

Planning Report

Development Application for Telecommunications Infrastructure (Mobile Phone Base Station)

Koondoola Plaza Shopping Centre, 34 Koondoola
Avenue, Koondoola WA 6064
(Common property within Lot 252 Swan Location H on Diagram
51424 (strata plan 6328))

Reference: P1154 – Girrawheen South

Prepared by Kordia Solutions Australia on behalf of

30 September 2022





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Quality Control

Prepared by: Joel Gajic, Planning Consultant	Reviewed by: Clinton Northey
<p>First Review</p> <p>Joel Gajic</p> <p>Date: 12 March 2022</p> <p>Signature:</p> 	<p>First Review</p> <p>Date: 12 September 2022</p> <p>Signature:</p> 
<p>Final</p> <p>Date: 29 September 2022</p> <p>Signature:</p> 	<p>Final</p> <p>Date: 29 September 2022</p> <p>Signature:</p> 

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Executive Summary

Address of Site	Koondoola Plaza Shopping Centre, 34 Koondoola Avenue, Koondoola WA 6064
Legal Description	Lot 252 Swan Location H on Diagram 51424 (strata plan 6328)
Property Owner	Multiple – Body Corporate Koondoola Plaza Shopping Centre
Local Government Authority	City of Wanneroo (City)
Planning Scheme	City of Wanneroo District Planning Scheme No. 2
Proposal	<p>The proposed development comprises:</p> <ul style="list-style-type: none"> • A new 30m monopole within a 63m² compound; • Square headframe on top of the proposed monopole (total height 31m); • Ten (10) Optus panel antennas on the new headframe; • Three (3) future [REDACTED] panel antennas on the new headframe and a future parabolic antenna on the monopole; • A new [REDACTED] 5 bay outdoor cabinet adjacent to the monopole; and • Installation of ancillary equipment (such as radio remote units, antenna mounts, cable trays, feeders, cabling, combiners, diplexers, security fencing, handrails, kick plates, signage, and other associated equipment).
Coverage Objectives	The proposed facility is required to improve network coverage and capacity to the locality to address the HD video quality issue and to improve customer experience.
Permit Trigger	Use and Development of the land for the purposes of Telecommunications Infrastructure
Zone and Special Controls	Commercial (R60) State Planning Policy 5.2 Telecommunications Infrastructure Local Planning Policy 2.5 Telecommunications Infrastructure
Structure Plans	Koondoola Neighbourhood Activity Centre Local Development Plan
Use Applicant	Telecommunications Infrastructure [REDACTED] C/- Kordia Solution Australia 25 Barker Street Belmont WA 6104
Contact Person	Joe Bennett 0476 977 761 joe.bennett@ventia.com
Site Reference	Name P1154 – Girrawheen South

1. Executive Summary

█ has identified the need for improved indoor coverage and capacity in the Girrawheen/Koondoola area. In order to address this, █ are proposing to construct a new telecommunications facility (facility) at the Koondoola Plaza Shopping Centre. The proposed facility has been engineered to accommodate future Optus technology upgrades in addition to the co-location of other carriers and emergency services organisations.

The need for the facility has arisen as a result of the continuing increase in network traffic and, in particular data. The evolution of 5G technology additionally require a greater density of mobile phone base stations to maintain an optimal network service.

█ as a licensed telecommunications carrier, must operate under the provisions of the *Telecommunications Act 1997* and the *Telecommunications Code of Practice 2021*.

With consideration to factors such as visual impact, community sensitive locations and environmental factors a new site was identified and a commercial agreement was agreed with the landowner, being the Body Corporate for the Koondoola Plaza Shopping Centre.

The proposed development involves the installation of a 30m high monopole, a headframe on the monopole to support █ equipment and an outdoor cabinet adjacent to the monopole along with ancillary equipment.

An assessment against the relevant state and local planning policy framework has been undertaken and the proposal, on balance, is considered compliant for the following reasons:

- The proposed telecommunications facility is required to maintain effective telecommunications and achieve the █ coverage objectives to the locality.
- The benefit that the provision of an effective communications systems will bring to the community and its visitors outweighs the visual impact.
- There are no identified environmental constraints that cannot be managed or would otherwise prohibit construction.
- The siting, location and design responds to recognised visual landscape assessment practices and the planning policy framework.
- The levels of electromagnetic energy produced by the facility will be well within the maximums specified by Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

█ consider that the surrounding community, residential, commercial and business needs would benefit significantly from the proposal by providing enhanced mobile phone and mobile broadband internet services to the area and providing greater opportunity for competitive development. █ consider this site the most suitable to provide significant coverage for the area and that the public would benefit by the approval of this proposal.

With consideration to the above, Kordia on behalf of █ request that the City of Wanneroo grant approval for telecommunications infrastructure at Koondoola Plaza Shopping Centre, 34 Koondoola Avenue, Koondoola WA 6064.

Kordia Solutions Australia have been engaged by [REDACTED] to design, acquire and construct a new Telecommunications Facility in the Girrawheen/Koondoola area. The proposed facility is intended to provide a permanent coverage solution.

Kordia will seek to demonstrate that there is a genuine need to improve telecommunication services in the locality, that [REDACTED] has undergone a rigorous site selection process, that the chosen site best satisfies the planning framework, and that all reasonable steps have been employed so as to ensure the development is consistent with the principles of sustainability and, on balance should be supported.

Mobile phone infrastructure provides an integral part of our everyday lives and helps pave the way for societal and technological progression. The proposed facility is required to provide a solution to the network capacity issues in the area. Additionally, there has been infill subdivision within the subject area, which is generating increasing consumer demands on voice and data services. It has been identified that a new base station is required to address the current poor mobile coverage and capacity.

In order to enable the provision of these services to customers, [REDACTED] and Kordia have undertaken a comprehensive site identification and selection process based on a number of factors including environmental, planning, community, property, engineering and radiofrequency (RF) coverage objectives which have all been taken into careful consideration throughout the analysis.

As a result of this assessment, it was determined that a new facility at the above address would be required in order to maintain the necessary coverage and service objectives within the area. It was further assessed that the location, siting and design sufficiently minimises adverse impacts on surrounding environments and the community as far as practical.

[REDACTED] ensures that all of its facilities, including the proposed facility will operate at a level well below the strict Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) guidelines, even at maximum capacity.

Kordia consider the above location to be favourable for the proposed facility as it will have minimal overall environmental impact upon the locality whilst crucially providing the necessary coverage.

All mobile phone network operators are bound by the operational provisions of the federal *Telecommunications Act 1997* and the Telecommunications Code of Practice 2021. This Development Application is bound by the core principles and operator requirements outlined within the *Telecommunications Act 1997* and subordinate regulations. In addition, consent is required from Council as the responsible planning authority for the local government area in order to undertake the proposed development. Further information regarding the legislative framework pursuant to this proposal is located within Sections 4 and 5 of this report.

Kordia (on behalf of [REDACTED] are seeking development consent for a new telecommunications facility at the subject site.

2.1 Need for the Facility

Mobile phones work by sending and receiving low power radio signals, much like a two-way radio system. The signals are sent to and received from antennas that are attached to radio transmitters and receivers, commonly referred to as mobile phone base stations. The base stations are linked to the rest of the mobile and fixed phone network and pass the signal/call into those networks.

██████████ regularly undertake detailed assessments of the performance and coverage of their digital mobile telephone and broadband internet networks to ensure their systems are reliable and achieving the required objectives. Reference to customer demand also provides an indication of areas of poor performance or where coverage does not exist.

During these assessments, ██████████ have determined that the current level of service is inadequate and improved mobile telephone and mobile broadband internet coverage is required. ██████████ is committed to delivering reliable mobile phone services that offer greater choice and reliable customer service.

Each base station can only carry a finite number of calls. In areas of high mobile phone use, such as central business districts and high-density areas, more base stations are required to handle the level of call and data traffic.

New base stations are required to be located in areas that already have mobile phone coverage where the existing base stations cannot carry the amount of traffic that is generated in that geographical area.

The further a base station is from the customers, the weaker the mobile signal is and the slower the data rate of transfer. The weaker signal level also has difficulty penetrating buildings and therefore has detrimental effect on in-building coverage. Surrounding obstructions and topography also has an impact on the signal strength. The best location to build base stations is closest to where these mobile services are required. The further a base station is from its technically optimal position additional stations are then required, or else there will be coverage gaps. Radio frequency exposure levels to customers receiving weaker signal strength also increases.

Furthermore, residential infill to achieve the minimum 380,000 new homes target established under the Perth and Peel @ 3.5 million land use planning and infrastructure framework is ongoing such that the existing telecommunication services network needs to accommodate this additional demand.



Figure 1 The search 'target' area polygon for the new Girrawheen South facility identifying points of interest (POI) for service improvement and candidate sites (A-E)

2.2 Preliminary Consultation

Prior to lodgement Kordia (now known as Ventia) flagged the development proposal and sought feedback from the City's Planning Department.

As part of the site investigation process Kordia undertook extensive consultation with the City that included seeking support to progress a lease for telecommunications infrastructure at 20 (lot 250) Burbridge Avenue on land under the City's control. Support was not forthcoming for any of the five (5) options presented, or for an alternative location of the City's choosing.

In response, Kordia support to progress a lease accommodating the proposed facility at Montrose Park, Girrawheen. Again, support was not forthcoming.

