

PS Ref: 4388

15 March 2018

Chief Executive Officer
City of Kalamunda
PO Box 42
Kalamunda WA 6926

Attention: Andrew Fowler-Tutt -

Dear Madam,

OPTUS – PROPOSAL TO INSTALL A MOBILE PHONE BASE STATION
SITE NO: P0642-00 SITE NAME: HARTFIELD PARK
SITE ADDRESS: LOT 3000 (199) HALE ROAD, FORRESTFIELD

Planning Solutions acts on behalf of Service Stream Mobile Communications (**SSMC**) for its client, Nokia who acts for Optus with respect to the deployment of sites for its mobile phone network.

We are pleased to enclose an application for planning approval for the installation of a telecommunications facility at the above site. To assist this application, we enclose the requisite documentation as detailed below:

1. Metropolitan Region Scheme Form 1 signed by the landowner.
2. Three (3) sets of plans, to scale, including site locality and proposed layout, site plan with analysis of the site and site elevation.
3. The supporting development application report including:
 - a copy of the relevant Certificate of Title;
 - Photomontage of proposed facility; and
 - an EME report demonstrating compliance with the Australian Standard.

As the application is not to be determined by the City of Kalamunda, in accordance with Schedule 2 of the Planning and Development Regulations 2009, no fee is payable to the City.

This application has had regard to the relevant planning requirements, as outlined in the accompanying submission.

As a Licensed Carrier under the Commonwealth *Telecommunications Act 1997* (as amended), Optus is also obliged to comply with the Industry Code on Mobile Phone Base Station Deployment (C564:2011) (**the Code**), in relation to this proposal. Sections 4.1 and 4.2 of the

Code are relevant to the preparation of this Planning Application. We confirm Optus has applied the Precautionary Approach in selecting the proposed site in accordance with Section 4.1 of the Code. Further, the Precautionary Approach has also been applied to the design of this proposed installation in accordance with Section 4.2 of the Code.

The following submission discusses various matters pertaining to the proposal, including:

- Background.
- Site details.
- Proposal.
- Town planning considerations.

BACKGROUND

An application for Approval to Commence Development for a proposed mobile telecommunications facility at 12 Lewis Road, Wattle Grove was lodged with the City of Kalamunda on 5 September 2016. That site is perhaps best known as the 'Bird and Fish Place', at the intersection of Lewis Road and Welshpool Road East, approximately 1500m southeast of the site the subject of this application. That site was selected following investigation of 12 potential sites in the surrounding area.

The original application was advertised to the public, to a radius of 800m around the site. A total of 117 submissions were received by the Shire, being 102 objections, 12 non-objections, and 3 neutral. As the proposal was assessed as being generally consistent with State and Local Government policies, and the Town Planning Scheme, the application was presented to Council's Ordinary Meeting on 19 December 2016 with an officer recommendation for approval.

At its Ordinary Council Meeting, the Council resolved to defer the application for telecommunications infrastructure on the subject site in order for:

1. The applicant & the Shire to further discuss alternative sites as a location for the tower.
2. To enable community consultation between the applicant and the community with respect to the current proposed site.

In particular, the applicant was requested to investigate the potential for a facility at Hartfield Park. Planning Solutions carried out a desktop review of the constraints affecting Hartfield Park as a potential candidate. Advice received from the (former) Department of Lands indicated the land's status as a Class A reserve precluded installation of private telecommunications infrastructure. On the basis of the investigations and advice of Department of Lands, Hartfield Park was discounted as a potential candidate.

Three (3) further potential alternative candidates were investigated, but were found to be unsuitable or unable to be secured.

In addition to a meeting with the adjoining neighbours, a drop-in session was held on 2 May 2017. It is estimated a total of 25 members of the community attended the session. Discussions centred around issues concerning electromagnetic emissions, visual amenity issues, and consideration of alternative sites.

Following extensive consultation with the community, investigations into additional sites (including Hartfield Park) and a new location on the subject site being negotiated, the application was presented to Council at its July 2017 round of meetings. Council resolved not to adopt the officer recommendation, but to refuse the

application for reasons relating to claimed inconsistency with State Planning Policy, non-compliant street setbacks, impacts on amenity, and inconsistency with orderly and proper planning.

