that *"in the digital economy broadband is increasingly the precondition for industry competitiveness, job creation, and overall economic and social growth. The NBN has the capability to develop new industries, reshape old ones and redefine both occupational boundaries and the skills required to complete existing or new jobs. It has the power to accelerate current efforts to educate children; support learning; deliver health care; sell online to the world; run a business; communicate and manage global supply chains; and to capture, store, share, discover and access data and knowledge"*.

Reference: Impact of the Digital Economy and the National Broadband Network on Skills - Innovation & Business Skills Australia Ltd

A study commissioned by the Department of Broadband, Communications and the Digital Economy, undertaken by economic modelling firm Deloitte Access Economics, found that "super-fast" broadband, would provide multiple economic benefits to households through practical changes and such developments as e-commerce, e-medicine and tele-working".

The Deloitte study found that an average household (small business with two children) could be financially advantaged, with older Australians also achieving savings due to the potential for e-health to improve living standards and delay an eventual move into nursing home accommodation.

The report stated "Our estimate is average annual household benefits will be worth around \$3,800 in 2020, in current dollars. Around two-thirds of these benefits [\$2400] are financial benefits, the rest are the equivalent monetary value of consumer benefits such as travel time savings and convenience of e-commerce". Reference: www.theage.com.au

Statutory Provisions –

SPP 5.2 – Telecommunications Infrastructure (2008)

In addition to the above policy, there has been a *Draft SPP 5.2 Telecommunications Infrastructure* released in 2014 for comment; however it is yet to be gazetted.

In addressing the above gazetted State Planning Policy No. 5.2 *Telecommunications Infrastructure (2008)*, the following comments are made;

5.1 Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure

- ***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.***

Applicant Response

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.

Planning Officer Response

There has been significant and ongoing dialogue between the Applicant, the Shire's Planning Officers, CEO and Councillors to gauge an understanding of the reasoning behind having Bell Hill Reserve as their preferred site (see Alternative Locations in this report).

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

Applicant Response

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.

Planning Officer Response

The Applicant has advised that they are willing to entertain providing co-location for the existing Emergency Services Paging tower currently located on Bell Hill Reserve. Further to this, they have advised that Telstra has confirmed that this location is suitable for its purposes in terms of co-locating its antennas and providing improved mobile coverage (email 15/4/2015).

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

Applicant Response

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

Planning Officer Response

The proposed location has been deemed by the Applicant as being able to provide the most cost effective coverage to the residents of Bindoon. At present accessibility and reliability of internet services is seen to be constrained due to the topographical nature of the townsite and the more densely populated rural residential developments such as the Chittering Country Club Estate west of the townsite, beyond Bell Hill Reserve making the proposed site a central location to households.

A number of other locations have been assessed by the Applicant (see Daly Co's Planning Report) in addition to those suggested in the Schedule of Submissions (see Submission No. 80) (Lots 20 and 7 Gray Road and Lot 208 located between Crest Hill and Gray Roads).

It should also be highlighted that the Shire of Chittering's Strategic Community Plan 2012 – 2022 outlines the following:

Strategy

Economic: Prosperity for the future

Our vision:

Chittering will have created a prosperous and thriving economy to ensure employment is available and Chittering thrives. Our natural area will continue to attract visitors and be a weekend destination.

Strategies:

Advocate for improved broadband access. Promote local business.

- ***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***

Applicant Response

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.

Planning Officer Response

Whilst the proposal is envisaged to be located on Bell Hill Reserve, an elevated location, the colouring of the Fixed Wireless Facility (as indicated by the Applicant in its report accompanying the planning application) is envisaged to be grey, with the graphically generated figure indicating the streamlined nature of the proposed monopole.

The photos in the montage (Attachment No. 15) provided by the Applicant indicate the impact visually of the proposed Fixed Wireless Facility from both Forrest Hills Parade (290m from the site) and Ridgetop Ramble (210m), with the monopole in the background and street light poles in the foreground.

It should also be noted that many of the surrounding residential dwellings face away from Bell Hill Reserve and look north towards the valley beyond the Bindoon townsite.

- ***Telecommunications facilities should 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 located.***

Applicant Response

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

Planning Officer Response

The siting of the proposed Fixed Wireless Facility at the top of the plateau of Bell Hill Reserve will require the removal of 6 trees which are between 3 – 6 metres (as advised in the Applicant's Planning report diagram – 'Site Setout Plan 'Notes' No. 5 and 6) to accommodate the 8 x 12m compound.

The remaining vegetation will be retained. This information accompanied the letter and documentation provided to residents and referral authorities in the letter drop (s).

Comment has been sought from both Ellen Brook Integrated Catchment Group and the Department of Parks and Wildlife with their respective advice both stating they had no objection to the proposal subject to the Applicant meeting conditions of Planning Approval (Referred to in the Schedule of Submissions (Attachment No.7). Ellen Brook Integrated Catchment Group in their advice noted that there may be opportunities to mitigate the loss of the 6 trees with replacement plantings (offset proposal).

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

Applicant Response

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.

Planning Officer Response

The Fixed Wireless Facility is proposed to be located at the top of Bell Hill Reserve, which is largely flat in nature unlike the steep embankments which form the lower portion of the Reserve. The placement of the Fixed Wireless Facility in this area would be a less environmentally detrimental location than if it were to be located on another area of the site.

There may be opportunities for replanting those 6 trees which have been deemed as necessary for removal. The planting of additional trees would have the potential to help minimise any additional runoff generated by the proposed Fixed Wireless Facility, with further vegetation along the lower slopes possibly enabling greater stabilisation of soils which is currently prone to erosion.

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

Applicant Response

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.

Planning Officer Response

The location of the proposed Fixed Wireless Facility is on Bell Hill Reserve, which is one of the highest points surrounding Bindoon townsite (refer to Attachment No. 17). Whilst it is acknowledged that there will be some adverse visual and amenity issues, the majority of residences in the area are facing away from the Bell Hill Reserve itself and further north into the valley.

As depicted in the photo montage (refer to Attachment No. 15) supplied by the Applicant, the Fixed Wireless Facility design is not too dissimilar to a light pole. Further to this, there may be possibilities for the Applicant to screen the lower sections of the monopole and support structures via re-vegetating the area directly around the compound.

The proposed tower is envisaged to be grey in colour and streamline in structure with a height of 40m. This height is comparatively less than the Optus tower, which is understood to have a height of 80m and is a red and white lattice structure.

The Applicant has also stated that some other sites investigated such as the Evergreen Reserve would require a significantly higher tower, which would not be dissimilar to that of the Optus Tower possibly being a 80m latticed structure to reach the coverage objectives envisaged by NBN Co.

- ***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.***

Applicant Response

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.

Planning Officer Response

The Applicant has advised that the location for the Fixed Wireless Facility at Bell Hill Reserve provides the most economically viable method of meeting the coverage objectives for NBN Co and also is the optimal position to reach the most households within the Bindoon townsite area.

NBN Co. have indicated that the use of the fixed wireless system is the most effective method of implementing the technology in Bindoon. In an email dated 26/4/2015 the Applicant advised 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.*

This has also been addressed (by the Applicant) in the accompanying planning report (See Attachment No. 1, Appendix 5 and also in the section of this report titled ‘Applicant addressing provisions of SPP No. 5.2, Sec 5.2 (included in Attachment No. 1 Appendix No. 5).

- ***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.***

Applicant Response

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

Planning Officer Response

The Applicant has advised (as expressed in the planning report accompanying the development application – Attachment No. 1) that the ‘facility will be powered by a proposed underground power cable from an existing Western Power Pole (No. 355549) to the proposed NBN equipment shelter (refer to Attachment No. 1, p. 14).

The Applicant has also addressed the above in the accompanying planning report (See Attachment No. 1, Appendix 5 and also in the section of this report titled “Applicant addressing provisions of SPP No. 5.2, Sec 5.2” (included in Attachment No. 1 Appendix No. 5).

- ***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.***

Applicant Response

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

Planning Officer Response

The application for planning approval proposes to locate the Fixed Wireless Facility on Bell Hill Reserve, with the reserves purpose for 'Public Recreation and Water Supply'.

The Applicant has identified the site as being the most suitable location (see Attachments No. 6 and No. 8) for such as a development as it is seen as being able to service the greatest number of residents whilst also meeting NBN Co's coverage objectives.

With Bindoon's commercial precinct located between two significant hills and a high concentration of rural residential dwellings west of Bell Hill Reserve, the Applicant has advised that the current location being assessed as part of this applications provides the best coverage to both of these areas.

If the Fixed Wireless Facility were to be located in a rural area, away from the concentration of residents and also influenced by the undulating nature of Bindoon and surrounds, it may mean that those living in close proximity to the townsite where there is a greater concentration of residents are located, may not be able to receive that technology.

The Applicant has also addressed the above in the accompanying planning report (See Attachment No. 1, Appendix 5 and also in the section of this report titled "*Applicant addressing provisions of SPP No. 5.2, Sec 5.2*" (included in Attachment No. 1 Appendix No. 5)

- ***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.***

Applicant Response

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.

Planning Officer Response

The topographical nature of Bindoon townsite, being located within a valley bound by two large hills and the majority of the residential population located further west beyond Bell Hill Reserve makes siting a Fixed Wireless Facility of this type difficult in order to protect the amenity of the township but also meet coverage objectives.

The Applicant has advised that the proposal on Bell Hill Reserve is seen as providing the best coverage to meet the Applicant's connectivity objectives to the growing commercial area of Bindoon townsite and surrounds.

The proposal is envisaged to be located atop a vegetated plateau of Bell Hill Reserve away from the actual ridgeline. To minimise any adverse amenity issues, the Applicant has advised they would be willing to screen and landscape the area adjacent the compound to soften the Fixed Wireless Facility within the Bell Hill Reserve.

- ***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.***

Applicant Response

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.

Planning Officer Response

The Applicant has stated that “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 (p. 9, Attachment No. 1).

They have also identified that if the Fixed Wireless Facility was to be erected on the Bell Hill Reserve that there is potential for other existing services to be co-located on the Fixed Wireless Facility advising, “*that Telstra has confirmed that this location is suitable for its' purposes in terms of co-locating its antennas and providing improved mobile coverage*”. In addition to this, the existing Emergency Services Pager tower can be co-located on the Applicants Fixed Wireless Facility. The co-location of the emergency services pager tower would provide the volunteer officers with the potential for improved connectivity in times of emergency, when in the present situation there are a number of blackspot areas.

A number of locations have been suggested in various submissions to Council and have been addressed in the Schedule of Submissions – see Attachment No. 7 and also Attachment No. 6 and No. 8. These were Lots 20 and Lots 7 Gray Road in addition to a property located between Crest Hill Road and Gray Road on Location P49823 – 208. The Applicant has addressed the suitability of these sites in a section of this report titled “Alternative Locations”.

- ***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.***

Applicant Response

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.

Planning Officer Response

The proposed location of the Fixed Wireless Facility on Bell Hill Reserve is already vegetated with a flattened plateau which is surrounded by established trees, ranging in height. The Applicant has advised a willingness to further landscape and further rehabilitate the vegetation on the site. This could be utilised to ensure improved screening of the compound from those engaging with the Bell Hill Reserve and also living nearby.

Camouflaging of the proposed Fixed Wireless Facility was suggested to the Applicant but was seen as not being appropriate in a rural residential area.

It should be noted that many of the dwellings surrounding Bell Hill Reserve face away from the hill top, utilising view towards the surrounding valleys, not Bell Hill Reserve itself.

- **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.**

Applicant Response

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).

Further to the above the Applicant has also stated that “NBN fixed wireless communications facilities operate at radio signal strengths that are thousands of times below the safety limit.

To put the signal strength into perspective, the general public exposure to radio signals from NBN fixed wireless network facilities is less than or equal to the exposure people experience in their home from a domestic wireless router. Alternatively, it’s about one tenth the power of a taxi’s two way radio.