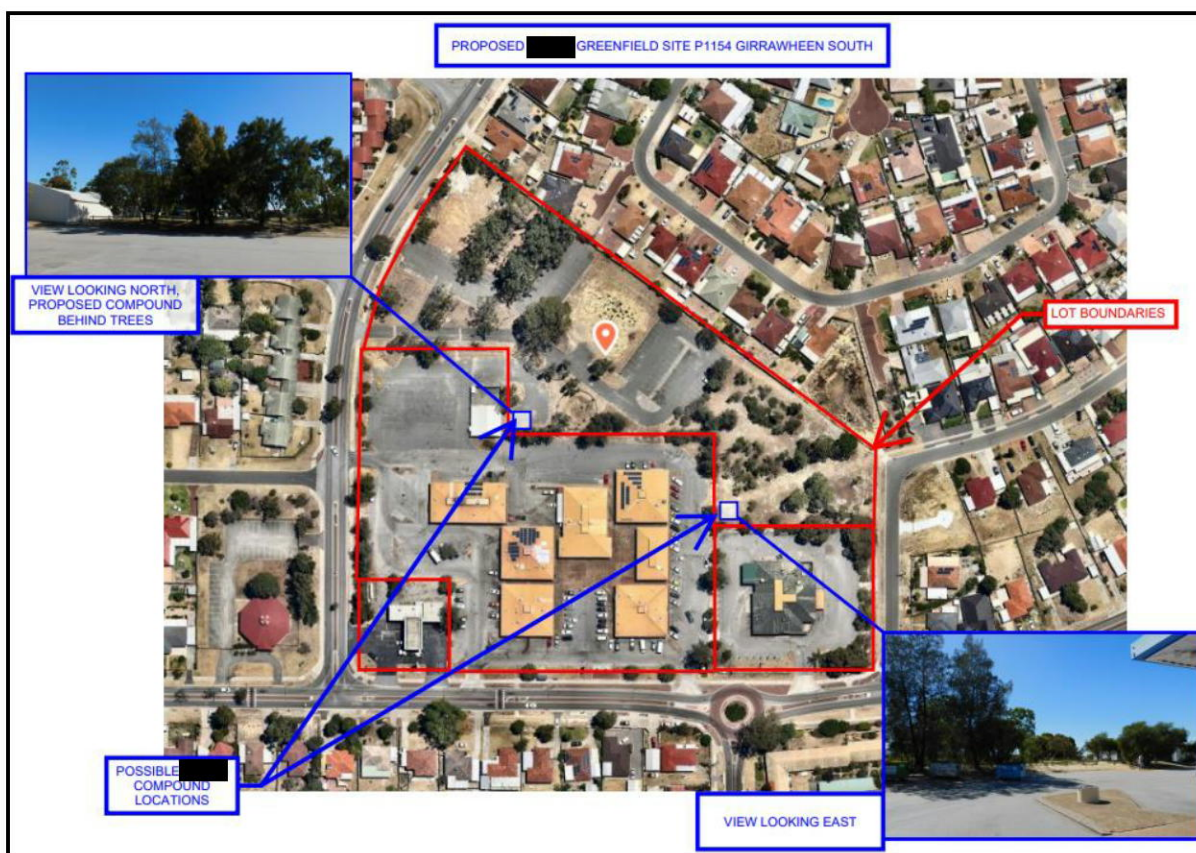


Figure 2 Options presented on 26 February 2021 to the City (blue polygons).



Figure 3 Options presented on 1 June 2021 to the City (circled in yellow).



Figure 4 Option presented on 18 August 2021 to the City (hatched area).

2.3 Regulatory Compliance and Public Safety

The proposed upgrade will comply with the Australian Communications and Media Authority regulatory arrangements with respect to electromagnetic radiation (EMR) exposure levels. The State Administrative Tribunal orders and many local planning policies pertaining to telecommunications infrastructure acknowledge that health is not a planning consideration given the licensing requirements have due regard to public health.

Radio telecommunications technology has been in use for over 100 years. Radio frequencies and electromagnetic energy has been the subject of many scientific studies. The overwhelming majority indicates there are no negative health effects, while a small number indicate that more research is needed. No scientific study has found conclusive evidence of negative health effects. ██████████ encourage people to obtain more information about EME if they are at all concerned.

State Planning Policy 5.2 Telecommunications Infrastructure (SPP 5.2) is consistent with recent planning tribunal rulings that *issues relating to EMR levels are not deemed to be valid planning considerations* and states:

“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.”

3.1 Precautionary Approach

██████████ are required to carefully consider many factors before deciding on the location and the design of their base stations. In selecting a site for the new Girrawheen South facility, ██████████ has used industry best practice to assess potential candidate sites, taking into account technical and non-technical criteria including:

- service objectives;
- potential to co-locate at an existing telecommunications facility or building structure;
- visual impact on the surrounding area;
- the need to obtain relevant town planning approvals;
- the proximity to community-sensitive locations;
- the proximity to areas of environmental heritage or significance;
- the availability of secure tenure;
- the availability of public utilities, such as power;
- minimisation of electromagnetic radiation exposure to the public; and
- other cost factors.

The Australian Communications and Media Authority (ACMA) require ██████████ and the other carriers, to balance these factors when deciding on the placement of a site. ██████████ taken all these factors into careful consideration and are satisfied that the proposed site chosen is suitable. All co-location opportunities have been investigated in consultation with other Carriers as required by the Communications Alliance Ltd Industry Code C564:2020 Mobile Phone Base Station Deployment and the Telecommunications Code of Practice 2021.

3.1.1 Balancing Visual Impacts Against Community Benefit

We understand that developers must ensure any design response is sympathetic to its natural setting. The proposed Girrawheen South facility is located in an urban setting removed from any regionally or locally significant landscape features.

The visual sensitivity ranking of the general landscape character of the location is considered insignificant – containing predominantly ageing commercial infrastructure and disturbed or modified undeveloped land.



Figure 5 Evidence of rubbish dumping and anti-social behaviour on adjoining City of Wanneroo managed land.

The poor visual amenity of proposed location has been recognised through the recent adoption of local planning policy initiatives to revitalise the broader activity centre.

The proposed magnitude of visual change in the context of the landscape character is considered moderate.

State planning policy specific to telecommunications infrastructure recognises that any visual impact needs to be weighed against the overall benefit that the provision of effective communications systems brings to a community and its visitors.

The State Administrative Tribunal (SAT) has ruled that height is an integral part of a mobile phone base station, and that visibility in itself does not necessary equate to adverse visual impact.

“While it is true that the tower will be higher than any other point in the immediate vicinity of the subject land, such height is an integral part of the successful functioning of the infrastructure, a matter recognised by SPP 5.2, cl 2.3 (‘mounted clear of surrounding obstructions’).”

Optus Mobile v City of Stirling [2008] WASAT 238 [59]

“The planning framework does not require the tower to be invisible.”

Optus Corporation v Shire of Waroona [2012] WASAT 179

The fact that part of the proposed development will be visible does not, of itself, mean that the proposed development will have a negative impact on the visual amenity of the locality.

NBN Co Limited v City of Albany [2016] WASAT 61

To this effect [REDACTED] has sought to establish the base station to not position the base station in a natural depression, thus reducing the height of the structure necessary to achieve coverage objectives and reducing reliance on blending and screening initiatives.

“Minimise the height of the tower by assessing the local topography or height of buildings for the proposed area. Choose the site that minimises the height of the tower most effectively.”

Visual Landscape Planning in Western Australia WAPC, 2007

[REDACTED] in consultation with the landowner has also located the facility as far as practical from residential zoned land and the local road network and in close proximity to mature vegetation. Vegetation and existing built form will screen the ground level infrastructure and lower portions of the monopole when viewed from most view perspectives from the local road network and residences.

Importantly the proposed Girrawheen South facility has been located to minimise potential conflict with the potential redevelopment of the subject land. Given the facility is located in common property the rental income generated will be reinvested back into the maintenance and capital improvements.

3.1.2 Assessment of Alternative Candidate Sites

Carriers and mobile phone network operators have an obligation under the Industry Deployment Code to utilise and upgrade existing infrastructure as opposed to developing new sites. However, in this instance this was unachievable due to numerous constraints and the required decommissioning of the existing facility.

Following the identification of the search area based on the necessary coverage objectives, several candidate sites were examined. Each candidate was assessed by technical specialists based on the ability to meet the coverage objectives and other considerations as outlined below.

Technical Discipline	Primary Consideration
Property	the ability to secure land tenure, and the timing and terms of any subsequent agreement.
Design and Construction	construction costs, ease of access for construction and maintenance activities, the availability of power, and access to the fibre network
Town Planning and Environment	social, environmental and heritage considerations, and the ability and timing to obtain regulatory approvals
Radio Frequency (RF) Design	the ability to meet coverage objectives and the overall business case

3.1.3 Colocation Opportunities

In the first instance, [REDACTED] seeks to co-locate on existing infrastructure available within the search area. A search of the Radio Frequency National Site Archive (RFNSA) indicating the co-location opportunities existing in the Girrawheen/Koondoola area is provided in Figure 6.

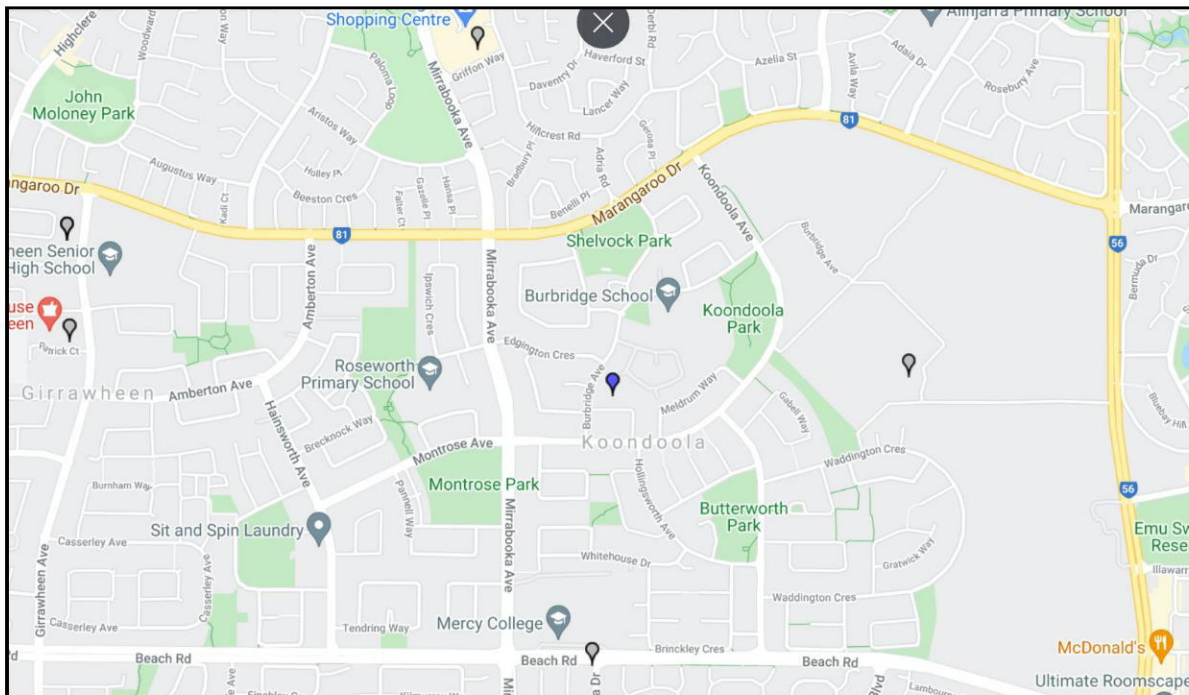


Figure 6 Search of nearby existing telecommunications facilities (Source: RFNSA 3/2/2022)

The proposed facility to which this development application relates is identified by the blue marker Five (5) additional facilities are identified by grey markers.

The nearest existing facilities and their distance from the proposed site are as follows:

- Telstra installation on a Western Power pole within the Beach Road reservation Mirrabooka (adjacent to 2 Torquata Drive), 905m to the south.

- Optus, Vodafone and Telstra, 35m lattice tower within Mirrabooka Reservoir (87 Koondoola Avenue), 994m to the east.
- Optus, Vodafone and Telstra installations on the rooftop of the Alexander Heights Shopping Centre (200 Mirrabooka Avenue), 1.26km to the north.
- Optus and Vodafone installation on a carpark light with the Girrawheen Hub Shopping Centre (3 Wade Court), 1.84km to the west.
- Telstra installation on the rooftop of the Telstra Girrawheen Exchange (111 Girrawheen Avenue), 1.91km to the west.

