

ATTACHMENTS

Ordinary Council Meeting

22 March 2016

Part 1 of 3
Items 7.2.1 - 10.3.2

ATTACHMENTS TO AGENDA ITEMS

Ordinary Council - 22 March 2016

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NOTES

Briefing: 'Councillor Bus Tour'

Venue: Various sites in the City of South Perth
Date: Tuesday 9 February 2016
Time: 5.30pm

Present

Mayor Sue Doherty (Chair)

Councillors

Glenn Cridland	Como Ward
Jessica Black	Como Ward
Travis Burrows	Moresby Ward
Fiona Reid	Moresby Ward
Cheryle Irons	Mill Point Ward
Ken Manolas	Mill Point Ward

Officers

Geoff Glass	Chief Executive Officer
Vicki Lummer	Director Development and Community Services
Mark Taylor	Director Infrastructure Services
Phil McQue	Manager Governance and Administration

Apologies

Colin Cala	Manning Ward
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Leave of absence

Sharron Hawkins-Zeeb	Manning Ward
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Topics

Councillors visited the following sites of interest with staff providing briefing information.

- Collier Park Village
- Manning Hub
- Waterford Triangle
- Cygnia Cove
- South Perth Train Station Precinct (stopping at approved DA sites)
- East Narrows River Wall Works
- Millers Pool Development
- Mends St Promenade

NOTES

Councillor Workshop: 'CEO Strategic Key Performance Indicators Review'

Venue: Integral Development, Heathcote Applecross
Date: Wednesday 10 February 2016
Time: 5.00pm

Present

Mayor Sue Doherty (Chair)

Councillors

Glenn Cridland	Como Ward
Jessica Black	Como Ward
Colin Cala	Manning Ward
Travis Burrows	Moresby Ward
Fiona Reid	Moresby Ward
Cheryle Irons	Mill Point Ward
Ken Manolas	Mill Point Ward

Officers

Geoff Glass	Chief Executive Officer
Vicki Lummer	Director Development and Community Services
Mike Kent	Director Financial and Information Services
Mark Taylor	Director Infrastructure Services
Phil McQue	Manager Governance and Administration

Presenters

Dr R Cacciope	Integral Development
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Apologies

Nil

Leave of absence

Sharron Hawkins-Zeeb	Manning Ward
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Objectives of this Workshop

To facilitate a strategic review of the CEO's Key Performance Indicators.

Topics Discussed

The workshop considered draft Key Performance Indicators for the Chief Executive Officer as part of his Contract of Employment.

Actions/Outcome

It was agreed that Dr Cacciope will circulate notes reflecting the workshop discussion.

NOTES

Concept Briefing

‘South Perth Station Precinct Review’

Venue: Council Chamber
Date: Tuesday 8 March 2016
Time: 5.30pm

Present

Mayor Sue Doherty (Chair)

Councillors

Glenn Cridland	Como Ward
Jessica Black	Como Ward
Colin Cala	Manning Ward
Sharron Hawkins-Zeeb	Manning Ward
Travis Burrows	Moresby Ward
Fiona Reid	Moresby Ward
Cheryle Irons	Mill Point Ward
Ken Manolas	Mill Point Ward

Officers

Geoff Glass	Chief Executive Officer
Vicki Lummer	Director Development and Community Services
Rod Bercov	Strategic Urban Planning Adviser

Presenters

Denise Morgan	Cardno
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Apologies

Nil

Leave of absence

Nil

Opening

The Mayor opened the Councillors' Briefing Forum at 5.30 pm and welcomed everyone in attendance.

Topics Discussed

The topic discussed related to the following:

- The Brief
- Approach to the review
- Purpose of the precinct
- South Perth as an Activity centre
- Catchments, precinct boundaries and sub precincts
- 3D Model
- Height and transitions
- Podiums,
- Examples from other jurisdictions
- Setbacks
- Space between buildings
- Overshadowing
- Plot ratio
- Performance Criteria

Please note: *Members raised questions and points of clarifications which were responded to by the presenter.*

Actions/Outcome

The final Cardno report will be submitted in due course. Further work will be required on some aspects discussed.

Closing

The Mayor closed the Councillors' Briefing Forum at 6.50 pm and thanked everyone for their attendance.

DELEGATES REPORT

WALGA South East Metropolitan Zone (SEMZ) Meeting

Venue: City of Canning
Date: Wednesday 24 February 2016

Delegates: Councillor Fiona Reid
Councillor Sharron Hawkins-Zeeb
Mr Geoff Glass, Chief Executive Officer (non-voting delegate)

STATE COUNCIL AGENDA

MATTERS FOR DECISION

5.1 Planning and Development (Local Planning Scheme) Regulations 2015

WALGA Recommendation

That WALGA;

1. Continues to advocate for an urgent review of the Planning and Development (Local Planning Scheme) Regulations 2015 to enable the proper alignment of the new regulations with Local Government's local planning schemes; and
2. Request that during the review of the Planning and Development (Local Planning Scheme) Regulations 2015 that the Department of Planning hold a workshop with the Local Government sector, to assist in the identification of priority issues and concerns with the implementation of the new Regulations.

WALGA Comment

Since the Gazettal of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) on the 19 October 2015, Local Governments have raised a range of concerns with WALGA and the Department, particularly in relation to the Single House Exemption clauses, lack of control over transportable dwellings, and the Structure Planning provisions. Numerous other issues relating to the wording of clauses, integration with State Planning Policies, application forms, proposed planning 'verification' process and forms, and specific concerns about the application of individual clauses particularly due to the overriding nature of the 'Deemed Provisions'.

Despite the Regulations now being in force there are many ongoing matters that are not fully understood, and proper alignment of local planning schemes with the new regulations is proving unworkable. The Association also sought legal advice on a number of the issues raised to validate the serious flaws with the new regulations and the difficulties in their implementation. The attached list outlines the concerns raised about specific provisions of the Regulations, which was sent to the Minister for Planning and the Department of Planning in December 2015, for urgent review of the regulations. At the time of writing the report, no response has been received.

Several discussions about these issues have been held with the Department of Planning, however no satisfactory solutions have been identified or are imminent. This is an undesirable situation given that the Regulations have been proclaimed and adverse development outcomes are possible. The responses from the Department have typically been individual responses to the particular enquirer. This approach is ad-hoc and has not allowed for wider distribution of the responses so that more than one Local Government is aware of how a particular issue is to be interpreted.

The Department of Planning has informally advised that it is currently preparing amendments to the Regulations, to address several of the issues raised by stakeholders. It is suggested that the Department consider holding local government workshop sessions, which would enable a much more consistent and coordinated message to be obtained. The information collated in these sessions would also assist in prioritizing the issues that should must be considered within an urgent review of the Regulations.

Officer Comment and Recommendation to SEMZ

The City supports the resolution at 5.1. We have not had any major issue to date. Fully support what WALGA suggests.

SEMZ Resolution

That the South East Metropolitan Zone endorse Item 5.1 of the July 2015 State Council Agenda.

State Council Resolution

That WALGA;

1. Continues to advocate for an urgent review of the Planning and Development (Local Planning Scheme) Regulations 2015 to enable the proper alignment of the new regulations with Local Government's local planning schemes; and
2. Request that during the review of the Planning and Development (Local Planning Scheme) Regulations 2015 that the Department of Planning hold a workshop with the Local Government sector, to assist in the identification of priority issues and concerns with the implementation of the new Regulations.

5.2 Interim Submission – Draft State Planning Policy 2.5 – Rural Planning Policy

WALGA Recommendation

That WALGA endorse the interim submission to the WA Planning Commission on the draft State Planning Policy 2.5 –Rural Planning Policy.

WALGA Comment

During the consultation period for the draft State Planning Policy 2.5 – Rural Planning Policy, WALGA sought comment from the Local Government sector to inform the preparation of a representative submission. The individual submissions from the City of Wanneroo and Shire of Broome were provided to WALGA by the planning officers at these Local Governments.

The comments received are summarized in the attached submission; primarily relating to: -

- Seeking clarity on the designation of the State Significant and Priority Agricultural lands within WA;

- Concerns regarding the hierarchy of this document within the state planning policy framework as this policy is proposed to override local planning schemes, rather than just be given 'due regard' in the decision making process;
- Querying the restrictions on future rural living developments; and
- Seeking clarity on the separation distances specified in this policy, compared to the information contained with the separation distances policies of the Department of Health, Department of Environmental Regulation and Department of Agriculture.

The attached interim submission was presented to the WA Planning Commission before the public comment period closed on the 19 January 2016.

Officer Comment and Recommendation to SEMZ

This Item is not applicable to the City of South Perth.

SEMZ Resolution

That the South East Metropolitan Zone supports item 5.2 within the March 2016 State Council Agenda.

State Council Resolution

That WALGA endorse the interim submission to the WA Planning Commission on the draft State Planning Policy 2.5 – Rural Planning Policy.

5.3 Interim Submission –Draft Development Control Policy 1.10 –Location, siting and design of freeway service centres and roadhouses

WALGA Recommendation

That State Council endorse the interim submission to the WA Planning Commission on the draft Development Control Policy 1.10 –Location, siting and design of freeway service centres and roadhouses.

WALGA Comment

The Association supports the purpose of the draft Policy and its intention to refine and expand on the provisions of the existing policy so that they reflect the wider freeway network and changing road user environment. Its provisions are less restrictive than the current policy and the scope of the policy has been broadened to include roadhouses.

The interim submission prescribes a series of comments and recommendations that should assist the WA Planning Commission in finalizing the Development Control Policy, primarily relating to the following issues: -

- No guidance has been provided as to when scheme amendments will be assessed against the objectives of the policy. Criteria as to when the policy will be applied should be provided to ensure the objectives can be addressed appropriately.
- Bulk fuel services are not defined within the policy or within the Planning and Development (Local Planning Schemes) Regulations 2015. To ensure consistency, bulk fuel services should be clearly defined either within the policy or within the Local Planning Scheme Regulations.
- Some policy measures should be amended to include a provision for Local Government input, and to ensure due regard is given for roads and associated infrastructure managed by a Local Government when considering the location, siting and design of service centres and roadhouses.

The attached interim submission was presented to the WA Planning Commission before the 12 February 2016 deadline.

Officer Comment and Recommendation to SEMZ

This Item is not applicable to the City of South Perth.

SEMZ Resolution

That the South East Metropolitan Zone supports item 5.3 within the March 2016 State Council Agenda.

State Council Resolution

That State Council endorse the interim submission to the WA Planning Commission on the draft Development Control Policy 1.10 – Location, siting and design of freeway service centres and roadhouses.