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), the national safety watchdog, advises that “NBN base stations use electromagnetic radiation to provide high speed broadband services to the community. The base stations use similar technology to 4G mobile phones and produce very low exposures to EMR (or EME) in the surrounding area, even very close to the installation. There are no established health effects from these very low levels of RF EMR” (http://www.arpansa.gov.au/radiationprotection/factsheets/is_nbn.cfm)

Compliance with ARPANSA standards is demonstrated by an EME Report already submitted to Council, and attached again for ease of reference. An extract of the EME report is shown in Table 1.

The table below demonstrates the signal strength of the facility as a percentage of the ARPANSA safety standard. It should be noted that a facility operating at 100% of the standard is still considered to be safe by ARPANSA. These figures also reflect a ‘worst case scenario’, indicating the maximum signal strength that the proposed facility is capable of transmitting.

Table 1 – Predicted EME Levels at the Bindoon Facility

Distance from the antennas at Bindoon (Forrest Hills Parade) in 360° circular bands	Maximum Cumulative EME Level – All Carriers at this Site (% of ARPANSA Exposure Limits)	Level Below Australian Standards
0m to 50m	0.02%	5,000 times below Australian standard
50m to 100m	0.015%	Over 6,600 times below Australian standard
100m to 200m	0.16%	Over 625 times below Australian standard
200m to 300m	0.17%	Over 580 times below Australian standard
300m to 400m	0.13%	Over 760 times below Australian standard
400 to 500m	0.076%	Over 1315 times below Australian standard
Maximum EME Level 222.12m from the antennas at Bindoon (Forrest Hills Parade)	0.17%	Over 580 times below Australian standard

It should be noted that the Bindoon facility is to be operated at extremely low power levels – the strongest signal produced by the facility equates to 0.17% of ARPANSA regulations, more than 580 times lower than the Australian Standard” (NBN Co Email 10/3/2015 and Attachment No. 1, p. 29 ‘Appendix 4 ARPANSA EME Report).

Planning Officer Response

As stated by the Applicant in the response above, the table analyses the predicted EME Levels at the Bindoon facility which indicates that for those whom live in the closest proximity to the proposed tower would be (as detailed by the Applicant) the least affected by any EME exposure as a result of the proposed NBN tower. Furthermore those whom would be the most affected by any EMR (100m to 200m from the tower) would still be over 625 times below the Australian Standards.

Furthermore, a number of major hospitals in the eastern states have fixed wireless facilities installed on the external fittings of the buildings, which would indicate a confidence in the low level of EMR exposure to their patients whilst being the most vulnerable.

The Department of Health was contacted as part of the referral process and had no issues or objections with the proposal (refer to Attachment No. 7 – Schedule of Submissions).

- ***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.***

Applicant Response

During construction, NBN Co contractors will endeavor to minimize 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.

Planning Officer Response

The Applicant in their submission outlined that they believe if the proposal was to be approved by Council that *“noise and vibration emissions ... are expected to be limited to the construction phase outlined above. Noise generated during the construction phase is anticipated to be of a 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 (p. 15, Attachment No. 1).*

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” (p. 15, Attachment No. 1).

The Applicant’s timeline for construction of the Fixed Wireless Facility, if approved, would be staged over a 10 week period. They have advised that *“access to the site will be via the existing locked access track off Forrest Hills Parade’ (p.14, Attachment No. 1). NBN Co has advised that “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” (p. 14, Attachment No. 1).*

The Applicant envisages that if approved, during the “*construction phase, 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*” (p. 14, Attachment No. 1).

5.2 Matters to be Considered when Determining Planning Applications

Before determining an application for telecommunications infrastructure the Western Australian Planning Commission and/or local government should consider and have regard to the following (Planning Officer Response Only):

- ***extent to which the proposal contributes to the social and economic benefits of affordable and convenient access to modern telecommunications services for people and businesses throughout the State;***

Planning Officer Response

The Applicant proposes to establish a Fixed Wireless Facility within the Bindoon townsite area atop Bell Hill Reserve. The establishment of such infrastructure would allow for a large portion of the towns residents to experience and utilise fast speed internet access with a significantly improved service which at present is seen as slow and at times unreliable.

The location of the Fixed Wireless Facility on the Bell Hill Reserve as indicated (see alternative sites) by the Applicant provides an opportunity for the provider to reach the greatest number of residents (which also meets their coverage objectives) in a location which is constrained by the undulating nature of Bindoon and surrounds.

The Applicant has advised “*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. To this end, 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. Upgrades will vary from place to place and will include technologies such as Fibre to the Node, Fibre to the Premises, Hybrid Fibre Coaxial, Fixed Wireless and Satellite.*

Due to Australia’s size and particular geographic challenges, the cost of providing fixed line services to all Australian premises is prohibitive. Fixed Wireless represents the most cost effective and efficient technology for providing the NBN to Bindoon. The area has been assessed having regard to the above principles and available technological options” (emailed dated 8/4/2015).

The location atop Bell Hill Reserve also may provide an opportunity for Council to instigate the co-location of other communication services such as Telstra and the DFES pager system (which is currently located on the site). This inturn may improve the connectivity of the Bindoon townsite, which in a 2013 survey conducted by the Shire was an area which needed improvement.

The Shire’s Strategic Community Plan 2012 – 2022 identifies one of its Strategies as to advocate for improved broadband access and promote local businesses.

- ***need to ensure continuity of supply of telecommunications services to people and businesses in the local area or region;***

Planning Officer Response

As relayed above, the Fixed Wireless Facility at Bell Hill may provide opportunities through co-location of Telstra services significantly improve the connectivity of telecommunication in the Ridgetop Ramble and Forrest Hills Parade areas, an area which has been identified by the Federal Government's Department of Communications as a 'Mobile Blackspot' (Refer to http://www.communications.gov.au/mobile_services/mobile_black_spot_programme/mobile_black_spot_programme_interactive_map)

- ***effect of the proposal on the environment and natural landscape and the extent to which the proposal affords protection of these elements;***

Planning Officer Response

The development application submitted to the Shire outlines the need to remove 6 trees to house the compound (8m x 12m). Whilst there is a need to remove trees, there may be opportunities for the Applicant to work with local community groups to offset for the loss of trees and revegetate/rehabilitate the Bell Hill Reserve and improve the conditions of the reserve from an environmental perspective. The compound including the Fixed Wireless Facility should not adversely affect the ability of native animals to live and graze upon Bell Hill Reserve. If the trees which are to be removed are found to provide habitat for native animals, roosting boxes could be installed to mitigate the loss.

- ***effect of the proposal on any place of cultural heritage significance on or near the land;***

Planning Officer Response

The Shire acknowledges that the Bell Hill Reserve was set aside as part of the Chittering Country Club estate, and is not included in the Shires Municipal Inventory as a place of cultural significance. The Applicants have advised in the planning report accompanying the application that there is currently a native title claim over the local area (Chittering); however no determination has been made.

- ***extent to which the proposal enhances or maintains visual amenity including streetscape and minimises adverse visual impacts;***

Planning Officer Response

From an amenity aspect, it is difficult for any telecommunications Fixed Wireless Facility to not affect the visual amenity of any streetscape. During the assessment of this application, the Shire officers have referred to the "Visual Landscape Planning in Western Australia Manual (WAPC, 2007)". It states that "regardless of the visual prominence of utility towers, the community's perception of the importance of their function may impact on their perceived visual impact and therefore on the extent of visibility that is acceptable. For example towers designed to provide safety including lighthouses and airport control towers may be perceived favourably. Public suspicion about potential health risks associated with mobile phone towers and power transmission lines may result in these being less tolerated".

The manual also encourages when applicable, that telecommunications towers be located close to existing features of a similar scale (p. 138), in which case the Applicant has indicated the compound to be located within an area which already comprises established native trees.

The Applicant has provided the Shire with a photomontage (see Attachment No. 15) indicating the visual impact which the Fixed Wireless Facility will have from the roadway approach of Ridgetop Ramble and Forrest Hills Parade (this was also presented at the community forum in November 2014).

Whilst viewing the montage, it is evident that the structure is not unlike a street light power pole albeit higher. Additionally, whilst located near residential dwellings, the Fixed Wireless Facility and compound being located at the top of the plateau within a vegetated portion of the Bell Hill Reserve makes viewing at close range significantly reduced.

It should also be noted that many of the dwellings in the area face away from the site itself, and therefore not as visually impacted if they were directly looking at the Fixed Wireless Facility.

- ***degree to which the proposal is co-ordinated with other services;***

Planning Officer Response

The Applicant has advised that Telstra has indicated an interest in co-locating on the Fixed Wireless Facility if approved. The area which surrounds Bell Hill Reserve has been identified by the Federal Government as a mobile phone coverage blackspot. Co-location of the Telstra services on the Fixed Wireless Facility may provide a significant improvement in connectivity for users in that area. Additionally the existing emergency services pager system could also be co-located on the Fixed Wireless Facility enabling improved connectivity for these vital organisations within the community.

- ***extent to which the proposal fulfils the requirements of Section 5.3 of this Policy; and***

Planning Officer Response

Refer to section below titled "5.3 Information Required to be Submitted when Lodging a Planning Application" from the Officer Comments section.

- ***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.***

Planning Officer Response

Refer to section above titled "5.1 Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure" from the Officer Comments section.

5.3 Information Required to be Submitted when Lodging a Planning Application

In addition to the requirements for planning applications under the relevant town planning scheme, applications for planning approval of telecommunications infrastructure are to include the following information relevant to the description and assessment of the proposal:

- ***graphic illustrations (including photographs of similar facilities and/or computer-generated simulations) showing the type of facility and its relationship with adjacent development;***

Planning Officer Response

The Applicant in the report accompanying the planning application provided a computer generated montage of the Fixed Wireless Facility showing heights, elevations etc in comparison to the surrounding remnant vegetation. They also provided a computer generated image of the proposed site and its relationship between surrounding dwellings, roads etc.

This illustration was included in the information which accompanied the letters distributed to residents, referral authorities and also on the advertising board placed onsite.

- ***elevations showing the extent, height and appearance of the proposed facility as viewed from any adjacent street, public place and adjacent property;***

Planning Officer Response

The Applicant has provided the Shire with a computer generated image of the Fixed Wireless Facility in comparison to the native vegetation which is found within Bell Hill Reserve. Due to the site being at the top of a plateau, it is difficult to provide views from adjacent properties which are located towards the bottom of the Reserve. This was included in the information which accompanied the letters distributed to residents, referral authorities and also on the advertising board placed onsite.

During the Applicant's community workshop (November 2014) a photomontage was shown indicating the tower's impact upon the area if it were to be approved (see Attachment 15 Photo Montage).

- ***proposed materials and colour of the facility, and proposed arrangements for maintenance and/or future modifications in response to changes to any adjacent buildings or structure;***

Planning Officer Response

The materials and colours which are envisaged to be used by the Applicant for the Fixed Wireless Facility have been included on the plan titled 'Site Setout Plan' included in Attachment No. 1.

- ***any screening or fencing proposed in conjunction with the facility, including arrangements for maintenance;***

Planning Officer Response

The type of fencing for the compound is expressed in the plan titled "Site elevations and details" and advises the type of fencing as being a 2.4m high chainlink security compound with 3m wide access gates. The Applicant has advised a willingness to screen the compound area, which could be detailed specifically if Planning Approval was to be granted.

- ***any external lighting of the proposed facility and/or the facility site;***

Planning Officer Response

N/A

- ***details of any existing vegetation to be removed and any proposals for landscaping and/or restoration of any disturbed land;***

Planning Officer Response

The details of existing vegetation envisaged to be removed is included on the plan titled "Site Setout Plan" in Notes 5 and 6 included in Attachment No. 1. This plan was included in the information which accompanied the letters distributed to residents, referral authorities and also on the advertising board placed onsite.

As previously advised the proposed works will include the removal of 6 minor trees and the trimming of one. Images of the trees in the vicinity of location of the proposed facility are included in Attachment No. 4.

