



Hon Albert Jacob MLA
Minister for Environment; Heritage

Your Ref: Petition No.127
Our Ref: 50-15039



Hon Simon O'Brien MLC
Chairman
Standing Committee on Environment and Public Affairs
Parliament House
PERTH WA 6000

Dear Chairman

Thank you for your letter dated 13 October 2016 regarding Petition No. 127 in relation to a proposed telecommunications tower Bell Hill Reserve, Bindoon, which was tabled in the Legislative Council on 18 August 2016 by Hon Darren West MLC.

Section 38 of the *Environmental Protection Act 1986* (EP Act) provides for any person to refer a significant proposal to the Environmental Protection Authority (EPA). Section 37B defines significant proposal as a proposal likely, if implemented, to have a significant effect on the environment. The Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2012 set out the matters that the EPA considers when determining if a proposal is likely to have a significant impact on the environment.

When a proposal that will not have a significant impact on the environment is referred to the EPA the referrer is advised via correspondence that the proposal is not a significant proposal and therefore the referral has not been accepted.

The Office of the Environmental Protection Authority has advised me that in this case, a third party referred the proposed National Broadband Network Fixed Wireless Facility at Lot 12383 Forrest Hills Parade, Bindoon in February 2015. The proposal is to construct a 40 metre high monopole, ancillary equipment cabinet/s, and radio and transmission telecommunication equipment. The infrastructure is proposed to be contained within a 96 square metre compound located within the Bell Hill reserve – an 18,000 square metre naturally vegetated public reserve (Crown Reserve 44213).

When considered in the context of the Administrative Procedures 2012, the potential impacts of the development were not considered to be so significant to warrant the proposal being properly characterised as a significant proposal.

On 18 February 2015 the EPA sent a letter to the referrer advising that the proposal was not a significant proposal for the purposes of section 38 of the EP Act.

I am also advised that the Shire of Chittering referred a proposal to develop an NBN fixed wireless facility and a co-located Telstra mobile base station on Bell Hill Reserve (Lot 12383 on Plan 15355, Forrest Hills Parade and Lot 504 on Plan 49101, Great Northern Highway, Bindoon) to the Department of Parks and Wildlife (Parks and Wildlife) and the Department of Environment Regulation (DER) 29 February 2016 and 8 March 2016 respectively.

Parks and Wildlife undertook an assessment of this proposal and responded to the Shire of Chittering on 23 March 2016 that it had no comments to provide.

DER advised the Shire of Chittering on 19 April 2016 that the proposal may involve the clearing of native vegetation and that no applications for a clearing permit had been received for the subject properties.

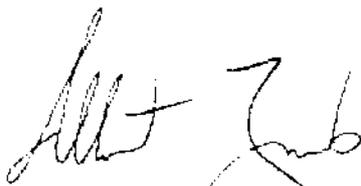
Under section 51C of the EP Act, clearing of native vegetation is an offence unless done under the authority of a clearing permit or an exemption applies. Exemptions for clearing that is a requirement of another written law, or authorised under certain statutory processes are contained in Schedule 6 of the EP Act. Exemptions for routine land management practices are prescribed in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*. These exemptions do not apply within environmentally sensitive areas (ESAs) declared by the Minister for Environment.

In making a decision about a clearing permit application under section 51O of the EP Act, the Chief Executive Officer (CEO) shall have regard to the clearing principles contained in Schedule 5 of the EP Act. Under section 51O of the EP Act the CEO shall also have regard to any planning instrument or other matter that the CEO considers relevant.

I am advised that at today's date, DER has not received an application to clear native vegetation within this reserve.

Note that any noise generated by the proposal and received at another premises would be subject to the *Environmental Protection (Noise) Regulations 1997*.

Yours sincerely



Albert Jacob MLA
MINISTER FOR ENVIRONMENT; HERITAGE

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