The applicant lodged an application for review of Council's refusal by the State Administrative Tribunal (**SAT**). Mediation was held on 22 September 2017. At the conclusion of the mediation, it was agreed between the parties that the applicant would submit amended plans and further information addressing a range of matters (relating to tree retention, additional landscaping, painting and reduction in height of the monopole, and construction access), for Council to reconsider its decision.

Amended plans and further information addressing the matters requested to be addressed in mediation were submitted to the City. The amended application was presented to Council for a third time on 19 December 2017, again with an officer recommendation for approval. Council resolved to defer determination of the application, in light of advice and an undertaking provided on the day of the Council meeting by the Minister for Planning, to modify the Hartfield Park Management Order to empower the City to lease a portion of that reserve for the purpose of telecommunications. Notwithstanding the advice previously provided to the applicant by the (former) Department of Lands, the (now) Department of Planning, Lands and Heritage advised the Minister that the Class A reserve status was not required to be modified to facilitate installation of a telecommunications facility.

Subsequent mediation discussions on 28 February 2018 between the City, DPLH and applicant centred around identification of a suitable location within Hartfield Park, and the timeframes and process to progress an application for an agreed location. This application is the outcome of those discussions. The SAT review of the original Lewis Road application remains on foot and, as such, should the subject application be unsuccessful, the applicant has the option of proceeding with the SAT review of the original Lewis Road proposal.

As the background information above makes clear, the Council has consistently expressed a clear preference for the facility to be located at Hartfield Park. The location within Hartfield Park has been investigated in close consultation with the City's officers, selected with a view to avoiding removal of significant trees, minimising visual impact on users of the park, ensuring suitable construction and maintenance access, and avoiding existing lease areas and easements. Accordingly, given the extensive history of the proposed development, and the consistent advice of Council to pursue an alternative location within Hartfield Park, we trust the subject application will now be supported and recommended for approval by the WAPC.

Refer **Appendix 1**, 12 February 2018 SAT orders.

SITE DETAILS

Legal description

Table 1 details the legal description of the subject site.

Table 1 – Lot details

Lot	Deposited Plan	Volume	Folio	Area (ha)
3000	44636	LR3155	847	136.04

Refer **Appendix 2**, Certificate of Crown Land Title and Deposited Plan.

Encumbrances

Various easements exist on the Certificate of Title relating to leases to various sporting associations and utility providers including:

- Forrestfield Tennis Club Inc.
- Forrestfield Districts Bowling Club.
- Scout Association of Australia.
- Hartfield Country Club.
- Water Corporation.
- Alinta Gas Networks Pty Ltd.

A review of the Deposited Plan identifies the proposed development site will not be impacted nor impact upon the easements listed on the Certificate of Title, benefiting the Water Corporation and Alinta Gas Networks Pty Ltd.

Refer to **Appendix 2** for a copy of the Deposited Plan.

An easement (K801709) relating to the 'Class A Reserve' and Management Order (K801710) is listed upon the Certificate of Title to the City of Kalamunda for the purposes of Parks and Recreation. The management order identifies the power of the City of Kalamunda to lease Lot 3000 for the purpose(s) of 'Recreation and Public Park'. As detailed in the Background section above, upon approval of this Development Application, the Department of Planning, Lands and Heritage will amend the Management Order to confer on the City the power to lease the subject portion of the reserve for the purpose of telecommunications.

Refer to **Appendix 3** for a copy of the easement documents (K801709 and K801710) listed on the Certificate of Title.

A memorial (L309129) in relation to the *Contaminated Sites Act 2003* is listed upon the Certificate of Title. The memorial identifies the subject site's contamination classification may fall within 'Possibly Contaminated – Investigation Required'. A review of the Department of Water and Environmental Regulation Contaminated Sites Database identifies the subject site is not contaminated or remediated for restricted use. Notwithstanding, the proposed telecommunications infrastructure is not a sensitive use, and would not be affected by, nor contribute to, any possible contamination on the site.

Refer to **Appendix 4** for a copy of the memorial document (L309129) listed on the Certificate of Title.

