

Hon. Matthew Swinbourn MLC  
Standing Committee on Environment and Public Affairs  
Legislative Council Western Australia  
Parliament House  
PERTH WA 6000

Lynn Borg

7<sup>th</sup> July 2017

Dear Hon. Matthew Swinbourn MLC

**Petition No. 003—Proposed Telecommunications Tower, Bell Hill Reserve, Bindoon, Shire of Chittering.**

**Note: This Petition No. 003 (95 Signatures) is a resubmission of Petition No. 127 (302 Signatures) which lapsed with the conclusion of the 39<sup>th</sup> Parliament.**

Thank you for the opportunity to provide a submission to your Committee and be advised we have not taken this complaint to the Ombudsman. We bring to your attention the impact this inappropriate proposal will have on Bell Hill Reserve which is a very valuable and loved local community asset, for passive recreation, a sanctuary for protection of flora and fauna and is a focal point for the Townsite and tourist industry. The massive size of the proposed ugly structure (40 metres high — equal to a 15-story building) will completely overwhelm the ambience and fragility of the most important part of the Reserve, the plateau. "The pristine beauty, tranquility and solitude would be destroyed." The Reserve's Cultural Heritage, spiritual and aesthetic integrity will be irreversibly lost.

The Local Government of Chittering has reached decisions based on totally inaccurate cultural assessments and impact assessments as to environmental issues and wellbeing issues of the residents. The superficial Desktop Analysis done by the proponent of the cultural significance of Bell Hill is totally inadequate. **No consultation about cultural heritage was done, therefore the process is flawed as to Aboriginal and Local Heritage issues.** A knowledge holder representing the Yued Noongar people and an Elder, Mr. Charlie Shaw, have advised of the significance of the site to their people and that there needs to be a proper Aboriginal Heritage investigation survey done. *see attached* Forms HIS-5202112-1702 and HIS-5184324-1701 which have been lodged.

Royalties for Regions funding should be used to address areas of critical need, not wasted on sites such as Bell Hill Reserve which would be a virtual duplication of the Optus tower on Parkinson's Hill. Both towers would share an almost identical footprint. The Optus site well serves the Bindoon area, with NO reported Black Spots by its users. All emergency services must be able to use any tower regardless of their chosen carrier and they must have access to the whole telecommunications infrastructure! Other alternative sites must be available and used!

#### **ALTERNATIVE SITES - INDIVIDUAL AND/OR COMBINATION OF SITES:**

There are numerous viable alternative sites — the present Optus site on Parkinson's Hill Lot 3874 (owner willing), Castle Hill Lot 38 Great Northern Highway (owner willing), Lot 20 or adjacent Lot 7 Gray Road (also Lot 108). These have vast potential to reach additional areas not already served — north, south, east and west and would future proof the regional development. These sites are **NOT in RESIDENTIAL areas** and could have higher towers and vastly improved potential as compared to Bell Hill Reserve. In all likelihood, the potential of the alternative sites would be superior to Bell Hill Reserve because they are **NOT in residential areas**.

**VERY IMPORTANT — CASTLE HILL (2km from Townsite-highest elevation intersecting Lot 38, 502 and 503) was a prime site suggested by experienced and professional community members, these suggestions must be investigated further, as it appears that the Chittering Shire & NBN have made a gross error and NOT assessed the correct site as requested by the community (they assessed Lot 504, NOT Lot 38).** There are two Lot 504's on Great Northern Highway, neither are "Castle Hill". Therefore, the process is fatally **FLAWED** and voting was made on **incorrect, totally misleading information** by Desktop Analysis. All alternative sites especially Castle Hill Lot 38, need to be openly reassessed as to their maximum potential by independent and local experts "onsite". *See attached* Minutes of Meeting 18 May 2016.

#### **BACKGROUND - Bell Hill Reserve (2 hectares) Rural Residential — Townsite Consolidation Area:**

- **Bell Hill Reserve** was created through the sub divisional process of land set aside for recreation and drainage. It is **NOT a GENERAL RESERVE** which would support playing fields, club houses etc. It is a **SMALL LOCAL RESERVE** and is NOT for commercial development or any form of exploitation but is to be considered a haven for flora and fauna and the preservation of the ambience of the local area, un-spoilt for generations to come.
- **2000** – Chittering Country Club Open Space Committee was formed by the Shire to provide management guidelines for the reserves in the Country Club. Consensus was to leave the reserves as natural havens for wildlife and for the passive use of local residents with NO development because of their fragile nature, Endorsed by Chittering Shire Council 2003. *see attached document*
- **2000** —Telstra proposed a tower on Bell Hill Reserve. This did not go to Council as the Shire advised that it was an inappropriate site. It was finally located north of the Bindoon Townsite off Cresthill Road.