Further upgrades of the above sites or establishment of a new facility on the site will not achieve the desired RF coverage objectives primarily due to physical distance. A detailed feasibility analysis was not undertaken on this basis.

3.1.4 Greenfield Candidates Considered

As no co-location opportunities have been identified [REDACTED] have undertaken a review of potential new mobile phone base station candidates in the area.

Figure 7 and Figure 8 below provides a spatial representation of the locations short-listed within the Koondoola Plaza Shopping Centre and broader search ring (respectively). Figure 8 additionally identifies the optimal position from a RF perspective (red marker) and points of interest (POIs) for which improved network performance has been targeted.

As outlined in Preliminary Consultation 20 Burbridge Avenue, Koondoola and Montrose Park, Girrawheen were not pursued following discussions with the City.



Figure 7 Greenfield candidate sites within the Koondoola Plaza Shopping Centre

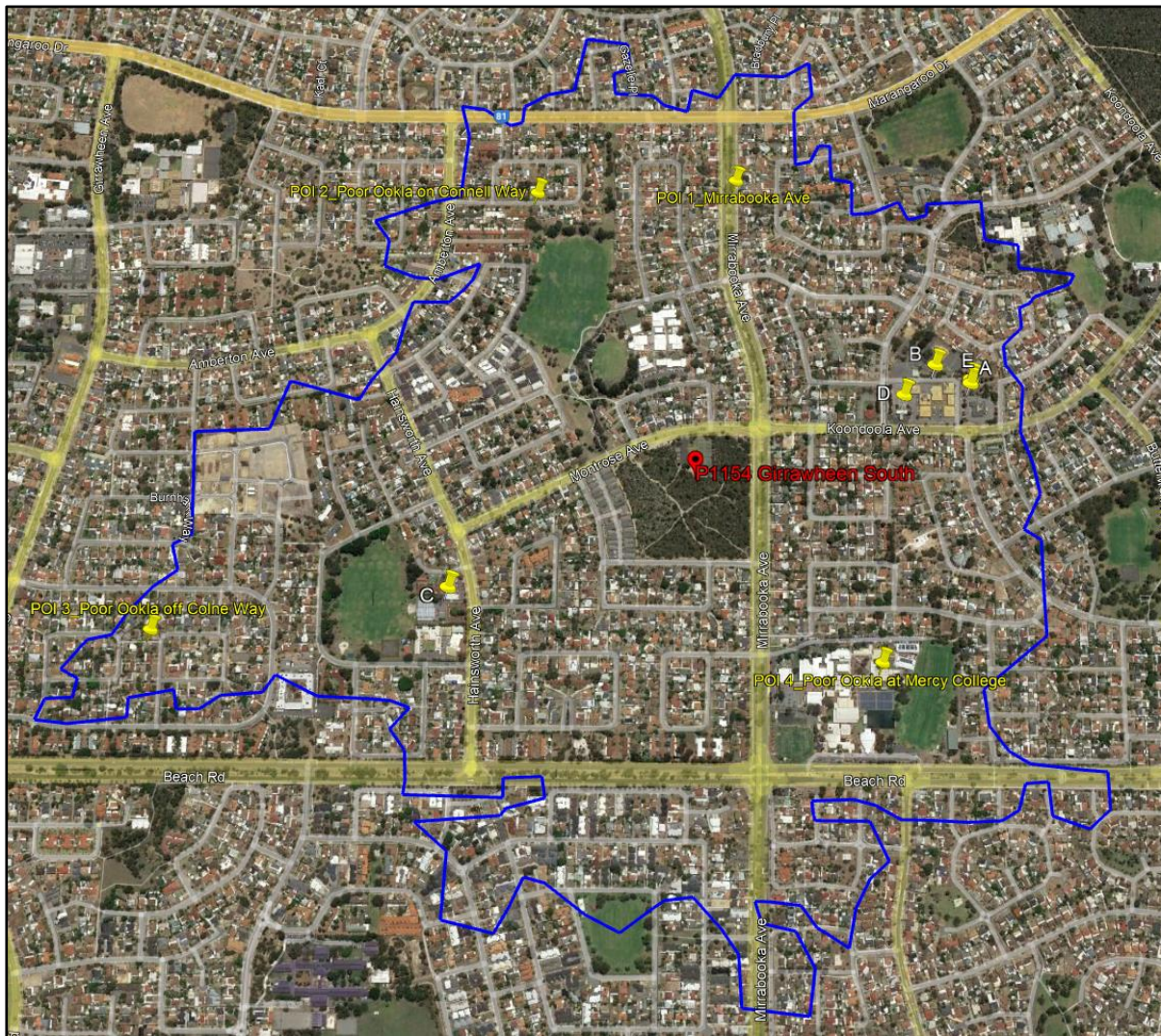


Figure 8 Greenfield candidate sites within the search ring and nominated POI's to improve network service

Eight alternative locations were considered prior to the selected location (Candidate B) being progressed. Table 1 below summarises the candidates and the reasons they were discounted.

Table 1 Greenfield Candidates and summary of discounts

Candidate & Location	Reason for Discount
Candidate A 30m monopole 20 Burbridge Avenue, Koondoola	Landowner (City of Wanneroo) consent was not forthcoming.
Candidate C 30m monopole 1 Tonkin Place, Girrawheen	Landowner consent was not forthcoming.
Candidate D 30 m monopole 28 Koondoola Avenue, Koondoola	Landowner consent was not forthcoming.
Candidate E 30m monopole 38 Koondoola Avenue, Koondoola	Landowner consent was not forthcoming.
Candidate F 20m monopole Montrose Park, Girrawheen WA 6064	Landowner (City of Wanneroo) consent was not forthcoming.

The selected location at candidate B displayed below in Figure 9 meets [REDACTED] deployment objectives and not compromising the future development of the Koondoola Plaza Shopping Centre whilst satisfying construction feasibility, town planning considerations including, environmental impacts, visual amenity, as well as engineering requirements.

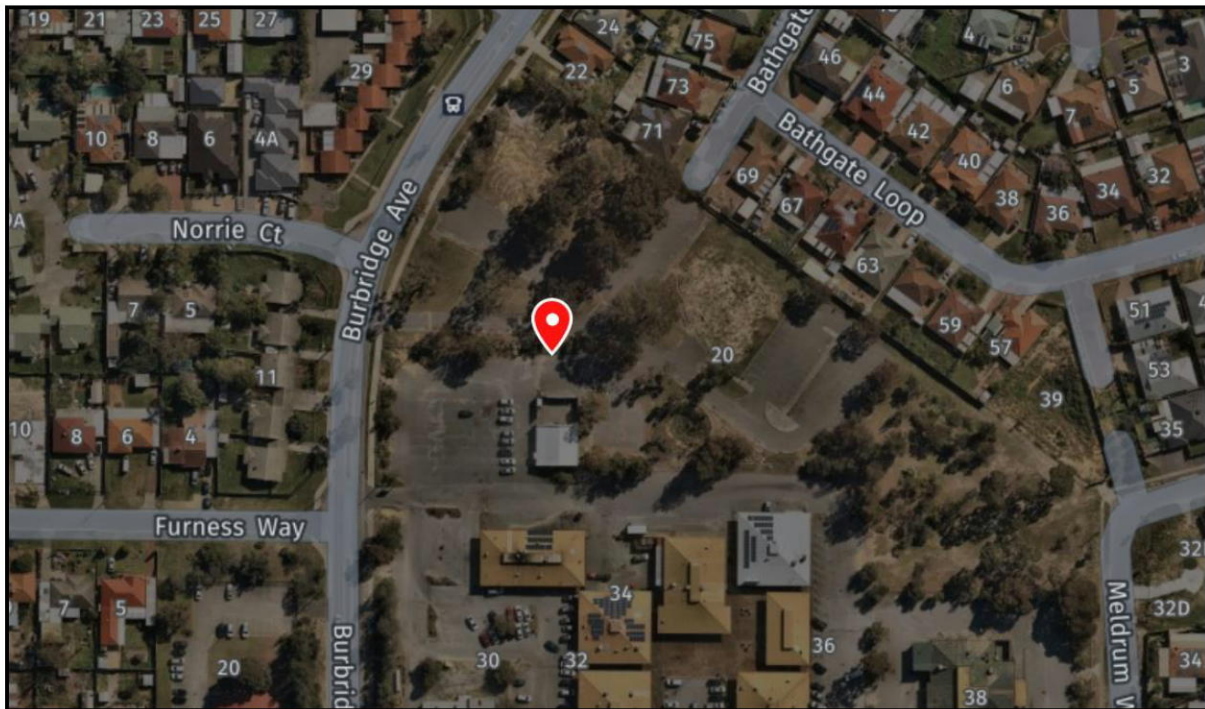


Figure 9 Candidate B, Proposed location (Source: Near Maps)

4.1 Site Overview

The site is situated within common property associated with the Koondoola Plaza Shopping Centre at 34 Koondoola Avenue, Koondoola and is 1.7235 hectares in size. The subject land contains a mix of commercial uses and a place of assembly.

The broader activity centre additionally contains a tavern and service station in addition to vacant land formerly used for community purposes associated with lot 250.

Until 2018, lot 250 was occupied by the Koondoola Community Hall and Koondoola Kindergarten. Both of these uses were replaced with new facilities on alternative sites and became surplus to the City's requirements. In mid-2018, both buildings were demolished, with the respective car parking areas remaining intact. (Scheme Amendment no. 173 Report).

The broader area is characterised by predominantly single storey detach dwellings with a limited number of duplexes and grouped dwelling sites. Infill subdivision and replacement of the original dwellings are early indicators of gentrification that is being facilitated in part but a R20/R60 split code density applied to land within 400m of the activity centre.

The legal description of the subject land is Lot 252 Swan Location H on Diagram 51424 (strata plan 6328). The GPS coordinates of the proposed facility are: -31.840797°, 115.858782°.