5.4 Main Roads Amendment Bill 2015

WALGA Recommendation

That WALGA:

1. Oppose the Main Roads Amendment Bill 2015 in its current form.
2. Request Member Local Governments to highlight the adverse impacts of the proposed Bill on Local Governments with local Members of Parliament.
3. Engage with Members of Parliament to highlight the weaknesses of and adverse impacts of the proposed Bill and seek a commitment to opposing the Bill in Parliament.
4. Commence negotiations, should there be insufficient support to reject the Bill entirely, seeking amendments to the relevant sections to clarify the circumstances in which they could apply and ensure effective negotiation between State and Local Government.

WALGA Comment

Analysis of the Main Roads Amendment Bill 2015 has focused on matters that impact directly on Local Governments in their capacity as road managers. The key issue identified is a new power for the Transport Minister to give written directions to a local government with respect to the performance of any of its functions that relate to, or might affect a highway or main road; or the flow of traffic on a highway or main road. This is detailed in s23A of the Bill.

Comparison with Existing Powers

Under the existing *Main Roads Act 1930* the Commissioner has the power:

- a) Following consultation with the Local Government, and at the Commissioner's cost, to construct roads for the development of an area or for any other purpose, and any such road will then become the responsibility of the Local Government (s27A); and
- b) With the approval of the Minister, to construct and maintain on any road works necessary for facilitating the exercise of the powers conferred on the Commissioner by the Act (s22).

Section 23A of the Bill extends the powers of the Commissioner in two significant ways.

1. It would allow the Commissioner to direct Local Governments to undertake works which the Commissioner would otherwise have to undertake under s27A of the Main Roads Act; and
2. It would require the Local Government to bear the cost of such works, where the Commissioner otherwise would have to bear the cost under s27A.

The Explanatory Memorandum provides only a single example of the circumstances in which s23A might be triggered, referencing "unilateral decisions" of the Local Government to change road layouts:

Unilateral decisions by local government regarding changes to road layouts may have the effect of overloading other parts of the road network, and result in congestion of traffic. Comparatively minor road modifications on a local government road can potentially result in traffic entering it queuing onto a freeway.

This example continues in a later part of the explanation of the proposed s23A, referencing the need to "reverse works" undertaken by the Local Government:

Currently it is possibly open to the Commissioner to intervene to reverse works by undertaking road construction under the current section 27A. However, section 27A is not tailored to the current purpose to be able to direct a local government in relation to road construction or modification on roads in their district. Nor does the existing s27A require the local government to bear the costs of carrying out modification or reversing such works.

Justification of the proposed s23A is sought by the Explanatory Memorandum to be made out in circumstances where it might be considered 'unfair' for the Commissioner to be required to 'carry out works' at its own expense where the problem was caused by a unilateral act of the Local Government.

However, despite this example, the wording of the proposed s23A itself makes no reference to any "trigger" for the application of the provision, nor to the application of the provision being limited to the reversal of works undertaken by the Local Government that resulted in "congestion of traffic."

The concept of a "unilateral act" of the Local Government is in practice unclear given that warrants for and the approval of designs for regulatory signs and road marking is the responsibility of Main Roads WA under the Road Traffic Code 2000.

Legal advice received by the Association confirms that it is arguable that in the absence of any statutory guidance as to when s23A applies, the Bill creates an unfettered discretion on the part of the Commissioner to shift responsibility and cost to the Local Government.

Delegation

Section 10A of the Bill allows the Minister to delegate any of the Minister's functions under the Act to the Commissioner except the function referred to in s18D. Section 18D refers to:

- a) An agreement relating to road service centre works;
- b) An agreement involving the expenditure of an amount exceeding the prescribed amount; or
- c) Any other agreement of a kind specified in the regulations.

Legal advice received by WALGA indicates that the Bill would permit the Minister to delegate their power under the proposed s23A to the Commissioner. This would also apply to s22, enabling the Commissioner to carry out works on Local Government roads without consultation and without requiring the personal approval of the Minister.

The existence of the power of the Minister to delegate their power under the proposed s23A conflicts with statements in the Explanatory Memorandum that the Minister, not the Commissioner, is the appropriate person to exercise the power under s23A.

Scope of Activity

The Bill proposes that a new generic term “works” replace “road construction”. This new term is broadly defined and includes construction, improvement, maintenance, reconstruction, land acquisition, demolition, survey, design, planning etc.

The combination of s22, 23A and 27A of the Bill arguably creates three potential mechanisms for works to be undertaken on Local Government roads. Each carries different authorities, responsibilities and cost allocations, but with no mechanisms to determine which section ought to apply to any given situation. Accordingly the Commissioner might have an unfettered discretion (subject only to possible requirements for consultation or Ministerial approval) as to which mechanism to invoke.

Additional Matters Not Exclusively Relevant to Local Governments

Other aspects of the Main Roads Amendment Bill 2015 that may be of concern to Members, although not specifically targeted at Local Government responsibilities for roads, include the power to:

1. impose fees for heavy vehicle users on prescribed routes;
2. acquire land under the Land Administration Act 1997 for environmental offsets;
3. undertake work on land outside the road reserve;
4. lease land and in other ways facilitate operation of road service centres;
5. clear native vegetation without an Environmental Permit in some circumstances; and
6. impose fees for matters to be detailed in regulation.

These matters have not been considered in detail in this paper.

Advocacy Position

The Main Roads Amendment Bill 2015 has been assessed against a number of fundamental principles that guide the Association’s decision making including:

- a) eliminating cost shifting from State to Local Government;
- b) ensuring any increase in roles and responsibilities of Local Government are accompanied with commensurate, sustainable revenue streams;
- c) providing increased autonomy for Local Government;
- d) facilitating clarification of the roles and responsibilities of State and Local Government; and
- e) strengthening Local Government’s ability to serve their communities.

The sections of the Main Roads Amendment Bill 2015 examined in this paper detract from the achievement of each of these objectives. On this basis it is recommended that the Association oppose the Bill in its current form.

While political opposition has been publically expressed in relation to the heavy vehicle user charging and compulsory land acquisition provisions of the Bill, the position of members of the Opposition and back-benchers in relation to the impacts on Local Government is not clear. Traffic congestion is a politically sensitive issue in the metropolitan area. Although the case for change and a link between traffic congestion and Local Government actions has not been established, the view of parliamentary members is yet to be determined.

If there is not sufficient political support to reject the entire Bill, or the sections of the Bill identified above, then it may be necessary to seek amendments to both clarify and manage the adverse impacts on Local Governments.

The amendments approaches could include:

1. A requirement for the Commissioner to “negotiate” rather than merely “consult” with Local Government concerning works on local roads. In a consultation the responsibility for decision making remains with the Commissioner. In a negotiation the parties seek to reach agreement on the outcome. This arguably requires a higher standard of the Commissioner to achieve a consensual outcome.
2. Significant amendments to s23A to incorporate greater “trigger”, “negotiations” and “review” mechanisms to provide even stronger protection for Local Governments. Amendments would also narrow the scope of this section to the circumstances described in the Explanatory Memorandum.
3. Removing s23A entirely but amending s27A to create a mechanism where the Commissioner can seek to recover the costs for rectification caused by Local Government. In this case the default responsibility remains with the Commissioner and an “exception” where works were necessitated by an action of Local Government.

Risks

The State Government has deferred a decision on a new State Road Funds to Local Government Agreement beyond June 2018 pending the outcome of an independent Report. If Main Roads WA is able to mount a strong case that it is bearing unfair costs due to the actions of Local Government, or Local Government is unable to counter the implied assumption that it’s action are adding costs to Main Roads, then the response to the Bill may be linked to the share of revenue allocated to Local Government roads. However, the extent to which the Government is fixed on the Bill in its current form is unclear in the face of concerns expressed by members of Parliament concerning the land acquisition power and heavy vehicle user charges included in the Bill.

Officer Comment and Recommendation to SEMZ

The City fully supports the Officer recommendations 1 to 4. Recommendation 1 “that WALGA oppose the Main Roads Amendment Bill in its current form” is a the logical extension of the legal opinion referenced in the officer report that identifies the Amendment Bill in relation to Section 23A has no “checks/balances” on the powers of the Commissioner to direct local governments to do works. The Explanatory Memorandum (Section 23A) addresses one example where a local government having exercised a power has implemented works that have had an impact on a road under the control of the Commissioner (the inference being some form of local area traffic management). While the memorandum says the direction would come from the Minister, elsewhere the Amendment Bill allows the Minister to delegate powers to the Commissioner. In either case the direction could be to change the works. Already the Commissioner has sole authority for traffic signage on local roads. Any decision on a local road involving traffic management would not be “unilateral decision” of local government.

The implications of the Amendment Bill in its current form could extend to directing local government to acquire property to enable the Commissioner to undertake works to better manage traffic and/or avoid congestion on roads other than Main Roads.

SEMZ Resolution

That the South East Metropolitan Zone supports item 5.4 within the March 2016 State Council Agenda.

State Council Resolution

That WALGA:

1. Oppose the Main Roads Amendment Bill 2015 in its current form.

2. Request Member Local Governments to highlight the adverse impacts of the proposed Bill on Local Governments with local Members of Parliament.
3. Engage with Members of Parliament to highlight the weaknesses of and adverse impacts of the proposed Bill and seek a commitment to opposing the Bill in Parliament.
4. Commence negotiations, should there be insufficient support to reject the Bill entirely, seeking amendments to the relevant sections to clarify the circumstances in which they could apply and ensure effective negotiation between State and Local Government.

5.5 Variation to the Bus Stop Infrastructure Partnership Agreement

WALGA Recommendation

That WALGA endorse the attached Variation to the Bus Stop Infrastructure Partnership Agreement.

WALGA Comment

Following the March 2015 State Council resolution, the Agreement was provided to the following regional Local Governments, with SmartRider ticketed regular public transport services, for comment:

- a) City of Albany;
- b) City of Bunbury;
- c) City of Busselton;
- d) City of Greater-Geraldton;
- e) City of Kalgoorlie-Boulder; and
- f) Town of Port Hedland.

The feedback was largely positive, however there were some considerations required and these were discussed with the PTA. It was determined a Variation to the Agreement was the best approach to including regional Local Governments and responding to the considerations raised. The Variation was forwarded back to the regional Local Governments and the working group for consideration before being finalised with the PTA.

The proposed Variation will take effect from 1 July 2016, aligning with the start of the new 2016/2017 financial year and eligibility for payments to be received by Local Governments from the PTA.

The Variation to the Agreement provides for:

1. Inclusion of regional Local Governments Areas that have SmartRider ticketed regular public transport services within their Local Government boundaries

Regional Local Governments Areas that have SmartRider ticketed regular public transport services within their Local Government boundaries are included in the Agreement.

The definition of 'Local Government' on page 6 shall be amended as follows:

Local Government: means any or all of the Local Government Areas in the State of Western Australia; with specific focus on Local Government Areas in the Perth and Peel regions and regional Local Government Areas including:

- City of Albany;
- City of Bunbury;
- City of Busselton;

- City of Greater-Geraldton;
- City of Kalgoorlie-Boulder;
- Town of Port Hedland and
- Any regional Local Government in the future that has SmartRider ticketed public transport services operating within its boundaries.