Regional context

The subject site is located within the Perth Metropolitan Region, within the local government boundaries of the City of Kalamunda (**City**). The subject site is approximately 14 kilometres east of the Perth Central Business District and approximately 4 kilometres east of the Perth Airport Commercial Centre. The subject site is located adjacent to Tonkin Highway, providing linkages to the Perth CBD, Perth Airport and the wider south-eastern suburbs of the Metropolitan area.

Local context

The subject site is located within the suburb of Forrestfield. The site is within a parks and recreation reserve identified as Hartfield Park, a multi-purpose sporting and recreation reserve. The surrounding area is predominately residential or rural-residential to the north, east and north-west.

Land use and topography

The subject site contains a recreation centre, sporting grounds and associated parking including a hockey field, football oval, soccer oval, rugby field, skate park and various clubrooms. The subject site is accessible via Morrison Road running through the subject site, accessed from Hale Road to the west and Hartfield Road to the north-east.

The subject site gently slopes from the east to west by approximately 30 to 25 metres above sea level.

Photographs 1-6 depict the subject site and surrounds.



Photograph 1 – Aerial photograph of the subject site.



Photograph 2 – View of development site from Morrison Road car park looking south.



Photograph 3 – View of development site looking east.



Photograph 4 – View of development site from John Reid Oval clubrooms looking east.



Photograph 5 – View of John Reid Oval clubrooms looking south.



Photograph 6 – View of subject site (background, beyond treeline) from Hale Road.

PROPOSAL

The facility proposed by Optus comprises a monopole, three (3) panel antennas mounted on a circular headframe on the monopole, and an equipment cabinet at ground level, together with cabling and ancillary equipment including twenty-one (21) radio remote units.

The components of the proposal are summarised as follows:

Component	Quantity	Dimensions per unit	Maximum height
Monopole	1	N/A	35m
Panel antennas	3	2600mm (h) x 548mm (w) x 150mm (d)	35m \pm
Radio Transmission Dish	1	600 \varnothing	26m \pm
3-bay outdoor equipment unit	1	2025 (h) x 2065 (w) x 840 (d)	2.025m
Total structure	1	N/A	36.50m

The proposed monopole is approximately 125m southeast of the John Reid Oval Clubrooms, adjacent to the Morrison Road carpark. The tower will be painted green (pale eucalypt), as previously suggested by Council, to blend with the surrounding vegetation.

The proposed infrastructure will be contained within a security fenced 6m x 8m Optus lease compound area and accessed via a 4m wide access route, measuring approximately 13 metres long. The proposed access easement will be accessed via the Morrison Road car park to the proposed facility.

Detailed plans and elevations depicting the proposal are attached (refer **Appendix 5**).

TOWN PLANNING CONSIDERATIONS

Metropolitan Region Scheme

The subject site is reserved for Parks and Recreation under the provisions of the Metropolitan Region Scheme (**MRS**). The subject site is also recognised as a Bush Forever Area Site (No. 320).

In accordance with the Parks and Recreation reservation under the MRS, the proposed mobile phone base station is not subject to the provisions of the City of Kalamunda's Local Planning Scheme No.3. The proposed development is consistent with the provisions of the MRS and may be approved accordingly.

State Planning Policy No. 3.7 – Planning in Bushfire Prone Areas

Department of Fire and Emergency Services mapping identifies the subject site is partially within a Bush Fire Prone Area.

State Planning Policy No. 3.7 (**SPP3.7**) provides advice on how bushfire risk is to be addressed when planning, designing or assessing a planning proposal within a bushfire prone area.

Whilst the subject proposal is located within a bushfire prone area, in accordance with Clause 5.8.4 of SPP3.7 Guidelines for Planning in Bushfire Prone Areas (**Guidelines**), a non-habitable building does not require a BAL assessment. Furthermore, Clause 5.7 of the Guidelines refers to telecommunications facilities as “*unavoidable development*”, where full compliance with SPP3.7 would be unreasonable. A BAL assessment for the subject proposal is therefore not required.

State Planning Policy 5.2 – Telecommunications Infrastructure

State Planning Policy No. 5.2 (**SPP5.2**) aims to facilitate the development of an effective state-wide telecommunications network in a manner consistent with the economic, environmental and social objectives and orderly and proper planning.

