

# Development & Infrastructure Services Committee Meeting

Minutes for Monday 11 July 2016

**UNCONFIRMED**



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kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.23pm, and welcomed Councillors, Staff and Members of the Public Gallery.

### 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

#### 2.1 Attendance

##### Councillors

Andrew Waddell JP	(Shire President) North West Ward
Sara Lohmeyer	North West Ward
Dylan O'Connor	North West Ward
Sue Bilich	(Deputy Presiding Member) North Ward
Tracy Destree	North Ward
Michael Fernie	South East Ward
John Giardina	South East Ward
Geoff Stallard	South East Ward
Noreen Townsend	South West Ward

##### Members of Staff

Rhonda Hardy	Chief Executive Officer
Andrew Fowler-Tutt	Acting Director Development Services
Dennis Blair	Director Infrastructure Services
Gary Ticehurst	Director Corporate Services
Darrell Forrest	Manager Governance & PR
Nicole O'Neill	Public Relations Coordinator
Sara Slavin	Council Support Officer

**Members of the Public** 6

**Members of the Press** 0

#### 2.2 Apologies

##### Councillors

Simon Di Rosso	(Presiding Member) North Ward
Allan Morton	South West Ward
Brooke O'Donnell	South West Ward

**Members of Staff** Nil.

#### 2.3 Leave of Absence Previously Approved

Nil.

### **3.0 PUBLIC QUESTION TIME**

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this Committee. For the purposes of Minuting, these questions and answers are summarised.

- 3.1 Mr Peter Forrest from 36 Panoramic Terrace, Kalamunda asked the following question relating to the Proposed Commercial Development at 17 Mead Street, Kalamunda.

Q1. Will this Committee now please revisit the conditional approval and carefully consider the outstanding implications of the conditions that were not fully resolved which are:

1. Kalamunda Centre Car Parking Capacity
2. The Kalamunda Community (aging demographic)
3. Pedestrian Public Safety
4. Traffic Growth
5. Environmental Concerns

A1. The Deputy Presiding Member Cr Sue Bilich advised that the question would be taken on notice.

### **4.0 PETITIONS/DEPUTATIONS**

- 4.1 A Deputation was received from Mr Greg Bargmann from 23 Pruitt Crescent, Lesmurdie regarding Item 43. Local Planning Policy – Telecommunications P-DEV 52. Mr Bargmann suggested some modifications to the Policy which were identified in a handout to Councillors.

*Councillors sort clarifications around some items of Mr Bargamns presentation.*

### **5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

- 5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 13 June 2016, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Andrew Waddell**

Vote: **CARRIED UNANIMOUSLY (9/0)**

### **6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

- 6.1 Nil.

## **7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

- 7.1 **46. Consideration of Tenders – Provision of General Tree Services (Tender T1604)** – (Attachment 1) (Attachment 2) Reason for Confidentiality *Local Government Act 1995*. Section S5.23 (d) (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.”

## **8.0 DISCLOSURE OF INTERESTS**

### **8.1 Disclosure of Financial and Proximity Interests**

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

8.1.1 Nil.

### **8.2 Disclosure of Interest Affecting Impartiality**

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

8.2.1 Nil.

## **9.0 REPORTS TO COUNCIL**

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**43. Local Planning Policy -Telecommunications Infrastructure - P-DEV52**

Previous Items	OCM 38/2016
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-AMT-001
Applicant	NA
Owner	NA
Attachment 1	Advertised P-DEV52 – Telecommunications Infrastructure
Attachment 2	Submission Table
Attachment 3	Submission by Emma Kallarn with Shire Comments
Attachment 4	Track Changed P-DEV52 – Telecommunications Infrastructure
Attachment 5	Revised P-DEV52 – Telecommunications Infrastructure

**PURPOSE**

1. To consider final adoption of Local Planning Policy P-DEV52 – Telecommunications Infrastructure.

**BACKGROUND**

2. The Shire periodically reviews, revokes and adds new policies. Policies are used to ensure consistency and transparency in decision making as well as adding clarity to an intent to existing legislation.
3. Draft Local Planning Policy P-DEV52: Telecommunications Infrastructure (the Policy) has been prepared to assist in making determinations related to planning decisions for telecommunications infrastructure.
4. At the meeting on 29 March 2016, Council resolved to adopt the Policy for the purpose of public advertising (Attachment 1).
5. Following public advertising Council now determines whether to proceed with the Policy, with or without recommended modifications, or not proceed with the Policy.

**DETAILS**

6. The purpose of the draft Policy is to provide guidance in relation to what sort of infrastructure does and does not require development approval. The draft Policy explains 'Low-impact facilities' do not require development approval by the Shire and all other (high impact, more obtrusive) facilities would require development approval.
7. The draft Policy states where an applicant and the Shire disagree on the impact of a proposal, the Shire will be the determining authority.

8. In determining development applications, the Shire will consider the provisions of Local Planning Scheme No. 3 and State Planning Policy 5.2 Telecommunications Infrastructure regarding the visual impact of any proposal.
9. The draft Policy concludes the Shire is not the suitable authority to consider or address any alleged health impacts of telecommunications infrastructure.

### **STATUTORY AND LEGAL CONSIDERATIONS**

10. Local Planning Policies are created under Clause 3(1) of *Planning and Development (Local Planning Schemes) Regulations 2015*.
11. A Local Planning Policy does not bind the Shire in its application of discretion. If a provision of a Local Planning Policy is inconsistent with Local Planning Scheme No. 3, the Scheme prevails.
12. The draft Policy clarifies and explains the requirements of the *Telecommunications Act 1997*.

### **POLICY CONSIDERATIONS**

13. The draft Policy follows the adopted Council Policy template and has been drafted in accordance with the principles of orderly and proper planning.
14. *State Planning Policy 5.2 Telecommunications Infrastructure* provides guidance on preparing local planning policies addressing the same issues. The draft Policy has been created in accordance with the State Planning Policy.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

15. The draft Policy was advertised for 21 days from 12 April 2016 to 2 May 2016 in a local newspaper. The draft Policy was displayed at the Administration Centre and uploaded to the Shire's website.
16. The advertising was conducted in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015*.
17. Five submissions were received during the advertising period. The submissions generally supported the draft Policy subject to certain modifications. A summary of submissions is included at (Attachment 2) along with Shire comment on the submissions.
18. One of the submissions included a replacement policy drafted by the submitter. This has been included in (Attachment 3) along with Shire comment (in red) on each of the proposed provisions.
19. Following consideration of the submissions, the Shire made a number of changes to the draft Policy, which can be seen in the track changed version at (Attachment 4).
20. The modified version of the Policy is included at (Attachment 5).

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## FINANCIAL CONSIDERATIONS

21. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

22. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 4.3 – To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.

Strategy 4.3.1 – Provide efficient building and development approval services to the community.

## SUSTAINABILITY

### Social Implications

23. The draft Policy provides guidance and certainty for telecommunications companies and residents as to which applications require a development approval. This level of certainty should help to alleviate the concerns of some residents that large facilities could be constructed without any approval.

### Economic Implications

24. Nil.

### Environmental Implications

25. The draft Policy requires development applications for any proposals that could have an impact in an area of environmental significance. This should provide greater protection of the environment than was previously provided.

## RISK MANAGEMENT CONSIDERATIONS

- 26.
- | Risk                       | Likelihood | Consequence | Rating | Action/Strategy  |
|----------------------------|------------|-------------|--------|--|
| The Policy is not adopted. | Unlikely   | Minor       | Low    | Ensure Council is aware the proposed Policy can give applicants and residents greater certainty of the planning process. |



## OFFICER COMMENT

27. The draft Policy is a necessary tool to help guide future telecommunications infrastructure proposals. In particular, the Policy identifies the Shire is not the appropriate authority to address any alleged health impacts associated with telecommunications infrastructure.
28. The draft Policy provides clarity on which proposals require development approval and which are exempt under the *Telecommunications Act 1997*. The draft Policy provides a simple interpretation of the requirements of the *Telecommunications Act 1997*.
29. The draft Policy gives the Shire guidance to determine which classification to assign to a certain proposal.
30. The draft Policy is consistent with the best practice approach of other local government policies and complies with the requirements of State Planning Policy 5.2: Telecommunications Infrastructure.

## Issues Raised During Advertising Period

31. With regard to the concerns raised during advertising, the following is noted:
32. Most of the issues raised in the submissions requested further Council power by adding or modifying the draft provisions. The Shire has agreed where possible, but it is bound in many circumstances by State and Federal Law.
33. State and Federal Law restricts what can be included in this Local Planning Policy. While the previous policy (DEV26) was more restrictive, this draft Policy was designed to be in accordance with relevant Laws and defensible if challenged. While it is possible to include further requirements and more strict provisions, these provisions may not be defensible through an appeals process and could jeopardise the operation of the other policy provisions as well.
34. Another common request in the submissions was for the inclusion of provisions similar or identical to those in *State Planning Policy 5.2 Telecommunications Infrastructure* in order to give the Shire greater power.
35. To avoid repetition, many provisions are already covered through *State Planning Policy 5.2 Telecommunications Infrastructure*, have not been included in the draft Policy. If Council proceed with the draft Policy, both policies will apply and there should be no perceived conflict between the two. The Shire will be responsible for enforcing both policies where the Shire is the determining authority of a development application.
36. Advertising requirements were raised as an issue in most of the submissions. The radius of advertising was requested to be increased as well as the duration for submissions.
37. The draft Policy requires advertising of the proposal to all landowners within a 500m radius. This does not, however, preclude the Shire extending the advertising radius requirement.

38. It is possible to increase the duration of advertising. Currently it is a maximum of 21 days, enforced by State Planning Policy 5.2. Local Planning Policies can vary the requirements of a State Planning Policy only when approved by the Western Australian Planning Commission. If a conflict between the two policies is not approved, the State Planning Policy would apply.