The broader context of the proposed location is illustrated in Figure 10 below:

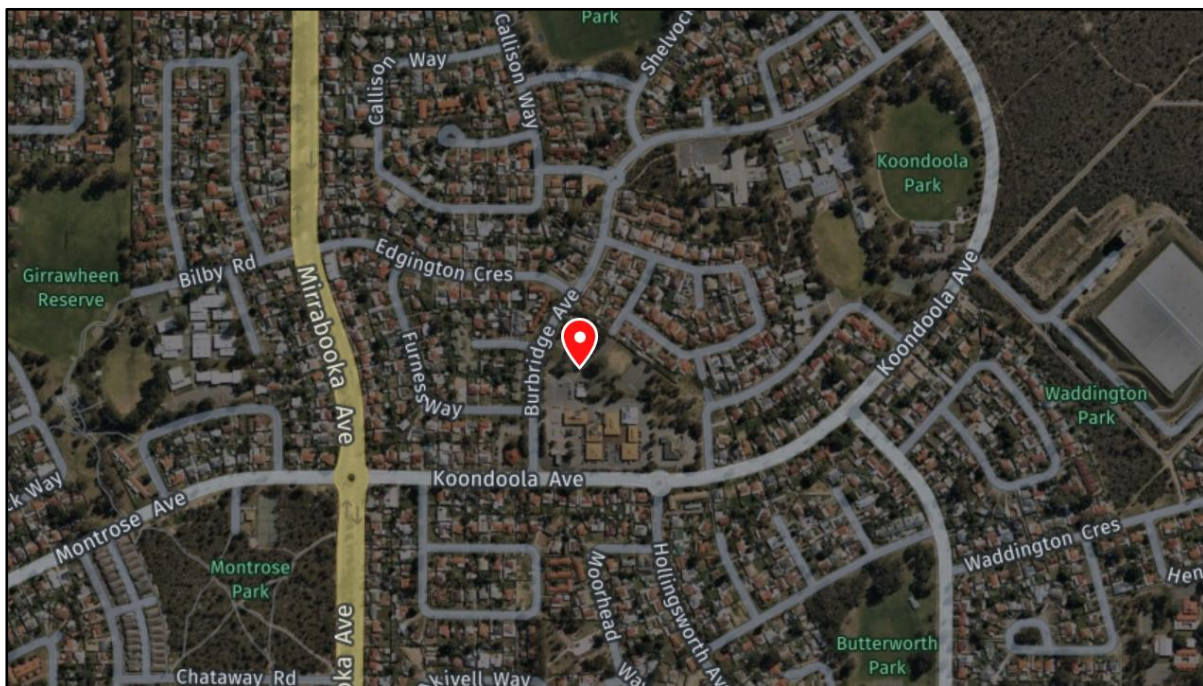


Figure 10 Site context (Source: Near Maps)

4.2 Site Context

The proposed location is located on land to the rear and associated with the Koondoola Shopping Centre. It immediately abuts land managed by the City of Wanneroo that previously accommodated community uses that have been long demolished and the land left idle with deteriorating parking areas and mature vegetation retained. Recent rezoning of the land has occurred in response to the land being surplus to the City's need to accommodate community facilities and to ultimately facilitate an improved return to a private developer.



Figure 11 Looking from near the proposed facility across the City managed land illustrating the interface with residential properties and retained mature trees.

The closest sensitive land uses to the site are both places of assembly being the immediately adjacent Roman Orthodox Church of St Trinity and the New Apostolic Church on the corner of Burbridge Avenue and Koondoola Avenue. The nearest educational institutions are the Burbridge School (250m to the northeast) and Koondoola Primary School (300m away to the northeast).

The proposed facility will be wholly or substantively screened by vegetation built form when viewed from the Roman Orthodox Church of St Trinity as illustrated by *Figure 12*, and the fore-mentioned schools.



Figure 12 Looking towards the proposed facility from Burbridge Avenue adjacent to the New Apostolic Church.

The nearest residence fronting Bathgate Loop is located on residential zoned land approximately 65m to the north nor' east. Dwellings fronting Bathgate Loop to the north of the proposed facility abut City of Wanneroo managed land within the activity centre. They are characterised by being of detached single storey construction and notable for improvised boundary fencing and other design measures to *protect* themselves from the observed litany of discarded alcohol containers and associated rubbish that appeared to have accumulated over many months. Suffice to say, there was no observed capital improvements orienting southwards towards the proposed facility as illustrated in Figure 13 below.



Figure 13 Illustration of high impervious rear fencing abutting the Activity Centre and anti-social behaviour.

The nearest grouped dwellings orienting towards the facility and fronting Burrige Avenue are located approximately 85m to the west. This view perspective is notable for orienting across a local collector road with mature trees within its median strip and towards the activity centre as illustrated in Figure 14 below.



Figure 14 Looking east towards the proposed facility from the footpath on the western side of Burbridge Avenue.

The nearest intersection of Burbridge Avenue and Norrie Court is located approximately 75m to the west northwest. The motorists' view perspective from this intersection towards the proposed facility will be partially screened by mature trees (see Figure 15). Norrie Court is a no through road of less than 100m in length providing primary frontage to thirteen (13) dwellings. It is also not serviced by footpaths or otherwise connected into a broader pedestrian network. In this respect traffic volume and the collective nature of the view experience is limited.

Three (3) of the grouped dwellings at no. 9 Norrie Court have eastward outlooks towards the proposed facility. Notwithstanding, the alignment of the court, vegetation and built form is such that the proposed facility will be either wholly or substantively screened when viewed from these dwellings (see Figure 16).



Figure 15 Looking east towards the proposed facility from Norrie Court.



Figure 16 Looking west down Norrie Court identifying the grouped dwellings with an outlook generally towards the proposed facility.

Collective views from the local road network can constitute a regionally or locally significant view in cases where the vista affords panoramic or other views of iconic natural or built features. No regionally or locally significant views were identified from the local road network. The majority of views from the local road network towards the proposed facility are dominated by commercial and residential buildings or vacant land. When viewed from the local road network the proposed ground level infrastructure will be visible from limited perspectives along Burbridge Avenue notably between Norrie Court and Furness Way. The upper sections of the monopole are generally wholly or partially obscured by vegetation and built form from all motorists' perspectives.

Specifically, the proposed monopole is too far removed from a motorists' the view perspective travelling in either direction along Koondoola Avenue or along Burbridge Avenue south of Edgington Crescent. Travelling southwards along Burbridge Avenue north of Edgington Crescent the road alignment itself, vegetation and built form will obscure the proposed facility from view (see Figure 17).



Figure 17 Motorist view perspectives towards the proposed facility whilst travelling southward along Burbridge Avenue.

The proposed facility will be substantively screened when viewed from Bathgate Loop (see Figure 18).



Figure 18 Looking southwards towards the proposed facility from Bathgate Loop.

The proposed monopole is not expected to dominate views from the outdoor living areas of the eight (8) properties on the south side of Bathgate Loop immediately abutting the activity centre due to a combination of screening from boundary fencing, outbuildings and vegetation (see Figure 19).



Figure 19 Fencing along the northern boundary of the activity centre screens and provides security to abutting dwellings.

The local topography is generally flat such that there were no elevated location or lookouts identified in the locality.

The proposed telecommunications facility will comprise the following:

- 30m monopole with a square headframe at the 31m level.
- Ten (10) panel antennas, plus a reservation for a further three (3) panel antennas on the headframe and parabolic (dish) antenna on the monopole.
- A 5-bay equipment cabinet finished in pale eucalypt.
- Ancillary equipment necessary for the operation and proper functioning of the facility.
- Ancillary equipment installed to ensure the protection or safety of the facility and maintenance personnel.
- Security chain-mesh fencing finished in pale eucalypt.
- The entire area required to be leased is 74m².

Allowance has been made for future [REDACTED] antennas and the structure has the capacity to accommodate the equipment of other Carriers and emergency services organisations. The monopole design minimises the visual impact and can accommodate panel, omni and yagi (directional) antennas as well as and parabolic dishes. The monopole will be of steel construction with a natural galvanised finish.

[REDACTED] vehicular access typically by sedans/SUV vehicles will be infrequent (2-6 times per year) from Burbridge Avenue via the existing internal road network.

No external flood lighting or aviation lighting is proposed. Kordia will; however, advise Airservices Australia of the height and location of the tower so they can update their database of tall structures which is made available to aviation operators.

The location of the compound affords the greatest flexibility for the future development of the Koondoola Plaza Shopping Centre.

An elevation of the proposed telecommunications facility is displayed below in *Figure 20**Error! Reference source not found.* Preliminary drawings are available in **Appendix A**.

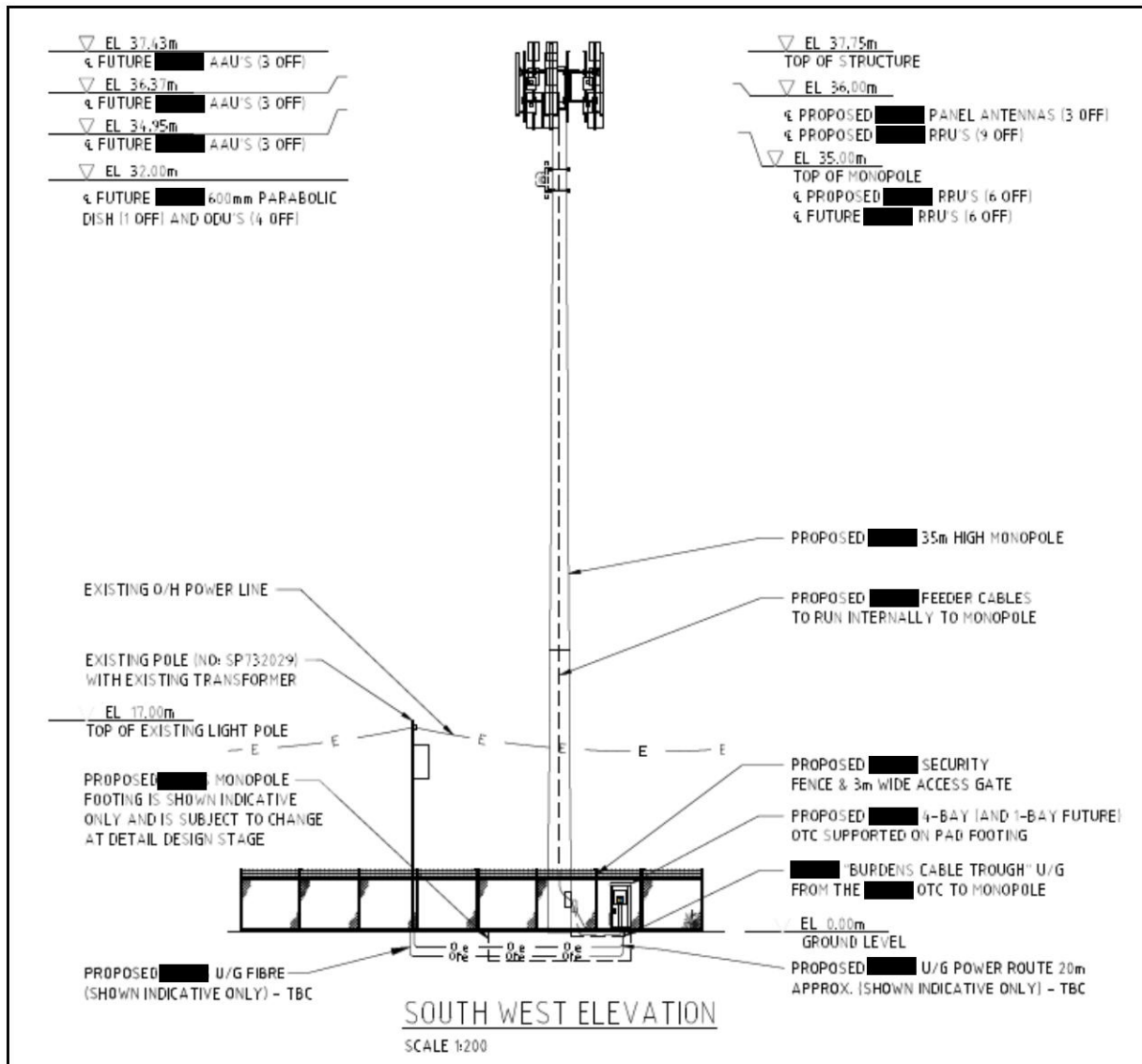


Figure 20 Proposed facility elevation

5.1 Site Access

Access to the proposed facility for construction and infrequent maintenance is available from Burbridge Avenue along existing bitumen sealed circulation roadways. Figure 21 below shows the existing access point off Burbridge Avenue.