All references to 'Perth and Peel' as the scope of the Agreement (as per below table) will be removed.

Section	Pg	Content to be deleted
Title Page	1	"the Perth and Peel regions,"
Preliminaries	5	"of which approximately 12,000 are in the Perth and Peel regions which by their nature and location, are the focus of this Agreement"
Preliminaries	5	In entering into this Agreement the PTA and the Western Australia Local Government Association (WALGA) acknowledge that the Agreement applies to bus stop infrastructure located within Perth and Peel Local Government Areas. Extension of the ambit of the Agreement to bus stop infrastructure located outside of Perth and Peel Local Government Areas is desired but will be subject to further agreement between the PTA and WALGA.
4. "Preamble"	7	"with particular focus on the Perth and Peel regions"
9.3. "Bus Shelter" Database	20	"in the Perth and Peel Metropolitan Areas"

With the exception of Schedule 2 (Bus Shelter Subsidy Program) detailed below, the benefits and obligations of regional, metropolitan and Peel Local Governments under the varied Agreement are the same.

2. Insertion of new clause for regional Local Governments in Schedule 2 Bus Shelter Subsidy Program

The regional Local Governments were concerned that they did not meet the requirements to obtain funding through the PTA's Bus Shelter Subsidy Program to install bus shelters. Currently the requirements for this program are a minimum of 15 boardings per day from a bus stop. Following negotiations with the PTA, regional Local Government applications for a bus shelter through the program will be considered differently. In regional centres emphasis will be placed on supporting the provision of bus shelters at key community centres through a new clause in Schedule 2 of the Agreement.

3. Insertion of new clause for bus embayments

The current Agreement does not clarify the responsibility for the removal of bus embayments when a bus stop is removed or relocated. This applies to both regional and metropolitan Local Government areas. Under current PTA policy, bus embayments are not a preferred treatment. For the existing embayments however, the PTA will liaise with Local Governments to remove the embayments at the cost of the PTA when a bus stop is removed or relocated.

4. Insertion of new clause - Utility provider works

The issue of resolving any adverse impact from utility providers working in the road reserve near a bus stop was not included in the Agreement but was seen to be of concern by both regional and metropolitan Local Governments. If a Local Government becomes aware of any utility works that will likely, or will, adversely impact upon a bus stop, the matter should be referred to the PTA who will be responsible for resolving the matter.

5. Insertion of new clause – Application of GST

The current Agreement doesn't reference whether the Bus Shelter Maintenance Assistance Scheme payments to Local Governments from the PTA are GST inclusive. Tax advice received indicates that these payments must be on a GST inclusive basis. The Variation includes a new clause to clarify that the payments will be on a GST inclusive basis.

Officer Comment and Recommendation to SEMZ

The City supports the Officer recommendation to "... endorse the attached Variation to the Bus Stop Infrastructure Partnership Agreement".

The variation extends the Partnership Agreement to areas outside of the Metropolitan and Peel Regions. The Partnership Agreement was adopted in 2015. The Partnership Arrangement has enabled the City and the Public Transport Authority to upgrade stops throughout South Perth and to replace bus shelters that have reached "end of life".

SEMZ Resolution

That the South East Metropolitan Zone supports item 5.5 within the March 2016 State Council Agenda.

State Council Resolution

That WALGA endorse the attached Variation to the Bus Stop Infrastructure Partnership Agreement.

5.6 Review of Rules of Conduct Regulations 2007

WALGA Recommendation

That the Association:

1. Respond to the Review of the Rules of Conduct Regulations in accordance with the comments and recommendations expressed in this Report, which are based on the current policy of improving the Local Government Standards Panel performance through legislative amendment and provision of additional resources.
2. Inform the Department of Local Government and Communities that the inclusion of a provision requiring confidentiality for all persons the subject of a breach allegation under the Local Government (Rules of Conduct) Regulations is strongly recommended; and
3. Request the Department of Local Government and Communities to continue engagement with WALGA and the Local Government sector when drafting amendments to the Local Government (Rules of Conduct) Regulations.

WALGA Comment

WALGA is satisfied that Regulation 11 in its current form is understood and operates effectively. This Regulation currently requires Elected Members to declare an interest arising from friendship, kinship or membership of an association. The Association is aware uncertainty or confusion may occur when Elected Members attempt to characterise particular relationships. This is not presently an insurmountable problem, as Elected Members may declare such relationships while maintaining the ability to participate in a meeting and to vote.

The Association does not support the proposal to permit a declaring Elected Member the discretion to depart a meeting after declaring an Impartiality Interest. The requirements already set out under Part 5 of the Local Government Act adequately capture the circumstances where declaration of financial, indirect financial and proximity interests lead to non-participation or voting in a matter; except in these established circumstances, Elected Members should participate and vote on matters affecting their community.

The Association does not support the proposal to introduce a discretionary register of enduring interests as it is less likely to result in any positive outcome than it is likely to result in negative outcomes, such as increased perceptions of bias.

The Association proposes an amendment to Regulation 11(3) to exempt the requirement to declare an impartiality interest when an application for leave of absence is considered at an Ordinary Council meeting, and an Elected Member has an impartiality interest of friendship or kinship with the applicant. This would provide a sensible remedy to the situation where an Elected Member is related to, or considers themselves to share a friendship with, a fellow Elected Member seeking leave of absence.

This may be achieved through amending Regulation 11(3) by inserting reference to Section 2.25(3) of the Local Government Act.

Officer Comment and Recommendation to SEMZ

Nil.

SEMZ Resolution

That the South East Metropolitan Zone supports item 5.6 within the March 2016 State Council Agenda.

State Council Resolution

1. Respond to the Review of the Rules of Conduct Regulations in accordance with the comments and recommendations expressed in this Report, which are based on the current policy of improving the Local Government Standards Panel performance through legislative amendment and provision of additional resources, subject to:
 - (a) amending sections 5.107 (4) and 5.109 (2) to reduce the time limit for complaints to be made from two years to six months after the alleged breach, with provisions for extension at the Departments CEO discretion.
 - (b) support amendments to Regulation 11 to include items 1-5 as read in the Regulations commencing on page 49 of the State Council Agenda and not supporting items 6-10 as shown on page 50 of the State Council Agenda.
 - (c) Insert the new definition of "nominal gift" in Regulation 12(1), to include items listed in (a) to (g) but remove item (h) from the definition of "nominal gift"
 - (d) Excluding any monetary limits to the definition of "nominal gift".
 - (e) Item 2 to 7 to remain as read.
 - (f) Request that the Local Government (Administration) Regulations 1996 be amended to include definition of "nominal gift"; and
 - (g) "Nominal gift" definition should be extended to include employees
3. Inform the Department of Local Government and Communities that the inclusion of a provision requiring confidentiality for all persons the subject of a breach allegation under the Local Government (Rules of Conduct) Regulations is strongly recommended; and
4. Request the Department of Local Government and Communities to continue engagement with WALGA and the Local Government sector when drafting amendments to the Local Government (Rules of Conduct) Regulations.

5.7 WALGA Constitution Review

WALGA Recommendation

That the WALGA Constitution be amended as follows:

1. In Clause 5(7)(b) of the Constitution for "sub-clause 5(9)" read "sub-clause 5(11)".
2. Clause 10(2) of the Constitution be amended with the last sentence to read: "The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16."
3. Clause 10 of the Constitution be amended by inserting as sub-clause (9): "(9) State Council shall adopt Standing Orders that will apply to all meetings."
4. Clause 14(4a) and Clause 20 of the Constitution be amended by inserting as sub-clause(h) and sub-clause (j), respectively: "is a Councillor of an Ordinary Member that has been peremptorily suspended under Section 8.15(2)(c) of the Local Government Act 1995"
5. Clause 16(2)(b) of the Constitution be amended to read: "(b) representatives are to vote on the matter by secret ballot."
6. Clause 17 of the Constitution be amended by inserting as sub-clause(5):"(5) Where the incumbent President seeks and is re-elected for a consecutive term, that person shall not hold office beyond two (2) full consecutive terms."

WALGA Comment

Respondent feedback has been collated and the resulting commentary and recommendations can be found in the State Council Agenda.

Clause 9 – State Council Ex-Officio Members

Not every respondent addressed this question. Of those responding, the majority preferred that the status quo be maintained in the Constitution with the WALGA President and LGMA Representative acknowledged as ex officio members.

Clause 10 – Meetings of State Council

Not every respondent addressed this question. Of those responding, there was a split between those agreeing Standing Orders should be mentioned in the Constitution and those citing the fact that it is discretionary for a Local Government to adopt Standing Orders rather than being mandated as a governance requirement, and that the Constitutional status quo be maintained.

WALGA secretariat recommends adding reference to Standing Orders in Clause 10 of the Constitution in recognition of the importance meeting procedure rules play in the efficient operation of State Council.

Clause 14(4a) – Zones and Clause 20 – Vacation of Office

Majority response agreed the Constitution requires amendment to clarify that any Elected Member temporarily suspended under Section 8.15(2)(c) of the Local Government Act be added as a criteria for termination of membership to a Zone. This leads to a further consequential amendment to Clause 20

'Vacation of Office' which applies to representatives and deputy representatives of State Council, or President or Deputy President of the Association.

The December 2015 State Council Strategic Forum raised the prospect of considering further mechanisms for suspension of a State Council representative or ex-officio representative "whilst an enquiry into that member may be taking place". It is considered premature to consider this issue given the consultation process did not call for comment in this regard, and at a time when the Rules of Conduct Regulations are subject to a review and sector consultation process.

Clauses 17 and 18 – President and Deputy President

There was a majority view that Clause 17 of the Constitution should be amended to align the terms served by the President and Deputy President, with the President to serve a maximum of two full consecutive terms to achieve consistency with the Deputy President as currently defined in Clause 18(4).

Minority views include a suggestion that both the President and Deputy serve a single 4 year term, and that the President be directly elected by member delegates at the Annual General Meeting.

Clause 19 – Vacancy President and Deputy President

The majority view of respondents is that the Constitution is adequately worded for the purpose of dealing with a vacancy in the office of President or Deputy President.

Officer Comment and Recommendation to SEMZ

Nil.

SEMZ Resolution

That the South East Metropolitan Zone supports item 5.7 within the March 2016 State Council Agenda.