*A Councillor foreshadowed an amendment to add a point 4. This was detailed and was acceptable to the mover and seconder and became part of the substantive motion.*

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 43/2016)**

That Council:

1. Pursuant to Clause 4 of Schedule 2 of *Planning and Development (Local Planning Schemes) Regulations 2015*, proceed with the draft Local Planning Policy P-DEV52 Telecommunications Infrastructure with modification as per (Attachment 5).
2. Pursuant to Clause 4 of Schedule 2 of *Planning and Development (Local Planning Schemes) Regulations 2015*, publish notice of Local Planning Policy P-DEV52 Telecommunications Infrastructure (Attachment 5) in a local newspaper and online.
3. Request the Western Australian Planning Commission to allow Local Planning Policy P-DEV52 Telecommunications Infrastructure to vary provision 6.3 of State Planning Policy 5.2 Telecommunications Infrastructure by increasing the advertising duration to a maximum of 28 days.
4. **Amends Clause 2.3 (a) Letters be sent to all landowners seeking comment on issues, concerns or historical information pertinent to the proposal. Letters are to be sent to landowners whose properties fall within a 500 metre radius of the proposed structure or a greater radius if required; and advising of the application, where it may be inspected and the submission period.**

Moved: **Cr Andrew Waddell**

Seconded: **Cr Tracy Destree**

Vote: **CARRIED UNANIMOUSLY (9/0)**

## Attachment 1

Local Planning Policy -Telecommunications Infrastructure - P-DEV52

### Advertised P-DEV52 – Telecommunications Infrastructure

#### **P-DEV52: Telecommunications Infrastructure**

Adopted

Next Review

### **1. Purpose**

To guide the exercise of discretion in terms of the requirements for development approval under Part 7 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), and dealing with disagreements related to such a determination.

#### **1.1. Structure**

*Purpose:* Outlines the application and purpose of the policy.

*Policy Statement:* Contains policy requirements and provisions.

*Attachment 1:* Research findings relating to health impact.

#### **1.2. Statutory**

This policy is prepared under Part 2 of Schedule 2 of the Regulations.

#### **1.3. Application**

This policy is applicable to any aboveground telecommunications infrastructure in the Shire of Kalamunda. The Shire will apply this policy when making discretionary decisions relating to telecommunications infrastructure. The Shire's Local Planning Scheme No. 3 (the Scheme) defines 'telecommunications infrastructure' as "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, on or in connection with a telecommunications network."

#### **1.4. Objectives**

The Shire recognises the importance of telecommunications infrastructure to provide an appropriate level of telecommunication coverage for the local community. The Shire also recognises that some telecommunications infrastructure, particularly mobile telephone towers, can be visually obtrusive. This policy supports low-impact facilities, and opposes other telecommunications infrastructure that would have a significant adverse visual impact.

## **2. Policy Statement**

### **2.1. Background**

Authorised carriers are installing networks of electromagnetic wave transmission facilities for mobile telephones and telecommunications cabling. This will provide services to users of mobile telephones and 'cable' television. Different forms of facilities have varying degrees of environmental impact.

The following written laws regulate the installation of Telecommunications Infrastructure:

- (a) *Telecommunications Act 1997 (Commonwealth)*;
- (b) *Telecommunications Code of Practice 1997 (Commonwealth)*;
- (c) *Telecommunications (Low-Impact Facilities) Determination, 1997 (Commonwealth)*; and
- (d) *Shire of Kalamunda Local Planning Scheme No. 3.*

## **2.2. Visual impact of Telecommunications Infrastructure**

- (a) Low-impact facilities –

'Low-impact facility' means a facility that the Minister has determined in the Low Impact Determination to be a low-impact facility. Schedule 3 to the *Telecommunications Act 1997 (Commonwealth)* identifies certain facilities that are not low-impact.

The facilities that are not 'low-impact' include the following:

- (i) a mobile telecommunications tower that is not attached to a building;
- (ii) a tower attached to a building if the tower is more than 5.0 metres high;
- (iii) an extension to a tower that has previously been extended;
- (iv) an extension to a tower, if the extension is more than 5.0 metres high;
- (v) overhead cabling; and
- (vi) a facility in an area of environmental significance.

The Shire supports low-impact facilities. 'Low-impact facilities' do not require the Shire's development approval. However, approved carriers must submit details of them to the Shire for information.

- (b) Other facilities –

- (i) Telecommunications infrastructure that does not constitute a low-impact facility requires development approval. Development approval must be obtained before installing any such facility.
- (ii) In considering an application for development approval, in particular the visual impact of the facility, the Shire will have regard to the provisions of Local Planning Scheme No. 3 and State Planning Policy 5.2 Telecommunication Infrastructure. Development approval may be refused where the Shire is of the opinion that the proposed facility would have a significant adverse visual impact. Alternatively, the Shire may grant development approval conditional upon appropriate modifications to minimise the adverse visual impact.

### **2.3 Advertising of development applications for other facilities**

The Shire will advertise, or require the applicant to advertise, an application for development approval in accordance with the following methods:

- (a) Letters shall be sent to all landowners, whose properties fall within a 500m radius of the proposed structure, advising of the application, where it may be inspected and the submission period;
- (b) A sign shall be installed on the subject property in a conspicuous location, advising of the application, where it may be inspected and the submission period;
- (c) A notice shall be placed in a newspaper circulating in the region of the subject property, advising of the application, where it may be inspected and the submission period;
- (d) The full application and supporting information shall be uploaded to the Shire's public website and promoted through the Shire's social media;
- (e) The Shire will request the applicant to hold a community engagement session, run by a facilitator, to discuss the application with residents. The Shire will provide logistical support to assist with the community engagement process.

### **2.4 Health impact of Telecommunications Infrastructure**

The Shire is not technically able to consider the alleged health impacts of telecommunications infrastructure when determining an application for development approval. National and international health authorities have determined that these facilities do not have major health impacts. The attachment to this policy refers to research findings in this regard.

### **2.5 Resolution of disagreements on classification and related matters**

The Shire and an authorised carrier may disagree on the need to lodge an application for development approval based on the classification of proposed telecommunications infrastructure. This may result in a disagreement on the level of public consultation required or the adequacy of the information submitted. The Shire may determine, within the time limits specified in the Telecommunications Code of Practice, which classification applies to the proposed telecommunications infrastructure. In this case, the following officers of the Shire may make such a determination:

- (a) Chief Executive Officer;
- (b) Director Development Services; or
- (c) Manager Development Services.



## Attachment to P-DEV50: Telecommunications Infrastructure Research findings relating to health impact

Independent scientific research has been conducted by Federal Government bodies including Austel and the Department of Human Services and Health in relation to the electromagnetic emissions (EME) from mobile telephone towers and their associated equipment buildings. The results have shown that the EME levels associated with such equipment are well within national and international guidelines, and are too low to cause a health risk to the community. These findings are supported by other research undertaken by the World Health Organisation, the International Radiation Protection Association and the National Radiological Protection Board, UK. In Australia, EME levels are governed by the Federal Government's Australian Standard which is five times as strict as those in other countries, and twice as strict as the World Health Organisation<sup>1</sup> recommendation.

Based on a review of research findings, the Health Department of Western Australia has advised that there is currently no health basis for restricting either the siting of mobile telephone towers in or near residential areas, or ground level access to them. However, the Department recognises that there is also community concern about the visual impact of the towers, and has recommended that any Council policy concerning the siting of mobile telephone towers should be formulated to recognise the community's general concern about such facilities rather than as an explicit statement about the health impacts of these towers. Planning Policy P-DEV50 has been formulated on the recommended basis.

Related Local Law	
Related Policies	State Planning Policy 5.2: Telecommunications Infrastructure
Related Budget Schedule	
Legislation	Telecommunications Act, 1997 (Commonwealth) Telecommunications Code of Practice, 1997 Telecommunications (Low-Impact Facilities) Determination, 1997 Australian Communications Industry Forum industry code - Deployment of Radio Communications Infrastructure Code, 2002
Conditions	
Authority	

### <sup>1</sup> FOOTNOTE

Although supporting the findings that there is currently no health basis for restricting the siting of mobile telephone towers, the World Health Organisation's advice on electromagnetic fields and public health with respect to mobile telephones includes the following precautionary measures:

*"Present scientific information does not indicate the need for any special precautions for use of mobile phones. If individuals are concerned, they might choose to limit their own or their children's radiofrequency exposure by limiting the length of calls, or using 'hands-free' devices to keep mobile phones away from the head and body."*

(SOURCE: Australian Communications Industry Forum Industry code – Deployment of Radiocommunications Infrastructure Code, 2002, which may be accessed on the Australian Communications Authority website at: [www.acma.gov.au](http://www.acma.gov.au))

## Attachment 2

Local Planning Policy -Telecommunications Infrastructure - P-DEV52

### Submission Table

Details		Comment	Staff Comment
1.	Greg Bargmann Tony Warnock LESMURDIE	<p>1. Why has the title and scope been changed?</p> <p>2. Does the policy apply to small scale radio, satellite dishes?</p> <p>3. Why doesn't the policy mention the <i>Radiocommunications Act 1992</i>?</p> <p>4. Some provisions from revoked policy should be included.</p> <p>5. Consider extending advertising range to 1.2km for taller towers.</p> <p>6. Consider including provisions from State Planning Policy 5.2 in the Local Planning Policy.</p>	<p>1. The title was changed to reference the policy more easily and relate to the State Planning Policy of the same name. The scope has not changed; radio, TV and internet is included in 'telecommunications'. The purpose of the policy has changed to align with recent changes to legislation. Clarification inserted into provision 1.3.</p> <p>2. The policy applies to any part of a telecommunications network; however, in most cases, small scale infrastructure will be classed as 'low-impact facilities' that do not require development approval from the Shire.</p> <p>3. <i>Radiocommunications Act 1992</i> controls the usage of radio spectrums and not design or infrastructure. Enforcing this Act is not the responsibility of Local Government.</p> <p>4. The proposed provisions were deemed either superseded by other legislation or unable to be implemented by the Shire due to their inability to enforce.</p> <p>5. The draft Policy does not preclude the Shire from extending the advertising radius if necessary. Each case will be considered on its location, scale and merits.</p> <p>6. There is no need to do this. The State Planning Policy still applies and will be enforced by the Shire upon an application being received.</p> <p>7. Replace 'Health Impact' and the attachment to the policy with wording from State Planning Policy 5.2. The precautionary principle</p>