- ***details of any significant environmental constraints and, where relevant, commitments stating how these constraints will be managed to prevent an unacceptable impact on the environment; and***

Planning Officer Response

The details of any significant environmental constraints (Erosion, Sedimentation Control and Weed Management, Flora and Fauna Study and Endangered Species) were addressed by the Applicant in the Planning Report which accompanied the development application (see p. 21 – 22 of Attachment No. 1). In their report they stated that:

“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.

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 an environmentally sensitive area.

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 indicated 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”. (p. 21/22)

- ***details of the timing of works involved in establishing the facility and any arrangements for temporary access and/or changes to existing access facilities during the course of construction;***

Planning Officer Response

A total construction period of approximately ten weeks (including civil works and network integration and equipment commissioning) is anticipated by the Applicant. 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 (p. 15, Attachment No. 1).*

Access to the site will be via the existing locked access track off Forrest Hills Parade. NBN Co has advised that *“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”* (p. 14, Attachment No. 1).

“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” (p. 14, Attachment No. 1).

Details in relation to site modification can be detailed in the ‘Notes’ section (of Attachment No. 1, Sections 2 and 3 of the plan titled “Site Setout Plan” which indicates that *“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 slope, leveling and possible rerouting. Retaining wall at entry may be required TBC after feature survey”.*

This illustration was included in the information which accompanied the letters distributed to residents, referral authorities and also on the advertising board placed onsite.

Further, section 5.3 of the Telecommunications Infrastructure Policy indicates that *“the application should also be supported by a written statement or report setting out:*

- i. the maximum power output of the facility and radiofrequency electromagnetic energy levels in accordance with the Industry Code for the Deployment of Radio communications Infrastructure 2002. This statement is to demonstrate that the carrier accepts full responsibility for compliance with the Radio communications Act;*
- 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;*

Planning Officer Response

The Applicant advises that the proposed Fixed Wireless Facility would act as a terminal site for NBN Co’s rollout. The interlinking nature of the coverage from surrounding Fixed Wireless Facility is illustrated in Figure 1 in Attachment No. 1 (the Applicant’s Planning Report (p. 7).

- 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;*

Planning Officer Response

In the Applicant’s accompanying Planning Report, Section 6.3 *“Local Legislation”* addresses the provisions of the Shire’s Town Planning Scheme No. 6, in addition to the various applicable local planning policies, zoning and provisions.

Shire of Chittering Town Planning Scheme No. 6

In assessing the application, the Planning Officers have addressed Part 10 – Procedure for Dealing with Applications, Section 10.2 Matters to be considered by Local Government (see below).

10.2 – Matters to be considered by Local Government

10.2 MATTERS TO BE CONSIDERED BY LOCAL GOVERNMENT The Local Government in considering an application for Planning Approval, is to have due regard to such of the following matters as are in the opinion of the Local Government relevant to the use or development the subject of the application-

(a) the aims and provisions of the Scheme;

Throughout the assessment process, Planning Officers have taken consideration of the aims and provisions of the Scheme. The key aims of the scheme which relate to (amongst others) the proposal include:

- (a) To provide environmental protection and enhancement of biodiversity and the natural resources including land, air and water quality;
- (g) To protect and improve areas of remnant vegetation and, waterways from further degradation;
- (n) To co-operate with community groups and to assist in sustainable enterprises for the benefit of the agricultural industry and the community as a whole.
- (o) To provide for essential infrastructure consistent with and as needed to support the other aims of the Scheme.

Whilst the Applicant has advised the need to remove 6 trees for the proposed development of the Fixed Wireless Facility including compound (96m²), the development may provide an opportunity for Council, local community and environmental groups to work collaboratively to improve and enhance the Bell Hill Reserve area through replanting of indigenous trees to compensate for the loss.

The proposed development, atop the plateau of Bell Hill Reserve minimises the possibility of degradation, however revegetation to screen the compound may mitigate the rate of degradation.

The Applicant have advised, that if approved, they would utilise an existing access track (along Forrest Hills Parade) with the possibility for improvements to this portion of the track – a benefit for volunteer emergency vehicle whom may need access the reserve to fight fires.

The proposal for the Fixed Wireless Facility, provides increased opportunities for the Shire to provide residents of Bindoon with infrastructure which may provide benefits for a variety of residents both in terms of access to internet, but also if approved the co-location of the DFES Pager and Telstra Mobile Antenna with improved mobile service coverage.

(b) The requirements of orderly and proper planning including relevant proposed new district planning scheme or amendment, which has been granted consent for public submissions be sought;

The Shire has assessed and dealt with the Planning Application in accordance with Shire of Chittering's Town Planning Scheme No. 6.

(c) any approved Statement of Planning Policy of the Commission;

Throughout the process, the Shire has referred to the Western Australian Planning Commission's Statement of Planning Policy No. 5.2 Telecommunications Infrastructure, which has been read in conjunction with the "Guidelines for the Location, Siting and Design of Telecommunication Infrastructure".

(d) any approved environmental protection policy under the Environmental Protection Act 1986;

The Applicant advised that they undertook a desktop study of the EPBC Act's "Protected Matters" search (refer to Attachment No. 1 Section 7.4 Flora and Fauna Study (p. 21/22)).

(e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;

Planning Officers have assessed the application under the provisions of WAPC's "State Planning Policy No. 5.2 Telecommunications Infrastructure" (2008) in addition to the State Planning Strategy.

(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;

Planning Officers have taken into consideration the provisions of the Shire of Chittering's Local Planning Policy No. 1 – Bindoon

(g) the aims and objectives of Catchment Management Plans and Principles for the Scheme Area;

N/A

(h) In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;

A number of submissions (see Attachment No. 7 Schedule of Submissions) questioned the Shires ability to entertain such an application given the ultimate purpose for the reserve. In liaising with an Officer from the Department of Lands they advised that:

"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).

Despite the above, it is noted that *"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" (email dated 22/4/2015)*

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).

Further to the above, the *Crown Land Administration and Registration Practice Manual (July 2013)* in Section 4.7.22 outlines the following:

Section 4.7.2.2 Cancellation or Amendment of Conservation and Nature Reserves

Minor amendments to conservation parks, national parks and Class A nature reserve include:

- Excising 5% or one hectare, whichever is lesser, of the area of such a reserve for the purpose of public utility services (p. 4-19).

Further, Section 152 Reserves states that 'land can be reserved and used for other purposes in whole or in part, at a later time' (p. 4-21).

(i) the conservation of any place that has been registered in the Register of Places within the meaning of the Heritage Act of Western Australia 1990, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;

N/A

(j) the compatibility of a use or development within its setting taking into consideration any Special Control Area.

The location of the proposal is not within any of the Shire's Special Control Area's as outlined in the Shire of Chittering Town Planning Scheme No. 6 – Scheme Maps.

(k) any social issues that have an effect on the amenity of the locality;

From a social perspective, a range of concerns have been raised by various residents and community groups in their respective submissions to the Shire regarding the development application.

These concerns have been addressed by Council Officers and the Applicant in the Schedule of Submissions (see Attachment No. 7).

(l) the cultural significance of any place or area affected by the development;

Bell Hill Reserve was set aside as part of a subdivision for the "Chittering Country Club Estate" to be utilised by local residence as a place for bushwalking and other recreation. There is no known cultural significance associated with the site.

(m) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;

The planning report accompanying the development application has outlined that it is envisaged that 6 trees will be required to be removed from the site as a result of construction of the Fixed Wireless Facility including the compound.

Further grading will be required to improve vehicular access to the site (as noted on the Site Plans).

(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, bush fire or any other risk;

The Reserve pertaining to this application has historically been prone to bushfires. There may be opportunities however for the Applicant to help improve vehicular access ensuring more efficient fire fighting access.

In a number of submissions concerns were raised about the ability of 'waterbombing' helicopters ability to access the site during fire emergencies.

The Applicant has advised *"that 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 License. Bindoon airport and the ADF have been contacted regarding the proposal and once received, any requirements will be forwarded to Council"* (Attachment No. 1, p. 24).

(o) the preservation of the amenity of the locality;

The amenity of the area will be largely preserved if the Fixed Wireless Facility was to be established within the Bell Hill Reserve. Many of the dwellings which are located in close proximity are directed towards the valley and surrounding rural views and vistas.

From a direct street level adjacent the Bell Hill Reserve, it would be difficult to see most of the tower and compound itself with it sitting atop a plateau and surrounded by existing vegetation. The impact of the tower itself is more prominent when a short distance from the Reserve itself and also from Great Northern Highway.

The tower is not unlike the street light poles (albeit higher & excluding the connecting power lines) which line the residential roadways on the way to accessing the site. The similarities are indicated on the photomontage included in Attachment No. 15 which clearly shows both the street light poles and power lines in the foreground and the tower atop Bell Hill Reserve.

With its grey colouring and streamline monopole, is not as visually intrusive as a lattice structure with red and white colouring.

(p) the relationship of the proposal to development on 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 proposal;

As noted above (o), many of the dwellings located along Forrest Hills Parade face away from Bell Hill Reserve taking in the rural vistas and valley below further north of the townsite. The impact on their views despite its size is diminished because of this and the fact that the proposal is atop a steep hill with the highest elements vegetated by established trees and flat. The location of the proposed tower to the two closest dwellings is 80m and 94m respectively.

Whilst the proposed Fixed Wireless Facility may be partly visible from a number of locations due to the topography of the area, the amenity of the area is not as significantly affected due to the design proposed and possibilities for revegetation.

A graphically generated depiction of the Fixed Wireless Facility and the remnant trees was included in the Planning Report submitted with the development application (See Attachment No. 1) and also the photomontage (See Attachment No. 15) indicates the height, bulk, scale and appearance of the Fixed Wireless Facility.

(q) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;

The Applicant proposes to improve access to and egress from the site. In the report accompanying the development application, they state that *"The proposed NBN compound will be accessed via the existing locked access track of Forrest Hills Parade. NBN 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"* (Attachment No. 1, p. 14).

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" (Attachment No. 1, p. 14).

In Attachment No. 1's "Site Setout Plan" in the 'Notes' section, NCN Co state that *"(2) safe vehicle access is currently not possible as the entire access is steep. The access is too steep at entry. (3) Access upgrade is required that include earthwork, regarding slope, leveling and possible rerouting. Retaining wall at entry may be required TBC after feature survey"*. Improvement to this area may provide increased accessibility for emergency services vehicles in the case of a fire emergency on the Bell Hill Reserve.

(r) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;

As detailed above (q)

(s) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;

N/A

- (t) whether the public utility services are available and adequate for the proposal. This includes existing facilities and those planned for construction to meet the needs of the proposal and future servicing requirements of the Scheme Area.**

The Applicant has detailed that “the facility will be powered by a proposed underground power cable from (an) existing Western Power pole (No. 355549) to the proposed NBN equipment shelter” (Attachment No. 1, p. 14)

- (u) Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);**

The Applicant envisages utilising a compound measuring an area of 12m x 8m (96m²) with the rest of the Reserve able to be accessed by the general public. 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.

- (v) whether adequate provisions have been made for access by disabled persons;**

N/A

- (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;**

The Applicant has indicated that they are willing to screen the compound with vegetation to minimise any visual amenity issues as a result of the proposed development. The proposed development envisages clearing a total of 6 trees; the rest of the Bell Hill Reserve will be left untouched.

- (x) whether the proposal is likely to cause soil erosion or land degradation;**

The Applicant addresses the above in Section 7.3 *Erosion, Sedimentation Control and Waste Management* in Attachment No. 1.

Locating the facility on top of Bell Hill Reserve poses a smaller risk of land degradation than if it were located on the steep slopes. The removal of 6 trees for the proposed construction of the Fixed Wireless Facility including the compound could be compensated through a revegetation program which may help mitigate any adverse affects such as soil erosion and land degradation.