Figure 21 Access image taken from Burbridge Avenue

5.2 Environmental Commitment

██████ is committed to delivering continuous improvements in their environmental performance. Further details pertaining to ██████'s sustainability commitment and approach is available at <https://www.optus.com.au/about/sustainability>

The sustainability pages identify key environmental issues on pollution, waste, recycling, community involvement and conducting all matters of business in an environmentally sound and responsible manner.

██████ have established many internal processes to support our environmental objectives and we are continually increasing awareness with staff newsletters, internal updates and information sessions. Training is provided to all relevant employees to ensure they have knowledge of regulatory requirements, internal standards and Optus' policies and procedures. Energy efficiency is encouraged through workshops with engineering, IT, procurement, operations, facilities management, and corporate and environmental staff.

5.3 Construction and Noise

The development and construction of a mobile phone base station primarily consists of the following processes:

- ▀ Remediation – ensuring that the land is suitable for construction. This is inclusive of confirming existing structural assessments and the provisioning of cabling;
- ▀ Installation of new equipment – reflective of the scope of works outlined within this Development Application; and

- Network Integration – Ensuring that the mobile phone base station can connect with both end users and other sites within the [REDACTED] network.

Noise and vibration emissions associated with the construction and commissioning phase is expected to be limited to ten (10) weeks.

Noise generated during the construction phase will accord with the standards outlined in the Department of Water and Environment Regulation (DWER) *Environmental Protection (Noise) Regulations 1997*. Construction works are planned only to occur between the hours of 7.00am and 6.00pm.

During construction works, a truck would be used to deliver equipment to the site and a small crane used to lift most of the equipment into place. The crane and truck would need to be parked at the site for approximately two days. Traffic management and relevant approvals will be obtained during/for construction as necessary, though impacts are considered insignificant.

During construction, there would be a maximum of ten (10) private vehicle trips per day associated with construction crew assembling the equipment. Sufficient parking is available in the vicinity for construction vehicles.

5.4 Utilities

The proposed facility will be connected to the greater [REDACTED] network via fixed wireless transmission via a parabolic dish antenna

An independent Western Power supply to compound will be provided via underground cabling.

Site Access and Site Layout plans showing proposed fibre and power routes are appended to this report **Appendix A**.

The unmanned facility does not require access to water or sewer infrastructure. The proposal will not alter stormwater runoff from the site, given the very minimal impermeable ground surface area created by the installation.

██████ understands that some people have genuine concerns about the levels of electromagnetic fields (EMF) that the proposed facility will emit and is committed to addressing those concerns responsibly. EMF is sometimes known as electromagnetic radiation (EMR) or electromagnetic energy (EME). Often, there is a misconception regarding the perceived health risks surrounding mobile phone base stations and EME.

Electromagnetic fields are present everywhere in our environment – the earth, sun and ionosphere are all natural sources of EMF. Optus and Kordia rely on the expert advice of international and national health authorities including the World Health Organization (WHO) and the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) for overall assessments of health and safety impacts. The International Commission on Non-Ionizing Radiation Protection (ICNIRP) has issued guidelines on levels of allowable public exposure to RF fields, including guidelines on RF from mobile phones and base stations, which Optus adheres to. These guidelines have a large safety margin built into them.

EME is non-ionising radiation, meaning that it has insufficient energy to break chemical bonds or remove electrons (ionisation). In contrast, ionising radiation (such as X-rays) can remove electrons from atoms and molecules leading to damage in biological tissue (Source: ARPANSA).

In addition, further information is available at: EMF Explained Series www.emfexplained.info.

It is ██████'s obligation to comply with the mandated standard (RPS-1) for EMF set by ARPANSA, which is based on the safety guidelines recommended by the WHO. The safety standard works by limiting the network signal to a level which will protect all people, in all environments, 24 hours a day.

To demonstrate compliance with the safety standard, an Environmental EME Report is available in Appendix B – Environmental EME Report or via the RFNSA website www.rfnsa.com.au (Site Number 6064010).

The EME Report predicts the maximum signal strength from the proposed facility at 1.5m above ground level is well within the allowable limit. This is typical of ██████'s responsible approach to network performance and environmental compliance.

Furthermore, the ARPANSA Fact sheet “Mobile Base Stations and Health” March 2015 states “Health authorities around the world, including ARPANSA and the WHO have examined the scientific evidence regarding possible health effects from base stations. Current research indicates that there are no established health effects from the low exposure to the RF EME exposure from mobile phone base station antennas.”

██████ undertakes further measures when designing the facility, to minimise the EME exposure to the general public, by installing the facility in accordance with the Australian Mobile Telecommunications Association (AMTA) RF Safety Compliance Program – Base Station Design Guidelines Engineering for Access Control to minimise EME.

Other preventative measures also include:

- Power Control network feature that automatically adjusts the power of the network transmission based on consumer demand.
- Varying the facility's transmit power to the minimal required level in order to save electricity and lower RF emissions from the facility.

Further information about EMF can be obtained from:

- Commonwealth Department of Health (ARPANSA): www.arpansa.gov.au

- Australian Communications and Media Authority (ACMA): www.acma.gov.au
- World Health Organisation (WHO): www.who.int/en/

The following is an assessment of the potential development impacts arising from the construction and ongoing operation of the proposed facility. The assessment is inclusive of issues relating to visual impact, environmental impacts, heritage impacts and social and economic benefits of improved mobile phone coverage.

As part of the site selection process, a desktop assessment that relied upon the State Land Information Platform (SLIP) datasets available through Landgate was undertaken. This exercise did not identify any significant environmental or heritage constraints on the proposed site.

Refer to **Appendix E** – Environmental Searches.

7.1 Visual Impact Assessment

It is best practice to undertake a 'visual impact assessment', prepared in accordance with 'Visual Landscape Planning in Western Australia', to demonstrate to the satisfaction of the local government that the proposal satisfies the planning policy framework. The Manual provides broad guidelines that should be read in conjunction with those specifically drafted for telecommunications infrastructure (SPP 5.2).

Part 1 of the Manual 'Introduction' addresses the planning context, distinguishes between visual landscape evaluation (plan making) and visual impact assessment (development assessment), and outlines the scope of the Manual.

Part 2 of the Manual 'Visual Landscape Planning Methods' includes processes for use by those decision makers who are responsible for recommending acceptance or otherwise of specific development proposals (i.e. visual impact assessment).

Part 3 of the Manual 'Guidelines for Location, Siting and Design' provides guidance for utility towers, including telecommunications towers. This guidance assists in ensuring proposals reduce their potential impact on visual landscape character.

Kordia has previously met with the former Department of Planning Project Managers responsible for the production and implementation of the Manual to discuss the intent of the Manual specific to telecommunications. These discussions also concentrated on appropriate design responses to minimise visual impact in urban and coastal environments. Subsequent to this understanding this Visual Landscape Assessment, utilising the Manual, has been prepared on the premise that there are no impacted 'regionally significant views', and that a 'locally significant view' exists from Koondoola Avenue. It was noted by the Department's staff that the Manual is not State Policy rather it provides guidelines applicable to development on private land to assist in the protection of *significant landscapes*.

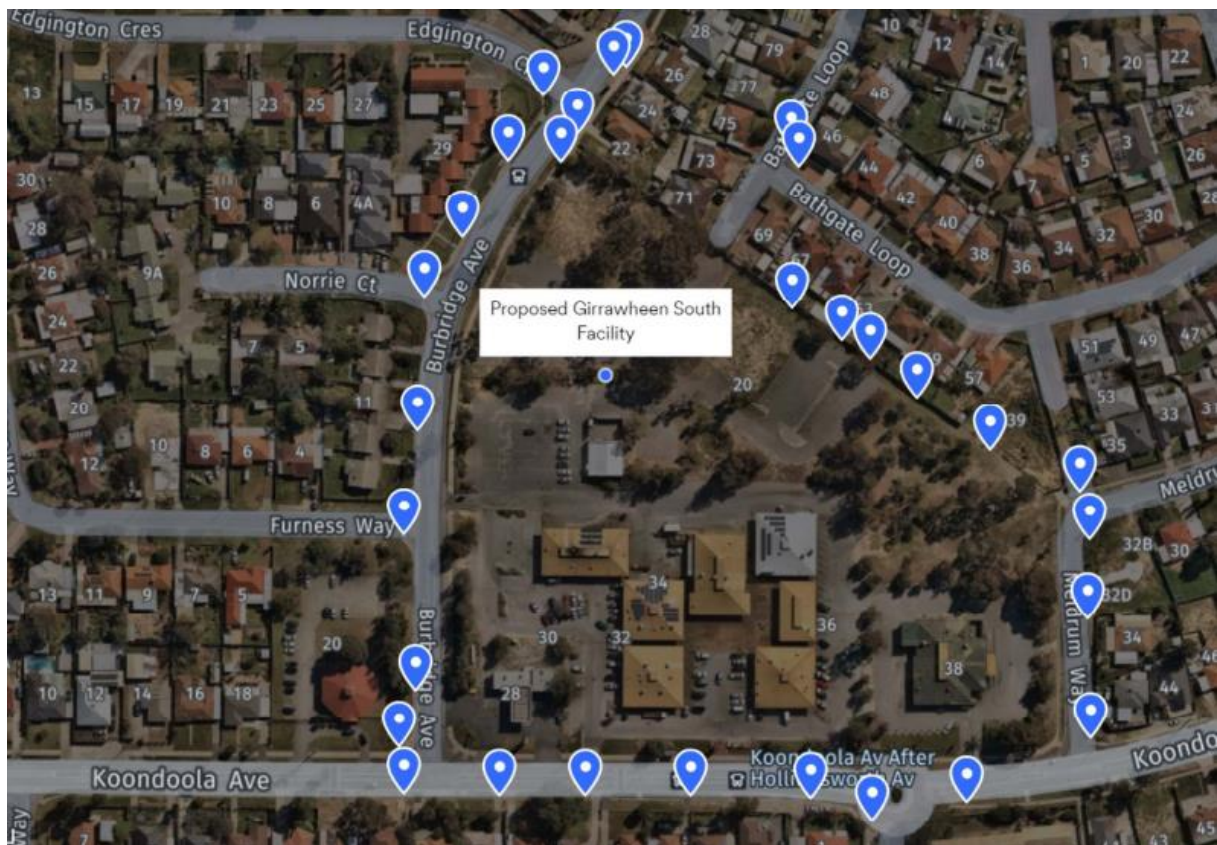


Figure 22 Photo perspectives towards the proposed facility.