		<p>7. Recommend removing mention of health impact since the State Planning Policy covers it sufficiently. The policy should mention the precautionary principle.</p> <p>8. Shire could be liable for health problems caused by radiation.</p> <p>9. Incorrect reference to Schedule 3 of the Telecommunications Act.</p> <p>10. Advertising sign should be a minimum 75x50cm.</p> <p>11. Newspaper advertisement should be 2 columns wide, 15cm long and in the first 5 pages of the newspaper.</p> <p>12. The Shire should require community engagement sessions.</p>	<p>is already employed in existing safety standard and deployment processes (Telstra Corporation Limited v. Hornsby Shire Council 2006); as such, it is not appropriate for the Shire to further prescribe limits. Regardless, State Planning Policy 5.2 requires that a Development Application is accompanied by a report demonstrating compliance with the Mobile Phone Base Station Deployment Industry Code, which also includes the precautionary principle.</p> <p>8. Health issues are not considered by the Shire's Local Planning Scheme No. 3. There is alternative legislation that does address this issue. The issue of a development approval does not imply compliance with other legislation. Thus, an approval does not imply the Shire knowingly approving a hazardous piece of infrastructure. The onus and liability of satisfying State and Federal requirements is on the applicant.</p> <p>9. Noted. Will be updated to read <i>Telecommunications (Low Impact Facilities) Determination 1997</i>.</p> <p>10. The Shire will determine sign size on a case-by-case basis.</p> <p>11. The size of newspaper advertisements will be determined on a case-by-case basis.</p> <p>12. The Shire cannot require applicants to hold community engagement session. The Shire may run sessions itself at the request of Council or if deemed appropriate.</p>
2.	John and Sue Blair GOOSEBERRY HILL	13. Are the facilities marked (a) (i) to (vi) in this section classed as 'other facilities' in Section 2.3 below? Is the advertising that is listed in Section 2.3 pertaining to these facilities?	13. Yes, the advertising provisions relate to those 'other facilities'. We will move (a)(i)-(vi) into section (b) to make it clearer.



		<p>14. Advertising requirements should include detailed information to all landowners, occupants, affected parties and environmental groups within a 500m radius, or predicted EME mapping range, whichever is greater. Advertising should include two local newspapers and a large sign on site at least four weeks prior to consideration.</p> <p>15. The Shire should ensure that EME safety factors pertaining to sensitive areas have been considered. Precautionary principle should be employed to protect a decision.</p> <p>Staff note: The precautionary principle to risk management states that if an action has a suspected risk of causing harm, in the absence of scientific consensus, the burden of proof that it is not harmful falls on those taking the action.</p> <p>16. Policy should require detailed mapping of vegetation and wildlife of the proposed site.</p>	<p>14. Notice of the application itself is considered sufficient information to provide to interested parties. Detailed information can be inspected at the Shire office, online, or emailed to an interested party. Letters are required to be sent to owners and occupiers, and will be made public for any other parties to inspect. Unfortunately, the Shire cannot individually inform anyone else, as we cannot reasonably assume which organisations or people do or do not have an interest in the application. The 500m mail range is a guide only, any increase to the radius can be considered on a case-by-case basis. The predicted EME range of a major structure cannot be determined and has no bearing on the application. 21 days of advertising is the maximum amount allowed under State Planning Policy 5.2. If the proposal is in an area where there are two local papers, the proposal will be required to be advertised in both.</p> <p>15. The Shire of Kalamunda does not have the legal ability nor expertise to assess EME safety factors. The Shire has acted thus far upon the direction of State and Federal governments and will accept no liability for the advice and information it has received and used. The Shire will update this policy if there are any changes to State or Federal policy. Currently, Australian Standards for EM radiation is enforced by ARPANSA. The precautionary principle is already employed in existing safety standard and deployment processes (Telstra Corporation Limited v. Hornsby Shire Council 2006); as such, it is not appropriate for the Shire to further prescribe limits. Regardless, State Planning Policy 5.2 requires that a Development Application is accompanied by a report demonstrating compliance with the Mobile Phone Base Station Deployment Industry Code, which also includes the precautionary principle.</p> <p>16. All proposals will be assessed for their environmental impact. The Shire's environmental officer will consider the extent of vegetation and wildlife mapping on a case-by-case basis.</p>
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		<p>17. Development Applications should address the need for the facility and show black spots on a map.</p> <p>18. Each application should supply the community and the Shire with information that measures the impact of the proposed tower against community concerns.</p> <p>19. Telecommunications infrastructure is light industrial and commercial, and should be sited in an industrial zone, not in any residential or public open space.</p> <p>20. Towers and antennas should require a building license, registered builder, engineering certification and environmental impact statement. Add-ons should also require EME exposure readings measurable against the Australian Standard.</p> <p>21. A telecommunications policy must protect the Shire of Kalamunda, its residents and their surrounds to avoid sensitive areas.</p>	<p>17. Clause 6.3.1b of State Planning Policy 5.2 Telecommunications Infrastructure requires applicants to submit a map of network gaps.</p> <p>18. Any application for planning approval must address all Local Planning Scheme No. 3 requirements. In certain cases, these do not align fully with community concerns and, as such, we have the advertising process in place. If any community concern is deemed to be a relevant planning consideration, additional information may be requested from the applicant.</p> <p>19. Council is not permitted to restrict telecommunications infrastructure in any zone as per the requirements of State Planning Policy 5.2.</p> <p>20. The Building Act 2011 already requires telecommunications infrastructure to have a building license as a Class 10B structure. New structures are already required to operate below ARPANSA's standards for EM radiation.</p> <p>21. As directed by the State and Federal Government, the Shire is and will continue acting and making decisions as required under law in an appropriate and defensible manner.</p>
3.	Emma Kallarn	<p>22. The policy does not require detailed information be provided by the applicant (need, visual impact).</p>	<p>22. All relevant information must be included as per State Planning Policy 5.2.</p>

		<p>23. Part 2.2 does not empower the Shire to exercise its full rights as provided in State Planning Policy 5.2.</p> <p>24. Section 6.3.1 should be adopted as the minimum requirement for Development Applications. More information should be submitted as part of a Development Application than provided for in State Planning Policy 5.2.</p> <p>25. The Shire should require a building application for these kinds of infrastructure items.</p> <p>26. New infrastructure should state the existing and proposed level of RF radiation in accordance with the Australian Standard.</p> <p>27. The Shire should formalise the requirements of development applications. This policy does not include any standards or relative information of interest for consultations.</p> <p>28. Appropriate notification should be to landowners, occupants, interest and affected parties of any property falling within either a 500m radius or predicted EME mapping, whichever is greater.</p>	<p>23. The policy does not need to reference the State Planning Policy. SPP 5.2 applies and, as such, the Shire will enforce its requirements.</p> <p>24. These are already the minimum requirements for Development Applications. Further addressed in (Attachment 3).</p> <p>25. The <i>Building Act 2011</i> already requires telecommunications infrastructure to have a building licence as a Class 10B structure.</p> <p>26. This is the responsibility of ARPANSA to enforce.</p> <p>27. The requirements for submission are clearly set out in State Planning Policy 5.2. These are not required to be repeated in a local planning policy Local Planning Policy.</p> <p>28. The letters are required to be sent to owners and occupiers, and will be made public for any other parties to inspect. Unfortunately, the Shire cannot individually inform anyone else, as we cannot reasonably assume which organisations or people do or do not have an interest in the application. The 500m mail range is a guide only, any increase to the radius can be considered on a case-by-case basis.</p>
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		<p>29. There is no consistent level of information the community receive during consultation.</p> <p>30. Community consultation should be at least as onerous as advertising requirements for low-impact facilities in the Industry Code C564:2011.</p> <p>31. The Shire should ensure compliance with the Industry Code C564:2011, specifically with regard to the object of avoiding community sensitive locations and the precautionary principle in Appendix A.</p> <p>32. Attachment to the draft policy is outdated and incorrect.</p> <p>33. The Policy should not seek to provide passage to Carriers of a lesser standard than those called upon in the Industry Code C564:2011 for low-impact facilities.</p> <p>34. Submitter included a revised policy attached at (Attachment 3).</p>	<p>29. Development applications for telecommunications infrastructure are able to be viewed at the Shire office or online during the advertising period. The application will include relevant details as required under State Planning Policy 5.2 and the Shire will ensure that those details are included. In some cases, some elements may not be required to be included in the application.</p> <p>30. The requirements under the industry code are independent of town planning controls under Local Planning Scheme No. 3. However, the Shire acknowledges the concern and will request the Western Australian Planning Commission allow an increase to the advertising duration.</p> <p>31. State Planning Policy 5.2 requires applicants to submit a document displaying compliance with the Industry Code. The Shire will ensure that the applicant has supplied that document.</p> <p>32. Acknowledged. The Attachment has been replaced by the statement made in State Planning Policy 5.2, which is current and correct.</p> <p>33. The requirements of a Development Application are stipulated in State Planning Policy 5.2 and are deemed to be sufficient for the purpose of determining the application. The advertising requirements in the draft Policy are deemed sufficient for their purpose. Any other inconsistencies between the draft Policy and the Industry Code should not affect the ability for residents to make a comment or for the Shire to determine an application.</p> <p>34. This has been addressed as comments in the attachment itself.</p>
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4.	Joel Gajic Aurecon Group PERTH	35. Suggested numerous wording changes.	35. Accepted all changes except modifications to advertising requirements as the current requirements are deemed to be satisfactory. Recommend requesting the Western Australian Planning Commission to approve an extension to the normal advertising duration.  Modifications to health impact sections are no longer relevant as they have been replaced by wording from State Planning Policy 5.2.
5.	Lesmurdie & Districts Community Association Inc.	36. Concerned that there is no mention of the historical issues with towers regarding health and visual impacts.  37. Concerned about towers being increased in height after construction.  38. Council previously objected to any further towers within its boundaries, saying that other municipalities should take some on.  39. Bushfire safety cannot be used as the definitive argument for more towers. There are other methods to increase safety.  40. Satellites become overloaded during bushfires so mobile phone users are not well serviced.	36. Background/history can be included, but it is not necessary to portray the intent of the draft Policy and will have very little effect on decision-making.  37. If the extension is over 5m, this will require a development application as a facility that is not 'low-impact'. If a previously extended tower is extended again by any amount, it will require a development application.  38. If included in the draft Policy and used against an application, it would likely fail to be upheld in an appeal process.  39. The Shire recognises and understands the importance of telecommunications coverage. Mobile phone coverage is just one approach to informing residents of any danger. The draft Policy does not say otherwise.  40. This is no reason to refuse a proposed tower and the draft Policy is not responsible for ensuring sufficient level of service. That would be the role of the Telecommunications Industry Ombudsman.