- **2008** – Optus proposed an 80 metre tower on Bell Hill Reserve. After community consultation and concerns, Optus were happy to relocate to the east of the townsite on Parkinson's Hill, which is a higher and better site (**Rural, not Residential**) and was passed by Council. Optus were able to use a 53 metre tower which has proven to be very successful in covering the same basic footprint as Bell Hill Reserve and has **NO KNOWN BLACK SPOTS. see attached.**
- **2014/15** — NBN proposed a 40 metre tower on Bell Hill Reserve and after much community objection it was voted against by Council 5 to 2 in May 2015.
- **2016** - NBN again applied (to a newly elected, mostly inexperienced Council) for a 40 metre tower proposal with Telstra and **VODAFONE** co-locating. NBN threatened without the approval of the Bell Hill Site, the Shire would not get a facility or service in the immediate future, would go to the bottom of the list and may have to fund the facility themselves. After aggressive media campaigns by the proponent, a local politician and Shire staff, the concerns and objections by the residents were totally ignored and the application was voted 6 to 1 for the proposal in May 2016.
- **2017** – **VODAFONE HAVE CHOSEN TO USE THE OPTUS SITE ON PARKINSON'S HILL. see attached data** OzTowers site location 6502004.

#### **MAJOR CONCERNS AND OBJECTIONS BY RESIDENTS:**

- Close proximity to homes — the closest 53 metres, 80 metres and 100 metres (**Residential Townsite area**).
- Visual pollution "on the most prominent ridgeline overlooking Bindoon Townsite and pristine countryside". **PREVIOUS COUNCILS HAVE CONSIDERED THE RIDGELINE "UNTOUCHABLE"**.
- Noise pollution — air-conditioning units 24/7 for 365 days a year.
- Environmental impact — wildlife (endangered Chuditch and Carnaby's Black Cockatoo plus echidnas, goannas kangaroos etc.) — flora. The area is considered ecologically very fragile. It is pristine and untouched.
- Tourist industry affected as it is a focal point overlooking the town and Chittering Valley.
- Health issues are a major community concern as to EMR emissions and the potential risk over time to all those in close proximity, particularly the children and elderly.
- Amenity and Wellbeing of Life - Who would ever want to live in the shadow of such a massive structure?
- Devaluation of property.
- Fire Fighting Aircraft should have unrestricted freedom of choice in defending the area against fire. A local Fire Control Officer stated this is a Fire Prone Area with extremely difficult terrain consisting of ridges and steep ravines (2 severe fires in 2 years) and it is almost totally dependent on aerial fire protection (at least 25 properties surround the reserve). **see attached copy "Obstructions"** S.A Country Fire Service.

#### **THE PROPOSAL DOES NOT COMPLY WITH:**

- State Planning Policy 5.2 Telecommunications Infrastructure.
- Shire of Chittering Town Planning Scheme No. 6.
- Industry Code C564:2011 Mobile Base Station Deployment — the Precautionary Approach should apply— refer 4.1 Site Selection — Wellbeing and Health - **see attached copy.**
- Planning and Development Act 2005 Section 152—Reserves Arising from the Sub divisional Process. **See attached**
- Procedural Requirements of the Federal Native Title Act 1993.
- Shire of Chittering Local Biodiversity Strategy. **see attached**

During August 2016, 70 Curtin University Architecture Planning students (many from overseas) plus their Canadian Lecturer visited Bell Hill Reserve for an assignment and were appalled that a tower was proposed. They were in consensus that **NO DEVELOPMENT should ever be considered on this reserve**. In Canada, this would have been rejected outright, as cultural heritage sites are protected. Also, other Shires are experiencing similar problems with towers but their Planning Departments are following the proper legislation and acting accordingly and refusing the tower applications in inappropriate areas, **see attached.** "There must be an independent and thorough investigation of the entire process."

We would like to bring your attention to the recent installation by NBN of another monopole tower in The Shire of Chittering on Lot 140 Blue Plains Road, which is in an area zoned Rural. On investigation, it would seem that another site Lot 34 Patersonia Road Chittering which was deemed a potential site for this tower, was ruled out on planning grounds given **Rural Residential** zoning. **see attached.** We also note that in the application of this tower, NBN considered using a 50m lattice tower. This decision would seem contradictory to the site of Bell Hill Reserve, as this Reserve is situated in a rural residential town site consolidation area. The suggestion by our community members to locate the proposed tower on other sites other than Bell Hill Reserve using a 50m plus tower in an agricultural area were dismissed as not viable. It is important to note that NBN are proposing to co-locate onto the Optus tower with Vodafone at 95 McGlew Road, Chittering where Telstra also have a tower, **see attached data** OZTowers site locations 6084013 and 6084005. Two towers, one site, why not the same for Parkinson's Hill?

We thank you for your consideration of this very important matter and hope for a favourable outcome.

Yours sincerely,

LYNN BORG - Principal Petitioner (Representing Friends of Bell Hill Reserve)