The Manual refers to three broad, basic visual character objectives:

1. protection and maintenance of visual landscape character;
2. restoration and enhancement of degraded visual landscape character, or opportunities for enhancement; and for other areas
3. the broad objective is to undertake a combination of protection and enhancement where appropriate, and elsewhere to undertake best practice siting and design.

We consider that the subject site should be viewed in its local context as a degraded area in need of restoration and enhancement, but in its broader context as an area of urban landscape character.

The City of Wanneroo Amendment no. 173 Scheme Amendment Report stated *“The Centre is currently run down with large areas of undeveloped land.”*

The Manual provides for three specific visual management objectives to meet the fore-mentioned broad visual character objectives:

1. not evident: development may be hidden, screened or not visible from specified viewing locations;
2. blending: development may be evident, but generally not prominent in that it borrows from the existing landscape setting; and
3. prominent: development may be a dominant feature in the landscape, drawing attention to itself.

The Manual states that *“where the broad objective is for a landscape to be enhanced or restored, any of the three specific objectives may apply. It is more likely to be acceptable for*

development to be prominent in the landscape, as a new feature will enhance a landscape that is currently lacking in visual interest.” The pragmatic broad objective for managing the visual impact of the proposed monopole is (b) blending, because it is not feasible to fully screen the pole from view, nor is the Girrawheen South facility designed to be prominent in the way that an iconic building or public art may be. This is the approach that [REDACTED] has taken to proposed ground level infrastructure.

The term blending is also described as ‘harmonise with’, ‘compliment’ or ‘borrow from’. To ensure that a development blends with existing valued landscape character, it is necessary to identify the dominant visual components of the landscape. The notwithstanding that the adjacent building and fenced compound is off-white the locality is notable for the predominance of darker tones. Light colours such as zincalume® or white are often avoided to better blend with the dark green eucalypt foliage. The equipment shelter has a concealed roof to minimise bulk and is proposed to be externally colour-treated pale eucalypt. Chain mesh security fencing has been proposed, in part to be less visually intrusive than solid fencing and in part to minimise any potential vandalism or graffiti. The chain mesh will also be plastic coated in pale eucalypt.

The Manual recommends that *“...remnant bush be retained wherever feasible, as it provides a strong visual reminder of an area’s original landscape character, thus forming a major component in an urban area’s current expression of character.”* No vegetation will be disturbed or removed to facilitate construction of the facility or its ongoing operation.

The proposed facility is approximately 13km from Perth International Airport. There is no legislative requirement for obstacles located away from aerodromes to be fitted with navigation lighting. The height above ground level for which structures must be reported to the Civil Aviation Safety Authority (CASA) and may be fitted with lighting is 110m. [REDACTED] will; however, report the structure to Airservices Australia to be included on their database of tall structures.

The Manual recognises that *“colour does not appear to be a design option with the recently constructed towers.”* The galvanised steel monopole is not proposed to be colour-treated. The galvanised finish will quickly fade and be less visually intrusive than a darker finish when viewed against lighter backgrounds such as the sky.



Figure 23 View towards the proposed facility from residences fronting Koondoola Avenue illustrating the screening provided by commercial built form and the 'cluttered' skyline.

7.1.1 Photo Montages Methodology

Kordia has endeavoured to ensure accuracy in the production of the following photo montages. Individual view experiences may change due to factors not modelled; such as atmospheric conditions, the time of day, the weathering of materials used in construction and minor variation in the siting of the structure.



Figure 24 Viewpoints from which photography was taken for montages. Refer to Appendix D for details.

7.2 Heritage

The facility is not located within an identified area of State or Local Heritage significance.

A search of the Department of Aboriginal Affairs heritage database has not identified any Registered Aboriginal heritage sites in the vicinity of the site.

Notwithstanding, the proposed works constitute a low risk in accordance with Schedule 2 of the Aboriginal Heritage Due Diligence Guidelines such that an aboriginal heritage survey was not undertaken. The works were self-assessed as being minimal disturbance within a built environment. [REDACTED] further determined that the works would not cause destruction, damage or alterations to this site such that no approval was sought under Section 18 of the *Aboriginal Heritage Act 1972*.

[REDACTED] does not intend to lodge an Activity Notice with the SWALSC. [REDACTED] further notes that the landowner has not advised of any consultation obligations under a heritage agreement or Indigenous Land Use Agreement (ILUA) for works occurring at the site.

[REDACTED]'s contractors are experienced with ensuring compliance with the requirements of the *Aboriginal Heritage Act 1972*. Should any item of archaeological importance be discovered during the course of construction, work would cease immediately, and all appropriate authorities notified. Work would not resume until all clearances have been received from these authorities.

7.3 Flora and Fauna

Given the site has been disturbed and does not contain any remnant vegetation heritage and flora and fauna surveys have not been undertaken.

During the construction phase, the subject site area will be fenced. Additionally, the operation of the facility or the facility itself will not impact on fauna given there are no moving parts that may otherwise cause bird strike, and the limited vehicular movements are contained to the existing internal road network.

7.4 Traffic

Mobile phone base stations are not significant generators of pedestrian or vehicular traffic. Throughout the lifecycle of the telecommunications facility, it is only required to be accessed on average 2-6 times per annum for maintenance purposes.

7.5 Acid Sulphate Soils

The site is not subject to an acid sulphate soil risk area.

Notwithstanding, ██████'s contractors are experienced with ensuring compliance with the requirements of the Department of Environment Regulation *Acid Sulphate Soils Guidelines* and the controls contained within Section 9.7 of *Optus's Environment Handbook* specific to acid sulphate soils.

7.6 Flooding

The proposed facility is not mapped as being flood prone, or otherwise known to be subject to inundation.

7.7 Bushfire

The proposed facility does not result in unacceptable risk from bushfire to persons or property. The telecommunications facility is unmanned and remotely operated. Further to this, the facility is pre-fabricated and designed in accordance with the Building Code of Australia and Australian Standards, and is intended to serve the purpose of providing critical communications to the public and the emergency services during extreme weather events.

The Bush Fire Prone Areas 2016 dataset identifies bush fire prone areas of Western Australia as designated by the Fire and Emergency Services (FES) Commissioner on 21 May 2016. Bush fire prone areas are subject to, or likely to be subject to, bush fire attack. The subject land is not designate to be located within a bush fire prone area.

7.8 Erosion and Sediment Control

Erosion and sediment controls where necessary will be implemented prior to the commencement of any construction works and will be maintained throughout the construction phase to manage potential run off, water and air quality during construction.

The development will not induce any adverse soil erosion or siltation. Measures that are to be implemented (as deemed necessary) include:

- All construction plant, equipment and vehicles are to be properly maintained and operated so as to alleviate excessive exhaust emissions;
- All dust generating construction activities are to cease during high wind conditions, unless operations can be controlled by localised watering or other control means;
- All staff and contractors working on site to undergo site induction relating to any specific management issues;
- Topsoil shall be stripped from the construction footprint only and stockpiled separately for reuse during the reinstatement works;
- Sediment fencing to be installed around all topsoil stockpiles (as required);
- Install sediment fencing around construction activities to control runoff during works (as required);
- Install adequate sediment and erosion controls to protect any drainage lines in the vicinity of the construction works;
- All erosion controls to be routinely inspected and maintained to ensure they remain effective (i.e. remove silt build up, reinforce or re-establish controls);
- Locate all soil stockpiles away from drainage lines and outside defined flood zones to manage any onsite risks;
- Locate stockpiles so that they do not impede on natural or constructed surface drainage channels or roads; and
- Install appropriate erosion controls to manage runoff on disturbed areas as required.

7.9 Economic Impacts of the Proposal

Since 2007, the amount of mobile phone subscriptions has exceeded the overall population of Australia. The wider community has seen a general reliance on mobile phone networks for other uses than that of traditional voice calls.

Australia has one of the highest penetrations of “smartphone” usage in the world. A sample study by the Digital Industry Association of Australia has estimated the usage of smartphones at rate of 76% of all mobile phone users. This has seen an ongoing impact and influence as how we conduct business “on the move” – inclusive of checking emails, social networking, e-commerce and browsing the internet. Consumers have an increasing expectation that a reliable, fast and cost-effective mobile phone network can support these activities.

Furthermore, there is a general expectation in the wider community for a dependable and reliable mobile phone network. [REDACTED] have sought to ensure major improvements to their network through 24hr monitoring of network performance. Further to this, mobile phone networks form a vital “first response” tool to emergency situations – hence the importance of carriers to ensure that their infrastructure can be maintained to the highest standards.

As previously stated, income generated from the telecommunications lease will become available to the body corporate to be reinvested back into maintenance and capital improvements to common property areas associated with the Koondoola Plaza Shopping Centre.

The following section identifies the pertinent Federal, State and Local Government policies and assessment criteria. A summary of the compliance against the key objectives and relevant requirements from these documents has been provided as applicable.

8.1 Matters to Be Considered

The matters to be considered include those stipulated in clause 67 of the *Planning and Development (Local Planning Scheme) Regulations (Regulations)*, and any pertinent State Planning Policy.

The State Administrative Tribunal, in *Puma Energy Australia and City of Cockburn (2016] WASAT 36*, found that, by virtue of s 257B(3) of the *Planning and Development Act 2005 (P&D Act)*, that cl 67 of the Regulations ‘Deemed Provisions’ has replaced all the equivalent provisions in local planning schemes in Western Australia based on cl 10.2 of the former Model Scheme Text.

Pursuant to s 241(1)(a) of the P&D Act due regard must be given to any State planning policy which may affect the subject matter. State Planning Policy 5.2 Telecommunications Infrastructure (September 2015) (SPP 5.2) is such a policy.

8.2 Planning and Development (Local Planning Scheme) Regulations

Clause 67 of the Deemed Provisions provides that in considering an application for development approval, the local government is to have due regard to a range of specified matters to the extent that, in the opinion of the local government (and the Tribunal on review), those matters are relevant to the development the subject of the application. The pertinent matters relating to this application are as follows:

- the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area (subclause (a));
- the requirements of orderly and proper planning (subclause (b));
- any approved State planning policy (subclause (c));
- any local planning policy for the Scheme area (subclause (g));

- the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development (subclause (m));
- the amenity of the locality including the character of the locality (subclause (n));
- the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals (subclause (x)); and
- Any submissions received on the application (subclause (y)).

8.3 Western Australian Planning Commission Statement of Planning Policy No 5.2 – Telecommunications Infrastructure

SPP 5.2 primarily seeks to ensure a more consistent approach in the preparation, assessment and determination of planning decisions for telecommunications infrastructure. As such, we have ensured sufficient information as outlined in Section 6.3.1 'Information to be Submitted When Lodging a Development Application' has been provided in addition to that prescribed by the City's development application checklist non-residential development.