	<p>41. When bush catches fire, towers can burn, leaving residents without coverage. Therefore, it is pointless to place mobile phone towers in the bush.</p> <p>42. The Policy should discourage applications for towers anywhere near schools or residential areas in favour of industrial and shopping precincts.</p> <p>43. Carriers should advise of any foreseeable dishes on towers at the initial application.</p> <p>44. Council should err on the side of caution with regard to potential health issues.</p> <p>45. The Policy should state that the visual impact of any proposed tower will be a major factor in the consideration of applications.</p> <p>46. Carriers should be required to share towers as a first preference and they should be required to work together co-operatively when approaching Council for an appropriate site with a view to sharing the facility.</p>	<p>41. Bushland is often supported for siting towers as the visual impacts are generally smaller than in urban areas and there is a large benefit for the at-risk residents. However, the Policy does not specify support for any area in particular.</p> <p>42. The Shire will assess each application on its merits having regard to the provisions of State Planning Policy 5.2.</p> <p>43. Carriers often are not aware of any future demand or the specifics of that demand. Each future application does require its own development application and will be assessed independently with the appropriate public advertising.</p> <p>44. The State government does not permit the Council to make decisions based on potential health issues. Even so, the precautionary principle is already built into the laws surrounding tower placement and EM emission licensing.</p> <p>45. The draft Policy already has a section specifically for visual impact.</p> <p>46. The Shire definitely supports co-location of facilities, but there is no method for the Shire to enforce it. The State Planning Policy says that facilities should be co-located where possible, but it doesn't give Local Governments any guidance on assessment.</p>
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	<p>47. The new policy should encourage carriers to provide a preferred site for any proposal and an alternative site for Council consideration.</p> <p>48. The Policy should strongly advise carriers to consult with the community in a meaningful and timely manner, with goodwill. Given the time constraints imposed by government, the consultation should be initiated before an application is lodged.</p> <p>49. Council should approach the relevant authorities requesting a review of the time-frames currently in place regarding telecommunication applications and that Council point out that these time-frames clearly favour carriers rather than the community to be affected.</p>	<p>47. It is not Council's role to determine where the best site is for a particular private piece of infrastructure. Council will assess each proposal on its own merits. Only if a chosen site is satisfactory, will Council approve the application.</p> <p>48. When an application is received, it is the responsibility of Council to ensure the advertising requirements are met and to seek further information from the applicant. Council cannot require advertising prior to lodgement of an application as the Local Planning Scheme provisions do not apply until an application is lodged.</p> <p>49. Based on discussions with the Department of Planning, it would be difficult to modify their policy outside of their structured review times. Instead, it is recommended that Council request the Western Australian Planning Commission to approve an alternative timeframe for advertising. The Department of Planning has indicated that this would be the preferred approach, as it would then relate only to Shire of Kalamunda. Following such an approval, a modification can be made to the draft Policy.</p>
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### Attachment 3

Local Planning Policy -Telecommunications Infrastructure - P-DEV52  
Submission by Emma Kallarn with Shire Comments

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Shire staff comments included in red.



## INTRODUCTION

Telecommunications facilities including mobile phone towers, roof top antennae and broadband aerial cabling are increasingly a part of modern life. **This is already included in the policy.** However, they have the potential for significant adverse impacts on the Shire's residents, amenity and natural environment. **This is already in the policy objectives.**

Under the Telecommunications act 1997, it is now necessary that carriers, their contractors or agents, lodge a development application for not Low-impact Facilities and, depending on the structural characteristics, a building license application. **Not necessary to include, covered through other legislation.**

Procedures have been established under the Telecommunications Act 1997 for infrastructure providers to consult with interested and affected persons, including the Council, prior to the erection and/or installation of certain types of infrastructure, and these are set out in the Telecommunications Industry Code of Practice C564:2011. The Code recognises the importance of local government input into the decision-making process. **SPP 5.2 already recognises the Code and requires it be addressed.** Due regard shall be had to State Planning Policy 5.2 in balancing of the need for effective telecommunications services and the roll-out of networks whilst protecting the community interests. **The State Planning Policy applies regardless of its mention in the Local Planning Policy.**

The Telecommunications Act also supplemented by the Telecommunications (Low-Impact Facilities) Determination 1997, which defines those classes of telecommunications infrastructure which are considered to have minimal impact. The installation of low impact facilities as defined under Part 3 of the Telecommunications (Low-Impact Facilities) Determination 1997, is deemed to be a minor form of development and is exempt under Commonwealth legislation from the requirement to obtain the Council's planning approval. A carrier shall however comply in all respects with the Industry Code of Practice C564:2011. **Exemptions are not provided through this Policy. Compliance with Industry Code is covered through SPP 5.2.**

## DEFINITIONS AND ABBREVIATIONS

### Act

Means the Telecommunications Act 1997

### Australian Standard

Means the Australian Standard for Maximum Exposure to Radiofrequency Fields 3 kHz to 300 GHz

### ARPANSA

Means the Australian Radiation Protection and Nuclear Safety Agency

### Code

Means the Telecommunications Industry Code C564:2011 (Mobile Phone Base Station Deployment)

### Carrier

Has the same meaning as in the Act

### Consultation

Means a process whereby Carriers seek to inform other parties about the proposed project at particular premises with the intention of giving those parties an opportunity to respond to the proposal and to have their responses considered.

### Development Application

Means an approval in accordance with state or local planning laws

### EMR

In this Policy refers to the radiofrequency portion of the electromagnetic spectrum. Energy transmission over the entire spectrum is technically known as electromagnetic radiation (EMR), other terms are commonly used for the whole spectrum which include EME (electromagnetic energy), EMF (electromagnetic fields) and may be used interchangeably with EMR.

### Interested and Affected Parties

Means people, organisations, companies and businesses who, in the Carrier's reasonable opinion, may have an interest in, and may be affected by the design and/or location of proposed Mobile Phone Radiocommunications Infrastructure, including;

- (a) The owner(s) and occupier(s) of the propose site;
- (b) Those persons that fall within any actual or predicted EME spectrum
- (c) Includes persons who reside or undertake occupancy within the immediate vicinity of the proposed site; and
- (d) Other community stakeholders identified by the Carrier.

NOTE: Interested and Affected Parties includes, but is not limited to local Progress Associations, Parents and Citizens groups, pre-schools and schools, local MP's, resident groups, childcare centres, chambers of commerce, sporting groups, tenants, Occupational Health and Safety Committees, Aboriginal Land Councils and residents in adjacent council areas but living in proximity to a proposal.

Owners and occupiers within a certain range is sufficient for advertising purposes, determined by the location of the tower/facility. It would likely include all of the above listed interested parties. Aside from that, signs on site, newspaper notices and website adverts should be sufficient to cover any parties who did not receive direct mail.

### Low Impact Facility

Means a facility as determined in the Telecommunications (Low-impact Facilities) Determination 1997.

### Mobile Phone Base Station

Means a mobile phone radiocommunications transmitter and its associated infrastructure including any antennas, housings and other equipment.

### Precautionary Principle

Means as noted in Australia's Inter-governmental Agreement on the Environment (IGAE);

'Essentially the precautionary principle offers administrators advice about how to act responsibly in the face of uncertainty and lack of full scientific knowledge.'

Note: The Council is committed to taking great care when authorising resource use where the outcomes of that use cannot be predicted with confidence, where on or more of the possible outcomes could have extremely adverse implications for future generations, or where no known substitutes exist for that resource being used.

The Precautionary Principle does not require scientific proof of a causal link between human activities and its effect.

Definitions are included in the Policy already as required.

## INTERPRETATION AND NOTIFICATION

In this Policy, mandatory provisions are denoted by the use of the word 'must' and provisions that are recommendatory are denoted by the use of the word 'should'. *Interpretations Act 1984 covers this.*

## OBJECTIVES

The objectives of this policy are to:-

1. Provide controls and guidelines for the design and siting of telecommunications facilities, so as to minimise their impacts on built and natural environment. *Not currently an objective but these impacts are considered. The main objective is to limit visual impact on surrounding residents.*
2. To apply a Precautionary Approach to the deployment of Mobile Phone Radiocommunications Infrastructure; *Not an objective but this approach, of responding to risk to protect the community from harm, is considered during assessment of applications under the current Policy.*
3. Promote the placement of cables and lines being located underground and where not possible, provide appropriate guidelines. *Outside the scope of the Policy and local government responsibility.*
4. To minimise the number of towers by co-locating with existing infrastructure and/or within existing infrastructure corridors and/or mounted to existing or proposed buildings. *The Policy supports co-location and will be considered at the assessment stage.*
5. Avoid community sensitive locations, generally considered to be residential areas, childcare centres, schools, aged care centres, hospitals, regional icons, areas of heritage significance (built, cultural and natural) and areas of conservation under other Commonwealth and State Legislation. *Not an objective of the Policy. The placement of telecommunication facilities will be considered on a case-by-case basis. The State Government does not recognise any areas as being sensitive locations for the siting of telecommunications facilities.*
6. Uphold the intentions of the Industry Code of Practice C564:2011 (Mobile Base Station Deployment) and provide best practice process for demonstrating compliance. *The development application ensures this but it's not an objective of the Policy.*



## PUBLIC CONSULTATION

Development Applications for Mobile Phone Base Stations will be subject to notification (Council's Notification Policy?) given to residents and occupants likely to be effected by the facility. Notification must be given at least 14 days prior to submission of Development Application. A longer notification period may be adopted if in the opinion of Council, the proposed facility is of such significance or scale to warrant it. **The Development Application will be submitted, then it will be advertised for 21 days as per SPP 5.2, then it will be assessed by the Shire. The consultation methods will be included in the Policy.**

## POLICY

Where a Mobile Phone Base Station is subject of Development Application, the applicant must submit the following information which shall be the basis for the Council's assessment;

- (a) A written description of the proposed works; **Required as per SPP 5.2.**
- (b) Provide details of the planned service coverage, the carrier's analysis of the demand by the public in the proposed area, the power levels needed to provide quality of service and the amount of usage the planned service must handle, including and not limited to future requirements; **Required as per SPP 5.2.**
- (c) A description of the environment in the area that is likely to be affected by the proposal; **Will be assessed by Shire planning officers as part of the development applications process..**
- (d) A summary of the investigations that the carrier has made, to identify the effect that the proposal is likely to have on the environment; **Required as per SPP 5.2.**
- (e) A statement of estimated EME exposure levels, maps detailing the intensity and wavelength of any transmission and its relationship to the Australian Standards applicable. **Not required as the Shire does not have the expertise nor legal ability to assess. Assessed by ARPANSA in issuing licenses.**
- (f) A current audit of EME present at the proposed site and environment in the area that is likely to be affected by the proposal and how the total accumulative EME for the proposed works. **Not required as the Shire does not have the expertise nor legal ability to assess. Assessed by ARPANSA in issuing licenses.**
- (g) The Carrier must submit a draft consultation plan for the site. The consultation plan must be in writing and set out the consultation plan and its delivery, implementation and analysis to responses. This processes will operate in parallel and may change the Development Application as a result of engagement with stakeholders.