State Council Resolution

That the WALGA Constitution be amended as follows:

1. In Clause 5(7)(b) of the Constitution for "sub-clause 5(9)" read "sub-clause 5(11)".
2. Clause 10 (2) of the Constitution be amended with the last sentence to read:
"The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16."
3. Clause 10 of the Constitution be amended by inserting as sub-clause (9):
"(9) State Council shall adopt Standing Orders that will apply to all meetings."
4. Clause 14(4a) and Clause 20 of the Constitution be amended by inserting as sub-clause (h) and sub-clause (j), respectively:
"is a Councillor of an Ordinary Member that has been peremptorily suspended under Section 8.15C (2)(c) of the Local Government Act 1995"
5. Clause 16(2)(b) of the Constitution be amended to read:
"(b) representatives are to vote on the matter by secret ballot."
6. Clause 17 of the Constitution be amended by inserting as sub-clause (5):
"(5) Where the incumbent President seeks and is re-elected for a consecutive term, that person shall not hold office beyond two (2) full consecutive terms."

5.8 WALGA Governance Review

WALGA Recommendation

1. That the Association Corporate Governance Charter be amended in the following terms:
 - (a) Clause 8 be re-numbered Clause 8A and new Clause 8B inserted to express the Role of Deputy President;
 - (b) Clause 13(ii) be amended by inserting after 'The Chief Executive Officer's Report' a dot point which reads 'LGMA Representatives Report';
 - (c) Clause 13(iv) be amended by inserting a provision that State Council must resolve to accept an Emerging Issue, prior to it being considered;
 - (d) That Clause 16 be amended by inserting additional reference to the formation and operation of the Local Government House Trust;
 - (e) That Clause 17(i) of the Corporate Governance Charter be amended by inserting additional procedures for the management of Committees with Delegated Powers, including requirements for:-
 - Terms of Reference
 - Membership and Fixed 2 Year Terms
 - Appointment process, specifying that State Council will determine appointments of State Councillors and external representatives.
 - State Council may engage the Selection Committee to conduct a selection process and recommend appointments for State Council endorsement, as deemed appropriate;
 - (f) That Clause 33 (i), (ii) and (iii) of the Corporate Governance Charter be amended to insert a provision that the selection of all Forum members be referred to State Council for determination;
 - (g) That Clause 26(ii) of the Corporate Governance Charter be amended by inserting a reference to the effect that, prior to formal endorsement, State Council will consider any Zone resolution seeking amendment to an Interim Submission.
 - (h) That the Corporate Governance Charter be amended by relocating the content of Clause 7(iv) to Clause 1 - 'Role of State Council'.
2. That the Association Standing Orders be amended as follows:
 - (i) That Clause 7 of the Association Standing Orders be amended by deleting sub clauses (a) to (h) and inserting sub-clauses (a) to (k) as follows:
 - (a) Attendance, Apologies and Announcements
 - (b) Minutes of Previous Meeting
 - (c) Declarations of Interest
 - (d) Emerging Issues
 - (e) Matters for Decision
 - (f) Matters for Noting/Information
 - (g) Organisational Reports
 - (h) Additional Zone Resolutions
 - (i) Meeting Assessment
 - (j) Date of Next Meeting
 - (k) Closure
 - (ii) Insert a new complaints-handling clause;
3. That the Association Code of Conduct be amended by inserting a complaints-handling procedure for allegations of breaches of the Association Standing Orders.
4. That the Secretariat engage with Zone Executive Officers to provide guidance on the strategic use of the emerging issues section of the State Council Agenda for critical Zone resolutions.

WALGA Comment

Clause 7 – Role of State Councillor

The majority response indicates satisfaction with the current Charter description of the role of State Councillors.

Clause 7 – Role of State Councillor – Zone Meetings

A number of respondents acknowledged that tension may arise when a recommendation of a Zone is not represented in a resolution of State Council. However, there is agreement that it is the role of State Council representatives to effectively communicate decisions to their Zone whilst supporting, and without adversely reflecting on, State Council's decision-making process as currently captured under Clause 7(i):

“whilst it is recognised that State Councillors must represent the interests of their respective Zones, the interest of the Association and its collective membership must always come first.”

Additional commentary reflected on the view that Zone delegates also have a responsibility to ensure they are representing the interests of their own Local Government and ensure there is an agreement and, potentially, endorsement at the local level to ensure matters raised for formal consideration at Zone meetings are not those of the individual. However, the nature of the Corporate Governance Charter is to provide a governance framework for the operation of State Council to represent the interests the Associations members. This issue is worth future consideration with potential for best practice guidance to be developed that will assist Local Governments at the time of election of Zone delegates.

Commentary was raised on the confidentiality, and potential lack of transparency to member Councils, of information provided under separate cover to State Council. While acknowledging that State Council representatives are bound by Clause 7(iii) of the Charter – Confidentiality and Code of Conduct – consideration is sought on the current governance practice of confining disclosure of items such from the Finance and Services Committee and Selection Committee to State Council, where matters contained therein are not of a strictly confidential nature.

The majority response indicates satisfaction with the current provisions of Clause 7(iii).

Clause 8 – Role of President

The majority view supported the current wording of Clause 8. A comment that the President and CEO should visit each Zone at least once every calendar year aligns with current endeavours and may be viewed as worthy of inclusion in both Clause 8 and Clause 9.

A number of comments focused on the lack of reference to the Deputy President and recommendations this be remedied by introducing an appropriate description to capture the role of this important State Council position. It is therefore proposed Clause 8 be re-title Clause 8A to capture the Role of the President and insert a new Clause 8B to capture the role of the Deputy President.

Clause 9 – Role of the Chief Executive Officer

There was broad satisfaction with the current wording of Clause 9.

Clause 11 – State Council Meetings

Response indicates Clause 11 is deemed appropriate

Clause 13 – State Council Meeting Agenda

There was agreement that inclusion of a report from the LGMA ex officio representative be incorporated into Clause 13.

Clause 13 (iv) – Emerging Issues

The general view expressed by respondents is one of support for the current process, albeit comment was submitted that reflected a degree of dissatisfaction when a Zone attempts to raise an Emerging Issues and have their recommendation considered by State Council. This can occur when a resolution of a Zone (on a matter not being listed in the State Council agenda) is categorized in the Composite Agenda under 'Additional Zone Resolutions' and subsequently referred by State Council to the appropriate WALGA business unit to action.

The current provisions of Clause 13 infer that Emerging Issues are only to be proposed by State Councillors (i.e. – “Where a State Councillor seeks to raise an emerging issue at a State Council meeting...”) and therefore does not contemplate a matter being raised through the WALGA Zone process.

Permitting Emerging Issues to be considered by State Council is not questioned however it is suggested a comparative inconsistency is evident in the manner past Emerging Issues have been dealt with by State Council. This inconsistency may be aligned to the fact that the Corporate Governance Charter simply requires a State Councillor to give the WALGA President or Chief Executive Officer 24 hours' notice of an emerging issue for the matter to be included in the State Council Agenda.

Member comment supports the view that Emerging Issue provisions will be bolstered by requiring a motion from State Council approving of the item to be formally considered.

An amendment to Clause 13(iv) of the Charter is therefore proposed, adding a provision that requires a State Council resolution to accept an Emerging Issue prior to it being considered, will augment the current practice of simply giving the President and/or CEO 24 hours' notice.

Clause 16 – LGIS Board and Local Government House Trust

1. LGIS Board: Responses indicated that no further reference to the LGIS Board in the Corporate Governance Charter is warranted or desirable.
2. General agreement that the appointment process, term of office and re-appointment process pertaining to the Local Government House Trust should be clearly outlined in the Corporate Governance Charter.

Clause 17 – Committees with Delegated Powers

The inclusion of Terms of Reference, Membership and Term (with fixed terms to coincide with State Council representative appointments, biennially in December following Local Government elections), and Appointment Process received broad support, in the same terms as outlined in the Discussion Paper. This to include a provision that State Council may choose to engage the Selection Committee to conduct a selection process and recommend appointments for State Council endorsement, on occasions it deems appropriate to do so.

Clause 20 – Monitoring

The current process of monitoring financial and non-financial KPIs met with satisfaction. A comment, previously raised under Clause 7, suggested the role of the Finance and Services Committee lacks transparency from a member Council perspective as meeting Minutes are not provided to Zones however there is broad support for the present arrangement under Clause 20.

Clause 33 – Relationship between State Council, Zones and Local Governments

Executive Committee: In addition to those few that supported, or the majority that opposed, the concept of forming an Executive Committee, some measured commentary suggested this particular issue be focussed upon in isolation for future consideration. The rationale being that forming an Executive Committee may have

profound effects upon the operations of the Association, the functions and powers of State Council, inter-relationships involving State Council and member Councils, and is therefore deserving of formal consideration.

It was stated that, for examination of an Executive Committee to be meaningful, that an assessment be conducted of the positive and negative contingencies likely to result from the formation of an Executive Committee including a cost benefit analysis, optimum Executive Committee roles and responsibilities, relationships between Executive and State Council/Executive and Zones and potential impact of Executive Committee structure on achieving the 'members first' focus of the Association. This will permit the membership to provide the Association with considered and balanced views on the pros and cons of an Executive Committee, and ultimately a clear mandate on the question.

State Council Co-Chairs, Forum of Co-Chairs and Policy Forums: A theme arising from the submissions is that the selection of members to Forums (as set out under Clause 33(i), (ii) and (iii) of the Charter) currently resides with the WALGA President. It is recommended this process should be broadened beyond the WALGA President having sole responsibility with the selection of members of Forums referred to State Council for determination.

Proposed New Clause – Recommendations to Representative Bodies

No consistent view was expressed in the response to the potential for a new clause to capture reporting requirements of representatives reporting back to State Council on matter discussed at State and Local Government Boards and Committees.

Code of Conduct and Confidentiality Agreement

The inclusion of a complaints-handling is supported, and is also reflected in proposed amendments to the Association Standing Orders. An appropriate amendment describing the complaints-handling process for breaches of the Standing Orders to be inserted in the Association Code of Conduct.

There was no comment specific to the Confidentiality Agreement.

Review of State Council and Zone Effectiveness

Commentary indicated that Zones may face barriers when proposing amendments to an 'Interim Submission' brought through the State Council Agenda for endorsement. The phrase 'endorsement' can be taken to mean that little significant change is possible, whereas it is open for a Zone to identify a significant omission or incomplete statements on matters of local or regional significance and where this local knowledge may improve the quality of the submission.

Frustration can arise if a Zone seeks to improve an Interim Submission via a recommendation to State Council, if it is then regarded administratively as not supported by the majority of Zones and therefore is not recommended for consideration in the Composite Agenda. This may lead to the endorsement of a less effective Submission.

It is worth noting that many Interim Submissions are formulated following an approach to member Councils, for example by Info Page and accompanying survey, and a limited sector response may lead to limited reflection on regionally significant issues. This issue may be addressed by amending Clause 26(ii) of the Charter – 'Interim Submissions' – to include a reference that State Council will make its best endeavours to consider any Zone recommendations to amend the content of an Interim Submission. Once considered, State Council will ultimately determine and endorse the content of an Interim Submission.