SPP 5.2 provides clear direction that telecommunication infrastructure should not be prohibited in any zone in the zoning table and that, subject to guidance within a planning scheme, be designated as a permitted use in some zones. Furthermore, buffer zones and/or setback distances are not to be included in planning schemes or local planning policies. There is a clear intent to facilitate the roll out of an efficient telecommunications network unless the location and siting unreasonably affects places of cultural or environmental significance, or the visual impact on balance has not been mitigated to outweigh the community benefit of the enhanced network service provided to the community.

We contend that the location, siting and design of our proposed infrastructure has been suitably considered and is acceptable when weighed against the applicable planning policy framework.

The proposed installation is located, sited and designed in accordance with the following Policy Measures.

SPP 5.2 Policy Measures	Response
<p>Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:</p> <p>a) be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;</p> <p>b) be located to avoid detracting from a significant view of a heritage item or place, a</p>	<p>██████ has as far as practical taking into account the need to not disrupt current operations on the subject land or future development potential select a site and location that will minimise perceived negative impacts on the visual amenity of the locality.</p> <p>The site is a degraded area with no environmental constraints or identified cultural heritage values. This site is significantly</p>

<p>landmark, a streetscape, vista or a panorama, whether viewed from public or private land;</p> <p>c) not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised and</p> <p>d) display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.</p>	<p>screening by mature vegetation and commercial built form from most view perspectives. The site is additionally removed from the local road network and will not impact on any locally significant views.</p> <p>The proposed facility utilises pale eucalypt finishes for ground level infrastructure and a natural galvanised steel finish for the monopole to blend against their respective backgrounds.</p>
<p>Telecommunications infrastructure should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community.</p>	<p>though it's strategic planning processes has identified this site as having the potential to address existing depth of coverage issues in the Girrawheen/Koondoola area including Koondoola Avenue. The site is centrally located to service the catchment population of the target area including for infill residential development and the potential future redevelopment of the Koondoola Activity Centre.</p>
<p>Telecommunications infrastructure should be co-located and whenever possible:</p> <p>a) Cables and lines should be located within an existing underground conduit or duct; and</p> <p>B) Overhead lines and towers should be co-located with existing infrastructure and/or within existing infrastructure corridors and/or mounted on existing or proposed buildings.</p>	<p>Co-location opportunities were investigated and ruled out as they were unable to achieve the required coverage objectives. There are no existing infrastructure corridors in the search area or underground conduits in the immediate vicinity of the site.</p> <p>Power and fibre connections will be placed underground.</p>

With respect to the above points this proposal through its siting, design and location has addressed these Policy Measures as far as practical.

8.3.1 Town Planning Scheme (DPS2)

In accordance with the DPS2 Telecommunications Infrastructure:

“means any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, in or in connection with a telecommunications network.”

The subject site is a Commercial Zone (R60). DPS2 states that:

3.7.1 *The Commercial Zone is intended to accommodate existing or proposed shopping and business centres where the planning of the locality is well advanced.*

3.7.2 The objectives of the Commercial Zone are to:

- (a) make provision for existing or proposed retail and commercial areas that are not covered currently by a Structure Plan;
- (b) provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential.

3.7.3 All land contained in the Commercial Zone shall specify a maximum retail net lettable area (NLA) which relates to retail floor area. The maximum NLA shall be included in Schedule 3 of this Scheme and shall bind the development of the land to no more than that area specified.

3.7.4 Notwithstanding the provisions of clause 3.7.3, the floorspace figures contained within Schedule 3 shall be adhered to except where a provision to the contrary is made in a Structure Plan or Activity Centre Plan for the centre locality as adopted by the local government and the Commission.

Telecommunications infrastructure is a 'D' discretionary use in the Commercial zone. Optus considers the use to be compatible with the existing commercial and entertainment activities undertaken in the Activity Centre. This assertion is supported by the number of nearby mobile phone base stations incorporated into commercial centres.

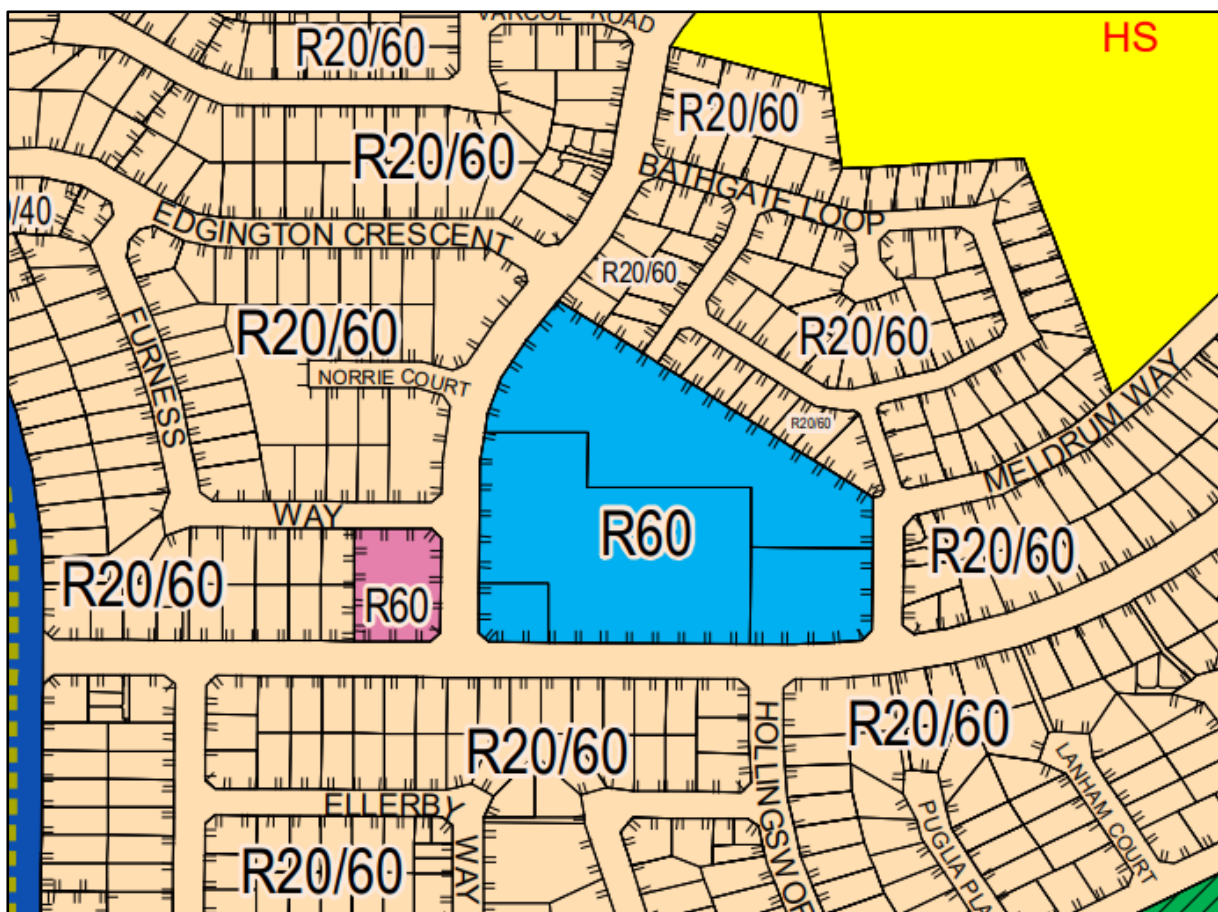


Figure 25 Extract from Scheme Map 23 Marangaroo locality.

8.3.2 Local Planning Strategy

Scheme Amendment no. 173 re-coded the activity centre to R60. A Local Development Plan (LDP) took effect on 30 July 2021 with the intent to activate investment and redevelopment.

The purpose of the LDP is stated to *facilitate the transformation of the Koondoola Neighbourhood Activity Centre into an attractive, safe and contemporary centre where locals and visitors can meet, connect and celebrate the diversity of the local community and its culture... The draft LDP allows for a flexible approach to the redevelopment of the Centre, with an ability for the City-owned land (lot 250 Burbridge Avenue) or public realm improvements to be developed independently of the remainder of the Centre if this is required to facilitate the revitalisation of the Centre (City of Wanneroo LDP Report and Council Report PS01-12/20).*

As the City is aware, the owners of the subject land unanimously objected to the Scheme Amendment. The Scheme amendment and LDP was viewed as a mechanism imposed without adequate collaboration or agreement over their land primarily to benefit the Council whether developing their adjoining land for commercial purposes, or to enable a higher price to be obtained from the sale of their landholding to a commercial developer. It is acknowledged that the Council Report PS01-12/20 response to the objection stated that *any future development of Centre (sic) will be subject to the discretion of the separate landowners, who will need too (sic) have due regard to the design standards outlined in the LDP. The scheme amendment and LDP does not obligate the landowners to redevelop their lot, however, it does allow them to the opportunity to revitalise the Centre in accordance with the vision to create a more attractive and enjoyable place for locals to visit.*

Planning policy hierarchy requires the LDP to align with State Planning Policy 4.2 Activity Centres (SPP4.2). Clause 2.5 of SPP 4.2 states *the policy is intended to provide a guide for centre development that is flexible enough to enable commercial development to respond to market conditions and has a degree of certainty to assist in commercial investment decisions.*

Notwithstanding the strategic intent there are no known immediate plans for the redevelopment of the activity centre. The market will ultimately dictate the timing of investment associated with the redevelopment of the Koondoola Plaza Shopping Centre. The LDP is considered to illustrate an indicative concept and a long-term vision such that it should not prejudice the establishment of telecommunications infrastructure.

It is further acknowledged that the requirement for local policy to not be applied inflexibly has been established and reiterated by the SAT.

“A decision-maker will make an administrative error if it inflexibly applies policy without considering, and taking into account, the particular facts and circumstances of the proposal in question. The decision-maker is required to consider whether or not the application should be approved, despite any failure to comply with, or be consistent with, a provision of a policy.”

Clive Elliott Jennings & Co Pty Ltd v Western Australian Planning Commission [2002]

“The Tribunal accepts that a policy or practice is just what it says - a policy or a practice, and not a law or a regulation. While a policy or a practice may, for good sense and

proper government, justify adherence to a policy or a practice, it is not to be treated as a statute.”

Simmonds J in Tah Land Pty Ltd v Western Australian Planning Commission [2009]

The proposed Girrawheen South facility has been located to minimise potential conflict with potential redevelopment whilst generating income from an inactive space that can be reinvested back into the centre.