The consultation plan must met the objectives of:-

- (i) Undertaking a stakeholder analysis and Identifying and informing Interested and Affected Parties of the proposed project;
- (ii) Maximising the level of accurate and accessible information about the project to Interested and Affected Parties;
- (iii) Using its reasonable endeavours to identify community sensitive locations; and
- (iv) Meeting the reasonable needs and expectations of the community.

**Consultation must be in accordance with the requirements in the Policy. It should adequately include all relevant parties. If any information is not publicly available at the time**

- of advertising, the Shire may request further information from the applicant and extend the public advertising period accordingly in consultation with the WAPC.
- (a) A report demonstrating compliance with the Mobile Phone Base Station Deployment Industry Code C564:2011, excluding Sections 6 and 7 (which only apply to Low-impact facilities). **Required as per SPP 5.2.**
  - (b) Written procedures for the site selection addressing the particulars of the proposed site and having regard to the minimum requirements set forth in Part 4.1.5 of the Code. **Satisfaction of the Industry Code is required as per SPP 5.2.**
  - (c) How the carrier has met the object of avoiding community sensitive locations. **Not necessary. The State Government does not recognise any areas as being sensitive locations for siting telecommunications infrastructure.**
  - (d) Details on alternate sites available or considered for the facility. The erection of a new tower will be strongly opposed unless a carrier can clearly establish with supporting documentation that existing infrastructure in the locality is unsuitable, unavailable, economically, physically or environmentally impractical. **The applicant must provide justification for the need for the services. The Shire cannot require the applicant to provide alternative locations, though many applications do include them. The Shire will receive the application and assess it on its own merits.**
  - (e) Where located in an environmentally sensitive location, details on maintenance procedures, risk assessments and environmental management policy. **Required as per SPP 5.2.**
  - (f) The nature of adjacent land uses and the existing or likely future occupancy of adjacent sites, with reference to the levels of exposure to electromagnetic radiation likely to be experienced and the susceptibility of persons exposed. **Not necessary as future occupants will be aware of the existing telecommunications facility. Current owners of those adjoining sites will have the opportunity to comment on the proposal.**
  - (g) A statement about the extent to which the proposed facility complies with any relevant local planning scheme or planning policy adopted under a scheme and (if applicable) justification for any variation from the relevant schemes or policy provision. **The Shire's planning department will determine if the facility complies with the relevant laws and will request additional information if it includes variations to the requirements.**
  - (h) Plans, elevations (drawn to scale) and graphic illustrations, including photo simulations of the Mobile Phone Base Station, identifying the:-
    - a. Visibility of the structure from any residential area or public place and any natural environment or conservation values; **Required as per SPP 5.2.**
    - b. The design structure and its ability to provide for the future location of additional facilities; **Not required, the Shire can only assess what is presented to it at the application stage.**
    - c. The design and colour of the proposed structure and its relationship with the closest adjacent environment and/or associated building; **Required as per SPP 5.2.**
    - d. Details of hazardous and/or flammable goods to be stored in the facility or housing; **This will be required during the building license stage.**
    - e. Details of relevant Australian Standards applicable to the design and engineering of the facility; **This will be required during the building license stage.**
    - f. Details of fire suppression equipment in the event of ignition to housing; and **This will be required during the building license stage.**
    - g. Details of any significant environmental constraints, including those associated with species, condition and significance of any vegetation to be removed. **Required as per SPP 5.2.**



## Attachment 4

Local Planning Policy -Telecommunications Infrastructure - P-DEV52

### Track Changed P-DEV52 – Telecommunications Infrastructure

#### **P-DEV52: Telecommunications Infrastructure**

Adopted

27 July 2016

Next Review

27 July 2018

### **1. Purpose**

To guide the exercise of discretion in terms of the requirements for development approval under Part 7 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), and dealing with disagreements related to such a determination.

#### **1.1. Structure**

*Purpose:* Outlines the application and purpose of the policy.

*Policy Statement:* Contains policy requirements and provisions.

*Attachment 1:* Research findings relating to health impact.

#### **1.2. Statutory**

This policy is prepared under Part 2 of Schedule 2 of the Regulations.

#### **1.3. Application**

This policy is applicable to any aboveground telecommunications (telephony, radio, television, internet) infrastructure in the Shire of Kalamunda. The Shire will apply this policy when making discretionary decisions relating to telecommunications infrastructure. The Shire's Local Planning Scheme No. 3 (the Scheme) defines 'telecommunications infrastructure' as "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, on or in connection with a telecommunications network."

#### **1.4. Objectives**

The Shire recognises the importance of telecommunications infrastructure to provide an appropriate level of telecommunication coverage for the local community. The Shire also recognises that some telecommunications infrastructure, particularly mobile telephone towers, can be visually obtrusive should they be poorly sited, located or designed. This policy supports low-impact facilities and co-location of facilities where appropriate, and opposes other telecommunications infrastructure ~~that would have a significant adverse visual impact~~ for which the visual impact outweighs the public benefit that the infrastructure would bring.

### **2. Policy Statement**

## 2.1. Background

Authorised carriers are installing networks of electromagnetic wave transmission facilities for mobile telephones and telecommunications cabling. This will provide services to users of mobile telephones and 'cable' television. Different forms of facilities have varying degrees of environmental impact.

The following written laws regulate the installation of Telecommunications Infrastructure:

- (a) *Telecommunications Act 1997 (Commonwealth)*;
- (b) Telecommunications Code of Practice 1997 (Commonwealth);
- (c) Telecommunications (Low-Impact Facilities) Determination, 1997 (Commonwealth); and
- (d) Shire of Kalamunda Local Planning Scheme No. 3.

## 2.2. Visual impact of Telecommunications Infrastructure

- (a) Low-impact facilities –

'Low-impact facility' means a facility that the Minister has determined in the Low Impact Determination to be a low-impact facility. Schedule 3 to the [\*Telecommunications \(Low Impact Facilities\) Determination 1997\*](#) ~~*Telecommunications Act 1997 (Commonwealth)*~~ identifies certain facilities that are not low-impact.

~~The facilities that are not 'low impact' include the following:~~

- ~~(i) a mobile telecommunications tower that is not attached to a building;~~
- ~~(ii) a tower attached to a building if the tower is more than 5.0 metres high;~~
- ~~(iii) an extension to a tower that has previously been extended;~~
- ~~(iv) an extension to a tower, if the extension is more than 5.0 metres high;~~
- ~~(v) overhead cabling; and~~
- ~~(vi) a facility in an area of environmental significance.~~

The Shire supports low-impact facilities. 'Low-impact facilities' do not require the Shire's development approval. However, approved carriers must submit details of them to the Shire for information [in accordance with the Industry Code of Practice for Mobile Phone Base Station Deployment](#).

- (b) Other facilities –

- [\(i\)](#) Telecommunications infrastructure that does not constitute a low-impact facility requires development approval. Development approval must be obtained before installing any such facility.


[The facilities that are 'Other facilities' include the following:](#)

- (i) a mobile telecommunications tower that is not attached to a building;
- (ii) a tower attached to a building if the tower is more than 5.0 metres high;
- (iii) an extension to a tower that has previously been extended;
- (iv) an extension to a tower, if the extension is more than 5.0 metres high;
- (v) overhead cabling; and
- (vi) a facility in an area of environmental significance.

In considering an application for development approval, in particular the visual impact of the facility, the Shire will have regard to the provisions of Local Planning Scheme No. 3 and State Planning Policy 5.2 Telecommunication Infrastructure. Development approval may be refused where the Shire is of the opinion that the proposed facility would have a significant adverse visual impact. Alternatively, the Shire may grant development approval conditional upon appropriate modifications to minimise the adverse visual impact.

### **2.3. Advertising of development applications for other facilities**

The Shire will advertise, or require the applicant to advertise, an application for development approval in accordance with the following methods for not more than 21 days:

- (a) Letters shall be sent to all landowners, whose properties fall within a 500m radius of the proposed structure, advising of the application, where it may be inspected and the submission period;
- (b) A sign shall be installed on the subject property in a conspicuous location, advising of the application, where it may be inspected and the submission period;
- (c) A notice shall be placed in  newspapers circulating in the region of the subject property, advising of the application, where it may be inspected and the submission period;
- (d) The full application and supporting information shall be uploaded to the Shire's public website and promoted through the Shire's social media;
- (e) The Shire will request the applicant to hold a community engagement session, run by a facilitator, to discuss the application with residents. The Shire will provide logistical support to assist with the community engagement process.

### **2.4 Health impact of Telecommunications Infrastructure**

Excerpt from State Planning Policy 5.2 Telecommunications Infrastructure:



"The use of mobile telephones has raised public concern about possible health issues associated with exposure to electromagnetic emissions. However, telecommunications carriers must comply with the Australian Communications and Media Authority (ACMA) *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2003*. These licence conditions make mandatory the limits in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) *Radiofrequency (RF) Standard* which sets limits for human exposure to RF electromagnetic fields from all sources, including telecommunications infrastructure. ARPANSA is the primary Commonwealth agency responsible for protecting the health and safety of people and the environment from the harmful effects of radiation.