- (y) the potential loss of any community service or benefit resulting from the Planning Approval;**

The proposal under consideration has the ability to provide a portion of the community of Bindoon with significantly improved internet speeds. Improved internet speeds may be seen as crucial to those involved in business through to the town’s youth who need to ‘stay connected’ for educational (as well as social) purposes. With the possibility of co-location of the Telstra mobile antenna and also the DFES pager tower it may also result in improved mobile coverage in areas where it is currently identified as unreliable or not satisfactory.

- (z) the conservation of water resources;**

N/A

(aa) any relevant submissions received on the application;

All relevant submissions received by the Shire have been included and addressed in Attachment No. 7 – Schedule of Submissions with responses addressed by both the Applicant and also the Shire Officers.

(bb) the comments or submissions received from any authority consulted under clause 10.1.1; and

As above.

(cc) any other planning consideration the Local Government considers relevant.

Strategic

From a strategic perspective the Shire has a number of documents which provide short, medium and long term guidance. They are also used to measure our results.

Shire of Chittering Biodiversity Strategy (2010)

The Shire's Local Biodiversity Strategy identifies Bell Hill Reserve as 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 *"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).

The Chittering Landcare in its letter stated that *"Bell Hill is not identified on the revised mapping of HVCA's (High Value Conservation Areas) and is not within a local or regional linkage, its priority for changing its purpose from "Recreation and Water Supply" to "Conservation" would not be as high"*.

The Local Biodiversity Strategy document emphasised that before a 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.

The Applicant conducted a desktop study of the EPBC Act's 'Protected Matters' search which indicated *"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 fauna identified as possibly being in the area"* (Attachment No. 1 - Sections 7.4 Flora and Fauna Study and 7.5 Endangered Species)

Shire of Chittering Local Planning Strategy (2001 – 2015)

The Shire of Chittering Local Planning Strategy outlines the long term goals of the Shire. In the mission statement of the document it states that:

"Our Mission is to work with and for the community to:

- *Protect our natural environment*
- *Enhance our rural lifestyle*
- *Develop quality services and facilities*
- *Facilitate suitable development and employment opportunities"* (p. 2).

Whilst the mission states that the Shire is to protect the natural environment, it also is encouraging of providing facilities and infrastructure which will enhance the rural lifestyle and also facilitate suitable development and employment opportunities.

The proposed Fixed Wireless tower is an opportunity for the Shire to establish infrastructure which would enhance the lifestyle of many of the residents within the Bindoon townsite who use internet services on a daily basis for educational, business and personal pursuits.

It also has a minimal impact on the environment in terms of the clearance of 6 trees and the possibility of the Applicant engaging in a revegetation program to compensate for the loss of trees with local community groups.

In a State Planning Strategy context, the Local Planning Strategy follows the Regional vision statements of the State Planning Strategy:

- *“Development of a range of expanded and consolidated towns linked by improved infrastructure*
- *Encouragement of innovation in agriculture, environmental management, and downstream processing of agricultural produce*
- *Rehabilitation and protection of productive farmlands*
- *Maintain and enhance vibrant, viable communities*
- *Sustainable management of the natural resources” (p. 4)*

Further to the above, Section 5 – Settlement Patterns and Infrastructure (p. 14) of the Local Planning Strategy states that one of the key aims is to *“Promote Bindoon as the primary service centre for administration, retail and community services”*.

The development of the Fixed Wireless Facility on Bell Hill Reserve would provide an opportunity for the aims of the strategy mentioned above to be met and improved as it would enable increased connectivity for business in the townsite.

Shire of Chittering Strategic Community Plan (2012-2022)

The Shire’s Strategic Community Plan under the title ‘Economic: Prosperity for the Future’ states ‘Our Vision’ as: *Chittering will have created a prosperous and thriving economy to ensure employment is available and Chittering thrives. Our natural areas will continue to attract visitors and be a weekend destination.*

This outcome to ‘Support Local Businesses’ in the strategy was to ‘Advocate for improved broadband access. Promote local businesses. The key priorities of this was to Lobby Federal Government, with the timeframe as ongoing with partners such as NBN (p. 17, Shire of Chittering Strategic Community Plan).

Further to the above, in the section titled “Economic: Prosperity for the Future” the outcome is to “Support Local Businesses” with the strategies to “Advocate for improved broadband access. Promote local businesses”. The measurable results state that ‘Council proactively participates in the National Broadband Network rollout – level of take up of new “broadband’ services (p. 26, Shire of Chittering Strategic Community Plan).

The timeframe was seen as being achieved in the short, medium and long term and reiterates the Shire’s desire to obtain such infrastructure to the benefit of the community at large.

Management Plan – Bell Hill Reserve

In May 2001 the Chittering Country Club Open Space Committee adopted the Management of the Public Open Space in the Chittering Country Club Estate.

In this document it outlined a number of recommendations which had the potential to be implemented to improve the Bell Hill Reserve from an environmental perspective. Whilst the general recommendation for the area is for the preservation of the existing flora and fauna, there was potential for the upgrading of firebreaks, control of wild oats and weeds and the removal of hazardous dead trees and fire hazard reduction.

If the proposal for the Fixed Wireless Facility were to be approved, the recommendations from the Management Plan could be implemented to a more significant extent than previously through conditions of approval.

Report from site visit to Bell Hill reserve no. 44213 Chittering Country Club Estate (by Raffey Andreoli, Landcare Coordinator dated Monday 22 October 2001)

The document indicated that whilst having conservation values, the Reserve is degraded and would benefit from some rehabilitation works. The proposal entertained in this report, whilst requiring works to be undertaken may also provide an opportunity for rehabilitation works in collaboration with local community groups to improve the site.

CONCLUSION

In concluding, the application for the Fixed Wireless Facility on Bell Hill Reserve, if approved has the potential to generate a significant improvement in communications in the Bindoon townsite and surrounding Rural Residential areas via the internet and potentially via mobile and pager services. This development may also have the potential to provide to a broadrange of residents and businesses with social and economic benefits with smaller benefits to the environment to the Bell Hill Reserve itself.

Critically, in the Shire's Strategic Community Plan outlined that in the section titled "*Economic: Prosperity for the Future*" the outcome is to "*Support Local Businesses*" with the strategies to "*Advocate for improved broadband access. Promote local businesses*". The measurable results state that "*Council proactively participates in the National Broadband Network rollout – level of take up of new 'broadband' services*". If Council were to entertain this application and approve it, it would be a step towards achieving its strategic goal in supporting local businesses and advocate (successfully) for the improved broadband access which the Fixed Wireless Facility has the potential to achieve.

Furthermore, these improvements have the potential to modernise services available in this part of the Shire with the potential for improved business connectivity and efficiency for those undertaking business online and also the younger generation whom are increasingly being educated via online means.

From a social perspective, local emergency personnel have advised that if the tower were to be approved, it has the potential to improve communication (by both the pager network and also mobile coverage) between emergency officers whom may be attending a call out.

Whilst it is acknowledged that there will be some impact upon Bell Hill Reserve from an environmental perspective, there is potential for significant improvements (if approved) through rehabilitation and revegetation of the Reserve with the Applicant working with local community groups to achieve these objectives.

In assessing the application for the proposed Fixed Wireless Facility, it is highlighted that Bell Hill Reserve provides the most appropriate location for such a development due to:

- the locations ability to provide coverage to a significant catchment of potential users covering a large portion of people living in Bindoon townsite and also further west of Bell Hill Reserve into the “Chittering Country Club Estate” which is a more densely populated area of the town. This location is seen by the Applicant as providing the most evenly distributed coverage for the four antenna sectors which in turn provides optimal network service. Other locations explored by the Applicant indicate a diminished catchment of potential users and a reduced efficiency of the service. Other alternative sites explored may result in a larger, more visually obtrusive structure which may not still with the increased height meet the residential catchment Bell Hill Reserve potentially can;
- the location also providing potential coverage to areas of new rural residential development further north of the townsite such as along Gray Road and Tea Tree Road in a long term strategic context;
- having the potential for the appropriate co-location of a number of additional communications networks ie DFES paging tower, Telstra in an area which is identified by the Federal Governments Department of Communications ‘Mobile Blackspot Program’; and
- the potential to improve and rehabilitate the area to the benefit of the environment. ,

It is recommended that Council approve the application subject to conditions.

9.1.1 OFFICER RECOMMENDATION

Moved Cr Rossouw / Seconded Cr Clarke

That Council:

1. Prior to issuing the Planning Approval, apply to the Department of Lands to excise a portion (96m² compound and access track) of Bell Hill Reserve and re-reserve it for ‘Telecommunications Infrastructure’ with the power to lease.
2. That the Applicant enters into a lease agreement with the Shire for the portion of the Reserve for the purpose of NBN Fixed Wireless Facility. The Lease Agreement is to be prepared by the Shires Solicitors and all costs associated with the preparation of the lease agreement will be borne by the Applicant.
3. That the Shire President and Chief Executive Officer be authorised to sign and fix the Common Seal to all relevant documents relating to this approval.
4. Upon satisfactory completion of Conditions 1 and 2 above, grant planning approval for the proposed Telecommunications Facility/NBN Fixed Wireless Facility at Lot 12383 (Bell Hill Reserve No. 44213) Forrest Hills Parade Bindoon subject to the following conditions:
 - a. Screening and landscaping of the area within a 10m radius of the compound is to be implemented by the Applicant within a period of 3 months of finalising of the Fixed Wireless Facility. The extent of landscaping and screening is to be to the satisfaction of the Chief Executive Officer, with the type of screening plants and planting regime to be at the discretion of Chittering Land Care. During this process upgrading of fire breaks, control of weeds and removal of dead tress surrounding the compound will be undertaken by the Applicant at the direction of Chittering Land Care to the satisfaction of the Chief Executive Officer.

- b. The Applicant is required to plant 50 trees to compensate for the loss of 6 trees as a result of the construction of the 96m² compound to house the tower and they are to be maintained for two years from planting. Timing of planting and species to be at the discretion of Chittering Land Care.
- c. Kangaroo proof protection of new trees (for revegetation and landscaping) to be installed during the planting process.
- d. If trees which are required to be removed are deemed as habitat for any endangered species at present or in the future upon maturation, the Applicant is to contribute to the installation of roosting boxes to compensate for the potential loss of habitat.
- e. The Applicant is required to obtain a clearing permit from the Department of Environmental Regulation prior to undertaking any clearing of vegetation and/or trees on Bell Hill Reserve.
- f. The Applicant to provide rubbish bins during construction phase 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.
- g. The Applicant is to immediately once upon construction of the tower is complete, co-locate the existing DFES pager antenna on the tower to the satisfaction of DFES.
- h. The Applicant is to register the tower with the appropriate Aviation Authority.
- i. Any monies generated to the Shire as a result of the lease of the compound and access track is to be held and redirected into improving Bell Hill Reserve and the additional reserves within the Chittering Country Club Estate (Evergreen Rise and Hidden Gully)
- j. The supporting infrastructure for the development, in particular the equipment shelter shall be clad in new, non reflective materials in order to minimise the visual impact of the development on adjoining properties;
- k. A building license shall be issued by the Shire of Chittering prior to the commencement of any work on the site.
- l. Any soils deposited or disturbed on-site shall be stabilised to the approval of the Chief Executive Officer.
- m. Any noise emitted during the operation of the tower shall be in accordance with the Environmental Protection (Noise) Regulations 1997.
- n. Stormwater generated from the development of the compound and access track shall be managed to the satisfaction of the Chief Executive Officer.

Advice note:

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where planning approval has lapsed, no further development is to be carried out.
2. The Applicant has a right of review to the State Administrative Tribunal should the Applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal within twenty-eight (28) days of Council's decision.

Cr Douglas requested that the motion be split, as he thought there are two separate issues. The first being the decision to excise the land & power to lease request to DoL, and the second being the Planning Approval for the proposed facility.

PROCEDURAL MOTION

Moved Cr Douglas / Seconded Cr Norton

That the recommendation be split into two parts.