8.3.3 Local Planning Policy 2.5 Telecommunications Infrastructure

The objectives of Local Planning Policy 2.5 (LPP 2.5) are to:

- 1. Facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs;*
- 2. Manage the environmental, cultural heritage, visual and social impacts of telecommunications infrastructure;*
- 3. Promote co-location of telecommunications infrastructure wherever possible; and*
- 4. Promote a consistent approach in the preparation, assessment and determination of proposals for telecommunications infrastructure.*

LPP 2.5 prescribes a number of performance-based standards and mandates community consultation practices including notification to landowners and occupiers within 200 meters of the proposed facility, and information required to support a development application.

█ submits that no variations to the deemed-to-comply provisions are sought. Whilst it is acknowledged that the immediately abutting 22m wide Burbridge Avenue and 24m wide Koondoola Avenue reservations are zoned Residential, the lot does not immediately abut land designated for residential purposes. The lot immediately abuts lots zoned Commercial. We submit that the LPP 2.5 Objectives and the intent of the Location L2 deemed-to-comply provision has been met.

9. Telecommunications Industry Regulation Overview

As a licensed telecommunications carrier, [REDACTED] must operate under the provisions of the *Telecommunications Act 1997* and the following supporting legislation:

- Telecommunications Code of Practice 1921 (Code of Practice);
- The Telecommunications (Low-impact Facilities) Determination 2018 (as amended);
- Mobile Phone Base Station Deployment Code C564:2020; and
- The Environment Protection and Biodiversity Conservation (EPBC) Act 1999

9.1 Commonwealth Legislation

[REDACTED], as licensed telecommunications carriers, must operate under the provisions of the *Telecommunications Act 1997* and the Code of Practice. The *Telecommunications Act 1997* exempts carriers from the requirements of State and Territory environmental and planning legislation in certain circumstances, including where a proposed facility falls within the definition of the *Telecommunications (Low-impact Facilities) Determination 2018* (as amended).

In 1991, the Commonwealth Government initiated a major reform of the telecommunications industry in Australia. The reforms allowed limited competition until July 1997, at which time full competition was permitted. In July 1997, the *Telecommunications Act 1997* was introduced, replacing the 1991 Act. Under the *Telecommunications Act 1997*, the Government established the Code of Practice, which sets out the conditions under which a carrier must operate. [REDACTED] and Vodafone, as licensed telecommunications carriers, must comply with the *Telecommunications Act 1997* and the Code of Practice for all telecommunications facilities.

In particular, Section 2.11 of the Code of Practice requires carriers to ensure that the design, planning and installation of facilities are in accordance with industry ‘best practice’. In this, ‘Best Practice’ involves the carrier complying with any relevant industry code or standard that is registered by Australian Communications and Media Authority (ACMA) under part 6 of the *Telecommunications Act 1997*. The planning and siting of the current proposal has taken place in accordance with Section 3 (Planning and Siting) of the Australian Standard, Siting of Radiocommunications Facilities (AS 3516.2).

9.1.1 Telecommunications (Low-Impact Facilities) Determination 2018

The *Telecommunications (Low-impact Facilities) Determination 2018* identifies both the type of facilities that can be “Low-impact”, and the areas in which these facilities can be installed. Importantly, this current facility is not defined as a “low impact facility” and is therefore subject to compliance with the state and local planning policy framework.

9.1.2 Telecommunications Code of Practice 2021

Under the *Telecommunications Act 1997* the Government established the Code of Practice, which sets out the conditions under which a carrier must operate.

Section 2.11 of the Code of Practice sets out the design, planning and installation requirements

for the carriers to ensure the installation of facilities is in accordance with industry 'best practice'. This is required to: "... minimise the potential degradation of the environment and the visual amenity associated with the facilities." [Section 2.11(3)] Best practice also involves the carrier complying with any relevant industry code or standard that is registered by the Australian Communications Authority (ACA) under Part 6 of the *Telecommunications Act 1997*.

9.1.3 Mobile Phone Base Station Deployment Code C564:2020

The Communications Alliance (CA) Code of Practice supplements the regulatory regime by extending the obligations on Carriers. The objectives of the Code of Practice are:

- a) to apply a Precautionary Approach to the deployment of radiocommunications infrastructure;
- b) to provide best practice processes for demonstrating compliance with relevant exposure limits and the protection of the public;
- c) to ensure that the exposure of the community to EMR is minimised;
- d) to ensure relevant stakeholders are informed, consulted and engaged with before mobile phone radiocommunications infrastructure is constructed;
- e) to consider the impact on the wellbeing of the community, physical or otherwise, of mobile phone radiocommunications infrastructure; and
- f) to ensure Council and community views are incorporated into the mobile phone radiocommunications infrastructure site selection.

Section 4.1 of the Code of Practice requires that a Carrier must have written procedures for site selection for radiocommunications infrastructure and to adopt a precautionary approach to the design and siting of facilities. In particular, the Code of Practice requires the following matters to be taken into account when designing and siting radiocommunications infrastructure:

- (a) reasonable service objectives of the Carrier including:
 - (i) the area the planned service must cover;
 - (ii) power levels needed to provide quality of service;
 - (iii) the amount of usage the planned service must handle;
- (b) minimisation of EMR exposure to the public;
- (c) the likelihood of an area being a community sensitive location. (Examples of sites which sometimes have been considered to be sensitive include residential areas, childcare centres, schools, aged care centres, hospitals and regional icons);
- (d) the objective of avoiding community sensitive locations;
- (e) relevant state and local government telecommunications planning policies;
- (f) the outcomes of consultation processes with Councils and communities as set out in Section 6.7 of the Code of Practice;
- (g) the heritage significance (built, cultural and natural);

- (h) the physical characteristics of the locality including elevation and terrain;
- (i) the availability of land and public utilities;
- (j) the availability of transmission to connect the radiocommunications infrastructure with the rest of the network, e.g. line of sight for microwave transmission;
- (k) the radiofrequency interference the planned service may cause to other services;
- (l) the radiofrequency interference the planned service could experience at that location from other services or sources of radio emissions;
- (m) any obligations, and opportunities, to co-locate facilities; and
- (n) cost factors.

Optus and Vodafone and their contractors, prior to nominating a suitable site for a proposed new facility, consider all these objectives during the site selection process.

9.1.4 Environmental Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation (EPBC) Act 1999* obliges telecommunications carriers to consider 'matters of national environmental significance'. Under this legislation, an action will require approval from the Minister of Environment if the action has or is likely to have an impact on a matter of 'national environmental significance'. According to the EPBC Act 1999, there are seven matters of national significance which must be considered.

All relevant EPBC matters have been considered. It is not anticipated that the proposal will have a significant impact on any matters of national environmental significance. Accordingly, approval from the Minister for the Australia Government Department of the Environment is not required in this instance.

7.0 Conclusion

The Koondoola Plaza Shopping Centre, Burbridge Tavern and BP Service Station together with adjoining City-owned land (lot 250 Burbridge Avenue) are subject to a recently adopted Local Development Plan (LDP) and rezoning/coding that seeks to service two clear purposes. To facilitate redevelopment of the Activity Centre and to improve the saleable value of the City-owned land. The City provided assurances to the owners of the Koondoola Plaza Shopping Centre that the LDP allowed for a flexible approach to the redevelopment of the Centre, with the ability for the City-owned land or public realm improvements to be developed independently of the remainder of the Activity Centre. Further assurances were provided that any future development of the Koondoola Plaza Shopping Centre would be subject to their discretion and was not obligated. The owners of the Koondoola Plaza Shopping Centre are now seeking to exercise their discretion by activating surplus land which will allow a financial return to be redirected into the upkeep and capital improvements.

There is clear precedence that objections on the basis of perceptions of the impact on property values or on human health are not planning grounds. The owners of the Koondoola Plaza Shopping Centre have a right to develop their land independently of City-owned land where the development aligns with the planning policy framework. It is our assertion that the proposed Optus facility is consistent with the planning policy framework and the Commercial zoning of the land.

█'s network is strategically planned and co-ordinated to ensure the best possible coverage is provided with minimal need for new base stations. The proposed facility is part of █'s strategic plan for improving mobile telecommunications in metropolitan locations, servicing both the local community and visitors to the area.

With the continual improvement and development of wireless technology, the demand on the mobile phone network is continually increasing. The demand from our customers for better coverage and their expectations on where they can obtain service and the level of that service means that █ needs to constantly monitor the coverage we are providing to our customers and find ways to improve the customer experience. A base station has a limited number of customers which it can support at any one time; therefore, as the demand from both mobile phone users and wireless broadband customers increase so does the requirement to build more base stations to support this demand.

The proposed Girrawheen South facility will provide improved telecommunications services leading to improved convenience and safety for local residents and visitors to the Koondoola Activity Centre, as well as motorists travelling along Koondoola Avenue and the local road network.

█ has applied the Precautionary Approach in the selection and design of the proposed site in accordance with Sections 4.1 and 4.2 of the Communications Alliance Industry Code C564:2020 for Mobile Phone Base Station Deployment. In addition, upgrading of existing base station sites were ruled out given their physical distance from the area for which additional depth of coverage will be provided.

All base station candidate sites are scored for their suitability against town environmental/conservation/heritage criteria in addition to coverage objectives, land tenure (the ability to secure a lease) and construction costs. As such, development approval is being sought which will not require vegetation disturbance, not result in significant soil disturbance,

not impact on culturally significant land, take advantage of mature vegetation and commercial structures for screening, and that which provides separation from the local road network and residences. Notably, from the few locations where the local road network aligns with the monopole (such as travelling south along Burbridge Avenue) the proposed facility will be substantially if not wholly screened. It is also important to note that where viewable from public spaces most such perspectives take in existing commercial buildings associated with the Activity Centre. Visibility of the proposed facility from residences fronting Burbridge Avenue and Bathgate Loop will be further defined when 20 (lot 250) Burbridge Avenue is redeveloped.

The proposed facility has drawn upon recognised blending techniques prescribed by Visual Landscape Planning in Western Australia – a manual for evaluation, assessment, siting and design for prominent development including pale eucalypt colour treating for the equipment cabinets and permeable mesh fencing, and utilisation of a natural galvanised finish for the monopole to blend against lighter backgrounds.

Infrequent vehicular access is available from Burbridge Avenue utilising the existing internal road network. There will be no lighting, odour, dust, or excessive noise from the operation of the facility.

The installation will comply with the Australian Communications and Media Authority regulatory arrangements with respect to electromagnetic radiation (EMR) exposure levels.

Overall, the proposal is considered an acceptable development for the site which will benefit the local community significantly by providing enhanced communication for both personal and commercial usage and income to the Body Corporate to maintain and improve the Koondoola Plaza Shopping Centre.

Respectfully, Council is requested to grant Approval to Commence Development subject to any reasonable and relevant conditions of consent in accordance with the provisions of the City of Wanneroo District Planning Scheme No.2 in light of the justification provided above.



Appendix A – Design Drawings

Appendix B – Environmental EME Report

Appendix C – Local Planning Policy Assessment – Policy 2.5 Telecommunications Infrastructure

Appendix D – Photomontages

Appendix E – EPBC Environmental Searches