Measurement surveys undertaken by ARPANSA demonstrate that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. The ARPANSA surveys reported that typical exposures to radiofrequency fields were well below one per cent of the Standard's public exposure limits. It concluded that *'given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research'*.

Standards set by ARPANSA incorporate substantial safety margins to address human health and safety matters; therefore it is not within the scope of this Policy to address health and safety matters. Based on ARPANSA's findings, setback distances for telecommunications infrastructure are not to be set out in local planning schemes or local planning policies to address health or safety standards for human exposure to electromagnetic emissions."

~~The Shire is not technically able to consider the alleged health impacts of telecommunications infrastructure when determining an application for development approval. National and international health authorities have determined that these facilities do not have major health impacts. The attachment to this policy refers to research findings in this regard.~~

## **2.5 Resolution of disagreements on classification and related matters**

The Shire and an authorised carrier may disagree on the need to lodge an application for development approval based on the classification of proposed telecommunications infrastructure. This may result in a disagreement on the level of public consultation required or the adequacy of the information submitted. The Shire may determine, within the time limits specified in the Telecommunications Code of Practice, which classification applies to the proposed telecommunications infrastructure. In this case, the following officers of the Shire may make such a determination:

- (a) Chief Executive Officer;
- (b) Director Development Services; or
- (c) Manager Development Services.

## **~~Attachment to P-DEV50: Telecommunications Infrastructure~~** **~~Research findings relating to health impact~~**

~~Independent scientific research has been conducted by Federal Government bodies including Austel and the Department of Human Services and Health in relation to the electromagnetic emissions (EME) from mobile telephone towers and their associated equipment buildings. The results have shown that the EME levels associated with such equipment are well within national and international guidelines, and are too low to cause a health risk to the community. These findings are supported by other research undertaken by the World Health Organisation, the International Radiation Protection Association and the National Radiological Protection Board, UK. In Australia, EME levels are governed by the Federal Government's Australian Standard which is five times as strict as those in other countries, and twice as strict as the World Health Organisation's recommendation.~~

~~Based on a review of research findings, the Health Department of Western Australia has advised that there is currently no health basis for restricting either the siting of mobile telephone towers in or near residential areas, or ground level access to them. However, the Department recognises that there is also community concern about the visual impact of the towers, and has recommended that any Council policy concerning the siting of mobile telephone towers should be formulated to recognise the community's general concern about such facilities rather than as an explicit statement about the health impacts of these towers. Planning Policy P-DEV50 has been formulated on the recommended basis.~~

Related Local Law	
Related Policies	State Planning Policy 5.2: Telecommunications Infrastructure <a href="#">Industry Code C564:2011 Mobile Phone Base Station Deployment</a>
Related Budget Schedule	
Legislation	<i>Telecommunications Act, 1997 (Commonwealth)</i> Telecommunications Code of Practice, 1997 Telecommunications (Low-Impact Facilities) Determination, 1997 Australian Communications Industry Forum industry code - Deployment of Radio Communications Infrastructure Code, 2002
Conditions	
Authority	

### **~~FOOTNOTE~~**

~~Although supporting the findings that there is currently no health basis for restricting the siting of mobile telephone towers, the World Health Organisation's advice on electromagnetic fields and public health with respect to mobile telephones includes the following precautionary measures:~~

~~"Present scientific information does not indicate the need for any special precautions for use of mobile phones. If individuals are concerned, they might choose to limit their own or their children's radiofrequency exposure by limiting the length of calls, or using 'hands free' devices to keep mobile phones away from the head and body."~~

~~{SOURCE: Australian Communications Industry Forum industry code - Deployment of Radiocommunications Infrastructure Code, 2002, which may be accessed on the Australian Communications Authority website at [www.acma.gov.au](http://www.acma.gov.au)}~~

## Attachment 5

Local Planning Policy -Telecommunications Infrastructure - P-DEV52

### Revised P-DEV52 – Telecommunications Infrastructure

<b>P-DEV52: Telecommunications Infrastructure</b>	
Adopted 27 July 2016	Next Review 27 July 2018

## 1. Purpose

To guide the exercise of discretion in terms of the requirements for development approval under Part 7 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), and dealing with disagreements related to such a determination.

### 1.1. Structure

*Purpose:* Outlines the application and purpose of the policy.

*Policy Statement:* Contains policy requirements and provisions.

*Attachment 1:* Research findings relating to health impact.

### 1.2. Statutory

This policy is prepared under Part 2 of Schedule 2 of the Regulations.

### 1.3. Application

This policy is applicable to any aboveground telecommunications (telephony, radio, television, internet) infrastructure in the Shire of Kalamunda. The Shire will apply this policy when making discretionary decisions relating to telecommunications infrastructure. The Shire's Local Planning Scheme No. 3 (the Scheme) defines 'telecommunications infrastructure' as "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, on or in connection with a telecommunications network."

### 1.4. Objectives

The Shire recognises the importance of telecommunications infrastructure to provide an appropriate level of telecommunication coverage for the local community. The Shire also recognises that some telecommunications infrastructure, particularly mobile telephone towers, can be visually obtrusive should they be poorly sited, located or designed. This policy supports low-impact facilities and co-location of facilities where appropriate, and opposes other telecommunications infrastructure for which the visual impact outweighs the public benefit that the infrastructure would bring.

## **2. Policy Statement**

### **2.1. Background**

Authorised carriers are installing networks of electromagnetic wave transmission facilities for mobile telephones and telecommunications cabling. This will provide services to users of mobile telephones and 'cable' television. Different forms of facilities have varying degrees of environmental impact.

The following written laws regulate the installation of Telecommunications Infrastructure:

- (a) *Telecommunications Act 1997 (Commonwealth)*;
- (b) Telecommunications Code of Practice 1997 (Commonwealth);
- (c) Telecommunications (Low-Impact Facilities) Determination, 1997 (Commonwealth); and
- (d) Shire of Kalamunda Local Planning Scheme No. 3.

### **2.2. Visual impact of Telecommunications Infrastructure**

- (a) Low-impact facilities –

'Low-impact facility' means a facility that the Minister has determined in the Low Impact Determination to be a low-impact facility. Schedule 3 to the *Telecommunications (Low Impact Facilities) Determination 1997* identifies certain facilities that are not low-impact.

The Shire supports low-impact facilities. 'Low-impact facilities' do not require the Shire's development approval. However, approved carriers must submit details of them to the Shire for information in accordance with the Industry Code of Practice for Mobile Phone Base Station Deployment.

- (b) Other facilities –

- (i) Telecommunications infrastructure that does not constitute a low-impact facility requires development approval. Development approval must be obtained before installing any such facility.

The facilities that are 'Other facilities' include the following:

- (i) a mobile telecommunications tower that is not attached to a building;
- (ii) a tower attached to a building if the tower is more than 5.0 metres high;
- (iii) an extension to a tower that has previously been extended;
- (iv) an extension to a tower, if the extension is more than 5.0 metres high;
- (v) overhead cabling; and
- (vi) a facility in an area of environmental significance.

In considering an application for development approval, in particular the visual impact of the facility, the Shire will have regard to the provisions of Local Planning Scheme No. 3 and State Planning Policy 5.2 Telecommunication Infrastructure. Development approval may be refused where the Shire is of the opinion that the proposed facility would have a significant adverse visual impact. Alternatively, the Shire may grant development approval conditional upon appropriate modifications to minimise the adverse visual impact.

### **2.3. Advertising of development applications for other facilities**

The Shire will advertise, or require the applicant to advertise, an application for development approval in accordance with the following methods for not more than 21 days:

- (a) Letters shall be sent to all landowners, whose properties fall within a 500m radius of the proposed structure, advising of the application, where it may be inspected and the submission period;
- (b) A sign shall be installed on the subject property in a conspicuous location, advising of the application, where it may be inspected and the submission period;
- (c) A notice shall be placed in newspapers circulating in the region of the subject property, advising of the application, where it may be inspected and the submission period;
- (d) The full application and supporting information shall be uploaded to the Shire's public website and promoted through the Shire's social media;
- (e) The Shire will request the applicant to hold a community engagement session, run by a facilitator, to discuss the application with residents. The Shire will provide logistical support to assist with the community engagement process.

### **2.4 Health impact of Telecommunications Infrastructure**

Excerpt from State Planning Policy 5.2 Telecommunications Infrastructure:

"The use of mobile telephones has raised public concern about possible health issues associated with exposure to electromagnetic emissions. However, telecommunications carriers must comply with the Australian Communications and Media Authority (ACMA) *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2003*. These licence conditions make mandatory the limits in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) *Radiofrequency (RF) Standard* which sets limits for human exposure to RF electromagnetic fields from all sources, including telecommunications infrastructure. ARPANSA is the primary Commonwealth agency responsible for protecting the health and safety of people and the environment from the harmful effects of radiation.



Measurement surveys undertaken by ARPANSA demonstrate that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. The ARPANSA surveys reported that typical exposures to radiofrequency fields were well below one per cent of the Standard's public exposure limits. It concluded that *'given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research'*.

Standards set by ARPANSA incorporate substantial safety margins to address human health and safety matters; therefore it is not within the scope of this Policy to address health and safety matters. Based on ARPANSA's findings, setback distances for telecommunications infrastructure are not to be set out in local planning schemes or local planning policies to address health or safety standards for human exposure to electromagnetic emissions."

## **2.5 Resolution of disagreements on classification and related matters**

The Shire and an authorised carrier may disagree on the need to lodge an application for development approval based on the classification of proposed telecommunications infrastructure. This may result in a disagreement on the level of public consultation required or the adequacy of the information submitted. The Shire may determine, within the time limits specified in the Telecommunications Code of Practice, which classification applies to the proposed telecommunications infrastructure. In this case, the following officers of the Shire may make such a determination:

- (a) Chief Executive Officer;
- (b) Director Development Services; or
- (c) Manager Development Services.