THE MOTION WAS PUT AND DECLARED CARRIED 6/1

COUNCIL MOTION

Moved Cr Norton / Seconded Cr Gibson

That Council prior to issuing the Planning Approval, apply to the Department of Lands to excise a portion (96m² compound and access track) of Bell Hill Reserve and re-reserve it for 'Telecommunications Infrastructure' with the power to lease.

THE MOTION WAS PUT AND DECLARED LOST 2/5

PROCEDURAL MOTION

Moved Cr Douglas / Seconded Cr Norton

That the previous Council Motion be revoked.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

Cr Douglas advised it was his intention that points 2 & 3 should have been included in the split motion.

PROCEDURAL MOTION

Moved Cr Douglas / Seconded Cr Mackie

That the Recommendation be split into two parts, the first part consisting of Points 1, 2 and 3. The second part is to consist of Point 4.

THE MOTION WAS PUT AND DECLARED CARRIED 6/1

***Note:** The Officer's Recommendation was not accepted due to the fact that Council considered that the recommendation required Council to make decisions on two separate issues whilst casting only one vote.*

COUNCIL MOTION

Moved Cr Mackie / Seconded Cr Clarke

That Council:

1. Prior to issuing the Planning Approval, apply to the Department of Lands to excise a portion (96m² compound and access track) of Bell Hill Reserve and re-reserve it for 'Telecommunications Infrastructure' with the power to lease.
2. That the Applicant enters into a lease agreement with the Shire for the portion of the Reserve for the purpose of NBN Fixed Wireless Facility. The Lease Agreement is to be prepared by the Shires Solicitors and all costs associated with the preparation of the lease agreement will be borne by the Applicant.
3. That the Shire President and Chief Executive Officer be authorised to sign and fix the Common Seal to all relevant documents relating to this approval.

THE MOTION WAS PUT AND DECLARED LOST 2/5

Note: The Officer's Recommendation was not accepted due to the fact that Council does not wish to make an Application to the Department of Lands.

COUNCIL MOTION -

Moved Cr Rossouw / Seconded Cr Clarke

That Council, upon satisfactory completion of Conditions 1 and 2 above, grant planning approval for the proposed Telecommunications Facility/NBN Fixed Wireless Facility at Lot 12383 (Bell Hill Reserve No. 44213) Forrest Hills Parade Bindoon subject to the following conditions:

- a. Screening and landscaping of the area within a 10m radius of the compound is to be implemented by the Applicant within a period of 3 months of finalising of the Fixed Wireless Facility. The extent of landscaping and screening is to be to the satisfaction of the Chief Executive Officer, with the type of screening plants and planting regime to be at the discretion of Chittering Land Care. During this process upgrading of fire breaks, control of weeds and removal of dead tress surrounding the compound will be undertaken by the Applicant at the direction of Chittering Land Care to the satisfaction of the Chief Executive Officer.
- b. The Applicant is required to plant 50 trees to compensate for the loss of 6 trees as a result of the construction of the 96m² compound to house the tower and they are to be maintained for two years from planting. Timing of planting and species to be at the discretion of Chittering Land Care.
- c. Kangaroo proof protection of new trees (for revegetation and landscaping) to be installed during the planting process.
- d. If trees which are required to be removed are deemed as habitat for any endangered species at present or in the future upon maturation, the Applicant is to contribute to the installation of roosting boxes to compensate for the potential loss of habitat.
- e. The Applicant is required to obtain a clearing permit from the Department of Environmental Regulation prior to undertaking any clearing of vegetation and/or trees on Bell Hill Reserve.
- f. The Applicant to provide rubbish bins during construction phase 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.
- g. The Applicant is to immediately once upon construction of the tower is complete, co-locate the existing DFES pager antenna on the tower to the satisfaction of DFES.
- h. The Applicant is to register the tower with the appropriate Aviation Authority.
- i. Any monies generated to the Shire as a result of the lease of the compound and access track is to be held and redirected into improving Bell Hill Reserve and the additional reserves within the Chittering Country Club Estate (Evergreen Rise and Hidden Gully)
- j. The supporting infrastructure for the development, in particular the equipment shelter shall be clad in new, non reflective materials in order to minimise the visual impact of the development on adjoining properties;
- k. A building license shall be issued by the Shire of Chittering prior to the commencement of any work on the site.
- l. Any soils deposited or disturbed on-site shall be stabilised to the approval of the Chief Executive Officer.
- m. Any noise emitted during the operation of the tower shall be in accordance with the Environmental Protection (Noise) Regulations 1997.
- n. Stormwater generated from the development of the compound and access track shall be managed to the satisfaction of the Chief Executive Officer.

Advice note:

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where planning approval has lapsed, no further development is to be carried out.
2. The Applicant has a right of review to the State Administrative Tribunal should the Applicant be aggrieved by Council's decision. Such a review should be lodged to the State Administrative Tribunal within twenty-eight (28) days of Council's decision.

THE MOTION WAS PUT AND DECLARED LOST 2/5

Note: *The reason for Council not supporting the Officer's Recommendation was that the decision made on Points 1,2 and 3 has rendered Point 4 irrelevant.*

Cr Norton declared an impartiality interest in item 9.1.2 as her address fell within the zone of invited submissions

9.1.2 Proposed Scheme Amendment No. 53 – Rezoning of Bindoon Primary School Site*

Report date	20 May 2015
Applicant	Whelans
File ref	18/02/24
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Scheme Amendment documents 2. Extract from OCM held on 17 December 2014, item 9.1.3 3. Schedule of Submissions

Background

Council at its 17 December 2014 Ordinary Council Meeting resolved to initiate the proposed Scheme Amendment for rezoning of the Bindoon Primary School Site:

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 Shire has followed the procedures set out above and now requires Council's consideration for adoption of the Scheme Amendment.

Consultation

The Shire forwarded the proposed Scheme Amendment to the Environmental Protection Authority (EPA) as required by the Town Planning Regulations. The EPA notified the Shire it would not assess the proposal and had no comments to make.

Following EPA's advice, the Shire advertised the proposed Scheme Amendment in the following ways for the required 42 days:

- (1) Newspaper advertisements:
 - (a) The Advocate (11 March 2015, page 28); and
 - (b) Northern Valleys News (March 2015).
- (2) Shire website:
 - (a) Have your say; and

- (b) Public notices.
- (3) Shire Facebook page;
- (4) Shire's electronic newsletter 'eChatter', April 2015;
- (5) Shire's administration centre:
 - (a) public notice board;
 - (b) administration front counter; and
 - (c) development services counter.
- (6) Letters to nearby affected landowners (ref PA9392);
- (7) Letters to relevant agencies (ref PA9399):
 - (a) Main Roads WA;
 - (b) Ellen Brockman Integrated Catchment Group;
 - (c) Western Power;
 - (d) Department of Water;
 - (e) Water Corporation; and
 - (f) Department of Parks and Wildlife

No public submissions were received in this process however five (5) agency submissions were received, none objecting, and are included in the Schedule of Submissions (refer attachment 3).

Statutory Environment

State: *Planning and Development Act 2005*
Town Planning Regulations 1967

State: *Land Administration Act 1997, section 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:

- (1) *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;*
- (2) *To prohibit land uses which may adversely effect the living and visual amenity of the location;*
- (3) *To provide for the protection of the natural environment;*
- (4) *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: *1.5 Execution of documents*

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 hectares 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

The Shire has considered the zoning of the school site should be amended from the current Townsite zone (Reserve 24627) and proposed Townsite zone (Reserve 35116) to 'Public Purposes' Reserve for the purpose of 'School'. It is considered this is more appropriate as Bindoon Primary School is a public school developed on Crown Land vested to the Department of Education. This view has been supported by the Department of Planning. The Applicant has expressed the benefits of the site to be zoned 'Townsite' such as allowing flexibility for other development should the school cease operation. The Shire agrees the Townsite zone offers flexibility and an 'education establishment' is permitted in the zone, however the 'Public Purpose' Reserve for the school is put in Schemes for this very reason and it is not believed the Bindoon Primary School is at risk of closure in the near future. Further to this, should circumstances change, a Scheme Amendment to rezone to Townsite could be considered more comprehensively to assess the opportunities of development for the site and locality.

The road closure process is being progressed by the Shire's Technical Services department and does not form part of this Scheme Amendment consideration.

It is the Officer's Recommendation that Council adopt the Scheme Amendment subject to modifying the rezoning from 'Townsite' to the 'Public Purpose' Local Reserve for the purpose of 'School'.

9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 0705015

Moved Cr Rossouw / Seconded Cr Gibson

That Council:

1. In pursuance of section 87 of the *Planning and Development Act 2005* and regulations 17(2)(a) and 25 of the *Town Planning Regulations 1967* resolves to adopt Scheme Amendment No 53, with the following modifications:
 - a. Amend the proposed zone of Reserve 35116 from 'Townsite' to Local Reserve 'Public Purpose – school';
 - b. Amend the zone of the Bindoon Primary School (Reserve 24627) from 'Townsite' to Local Reserve 'Public Purpose – school'; and
 - c. Amend the Scheme Map accordingly.
2. Authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Scheme Amendment documents and forward them to the Western Australian Planning Commission.
3. Authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal to any relevant documents associated with this Scheme Amendment.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.1.3 Additional Dog Application –195 Philmore Street, Muchea

Report date	20 May 2015
Applicant	Brian Van Den Beuken
File ref	A9213
Prepared by	Matthew Johns, Ranger
Supervised by	Jamie O’Neill, Community Emergency Services Manager
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Background

The Applicant currently owns two dogs registered within the Shire of Chittering, which are a female sterilised Scottish Terrier X breed and a female West Highland Terrier breed.

The Applicant has made an application to add a Maltese X breed dog to their household under Section 26 of the Dog Act 1976, Part V – KEEPING OF DOGS – Limitation as to numbers.

The property is on 2.0234 hectares zoned “Townsite”.

The fencing is in good condition, it is steel poles with cyclone mesh to a height of 0.90 metres in the internal compound. The boundary fence consists of steel poles cyclone mesh to a height of 1.5 metres.

The dogs are both outside and inside dogs, they sleep inside and dogs are outside when the owner is home. The dogs are exercised as they can run in the compound and outside the compound if the owner is home.

The dogs came to Shire of Chittering Ranger’s attention through a complaint.

Consultation

The Shire Ranger has sent letters to Thirteen (13) adjacent and adjoining land owners giving them the opportunity to comment on the additional dog application.

Table 1: Summary of four (4) submissions received:

	Summary of respondents comments	Officers comment
Respondent 1	Supported- Stated as long as it is only those three dogs and when one of the dogs is deceased it is not replaced.	Condition 4 - “Should one of the current registered dogs under this application become deceased, the Applicant(s) cannot replace it with another dog without first reapplying and receiving approval from the Shire of Chittering for an extra dog”
Respondent 2	Objected- Stated there are constantly dogs barking in the area, we walk daily and it’s not peaceful doing so, there are plenty of properties already with 3 plus dogs so I don’t feel more dogs should be in the area, the dogs seem to bark uncontrollably without any discipline	Received nuisance complaint April 2013. No nuisance dog diaries submitted. Nuisance dog diaries offered but refused by complainant.
Respondent 3	Supported	Noted

	Summary of respondents comments	Officers comment
Respondent 4	Objected- Stated no, there are too many dogs in the neighborhood, with some illegal breeders in Philmore Street.	Dog Act 1976 S26(2)(b) "cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age;". In regards to breeding of dogs, the Dog Act 1976 only relates to an offence relating to Dangerous dogs (restricted breeds) being bred.

When attending property the three dogs were in the compound.

The dog owner when asked about barking said that they own bark collars.