The method of dealing with Zone resolutions attracted comments indicating that timeliness is not always of the essence, when Zone resolutions they deem to be significant are directed by State Council to the administration under the Composite Agenda Item 'Additional Zone Resolutions'. It is notable some

commentary indicated an understanding that WALGA's policy units are sometimes delayed when engaging in action required to meet a Zone's resolution where higher advocacy priorities exist.

It is open for a Zone, when any matter supported by a resolution at their meeting is deemed significant or of critical importance, to engage their State Council representative to raise the issue with the secretariat and have the matter listed as an Emerging Issue for consideration by State Council (in accordance with the proposed amendments to Clause 13 (iv) – 'Emerging Issues').

Responses indicate that it is not always evident that a Zone representative's proposal raised at a Zone meeting is either supported or endorsed by their member Council, or reflects that Council's policy.

This is essentially a matter of principle that is best addressed at the Zone level. Delegates present at a Zone meeting are at liberty to question whether an issue put forward by a representative is supported or endorsed by their Council, or reflects its current policy, and determine whether or not to formally consider for debate and resolution.

Responses indicated that Zones should determine for themselves the degree of autonomy and provision of effective representation to member Local Governments, and its interactions with the Association and other Zones.

Commentary suggests WALGA endeavour to ensure at least 2 staff members are in attendance at Zone meetings, to facilitate communication and understanding of the Agenda items. This is in addition to comment previously noted under Clause 8; that it is desirable that the WALGA President and CEO endeavour to attend each Zones meeting at least once every calendar year.

The agenda timetable is deemed appropriate.

Comments indicate that State Council agenda delivery is timely, with some commentary seeking re-assurance the current provision of hard copy versions of the Agenda should be maintained into the future. This is particularly appreciated in regions where electronic distribution is problematic or a recipient simply prefers documents to be available in hard copy rather than electronic format.

There was a minority view that hard copy distribution should be discontinued, with Local Governments able to print hard copies locally for Zone representatives on request. However, change to this practice may be premature and a re-assessment can be contemplated when the Charter is next reviewed.

It is proposed the Order of Business in the Standing Orders be amended to align with the current format as defined in the State Council Agenda.

There is support for a complaints-handling process to be incorporated in the Association Standing Orders and that the Code of Conduct be amended accordingly.

Officer Comment and Recommendation to SEMZ

Nil.

SEMZ Resolution

That the South East Metropolitan Zone supports item 5.8 recommendations 1, 2 and 3 within the March 2016 State Council Agenda.

The South East Metropolitan Zone does not endorse recommendation 4.

The South East Metropolitan Zone's CEO's will submit a report relating to Clause 33 to the South East Metropolitan Zone Meeting on 27 April 2016.

State Council Resolution

The motion as amended now reads:

- I. That the Association Corporate Governance Charter be amended in the following terms:
 - (a) Clause 8 be re-numbered Clause 8A and new Clause 8B inserted to express the Role of Deputy President;
 - (b) Clause 13(ii) be amended by inserting after 'The Chief Executive Officer's Report' a dot point which reads 'LGMA Representatives Report';
 - (c) Clause 13(iv) be amended by inserting a provision that State Council must resolve to accept an Emerging Issue, prior to it being considered;
 - (d) That Clause 16 be amended by inserting additional reference to the formation and operation of the Local Government House Trust;
 - (e) That Clause 17(i) of the Corporate Governance Charter be amended by inserting additional procedures for the management of Committees with Delegated Powers, including requirements for:
 - Terms of Reference
 - Membership and Fixed 2 Year Terms
 - Appointment process, specifying that State Council will determine appointments of State Councillors and external representatives.
 - State Council may engage the Selection Committee to conduct a selection process and recommend appointments for State Council endorsement, as deemed appropriate;
 - (f) That Clause 33 (i), (ii) and (iii) of the Corporate Governance Charter be amended to insert a provision that the selection of all Forum members be referred to State Council for determination;
 - (g) That Clause 26(ii) of the Corporate Governance Charter be amended by inserting a reference to the effect that, prior to formal endorsement, State Council will consider any Zone resolution seeking amendment to an Interim Submission.
 - (h) That the Corporate Governance Charter be amended by relocating the content of Clause 7(iv) to Clause I - 'Role of State Council'.
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 - (h) Additional Zone Resolutions
 - (i) Meeting Assessment
 - (j) Date of Next Meeting
 - (k) Closure
 - (ii) Insert a new complaints-handling clause;
3. That the Association Code of Conduct be amended by inserting a complaints-handling procedure for allegations of breaches of the Association Standing Orders.
4. That the Secretariat engage with Zone Executive Officers to provide guidance on the strategic use of the emerging issues section of the State Council Agenda for critical Zone resolutions.

5. That the WALGA staff undertake research into alternative State Council and executive committee structure models for the governance of the association and report back with preferred scenarios to the State Council for consideration. Any preferred/alternative models to examine –
- (i) The positive and negative contingencies likely to result from formation of a new executive structure of the State Council,
 - (ii) The cost/benefit analysis of any alternative executive structure,
 - (iii) Roles and responsibilities, including relationships between executive, zones and members.

GEOFF GLASS
CHIEF EXECUTIVE OFFICER

DELEGATES' REPORT

Rivers Regional Council - Ordinary Council Meeting

Venue: Shire of Murray
Date: Thursday 18 February 2016 – 6.48pm
Delegates: Councillor Fiona Reid
Councillor Travis Burrows

The Rivers Regional Council (RRC) meeting was held at the Shire of Murray on Thursday 18 February 2016, commencing at 6.48pm. The meeting concluded at 7.55pm.

The Agenda (refer to attached Table of Contents) contained a number of routine items. For ease, the main items discussed by the Council are outlined in the table below:

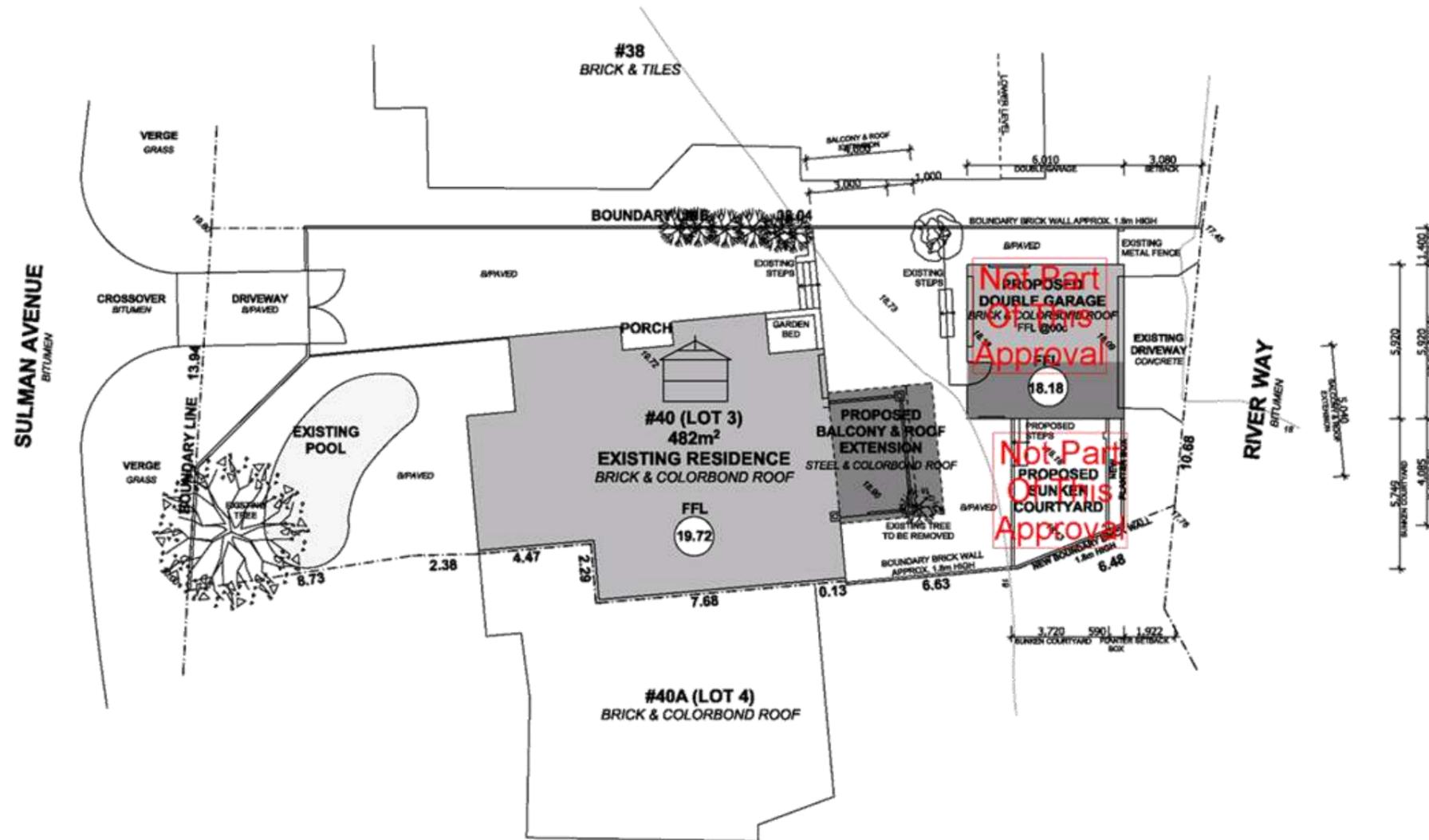
Item 14.1	Payments for the Period 1 December 2015 to 31 January 2016
Item 14.2	Financial Report for the Period 1 December 2015 to 31 January 2016
Item 14.3	Regional Waste Education Coordinator (RWEC) - Progress Report
Item 14.4	CEO - Activity Update
Item 14.5	Compliance Audit Return – 1 January 2015 to 31 December 2015
Item 19.1	Shire of Serpentine Jarrahdale – Allocation of Costs

The Council adopted the recommendations for Items 14.1 through to 14.5 and Item 19.1.

The Minutes of the meeting are available to be read in full on the HUB.