### **Related Local Law**

### **Related Policies**

State Planning Policy 5.2: Telecommunications Infrastructure  
Industry Code C564:2011 Mobile Phone Base Station Deployment

### **Related Budget Schedule**

*Telecommunications Act, 1997 (Commonwealth)*

Telecommunications Code of Practice, 1997

### **Legislation**

Telecommunications (Low-Impact Facilities) Determination, 1997

Australian Communications Industry Forum industry code -  
Deployment of Radio Communications Infrastructure Code, 2002

### **Conditions**

### **Authority**

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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**44. Cell 9 Infrastructure Works – Project Update**

Previous Items	OCM103/2015
Responsible Officer	Director Asset Services
Service Area	Asset Delivery
File Reference	PG-DEV-047
Applicant	N/A
Owner	N/A
Attachment 1	Communications Plan

**PURPOSE**

1. To consider a status report regarding the programmed infrastructure works in Cell 9 Wattle Grove.

**BACKGROUND**

2. The Shire administers the Cell 9 Development Scheme, collecting financial contributions from developers within the precinct for the purposes of developing the public realm components, including:

- Land purchases to create Public Open Space (POS);
- Scheme Roads; and
- Scheme drainage.

The activities the Shire is responsible for is further defined in the Outline Development Plan (ODP) adopted by Council in September 2000. The costs of these prescribed activities are subsequently estimated and form the basis of an annual review whereby the Shire can adjust the contributions from developers to ensure all required public works are fully funded by the Development Scheme.

3. At its meeting on 24 August 2015, the Council adjusted the annual Developer Contribution Rate for Cell 9, noting the cost estimate for infrastructure works is \$12,710,900.
4. In March 2016 a Project Manager was employed to develop a comprehensive project management framework to guide all future infrastructure delivery in Cell 9.

**DETAILS**

5. **Arthur Road Roundabout and Extension Project**

This infrastructure project was identified in the original Development Scheme and subsequently detailed in the ODP. The current project status is:

- |                          |                            |
|--------------------------|----------------------------|
| • Concept Design         | Complete                   |
| • Detailed Documentation | 50% Complete               |
| • Tendering / Assessment | Aug-Nov 2016               |
| • Construction           | Dec/Jan 2017 to April 2017 |

6. **Woodlupine Brook Upgrading Project**

This infrastructure project was identified in the original Development Scheme and subsequently detailed in the ODP. The current project status is:

- |                   |                 |
|-------------------|-----------------|
| • Concept Design  | Complete        |
| • Sequencing Plan | Complete        |
| • Stage 1 Works   | Being developed |

The implementation of upgrading works to the whole Brook will be staged over several years, pending the development of private land and acquisition of land required to enable the public works to proceed. It is recognised a priority project is the proposed pedestrian bridge near Thorogood Avenue to facilitate crossing of the Brook by residents to the new commercial development on Hale Road. This project is currently scheduled for installation by early 2017.

7. **Hale Road Upgrade Project**

This infrastructure project was identified in the original Development Scheme and subsequently detailed in the ODP. The current project status is:

• Concept Design	Complete and under review
• Land Acquisitions	Commenced (may take 12 months)
• Detailed Documentation	May-Aug 2017
• Tendering / Assessment	Aug-Oct 2017
• Construction	Start on-site Nov 2017

8. **Funding of Landscaping Improvements**

It is noted that improvements to landscaping is not currently funded by the Development Scheme process, except for:

- Woodlupine Brook Upgrading; and
- Hale Road Upgrading.

A further report will be presented to Council and will cover the following aspects:

- Gap Analysis – Identifying potential upgrades of POS that are not currently funded through the Scheme;
- Options for funding landscape improvements; and
- Consideration of a draft Landscape Masterplan that will guide the character and design of specific upgrading projects in the future.

## **STATUTORY AND LEGAL CONSIDERATIONS**

9. **Scheme Limitations on Expenditure of Funds**

*Local Planning Scheme 3, Schedule 11.*

With reference to Clause 1, Cell Infrastructure funds may be spent on "Cell Infrastructure Works" that are partly defined as:

*(c) the provision of land for and the improvement of public open space as identified on the Cell 9 ODP.*

To date, all costings and forward estimating has been undertaken on the basis that Scheme funds may be used on acquiring POS, but new landscaping work



is excluded - except for landscape works associated with the Woodlupine drainage and Hale Road upgrading works.

## **POLICY CONSIDERATIONS**

10. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **11. Community Communication Plan**

Many of the existing residents in Cell 9 will be unaware of the history and decision-making enabling the Scheme Development to proceed. In addition, there is a growing community expectation improvement works are required in the precinct. It is therefore proposed a comprehensive approach to communication will provide timely information to the community about forthcoming works. The proposed Communication Plan, shown on Attachment 1, will also provide an opportunity for members of the community to become more involved with the various project activities and community development.

12. The key components of the Communication Plan are:

- Letters will be sent to all the landowners within Cell 9 providing a project update, historical summary and details of proposed works.
- Signage to be erected on site for all major works.
- Information will be on the Shire's website.
- Media releases will be issued prior to all projects commencing; during the works; and also after all major works.
- Adverts in local papers, prior to commencement.
- Ongoing regular communication with all internal stakeholders via email and face to face staff meetings.
- CEO to provide regular briefings to Councillors.
- Information to the general public in the Shire of Kalamunda Newsletter, E-News and Councillor Bulletin will be made available in conjunction with its release to all staff in the organisation.
- Background and support documentation will be developed to ensure staff have support materials available, to answer any questions from the public.
- Social media and traditional media will be utilised as part of the promotion of specific stages of the works.
- Social media and traditional media will be utilised to promote the creation of a new Friends Group for Wattle Grove.

## **FINANCIAL CONSIDERATIONS**

13. There are no immediate financial implications to this Report. It is noted the current balance of the Cell 9 Trust Account is \$13,839,156 of which \$1.8million is estimated to be required in 2016/17 for capital works and will be transferred from Trust into expenditure accounts on an 'as required' basis.
14. It is proposed to develop cost estimates for potential landscaping works in Wattle Grove as part of a further Report to Council. Options will be developed and discussed on how this may be funded.
15. The improved level of amenity associated with POS development will place further pressure on the Shire's annual maintenance budget to sustain the landscape quality.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

16. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 4.1: To ensure land use plans provide long term sustainable population growth.

Strategy 4.1.1	Develop, implement and review strategic land-use plans and policies which guide the location and sustainability of industrial, commercial and residential areas within the Shire.
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## **SUSTAINABILITY**

### **Social Implications**

17. The various infrastructure project activities provide a variety of opportunities for members of the community to be involved, in particular, community participation in Woodlupine Living Stream will become a focus. On completion, the resultant infrastructure improvements will create improved public spaces and a sense of place in Wattle Grove especially around the commercial area, adjacent POS spaces and the living stream.

### **Economic Implications**

18. Following the completion of the infrastructure projects it is anticipated the values of the properties affected by the improvements will be enhanced.

### **Environmental Implications**

19. The proposed infrastructure projects relating to development of POS will deliver water sensitive urban design solutions, as well as improving and extending the landscape corridors and networks supporting bio-diversity in native flora and fauna.

20. The landscape treatment to Woodlupine Brook is also aimed at improving water quality of stormwater entering the drain through bio-filtration.

### **RISK MANAGEMENT CONSIDERATIONS**

21.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>	<b>Action/Strategy</b>
Delays to acquisition of land that enable public works to proceed.	Possible	Major	High	Priority task to be actioned. May need to consider compulsory acquisitions
Under-grounding of power by Western Power.	Possible	Major	High	Ensure application is lodged with WP at least 3 months ahead of calling tenders for Hale Rd construction.

22. A full Risk Management Plan will be developed as part of the overall Project Management Plan for infrastructure works in Cell 9, Wattle Grove.

### **OFFICER COMMENT**

23. **Proposed Infrastructure Works**

The scheduled infrastructure projects at Arthur Road, Woodlupine Brook and Hale Road have formed part of the Shire's program of improvements for many years. The Shire is now approaching a point whereby these works can be implemented for the community, as part of the previously agreed commitment by the Shire to the land owners/developers in Cell 9 Wattle Grove.

24. **Communication Plan**

Prior to works commencing, the Shire will need to communicate its plans to all potentially affected stakeholders – noting many people now living in Wattle Grove may not be fully aware of, or understand, the original plans for the overall development. In particular, there may be a lack of information or appreciation of the original commitment made by the Council to undertake specific improvement works as part of the development of the area. Regular communication will be required as projects are to be implemented over the proposed three year timeframe.

25. **Future Improvements to Landscaping**

The Shire has a draft Landscape Masterplan that has been used at a technical level to guide the design and maintenance of various parts of Wattle Grove. This document will be presented as part of the future report to Council, together with options for how to fund aspects of landscape improvement not currently funded through the Scheme.

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 44/2016)**

That Council:

1. Notes the progress and timing of the following infrastructure projects in Cell 9 Wattle Grove:
  - Arthur Road Roundabout and Extension;
  - Woodlupine Brook Upgrading;
  - Hale Road Upgrading.
2. Notes the proposed Communication Plan, shown on Attachment 1.
3. Requests a further Report on landscape improvements, including:
  - The draft Landscape Masterplan;
  - Gap analysis, identifying potential landscape improvements;
  - Estimated costs;
  - Priorities and program; and
  - Options for potential funding sources.

Moved: **Cr Andrew Waddell**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**Attachment 1**

Communication Plan

[Click HERE to go directly to the document](#)

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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**45. Support for Agri-Business Development**

Previous Items	OCM 16/2016
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	EC-IND-002
Applicant	
Owner	

**PURPOSE**

1. To inform Council of the progress being made to support diversification by traditional agri-business developments in the rural areas of the Shire.

**BACKGROUND**

2. At Ordinary Council Meeting in February 2016, Council resolved to request the Chief Executive Officer prepare a report as to how Council can support agri-business developments in the rural areas of the Shire.