Clause 4 (c) Policy Objectives of SPP5.2 states:

The objectives of this policy are to:

- c) ensure that telecommunications infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons*

Clause 5.1.1

- ii) Telecommunications facilities should be sited and designed to minimise visual impact and wherever possible; and*
 - a) be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;*
 - b) be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;*
 - c) not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised; and*

The proposed location of the monopole between the Hartfield Park Recreation Centre and John Reid oval car park is framed by existing mature vegetation, ensuring the visual impact of the site is minimised from nearby clubrooms and recreational facilities. Existing mature trees surrounding John Reid oval screen the infrastructure, and it does not impact upon any significant viewing locations. There exist a number of light poles surrounding the oval, of comparable appearance to the proposed telecommunications infrastructure.

Residential development closest to the subject site is located approximately 300m west of the development site. Residential development located along Hale Road is adequately screened by high and dense vegetation. Their views will not be significantly impacted by the presence of the proposed facility.

- d) Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.*

The proposed monopole will be painted green (pale eucalypt), considered by the Council to be the least visually obtrusive option for blending with the surrounding vegetation.

- iv) Telecommunications infrastructure should be located where it will facilitate continuous network coverage and/or improve telecommunications services to the community;*

The proposed infrastructure is critical to address a significant and growing deficiency in telephone and wireless broadband data coverage in Forrestfield. The proposed facility will significantly improve mobile phone and wireless broadband data coverage in the area, and will cater for future growth and demand.

This proposal will therefore facilitate continuous network coverage and improve telecommunications services to the surrounding community and commuters.

v) *Telecommunications infrastructure should be co-located... whenever possible;*

Detailed investigations have confirmed all potential co-location opportunities that will meet the carrier's coverage objectives are already being utilised to capacity. The three closest mobile phone base stations surrounding the subject site are at 80 Hale Road Forrestfield (approximately 1.3 kilometres north-east), Lot 100 Reynolds Road Forrestfield (approximately 1.4 kilometres north-west) and 55 Chisholm Street Kewdale (approximately 1.7 kilometres west). None of the above sites provide for the height or location required to provide network coverage to the target areas. The proposed facility is specifically designed to service Hartfield Park and the surrounding suburbs of Forrestfield, Kewdale and Wattle Grove.

The proposed development is consistent with the requirements, objectives and intent of SPP5.2. The site has been selected in accordance with the precautionary approach required of Carriers, and the design is consistent with the standards set out in SPP5.2. Accordingly, the proposed development warrants approval.

The proposed telecommunications infrastructure complies with the intent of the Telecommunications Policy and warrants Council and WAPC support.

Draft Development Control Policy 4.3 – Planning for High Pressure Gas Pipelines

The WAPC's draft Development Control Policy 4.3 – Planning for High-Pressure Gas Pipelines (**DCP4.3**) provides guidance for planning near high-pressure gas pipelines across the State at all levels of the planning system. DCP4.3 will replace Planning Bulletin 87 – High-Pressure Gas Transmission Pipelines in the Perth Metropolitan Region.

DCP4.3 generally applies to all planning proposals for land within the trigger distance of a high-pressure gas pipeline. The subject site is located within the policy trigger distance of the Dampier to Bunbury Gas Pipeline. The development application is therefore required to be referred to the relevant pipeline referral agencies for comment.

HERITAGE

Heritage Council of Western Australia (**Inherit**) records the Welshpool Native Reserve Settlement (Place No. 10558) on its register of places, but the site is not listed on its *Statutory Heritage Listings*. Inherit acknowledges that places not listed on the Statutory Heritage Listing do not require referral for any development of the place.

The site is however listed on Other Heritage Listings and Surveys on Inherit, including the City of Kalamunda Heritage Inventory (Place No. 10429) with a level of significance of *Considerable*.

The subject site is also located on land identified by the Department Aboriginal Affairs (**DAA**) Aboriginal Sites Register, specifically Aboriginal Site no. 3773 - Welshpool Reserve.

In accordance with the *Aboriginal Heritage Act 1972*, the consent of the Minister for Aboriginal Affairs may be required for works within an Aboriginal Heritage Site. The applicant has commenced the process to engage a suitably-qualified Aboriginal Heritage Consultant, and obtain necessary approval/s under the *Aboriginal Heritage Act*. This is a separate statutory process to the subject application for approval under the *Planning and Development Act 2005*, and does not impact on assessment or determination of this application.