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NOTE
STORMWATER DISPOSAL TO BCA AND LG REQUIREMENTS

INFORMATION
 EXISTING SPOT LEVELS
 TO BE DEMOLISHED

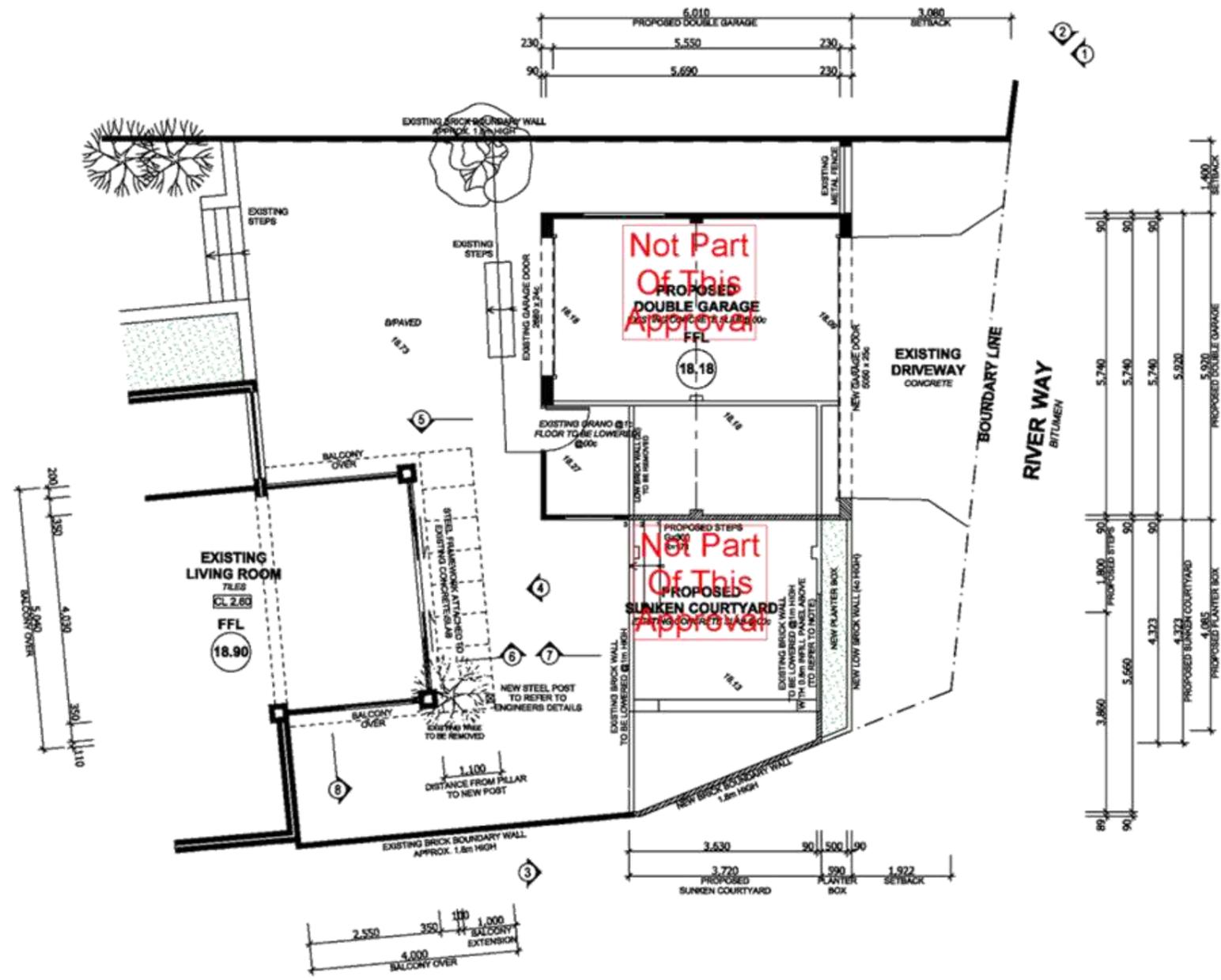


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Project:
Proposed garage conversion and balcony & roof extension
 At:
#40 Sulman Avenue Salter Point
 For:

Revisions:
 A Date: 11 / 12 / 2015
 B Date: 18 / 01 / 2016
 C Date: 15 / 02 / 2016

Drawing:
Site Plan
 Scale: 1:200 Date: 15 February 2016
 Drawn: L.L. Check: L.L. **A301**



INFORMATION

EXISTING SPOT LEVELS
 TO BE DEMOLISHED

NOTE

- PLEASE REFER TO ENGINEERS DETAILS FOR DIMENSIONS
- BALUSTRADES TO COMPLY WITH BCA 3.9.2
- IF REQUESTED BY THE CITY'S ENGINEERING INFRASTRUCTURE SERVICES, EXISTING CONCRETE DRIVEWAY (CROSSOVER) TO BE RE-CONSTRUCTED IN ACCORDANCE WITH THE CITY OF SOUTH PERTH SPECIFICATIONS FOR CROSSOVERS
- INFILL PANEL ON PROPOSED COURTYARD BRICK WALL TO BE BLACK, POWDER-COATED ALUMINIUM WITH A PROFILE COMPATIBLE WITH EXISTING FENCE



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Project:
Proposed garage conversion and balcony & roof extension
 At:
#40 Sulman Avenue Salter Point
 For:

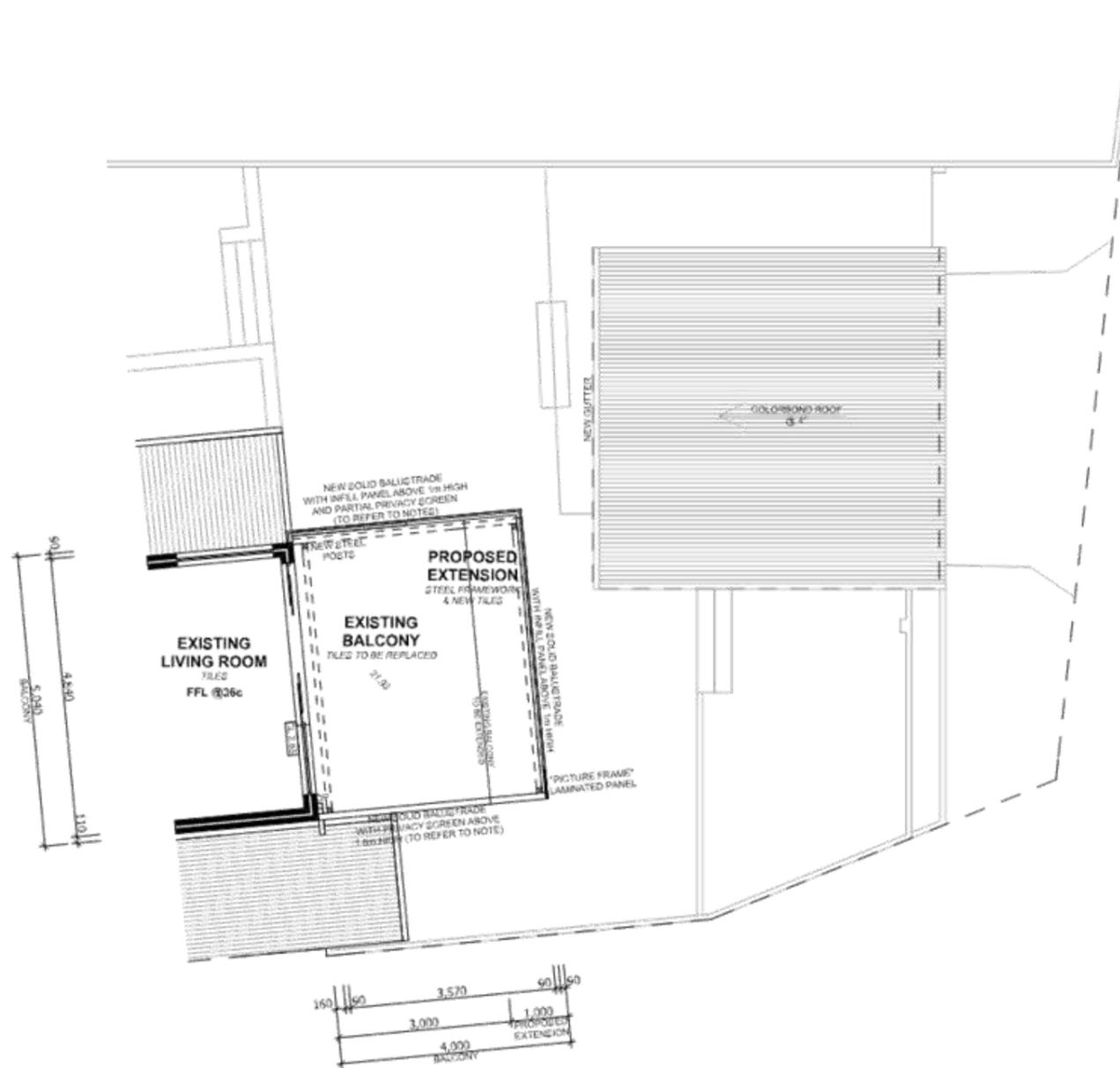
Revisions:

A	11 / 12 / 2015
B	18 / 01 / 2016
C	15 / 02 / 2016

Drawing:
Ground Floor Plan

Scale: **1:100** Date: **15 February 2016**

Drawn: **L.L** Check: **L.L A302**



NOTE
 - PLEASE REFER TO ENGINEERS DETAILS FOR DIMENSIONS
 - BALUSTRADES TO COMPLY WITH BCA 3.9.2
 - PRIVACY SCREEN ON SOUTH SIDE OF BALCONY TO CONSIST OF FIXED LOUVRE SCREEN, 1.6m HIGH AND AT LEAST 75% OBSCURE, IN ACCORDANCE WITH THE R-CODES CLAUSE 5.4.1,C1.2
 - PRIVACY SCREEN ON NORTH SIDE OF BALCONY TO CONSIST OF FIXED POWDER-COATED ALUMINIUM LASER-CUT SCREEN, 1.6m HIGH AND 2.0m LONG WITH AT LEAST 75% OBSCURE