Statutory Environment

State: Dog Act 1976, Part V – KEEPING OF DOGS – Limitation as to numbers, Section 26

- 1) *The provisions of this Part shall not operate to prevent the keeping on any premises of 2 dogs over the age of 3 months and the young of those dogs under that age.*
- 2) *Subject to subsection (1), a Local Government, pursuant to local laws, may limit the number of dogs over the age of 3 months, or the number of such dogs of any specified breed or kind, that may be kept on any premises situated in a specified area to which those local laws apply unless those premises are licensed as an approved kennel establishment or are exempt.*
- 3) *Where by local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to the approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in the respect of those premises but any such exemption –*
 - a. *May be made subject to conditions, including a condition that it applies only to the dogs specified therein;*
 - b. *Shall not operate to authorize the keeping of more than 6 dogs on those premises; and*
 - c. *May be revoked or varied at any time.*
- 4) *Subject to the provisions of subsection (3), a person who keeps any premises, not being premises licensed as an approved kennel establishment, dogs over the age of 3 months in numbers exceeding any limit imposed in relation to those dogs by a local law made under subsection (2) commits an offence.*

Penalty: \$1,000 and a daily penalty of \$100

- 5) *Any person who is aggrieved-*
 - a. *By the conditions imposed in relation to any exemption from the provision of a local law placing a limitation on the number of dogs that may be kept on any premises; or*
 - b. *By the refusal of the local government to grant such an exemption, or by the revocation of an exemption.*

may appeal in writing to the Minister who may, after such inquiry as he thinks fit, give directions to the local government concerned and effect shall be given to any such direction.

- 6) *An appeal under subsection (5) shall be lodged with the Minister not after that 28 days after the day on which a notice of the decision that it appealable is served on the person affected by that decision.*

Local: Shire of Chittering Dogs Local Law 2011

3.2 *Limitation on the number of dogs*

(1) *This clause does not apply to premises which have been—*

(a) *licensed under Part 4 as an approved kennel establishment; or*

(b) *granted an exemption under section 26(3) of the Act.*

(2) *The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—*

(a) *2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite, small rural holding, rural retreat or rural residential; or*

(b) *3 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite, small rural holding, rural retreat or rural residential.*

Policy Implications

10.7 Multiple Dog Policy

Residents wishing to register additional dogs are to submit to the Shire of Chittering an “Application for Exemptions of limitations of Number of Dogs” form and enclose the additional dog application fee, which is non-refundable and is prescribed in the Shire of Chittering’s Fees and Charges.

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Yes

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

The increase in the number of dogs in the area may have the potential to create noise through barking if dog owners are not managing the situation.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

The Applicant has forwarded an application for the additional dog (which includes the breed of the dog(s) and fencing/confinement details) and has paid the appropriate fee.

In determining the application the following processes were undertaken:

1. All adjoining and adjacent landowners were notified in writing giving them the opportunity to make comment to support or object to the application within a period of 21 days from the date of the letter.
2. The Shire Ranger attended the property and undertook a complete dog welfare and fencing check.
3. The Shire Ranger contacted the landowners who had made an objection.

There is history of an alleged nuisance complaint. No nuisance diaries were submitted. Nuisance dog diaries were offered but were refused by the complainant. The Applicant has indicated that he owns a bark collar that can be used to mitigate the barking issue.

In relation to the submission on there being too many dogs within the neighbourhood, the number of dogs applied is consistent with the maximum number of dogs applicable in accordance with the *Shire of Chittering Dogs Local law 2011* and Policy 10.7 in relation to Multiple Dog.

Based on the fact that the objections received could not be substantiated, it is recommended that consideration be given to approve this application.

The Chief Executive Officer has delegation (DA60) to deal with applications where no objection has been received. However, in this case two (2) objections have been received and therefore Council is now requested to consider the application.

9.1.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 080515

Moved Cr Clarke / Seconded Cr Norton

That Council approve the Application by Brian Van Den Beuken for the Additional Dog at 195 Philmore Street, Muchea subject to the following conditions:

1. Shire staff may at any reasonable time inspect the property;
2. This approval is for the life of the dogs listed below and no additional dog shall be registered to this property:

Breed	Name	Microchip
West Highland Terrier	Misty	982 000 356 717 330
Scottish Terrier X	Bella	900 012 000 606 808
Maltese X	Coco	982 000 364 599 990

3. Should one of the current registered dogs under this application become deceased, the Applicant(s) cannot replace it with another dog without first reapplying and receiving approval from the Shire of Chittering for an extra dog;
4. The Applicant(s) must notify the Shire of Chittering if they move from the area or if there are any changes to the number of dogs listed above;
5. The three (3) dogs must be registered at all times; and



6. If at any time these conditions have been breached, Ranger Services may terminate the application for the additional dog (Maltese X “Coco”) and the dog is to be removed from the premises within seven (7) days.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.2 TECHNICAL SERVICES

9.2.1 Proposed Addition of Main Roads Freehold Land to Chittering Lakes Nature Reserve – Shire of Chittering*

Report Date	20 May 2015
Applicant	Department of Parks and Wildlife
File ref	05/03/1
Prepared by	Maxine Ashford, Technical Services Support Officer
Supervised by	Jim Garrett, Executive Manager Technical Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Correspondence from Department of Wildlife Map displaying effected properties

Background

A letter has been received from the Department of Parks and Wildlife requesting a letter of support from the Shire of Chittering to acquire three freehold lots from Main Roads WA to add to the Chittering Lakes Nature Reserve (Class A Reserve N° 29538).

The three freehold lots, Lot 407 on DP53178 and lots 514 and 516 on DP53915 were acquired by Main Roads WA as part of land acquisition for the Great Northern Highway upgrade back in 2009.

Consultation

Chittering Landcare

Rosanna Hindmarsh advised the Shire that they are in favour of the land acquisition as the lots are an important fringing area of the lake and would be best incorporated into the reserve as a buffer.

Statutory Environment

State: *Conservation and Land Management Act 1984*

Additional to the Department of Lands requirement is section 19(6) of the *Conservation and Land Management Act 1984*. Whereby Parks and Wildlife (on behalf of the Conservation Commission of WA) seeks comment on the addition to the Nature Reserve from the Shire.

State: *Land Administration Act 1984*

After stakeholder consultation to complete the addition to the nature reserve Parks and Wildlife must comply with section 45(2)(a) of the *Land Administration Act 1984*. This entails:

- 1) seeking the support of the Conservation Commission for the proposed addition of land to the Nature Reserve
- 2) seeking the consent of the Minister for Environment to the addition of land. Providing any comments from the Commission
- 3) providing summaries of 1) and 2) to the Department of Lands so they can seeking the Minister for Lands approval to complete this proposal.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

The addition of the three lots to the nature reserve will assist in formalising the boundary and assist with on the ground management.

Site Inspection

No

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

Main Roads WA advised that the vegetation on the three Lots is in good condition and contains lake fringing vegetation.

9.2.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 090515

Moved Cr Mackie / Seconded Cr Gibson

That Council instruct the Chief Executive Officer to write a letter of support to the Department of Parks and Wildlife for its (DPAW) acquisition of Lot 407 on DP53915, Lots 514 and 516 on DP53915 from Main Roads WA to add to Chittering Lakes Nature Reserve (Class A Reserve N° 29538).

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.3 CORPORATE SERVICES

9.3.1 Financial statements for the period ending 30 April 2015*

Report Date	20 May 2015
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Financial Statements for period ending 30 April 2015
Attachments	Statement of Financial Activity for period ending 30 April 2015 Bank reconciliation for period ending 30 April 2015 List of accounts paid for April 2015

Background

In accordance with *Local Government (Financial Management) Regulation 34(1)*, local governments are required to prepare, each month, a statement of financial activity reporting on revenue and expenditure for the month in question.

The statement of financial activity is to be presented at an ordinary meeting of council within two (2) months after the end of the month to which the statement relates.

The statement of financial activity for the period ending 30 April 2015, financial statements, bank reconciliation and list of accounts paid for the period ending 30 April 2015 are hereby presented for Council's information.

Consultation

Chief Executive Officer
Executive Manager Development Services
Executive Manager Technical Services
Manager Human Resources
Community Emergency Services Manager
Building Co-ordinator

Statutory Environment

State: *Local Government Act 1995*
Local Government (Financial Management) Regulations 1996

Policy Implications

Not applicable

Financial Implications

Not applicable

Strategic Implications

Not applicable

Site Inspection

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

Council is requested to accept the monthly statement of financial activity, financial statements, bank reconciliation and list of payments as presented.

9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 100515

Moved Cr Clarke / Seconded Cr Douglas

That Council:

- 1. endorse the list of payments:**
 - a. PR3480**
 - b. PR3486**
 - c. PR 3498**
 - d. EFT 10850 - EFT 10964**
 - e. Municipal Fund Cheques 13879 – 13889**
 - f. BPV51 – BPV51**
 - g. Direct Debits and Transfers as listed**
 - h. Trust Fund Cheques 453 - 455**

Totalling \$884,369.13 for the period ending 30 April 2015.
- 2. receive the bank reconciliation for the period ending 30 April 2015.**
- 3. receive the financial statements for the period ending 30 April 2015.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.3.2 Chittering Youth Strategy 2015-2018*

Report Date	20 May 2015
Applicant	Shire of Chittering
File ref	03/01/0007
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Draft Chittering Youth Strategy 2015-2018

Background

Council is requested to endorse the advertising of the Shire of Chittering Youth Strategy 2015-2018 for public comment. The aim of the Youth Strategy is to assist with future planning and provide the community within Chittering a direction with regards to the provision of Youth Services.

In February 2014, Wendy La Motte (MAD Enterprises) was appointed to prepare a Youth Strategy for the Shire of Chittering. The first draft was received in July 2014. Council staff have continued to work on this document and it is now presented to Council for their consideration.

Consultation

Chief Executive Officer
Community/Club Development Officer
Youth of Chittering (by MAD Enterprises)

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

There are no financial implications with advertising as this will be through our normal communication channels, Chatter, eChatter, Facebook, public noticeboards, email contact lists and the Shire website.

Any financial implications that arise from the Youth Strategy will be budgeted in the relevant financial years.

Strategic Implications

The development of the Shire of Chittering Youth Strategy 2015-2018 is a step forward for Council establishing a long term vision for the provision of youth services in the Shire.

With reference to the *Shire of Chittering Strategic Community Plan 2012-2022*:

<i>Social:</i>	<i>Building a sense of community:-</i>
<i>Outcome:</i>	<i>Access to Local Services</i>
<i>Strategies:</i>	<i>Advocate for local health and youth services</i>
<i>Key Priorities:</i>	<i>Develop a Youth Services Plan</i>

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

Our youth are our future, and if they are given the opportunity to achieve their goals they will reach their full potential.

Skills development, improved health outcomes, positive participation and confidence / resilience building will have a long and lasting effect on the future of our community.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

The Shire of Chittering Youth Strategy 2015-2018 is a commitment by Council to acknowledge and respect all young people.

The Strategy will guide Council on the way forward for the provision of Youth Services.

It is the Officer's Recommendation that the draft Strategy be advertised for a period of 21 days. At the conclusion of this period a report will be presented to Council for the endorsement of the final document.

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 110515

Moved Cr Mackie / Seconded Cr Clarke

That Council advertise locally the Draft Shire of Chittering Youth Strategy 2015-2018 for public comment for a period of 21 days.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

Note: Cr Rossouw requested that a portfolio for Youth be created.

Cr Gibson declared an impartiality interest in item 9.3.3 as he is a member of the Bindoon Historical Society Inc.

Cr Norton declared an impartiality interest in item 9.3.3 as she is a member and delegate of the Chittering Tourist Association

9.3.3 2015/16 Financial Assistance Applications

Report Date	20 May 2015
Applicants	Various
File ref	15/01/7, 12/11/0001
Prepared by	Alison Reliti, Economic & Community Development Support
Supervised by	Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Background

Each year the Shire of Chittering makes an allocation in its yearly budget to be made available to various 'not-for-profit' community organisations that operate within the Shire of Chittering. The scheme is designed to provide benefits to Shire residents through recreational, sport, social or cultural means.