TELECOMMUNICATIONS LEGISLATION

The installation and operation of telecommunications infrastructure is regulated by the *Telecommunications Act 1997* (Commonwealth), in addition to state planning legislation where applicable.

It is a condition of telecommunications carriers' licences that they must comply with the *Telecommunications Act 1997* and the *Telecommunications Code of Practice 1997*. The Code of Practice further requires carriers to comply with the Communications Alliance Industry Code C564:2011 – Mobile Phone Base Station Deployment (**DC Code**). The DC Code imposes site specific obligations on carriers, including the requirement to have regard to guidelines established within the DC Code to take a Precautionary Approach to site selection and infrastructure design. In accordance with the conditions of its licence, Optus has, in selection of the subject site and design of the proposed infrastructure, applied the Precautionary Approach mandated by Sections 4.1 and 4.2 of the DC Code.

The proposed infrastructure will operate in compliance with the Australian Communication and Media Authority (**ACMA**) Electromagnetic Emissions (**EME**) regulatory arrangements. A summary report of the predicted Radiofrequency EME Levels for the proposed facility has been assessed. This assessment was undertaken in accordance with the ARPANSA prediction methodology and report format. The assessment confirms that the proposed installation operating at full power complies with the *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003*.

A copy of the EME Report pertinent to the subject site is attached (refer **Appendix 6**).

The subject site, design and operation of the proposed infrastructure are appropriate and consistent with the relevant legislation and subsidiary codes, and warrant approval.

ALTERNATIVE LOCATIONS

Following Council's deferral, preliminary discussions between the City's officers and applicant identified areas within Hartfield Park generally meeting the following criteria:

- Not subject to a lease to any other party.
- Not requiring substantial tree clearing for access or installation.
- Separated, as far as practicable, from key public areas within Hartfield Park (eg recreation centre).
- Suitable access for construction and maintenance vehicles.
- Proximity to electricity infrastructure.
- Separated from surrounding dwellings and other sensitive sites.
- Minimise impact on visual amenity, within subject site and surrounding residential area.

The City's officers identified two areas within Hartfield Park capable of satisfying the general selection criteria above, being:

1. The area generally south of John Reid Oval; and
2. The area in the southwest of Hartfield Park, in the vicinity of the Tonkin Highway / Welshpool Road East intersection.

With regard to the Area 2 listed above, desktop review indicates the nominated area is outside the Hartfield Park Management Order area, and is land owned in fee simple by the WAPC. Further, this area is within the Dampier to Bunbury Natural Gas Pipeline Corridor, and is encumbered by easements restricting construction and access. Given this significant constraint, Area 2 was discounted as a potential location for the facility.

The subject site is within the Area 1 identified by the City's officers.

CONCLUSION

The proposal presented is permissible under the provisions of the Metropolitan Region Scheme and applicable statutory planning instruments. The proposal is consistent with the principles of orderly and proper planning as outlined in preceding sections.

In summary, the proposal is justified for the following reasons:

1. The proposed development is consistent with the provisions of the Metropolitan Region Scheme.
2. The proposal is consistent with the Western Australian Planning Commission's State Planning Policy No. 5.2 – Telecommunications Infrastructure.
3. The proposal is consistent with the Western Australian Planning Commission's State Planning Policy No.3.7 Planning in Bushfire Prone Areas.
4. The proposal is adequately separated from residential development and sensitive sites.
5. Works associated with the development are minor, and are not anticipated to detrimentally affect the amenity of the area.
6. The proposed location within Hartfield Park has been identified in close consultation with the City's officers, and in response to requests and statements made by Council for Optus to pursue a facility in Hartfield Park instead of the original proposed location.

Considering the proposal's demonstrated compliance with the applicable statutory planning instruments, the City and DPLH are respectfully requested to support the subject application, and approve the proposal under delegated authority.

We trust that the information contained is sufficient for you to favourably determine the application. However, should you require any additional information or clarification then please do not hesitate to contact me via phone on 08 9227 7970 or via email at admin@planningsolutions.com.au.

Yours sincerely,



BEN DOYLE
DIRECTOR