**DETAILS**

3. Traditional agricultural businesses in rural areas have suffered a period of decline. A number of factors may have contributed to this decline including greater competition, regulatory burdens, local and global economic factors and social change.
4. Many traditional growers have taken the proactive decision to diversify into tourism-focused and value-adding businesses. Over the last 2 years the Shire has worked to identify and address barriers faced and assist the diversification process.
5. The Shire has negotiated with the Department of Water to develop policies that streamline and fast track planning applications from smaller tourism developments in public drinking water catchment areas. Under the adopted policies, some development applications may now qualify to have effluent disposal approvals fast tracked.
6. To assist with diversification, the Shire has amended its Local Planning Scheme to allow, subject to Council approval, the development of restaurants and chalet accommodation in some rural areas.
7. The Shire has established the Coordinator Economic Development as a point of contact to assist in guiding emerging businesses through complex Planning, Environmental Health and Building procedures and regulations.
8. The Shire has worked in conjunction with the Kalamunda Chamber of Commerce to develop and promote the Kalamunda Farmers Market and the Kalamunda Night Market as retail opportunities for emerging boutique businesses to sell value-added local products.

9. The Shire has developed the 'Experience Perth Hills' brand, website and social media sites which promote tourism businesses located in rural areas of the Shire and provides online accommodation booking services.
10. The Bickley Valley Wine Trail brochure has been designed, printed and circulated to promote the boutique wine and cider experiences on offer in the Shire.
11. Rural areas of the Shire have been successfully promoted through the 'film friendly' approach to attract film production companies to consider local locations.
12. Council approved sponsorship in 2015 for the inaugural Pickering Brook Stone Fruit Festival as an event to showcase local produce and rural lifestyles.
13. A series of training workshops has been organised by the Shire and conducted by specialist consultants to assist emerging businesses diversifying into the tourism sector.
14. The Shire recently embarked on a scheme to build capacity in emerging tourism businesses. The scheme provided the opportunity for small businesses to benefit from subsidised one-to-one advice from a marketing consultant.
15. The Shire has worked with the Kalamunda Mountain Bike Collective to promote designated rural trails and increase the visitation of mountain bikers to the rural areas.

#### **STATUTORY AND LEGAL CONSIDERATIONS**

16. None.

#### **POLICY CONSIDERATIONS**

17. P-DEV 46 Effluent Disposal from Agri-Tourism in the Middle Helena Catchment Areas  
  
P-DEV 47 Effluent Disposal for Ancillary Accommodation and Caretakers' Dwellings in the Middle Helena Catchment Areas

#### **COMMUNITY ENGAGEMENT REQUIREMENTS**

18. The Shire continues to regularly consult with the Kalamunda Chamber of Commerce and individual businesses regarding identifying and addressing the barriers to progress.

## **FINANCIAL CONSIDERATIONS**

19. The Shire may need to allocate funds to address barriers as they are identified.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

20. *Kalamunda Advancing: Strategic Community Plan to 2023*
- OBJECTIVE 4.3 – To facilitate increased economic activity within the Shire.
- Strategy 4.3.2 Proactively engage and partner with local and regional businesses to support further economic development.
- OBJECTIVE 4.4 - To be recognised as an excellent tourism destination with high levels of patronage.
- Strategy 4.4.2 Ensure tourism development is integrated into land use planning in regards to the Perth Hills.
- Strategy 4.4.5 Investigate opportunities to address the current restrictions and barriers facing tourism developments.

## **SUSTAINABILITY**

### **Social Implications**

21. Enhanced lifestyle benefits are likely to result from increased economic activity in rural areas.

### **Economic Implications**

22. The measures taken should assist in reducing some barriers faced by agri-businesses which should subsequently contribute to increased economic activity and prosperity in rural areas.

### **Environmental Implications**

23. Measures taken will continue to ensure that impacts on the environment and pressure on natural resources are not increased.



## RISK MANAGEMENT CONSIDERATIONS

24.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Agri-businesses continue to encounter barriers to diversification and growth.	Possible	Minor	Medium	The Shire continues to address issues as they are identified.

## OFFICER COMMENT

25. The Shire continues to investigate opportunities to address the current restrictions and barriers facing agri-business diversification.

<b>Voting Requirements: Simple Majority</b>
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## COMMITTEE RECOMMENDATION TO COUNCIL (D&I 45/2016)

That Council:

1. Notes the progress that has been made to date in assisting agri-businesses to diversify.
2. Endorses the continuation of projects to identify and address the barriers to diversification and growth in the agri-business sector.

Moved: **Cr Tracy Destree**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

**46. CONFIDENTIAL REPORT – Consideration of Tenders – Provision of General Tree Services (Tender T1604)**

Reason for Confidentiality *Local Government Act 1995 S5.23 (d) (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.”*

Previous Items	N/A
Responsible Officer	Director Infrastructure Services
Service Area	Infrastructure Operations
File Reference	Tender T1604
Applicant	N/A
Owner	N/A

Confidential Attachment 1      Tender Evaluation Report

Reason for Confidentiality *Local Government Act 1995 S5.23 (d) (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.”*

Confidential Attachment 2      Price Schedule

Reason for Confidentiality *Local Government Act 1995 S5.23 (d) (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.”*

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 46/2016)**

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint Kennedy's Tree Services as the **Primary Contractor** for the Provision of General Tree Services (Tender T1604) for a period of 2 years in accordance with the Price Schedule on Confidential Attachment 2, with 1x12 month extension at the sole discretion of the Principal.
2. Accepts the recommendation of the Tender Assessment Panel to appoint Tree Care WA as the **Secondary Contractor** for the Provision of General Tree Services (Tender T1604) for a period of 2 years in accordance with the Price Schedule on Confidential Attachment 2, with 1x12 month extension at the sole discretion of the Principal.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (9/0)**

*A Councillor queried if the work load got too much for the Primary contractor would they be allowed to subcontract and employ another firm to carry out works under this Tender?*

*The Director Infrastructure advised that they cannot subcontract under this Tender, if they make a commitment to the Shire that they can't do the work, then we go to the Secondary Contractor.*

**This report was circulated to all Councillors under separate cover, it was considered behind closed doors at item 15.**

## **10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

10.1 Nil.

## **11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

11.1 Cr Geoff Stallard – 43. Local Planning Policy – Telecommunications Infrastructure P-DEV52

Q1. Would there be an opportunity to sit down with the Director to discuss the issues/concerns raised in Mr Bargmann's presentation, and alter or upgrade the Policy?

A1. The Chief Executive Officer advised that at the Ordinary Council Meeting Council could withdraw the item to deal with it separately and this way it would be possible to make changes or include amendments.

11.2 Cr Tracy Destree – 43. Local Planning Policy – Telecommunications Infrastructure P-DEV52

Q1. Can I please seek clarification as to whether there was anything new raised by Mr Bargmann that was not already in the draft policy?

A1. The Chief Executive Officer advised that the definition of telecommunications may be something Council want to consider as it does include radio, television, telegraphs and faxes. The Acting Director Development Services advised that in Attachment 5 of the report it does state that the Policy does apply to infrastructure, above ground telecommunications infrastructure which includes radio, television, internet and telephone so it is quite clear in the policy the extent to which this infrastructure applies to. The Acting Director provided clarification around the precautionary principle, the commonwealth

legislation is clear in terms that it does apply a precautionary approach to minimise the impact it has on residents which is included as a footnote to the Policy, however this can be expanded on if Council wished. The Chief Executive Officer advised that the Shire will go through the paper Mr Bargmanns provided, however besides the above two points, the rest of the issues have been dealt with by Cr Stallards amendment.

Q2. As seconder can I please request to be part of any review.

A2. The Chief Executive Officer advised that the matter will be discussed at next week's strategy session so that all Councillors can have input into the matter.

**11.3      Cr Noreen Townsend – Garden Maintenance of a Property in Kalamunda**

Q1. Is it possible for the Shire to contact the owners of what used to be St Emilie's and request that they do some maintenance works around the garden, as it is in a terrible state looking very neglected and it is the entry point into Kalamunda. Could the Shire can encourage them to tidy the place a bit?

A1. The Chief Executive Officer advised that the Esther Foundation have the lease for the property from the State Government. The question was taken on notice that all avenues be investigated with a view to assist the Esther Foundation with the garden maintenance.

**12.0      QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

12.1      Nil.

**13.0      URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION**

13.1      Nil.

**14.0      TABLED DOCUMENTS**

14.1      Nil.

**15.0      MEETING CLOSED TO THE PUBLIC**

15.1      **Meeting Closed to the Public**

**MOTION**

That the meeting be closed to the public to discuss Confidential Item D&I 46. (provided under separate cover).

Moved: **Cr Andrew Waddell**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (9/0)**

*The meeting closed at 7:05pm. All members of the public left the gallery.*

15.2      **46.      CONFIDENTIAL REPORT – Consideration of Tenders – Provision of  
General Tree Services (Tender T1604)**

Reason for Confidentiality *Local Government Act 1995 S5.23 (d) (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.”*

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL (D&I 46/2016)**

That Council:

1.                      Accepts the recommendation of the Tender Assessment Panel to appoint Kennedy's Tree Services as the **Primary Contractor** for the Provision of General Tree Services (Tender T1604) for a period of 2 years in accordance with the Price Schedule on Confidential Attachment 2, with 1x12 month extension at the sole discretion of the Principal.
  
2.                      Accepts the recommendation of the Tender Assessment Panel to appoint Tree Care WA as the **Secondary Contractor** for the Provision of General Tree Services (Tender T1604) for a period of 2 years in accordance with the Price Schedule on Confidential Attachment 2, with 1x12 month extension at the sole discretion of the Principal.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (9/0)**

*A Councillor queried if the work load got too much for the Primary contractor would they be allowed to subcontract and employ another firm to carry out works under this Tender?*

*The Director Infrastructure indicated that they cannot subcontract under this Tender, if they make a commitment to the Shire that they can't do the work, then we go to the Secondary Contractor.*

15.3 **Meeting Reopen to Public**

**MOTION**

That the meeting reopen to the public following consideration of confidential item D&I46 (provided under separate cover).

Moved: **Cr Geoff Stallard**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (9/0)**

*The meeting reopened to the public at 7.07pm, the Presiding Member read the resolutions.*

16.0 **CLOSURE**

16.1 There being no further business the Presiding Member declared the meeting closed at 7.08pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: \_\_\_\_\_  
Presiding Member

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2016