As grants that are able to be utilised by the Shire's community groups are not common and those that are advertised are extremely competitive, minimal opportunities exist for the Shire's community groups to obtain funding.

Funding applications for Community Assistance Grants in the 2015/16 financial year total \$13,523. It is recommended that Council allocate \$13,123 in the 2015/16 Annual Budget for these grant applications.

Community Bus Sponsorship applications for the 2015/16 financial year total \$4,350.00. It is recommended that Council allocate \$4,350 in the 2015/16 Annual Budget for these sponsorship applications. A number of regular users of the Community Bus did not submit applications this year. It is recommended an additional \$1,500 be allocated for requests for bus use that occur during the year.

Sponsorship Request applications for the 2015/16 financial year total \$16,773. It is recommended that Council allocate \$11,951 to Sponsorship Requests in the 2015/16 Annual Budget for these Sponsorship Applications.

The application forms were made available at the administration centre and on the Shire's website for community access, prior to closure at 4pm on Friday, 20 March 2015.

At the end of the application deadline the Shire received eight (8) Community Assistance Grant Applications, six (6) Community Bus Use Sponsorship Applications, and eight (8) Sponsorship Applications.

Consultation

Chittering Community Funding Support Group

Statutory Environment

Not applicable

Policy Implications

2.1 Budget Preparation

6.4 Financial Assistance Grant Scheme

Financial Implications

A provision will be made for this funding in the 2015/16 Annual Budget.

Strategic Implications

Nil

Site Inspection

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 social implications associated with this proposal.

Environmental implications

There are no known environmental implications associated with this proposal.

Comment

At the closure of applications the Shire received the following general applications:

Community Organisation	Project title	Total Project Cost	Amount Requested	Officer Recommendation
Bindoon Primary School P&C	Roller Doors / Blinds	27,500	5,000	5,000
Chittering Art Society	Display Units	2,444	815	815
Bindoon & Districts Ag Society	Poultry Exhibition Cages	2,200	733	733
Bindoon Sport and Recreation Association	Defibrillator	2,400	1,200	800
Bindoon Playgroup	Indoor Play/Gym Equipment	7,000	2,000	2,000
IHC Playgroup	Office Equipment	1,006	500	500
Bindoon & Districts Historical Society	Machinery Shelter Shed	9,042	3,000	3,000
Chittering Wildlife Carers	Snake Catching Equipment	550	275	275
TOTAL AMOUNTS		52,142	13,523	13,123

Other comments

Most applications were allocated 1/3 of total project cost.

At the closure of applications the following requests for Sponsorship were received. Applications for Sponsorship were limited to \$3,000.

Community Organisation	Project title	Total Project Cost	Amount Requested	Officer Recommendation
Chittering Art Society	Art Exhibition	1,875	625	625
Bindoon Mobile Recovery Campaign	Fuel and Mechanical Checks for Display Car	5,000	5,000	3,000
Bindoon Community Progress Association	Anzac Day 2016	1,276	826	826
Bindoon Agricultural Society	Rodeo 2015	16,400	5,000	3,000
Bindoon & Districts Historical Society	Extension of WW1 display	1,000	650	500
Bindoon Playgroup	Community Christmas Party	4,150	2,900	2,000
Chittering Tourist Association	September Colour	822	522	500
Chittering Junior Football	Disability Clinics	1,500	1,500	1,500
TOTAL AMOUNTS		32,023	17,023	11,951

At the closure of applications the Shire received the following Community Bus applications:

Community Organisation	Project title	Amount Requested	Officer Recommendation
Chittering Tourist Association	Famil Tours	700	700
Bindoon & Districts Historical Society	Knowledge Development	500	500
Chittering Cancer Support	Excursions	350	350
Chittering Bindoon Retirees	Excursions	2,000	2,000
Chittering Wildlife Carers	Research and Education	300	300
Chittering Junior Football	Travel to events	500	500
Additional Funding			1,500
TOTAL AMOUNTS		4,350	5,850

9.3.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 120515

Moved Cr Gibson / Seconded Cr Rossouw

That Council:

1. approve the allocation of \$13,123 towards Community Assistance Grants in the 2015/16 financial year;
2. approve the allocation of \$11,951 towards Community Sponsorship in the 2015/16 financial year; and
3. approve the allocation of \$5,850 towards Sponsored Community Bus Use in the 2015/16 financial year.

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

Note: with regards to un-incorporated groups, that they be asked to give their assurance that, should their group go into recess for a period of more than 12 months, that any equipment purchased with community funds be given to a group with similar objectives.

9.3.4 Schedule of Fees and Charges 2015-2016*

Report Date	20 May 2015
Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	Draft Schedule of Fees and Charges 2015-2016

Background

Council is requested to review the proposed Shire of Chittering Fees and Charges Schedule for the 2015-2016 financial year.

Each year a local government authority is required to impose a Schedule of Fees and Charges as part of the annual budget process. Reviewing the schedule prior to budget adoption allows Council the time to consider the proposed fees and charges separate to assessing the budget, allowing more time for review. Also as the 2015-2016 budget will not be adopted prior to 30 June 2015, adoption of the 2015-2016 Schedule of Fees and Charges in June will allow them to take effect from 1 July 2015.

Consultation

Executive Manager Technical Services
Executive Manager Development Services
Manager Human Resources
Principal Environmental Health Officer
Ranger
Community Development Officer
Councillors Workshop 13 May 2015

Statutory Environment

Local Government Act 1995
Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Financial Implications

The schedule of fees and charges, when adopted, sets the level of revenue items contained within the budget.

Strategic Implications

Nil

Site Inspection

Not applicable.

Triple Bottom Line Assessment

Economic implications

There are no known 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

An updated Schedule of Fees and Charges is submitted to Council for adoption and inclusion in the budget for the 2015-2016 financial year.

The majority of the fees and charges have remained the same as previous years, however proposed amendments and exclusions have been made to some and these are listed below:

Governance

- Shire Map – this fee has been deleted as we no longer have this map available and once new maps are developed will be provided free of charge.
- Agenda & Minutes – Annual subscription to electronic mail out fee has been removed as fee no longer required as documents are available free of charge from the website. The concession has also been removed.

Law, Order, Public Safety

- Euthanasia fee has been amended to “At Cost” to reflect the cost charged by the Vet.
- Vermin Trap – time amended to four weeks instead of two weeks.
- Vermin Trap Replacement fee has been amended to “At Cost” to reflect the cost of replacement.
- Sale of Vermin Trap fee has been added.
- Gates across public thoroughfares fee has been deleted as no longer required.

Housing

- Inclusion of the words “Only applicable to Shire employees otherwise rent is charged at market value”.

Community Amenities

- Fees for Right of Burial and land for graves were reduced.
- Opening & Exhumation Fees were amended to “At Cost” to reflect the cost incurred in the process.
- Permission to erect name plate and record copying fee was deleted.
- The word “resident” was included in the note regarding the waiver of the interment fee for ratepayers.

Building Services

- The monthly building fee for Newspapers was deleted as fee no longer applicable.
- Fees for application for building and demolition permits were amended to read “As per fees set by the Building Commission”.
- Application for occupancy permits, building approval certificates were amended to read “As per fees set by the Building Commission”
- Fees for MRWA signage were removed as not required.
- A new fee for the removal of non-approved signage has been added.

Environmental Health

- The fee for Permit to Perform was deleted.
- Application for Public Building Approval - Max Fee allowable was amended to read "As per fees set Under Health (Public Buildings) Amendment 2014"
- Application for Event had wording added (Local Community Groups exempt from fee but not from application process)
- Application for the approval of an apparatus by Local Governments was amended to read "As per fees set Under Health (Public Buildings) Amendment 2014"

Town Planning

- The fee for an extractive industry licence application was increased.
- The rehabilitation bond for Extractive Industry was increased.
- Road Maintenance Contribution for Extractive Industry was increased.

Recreation and Culture

- The fee for the Shire of Chittering history books was amended to "At Cost" as these books require re-printing and the cost at this time is unknown.
- Muchea & Lower Chittering fees for Zumba and private groups was reduced and brought in line with other user fees.

Engineering

- Landfill Maintenance fee was removed from schedule. This fee is to be included on the rates notice as a rate in the dollar.
- A new fee was included for additional/replacement landfill passes.
- New fees for Commercial Waste were included.
- Fees for Oil disposal have been removed.
- Addition of wording to say that the hired equipment to staff is not to leave the Shire of Chittering and an increase in the above cost price rate for equipment.
- Update to the plant items, charge out rates, materials and staff rates to reflect the cost.
- Removal of "Installation as per Council Specification Head Wall (Culvert only) 50% of cost \$2,000" fee as this is no longer required.

9.3.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 130515

Moved Cr Gibson / Seconded Cr Rossouw

That Council adopt the Schedule of Fees and Charges as presented for the financial year 2015-2016, with all Fees and Charges to come into effect as of 1 July 2015.

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0
BY AN ABSOLUTE MAJORITY**

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Change to Authorised Officers

Report Date	20 May 2015
Applicant	Shire of Chittering
File ref	13/05/2
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	Nil

Background

The Shire's Executive Manager Development Services (Azhar Awang) last day with the Shire is Thursday, 28 May 2015. The Chief Executive Officer has appointed Bronwyn Southee as the Executive Manager Development Services and she will commence employment with the Shire on Tuesday, 2 June 2015.

Consultation

Manager Human Resources

Statutory Environment

State: *Local Government Act 1995, sections 3.24, 3.28, 3.29, 3.39, 9.10, 9.11, 9.15, 9.19 & 9.20*
Control of Vehicles (Off-road Areas) Act 1978 & Regulations
Dog Act 1976 & Regulations
Health Act 2011
Litter Act 1979 & Regulations

Local: *Town Planning Scheme No 6*
Shire of Chittering's Local Laws

Policy Implications

The Chief Executive Officer has delegated authority to appoint authorised persons (DA34 and DA62).

Financial Implications

There will be a charge for advertising in the Government Gazette, which will be charged against GL 1040820 – GOVN Advertising.

All other expenses related to Ms Southee's employment falls within the financial parameters of the incumbent position and will not cost Council additional funds.

Strategic Implications

Nil

Site Inspection

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

Council is requested to endorse the changes in the Officer Recommendation to ensure that the Shire is compliant with all associated Acts, Regulations and local laws at all times.

9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 140515

Moved Cr Douglas / Seconded Cr Rossouw

That Council resolves:

- 1. that the Executive Manager Development Services (Bronwyn Southee) be employed:**
 - a. to perform the functions of an authorised person pursuant to the Control of Vehicles (Off-road Areas) Act 1978 & Regulations;**
 - b. to perform the functions of an authorised person pursuant to the Dog Act 1976 & Regulations;**
 - c. to perform the functions of an authorised person pursuant to the Health Act 1911;**
 - d. to perform the functions of an authorised person pursuant to the Litter Act 1979 & Regulations;**
 - e. to perform the functions of an authorised person pursuant to sections 3.24, 3.28, 3.29, 3.39, 9.10, 9.11, 9.15, 9.19 & 9.20 of the Local Government Act 1995;**
 - f. to perform the functions of an authorised person pursuant to the Shire of Chittering's Town Planning Scheme No 6;**
 - g. be authorised pursuant to the Shire of Chittering's Local Laws.**
- 2. to approve the removal of Azhar Awang from the Register of Authorised Officers.**

**THE MOTION WAS PUT AND DECLARED CARRIED 6/1
BY AN ABSOLUTE MAJORITY**

9.4.2 Financial Assistance Grants to Local Government

Report Date	20 May 2015
Applicant	Australian Local Government Association Western Australian Local Government Association
File ref	14/01/0004
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Letter from ALGA dated 10 April 2015 (ref I1558673)
Attachments	Nil

Background

Council's consideration is requested to acknowledge the importance of the federal funding through the Financial Assistance Grants (FAGs) program.

The Shire received correspondence from Australian Local Government Association (ALGA) and Western Australian Local Government Association (WALGA) advising that the FAGs program is not keeping pace with demand for services and infrastructure in local communities and the freeze of indexation will worsen this. Freezing FAGs at their current level until 2017/18 will result in a permanent reduction in the FAGs base by 13%.

The ALGA have advised that in its 2015 Federal Budget submission it has called for the FAGs indexation to be restored immediately and for the Federal Government to consider the adequacy of the quantum of FAGs and the indexation methodology in the future.

In accordance with the Department of Infrastructure and Regional Development state summary on General Purpose and Local Road Financial Assistance Grant, the Shire of Chittering will receive the following in 2014/15:

2014/15 Estimated Entitlement			Cash Payments to be made in 2014/15			
General Purpose	Roads	Total	General Purpose	Roads	Special Road Works	Total
\$699,173	\$436,728	\$1,135,901	\$703,452	\$439,370	Nil	\$1,142,822

Consultation

Executive Manager Corporate Services

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The impact of the freeze will approximately result in Council not receiving at least an additional \$148,566 over this period (13% of \$1.14 million). It is likely the cost to council will be greater as our grant should continue to rise in line with our population growth.

Strategic Implications

Nil

Site Inspection

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. However, the long term impact may result in no new/additional services.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

FAGs are a vital part of the revenue base of all councils, and this year councils will receive \$2.3billion from the Australian Government under this important program.

The Government's decision in the 2014 Federal Budget to freeze the indexation of FAGs for three years beginning in 2014/15 will unfortunately cost councils across Australia an estimated \$925million by 2017/18.

The Australian Local Government Association and the state local government associations are seeking the support of Council for advocacy to have the Federal Government reverse the decision to freeze the indexation of FAGs.

While the FAGs are paid through each state's Local Government Grants Commission, the funding originates with the Commonwealth and it is important it is recognised as such. Council, and every other council in Australia, have been asked to pass a resolution acknowledging the importance of the Commonwealth's Financial Assistance Grants in assisting Council to provide important community infrastructure.

Council is also being asked to acknowledge the receipt of Financial Assistance Grants from the Commonwealth in media releases and council publications, including our annual report and to highlight to the media a council project costing a similar size to the FAGs received by Council so that the importance and impact of the grants can be more broadly appreciated.

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 150515

Moved Cr Douglas / Seconded Cr Rossouw

That Council:

- 1. Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of Councils services and infrastructure;**
- 2. Acknowledges that Council will receive \$1,142,822 in 2014/15; and**
- 3. Will ensure that this federal funding and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.4.3 Local Government Regional Alliance*

Report Date	20 May 2015
Applicant	Shire of Chittering
File ref	14/02/0004
Prepared by	Danica Kay, Executive Assistant
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Draft Memorandum of Understanding "Northern Growth Alliance"

Background

Following discussions with the Shire of Chittering, Gingin and Dandaragan regarding a regional alliance, on 17 December 2014 Council resolved as follows:

"That Council:

- 1. support the establishment of a Regional Alliance with the Shires of Dandaragan and Gingin to advocate for strategic services and projects for the Region.*
- 2. advise the Shires of Dandaragan and Gingin of 1 above. "*

The Shires of Gingin and Dandaragan have also agreed to establish an alliance at their respective December Council meetings.

Consultation

Councillors
Wheatbelt Development Commission
Shire of Gingin
Shire of Dandaragan

Statutory Environment

The Alliance will be a voluntary organisation with no statutory powers or legal ability to act on behalf of the shire.

Policy Implications

1.5 Execution of documents

Financial Implications

There has been a request that each member local government makes an allocation of \$5,000 in its 2015/16 Annual Budget for NGA related projects.

Strategic Implications

The purpose of this group would be in part to advocate as a united voice for improved forward planning to assist with some of the high growth issues faced by the member local governments. Another major purpose of the group would be to work closely with the Wheatbelt Development Commission and any other relevant State or Federal Department, to attract funding or investment opportunities for the respective local government areas.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

The purpose of forming the Alliance will be in part to look at what advantages may exist taking a regional approach to economic development.

Social implications

The purpose of forming the Alliance will be in part to look at what advantages may exist taking a regional approach to social development for our respective communities.

Environmental implications

The purpose of forming the Alliance will be in part to look at what advantages may exist taking a regional approach to addressing various environmental issues.

Comment

A Memorandum of Understanding (MOU) for the operation of the Northern Growth Alliance has been prepared and will be effective for a period of five (5) years. The draft MOU is attached and is now presented to Council for authorisation to sign and affix the common seal.

9.4.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 160515

Moved Cr Clarke / Seconded Cr Gibson

That Council:

- 1. authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Memorandum of Understanding for the Operation of the Northern Growth Alliance.**
- 2. appoint the Shire President, Deputy Shire President (as a proxy) and Chief Executive Officer as members of the Northern Growth Alliance Governance Group.**
- 3. allocates \$5,000 in the 2015/16 Annual Budget for NGA related activities.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

9.4.4 Registration of voting delegates to the 2015 Annual General Meeting of WALGA

Report Date	20 May 2015
Applicant	WALGA
File ref	14/01/0004
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

Background

Council's consideration is requested to determine the voting delegates for the 2015 Annual General Meeting for the Western Australian Local Government Association (WALGA). The Annual General Meeting will be held on Wednesday, 5 August 2015 during the Local Government Convention at the Perth Convention and Exhibition Centre in Perth.

Pursuant to the WALGA Constitution, all member councils are entitled to be represented by two voting delegates. Voting delegates may be either Elected Members or serving officers. In the event that a voting delegate is unable to attend, provision is made for proxy delegates to be registered.

The Shire of Chittering must notify WALGA of its voting delegates by Thursday, 9 July 2015.

In 2014, Cr Robert Hawes and Cr Doreen Mackie were nominated as Council's voting delegates, with Cr Barni Norton and Cr Don Gibson as proxy voting delegates.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Not applicable

Financial Implications

Not applicable

Strategic Implications

Not applicable

Site Inspection

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

It is recommended that Council appoints voting delegates and proxy voting delegates for the 2015 Annual General Meeting of WALGA.

9.4.5 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 170515

Moved Cr Rossouw / Seconded Cr Douglas

That Council appoints the following as voting delegates for the 2015 Annual General Meeting of WALGA to be held on Wednesday, 5 August 2015:

- 1. Cr Gibson and Cr Hawes as voting delegates; and**
- 2. Cr Rossouw and Cr Douglas as proxy voting delegates.**

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

10. REPORTS OF COMMITTEES

Nil

11. MOTIONS, OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

The President advised that motion item 11.1 'Lease of the new Bindoon Medical Centre (Cr Don Gibson)' has been withdrawn from the agenda.

Reason: Cr Gibson had previously been advised and agreed to its withdrawal as the motion was considered "ultra vires" as Council resolution number 110415 (15 April 2015 Ordinary Meeting of Council) had already been enacted by the Chief Executive Officer as per Council instructions.

11.1 Lease of the New Bindoon Medical Centre (Cr Don Gibson) - **WITHDRAWN**

11.1 ELECTED MEMBER MOTION

That Council include all interested General Practitioners and Specialists in the tender process for the lease of the new Bindoon Medical Centre, in our endeavour to provide the community with the best service available.

Cr Gibson has provided the following comments

Councillors have been approached by several interested professional providers, including a specialist, interested in providing a range of medical services to our community. Contrary to the former advice to Council, the Shire of Chittering is not comparable to remote Wheatbelt communities in the provision of medical services. In fact, we now have a choice of interested medical professionals, waiting for the lease document to be produced, and expecting to pay for the premises. These doctors are already treating clients in this Shire, due to those pensioners inability to pay the unaffordable charges levied by the existing practice. We now have an opportunity to provide a first class bulk billing medical service with multiple GPs and opening at least five days a week.

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

14. MEETING CLOSED TO THE PUBLIC

14.1 Matters for which the meeting may be closed

14.1 OFFICER RECOMMENDATION / PROCEDURAL MOTION

Moved Cr Norton / Seconded Cr Douglas

That Council moves into a confidential session to discuss items 14.1.1, 14.1.2 and 14.1.3 under the terms of the *Local Government Act 1995, Section 5.23(2)*:

- (a) *a matter affecting an employee or employees;*
- (c) *a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting;*

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

The members of the public gallery left the Council Chambers at 9.30pm.

14.1.1 **Confidential Item:** Annual Performance Review

Report Date	20 May 2015
Applicant	Shire of Chittering
File ref	22/10/59
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

14.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 180515

Moved Cr Mackie / Seconded Cr Douglas

That the Chief Executive Officer Performance Assessment Group recommend to Council that:

1. the performance of the Chief Executive Officer for the 12 month period was considered more than satisfactory in meeting the Key Result Areas as set by council and achieved expectations.
2. the Chief Executive Officer's salary be increased by 5% from his anniversary date.

THE MOTION WAS PUT AND DECLARED CARRIED 5/2

Cr's Norton and Gibson requested that their names be recorded as voting against the second part of motion, due to the possibility of a flow-on effect to other staff at a time of economic downturn.

The CEO advised that staff pay rises are not automatic, they are performance based. Last year pay rises were capped at 3% and not all staff received an increase. Therefore, some received, 0%, 1% or 2 % based on their performance.

The President requested further clarification is provided as to why the salary was being increased by 5% as opposed to 3%. That upon appointment, the Chief Executive Officer was started at a lower point of the salary band on the understanding that if the KPI's were met over a period of time this would gradually be increased to an appropriate level for the position.

14.1.2 Confidential Item: Appointment of Senior Employee

Report Date	20 May 2015
Applicant	Shire of Chittering
File ref	22/10/100
Prepared by	Karen Parker, Manager Human Resources
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Nil

14.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 190515

Moved Cr Rossouw / Seconded Cr Clarke

That Council endorses the actions of the Chief Executive Officer in employing Ms Bronwyn Southee as Executive Manager Development Services for a period of five (5) years from 2 June 2015 to 31 May 2020.

THE MOTION WAS PUT AND DECLARED CARRIED 5/2

14.1.3 Confidential Item: Binda Place, Bindoon - Public Parking*

Report Date	20 May 2015
Applicant	Shire of Chittering
File ref	A11191
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	Draft Lease for Car Parking – Lot 168 Binda Place Car Parking

14.1.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 200515

Moved Cr Mackie / Seconded Cr Douglas

That Council:

1. endorse the proposed parking works and arrangements detailed in the report and authorise the related expenditure.
2. approve the lease agreement for the:
 - a. provision of public car parking at a rent of \$75 per week, until the amount of rent deducted under the lease is equivalent to the cost of the works; and
 - b. all other terms and conditions as per the draft lease document prepared by McLeods.
3. authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the *Lease for Car Parking – Lot 168 Binda Place, Bindoon.*

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

Council previously moved a motion (resolution number 040515) *“That the matter of the Medical Centre, item 14.1.4 ‘Chittering Health Centre Lease – Bindoon Medical Centre’ be deferred until the next Council Meeting in order to receive additional information.”*

Cr Norton declared an impartiality interest in item 14.1.4 as she has been on the Binda Medical Services books since 2002.

Item 14.1.4 was removed from the Confidential Items as per Council Resolution 030515, and the Council deferred considering the item as per Council Resolution 040515.

14.1.4 Confidential Item: Chittering Health Centre Lease – Binda Medical Services*

Report Date	20 May 2015
Applicant	Shire of Chittering
File ref	04/18/72
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Draft lease agreement for Chittering Health Centre to BMS2. Letter dated 1st May 2015 - Bullsbrook Family Medical Centre3. Article from the Toodyay Herald

14.2 Public reading of resolution that may be made public

PROCEDURAL MOTION

Moved Cr Douglas / Seconded Cr Gibson

That Council come from behind closed doors

THE MOTION WAS PUT AND DECLARED CARRIED 7/0

At 9.50pm the meeting was reopened to the public and no members of the gallery returned to Chambers.

15. CLOSURE

The Presiding Member declared the meeting closed at 9.51pm.



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