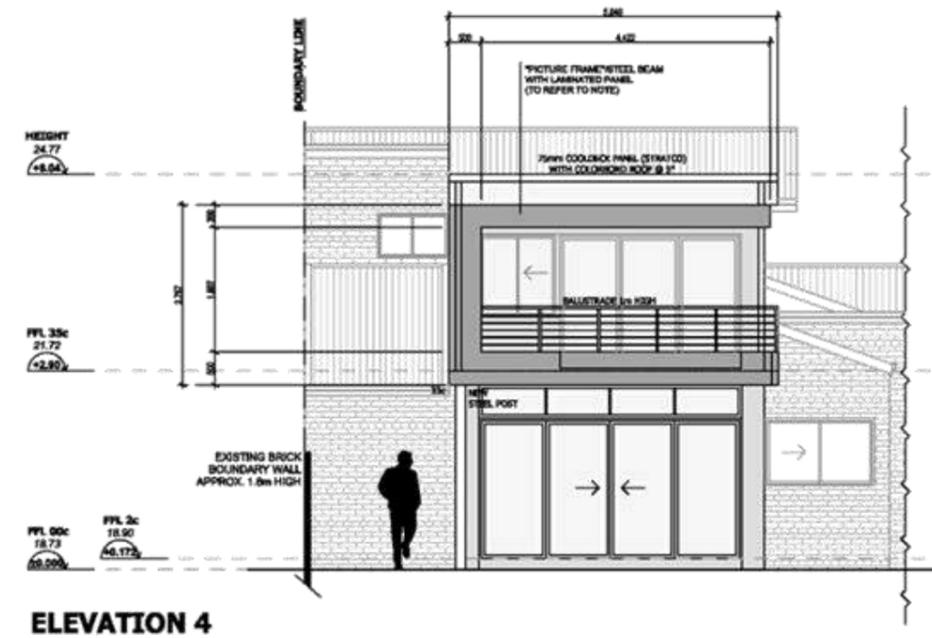
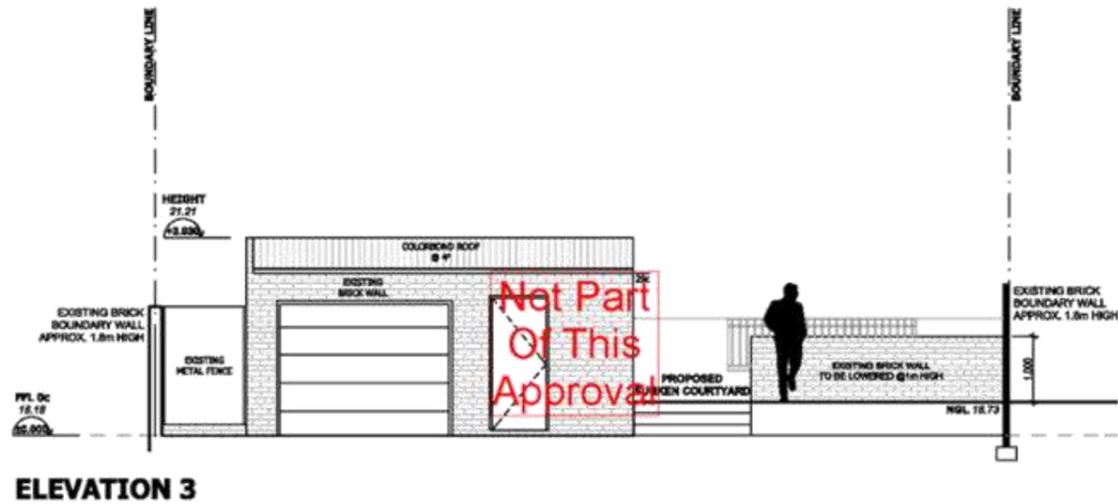
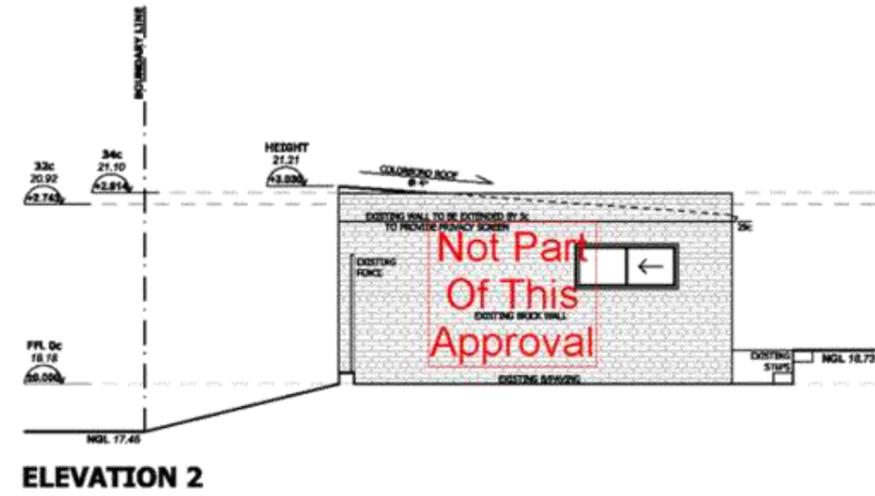
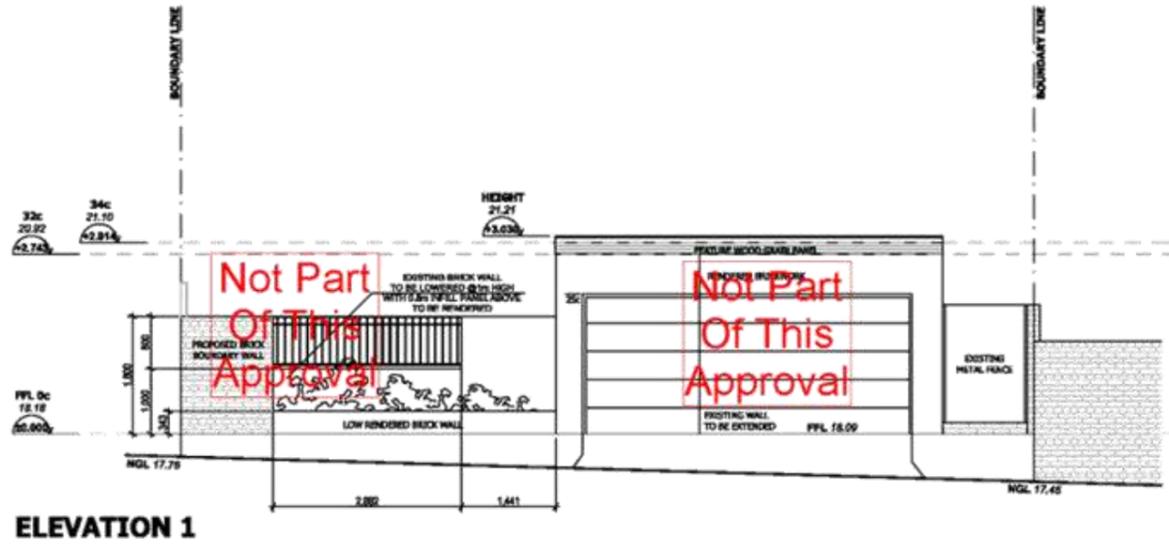
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Project:
Proposed garage conversion and balcony & roof extension
 At:
#40 Sulman Avenue Salter Point
 For:

Revisions:	Date:
A	11 / 12 / 2015
B	09 / 01 / 2016
C	15 / 02 / 2016

Drawing:
Upper floor
 Scale: **1:100** Date: **15 February 2016**
 Drawn: **L.L** Check: **L.L Δ303**



NOTE

- PLEASE REFER TO ENGINEERS DETAILS FOR DIMENSIONS
- BALUSTRADES TO COMPLY WITH BCA 3.9.2
- INFILL PANEL ON PROPOSED COURTYARD BRICK WALL TO BE BLACK, POWDER-COATED ALUMINIUM WITH A PROFILE COMPATIBLE WITH EXISTING FENCE
- RENDERED BRICKWORK FACING RIVER WAY TO BE PAINTED IN THE SAME LIGHT GREY COLOUR AS THE OTHER PARTS OF THE BUILDING, INCLUDING ADJOINING LOT 4
- COLOUR OF BALCONY AND GARAGE METAL ROOFS TO BE COMPATIBLE WITH JASPER COLOUR USED FOR EXISTING BUILDING
- COLOUR OF BALCONY "PICTURE FRAME" TO BE A DARKER GREY, COMPATIBLE WITH OTHER EXISTING GREY FEATURES

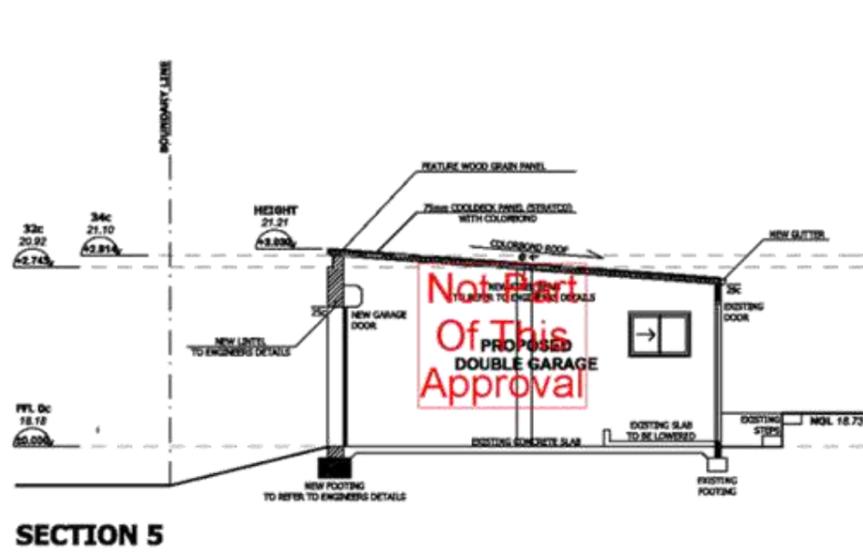


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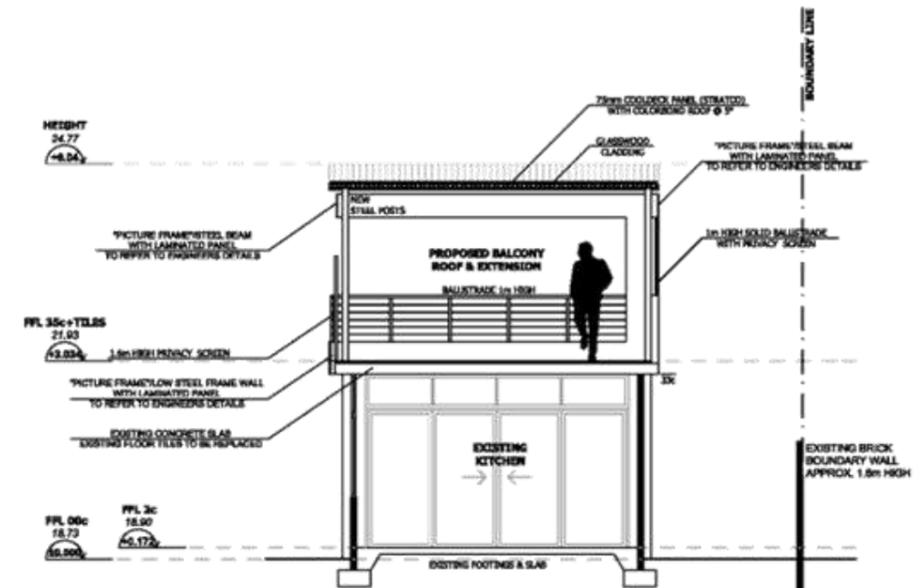
Project:
Proposed garage conversion and balcony & roof extension
At:
#40 Sulman Avenue Salter Point
For:

Revisions:
A date: 11 / 12 / 2015
B date: 18 / 01 / 2016
C date: 15 / 02 / 2016

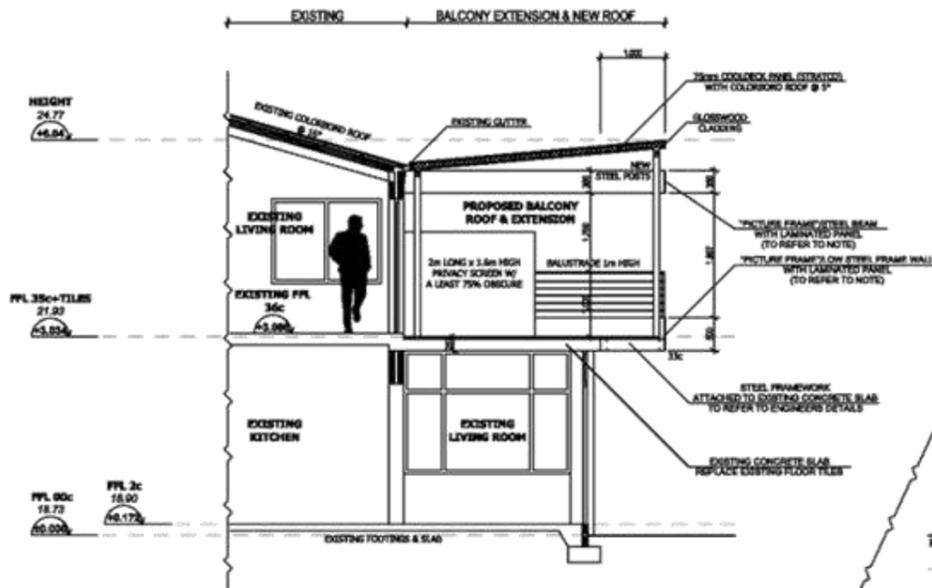
Drawing:
Elevations
Scale: 1:100 Date: 15 February 2016
Drawn: L.L. Check: L.L. **A304**



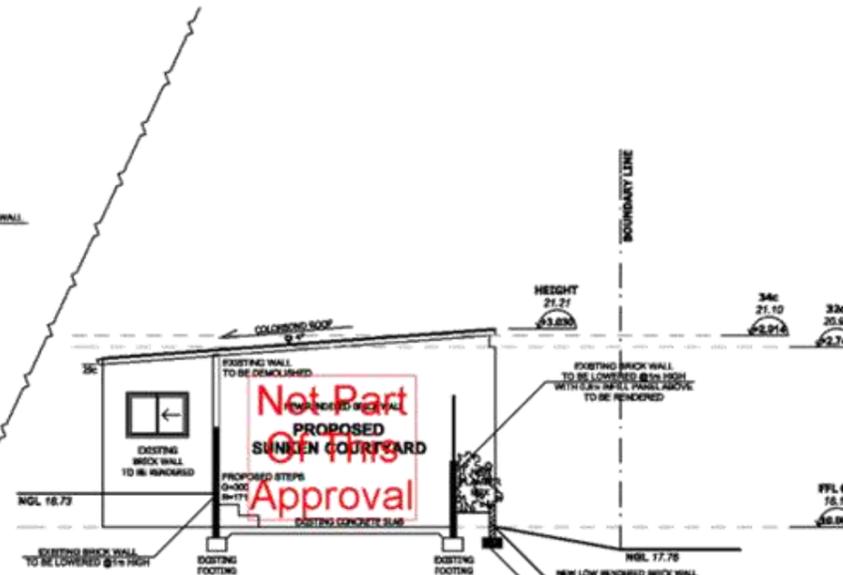
SECTION 5



SECTION 8



SECTION 6



SECTION 7

NOTE
 - PLEASE REFER TO ENGINEERS DETAILS FOR DIMENSIONS
 - BALUSTRADES TO COMPLY WITH BCA 3.9.2
 - INFILL PANEL ON PROPOSED COURTYARD BRICK WALL TO BE BLACK, POWDER-COATED ALUMINIUM WITH A PROFILE COMPATIBLE WITH EXISTING FENCE
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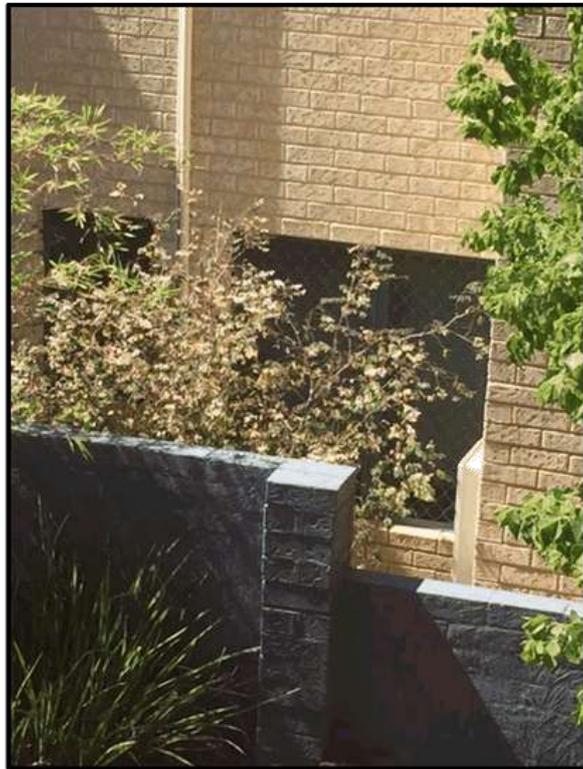
Drawing:
Sections
 Scale: 1:100 Date: 15 February 2016
 Drawn: L.L. Check: L.L. **A305**



Existing Balcony at No. 40 Sulman Ave taken from No. 40A Sulman Ave at Ground Level



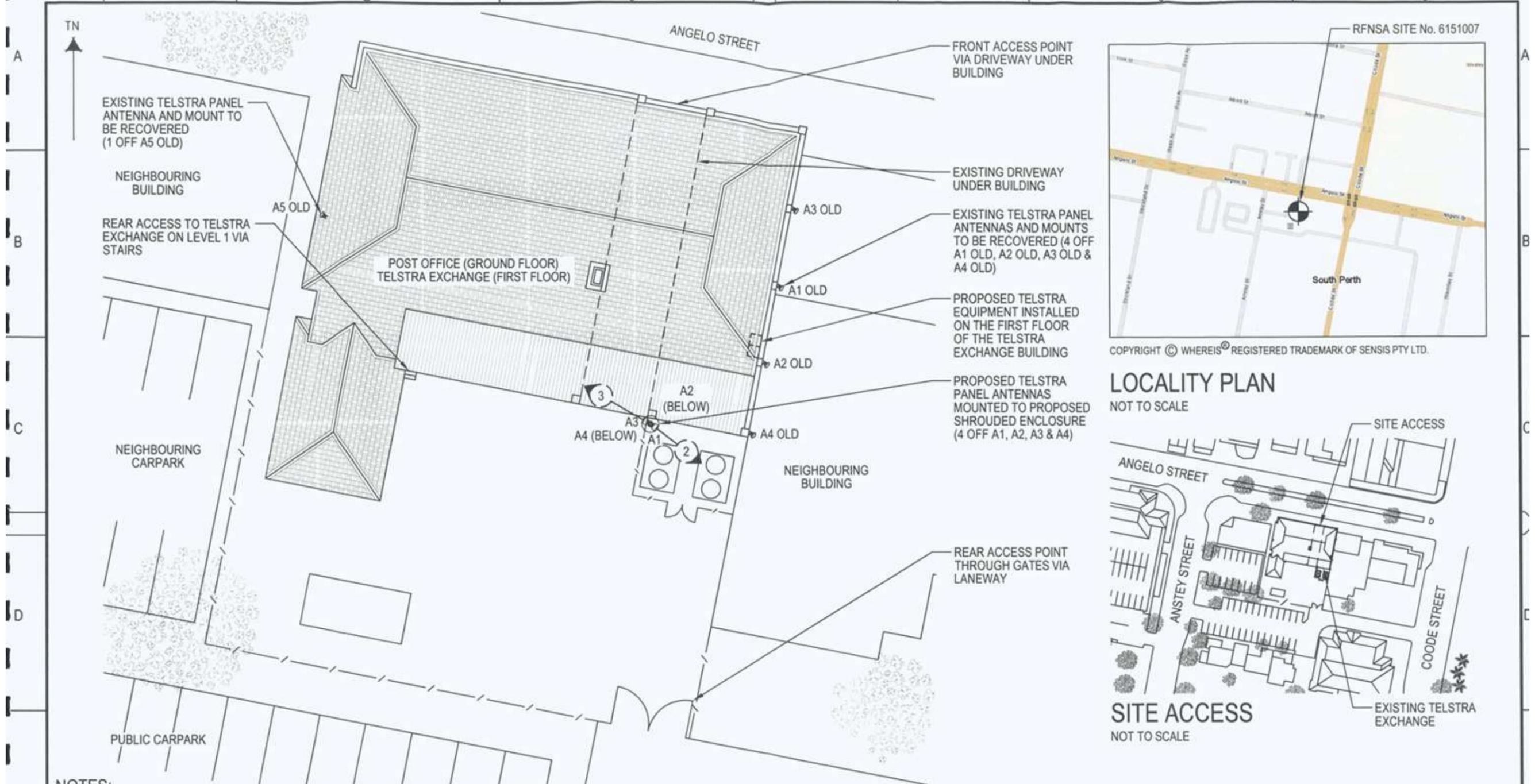
Photo taken from southern side of balcony at No. 40A Sulman Avenue



Existing Balcony looking towards Bedroom of No. 38 Sulman Avenue



Existing Balcony looking towards Courtyard of No. 38 Sulman Avenue



NOTES:

1. ALL EXTERNAL FEEDERS AND TAILS MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
3. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
4. FOR EME SIGNS NOTED THUS (#X) REFER TO 005486 FOR DETAILS.

SITE LAYOUT

SCALE 1:200
2m 0 2m 4m 6m 8m 10m SCALE 1:200

PROPERTY DESCRIPTION

LOT 123 ON DIAGRAM 15257
VOLUMN (TBC) FOLIO (TBC)
SOUTH PERTH

SITE STRUCTURE CO-ORDINATES (GDA94)
GPS READING ACCURACY: ± 10m
CENTRE OF STRUCTURE

LATITUDE	GDA 94 -31.98093
LONGITUDE	GDA 94 115.86327



ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
WA06031.01	DP	MB	JERSEY AS-BUILT CP952232SPXD	MB	DT	01.02.08	1
WA06031	TRE	GRS	SP4830004260 KSD DETAILED DESIGN 01 ERIC	AB	AB	24.06.11	2
WA06031	SRL	SPH	SP4830004260 KSD AS BUILT 01 ERIC	AB	AB	08.11.11	3
WA08153.01	SCL	JKSC	PRELIMINARY ISSUE - 72473645W0001SSMC - LTE700	TRE	MTS	06.03.15	4

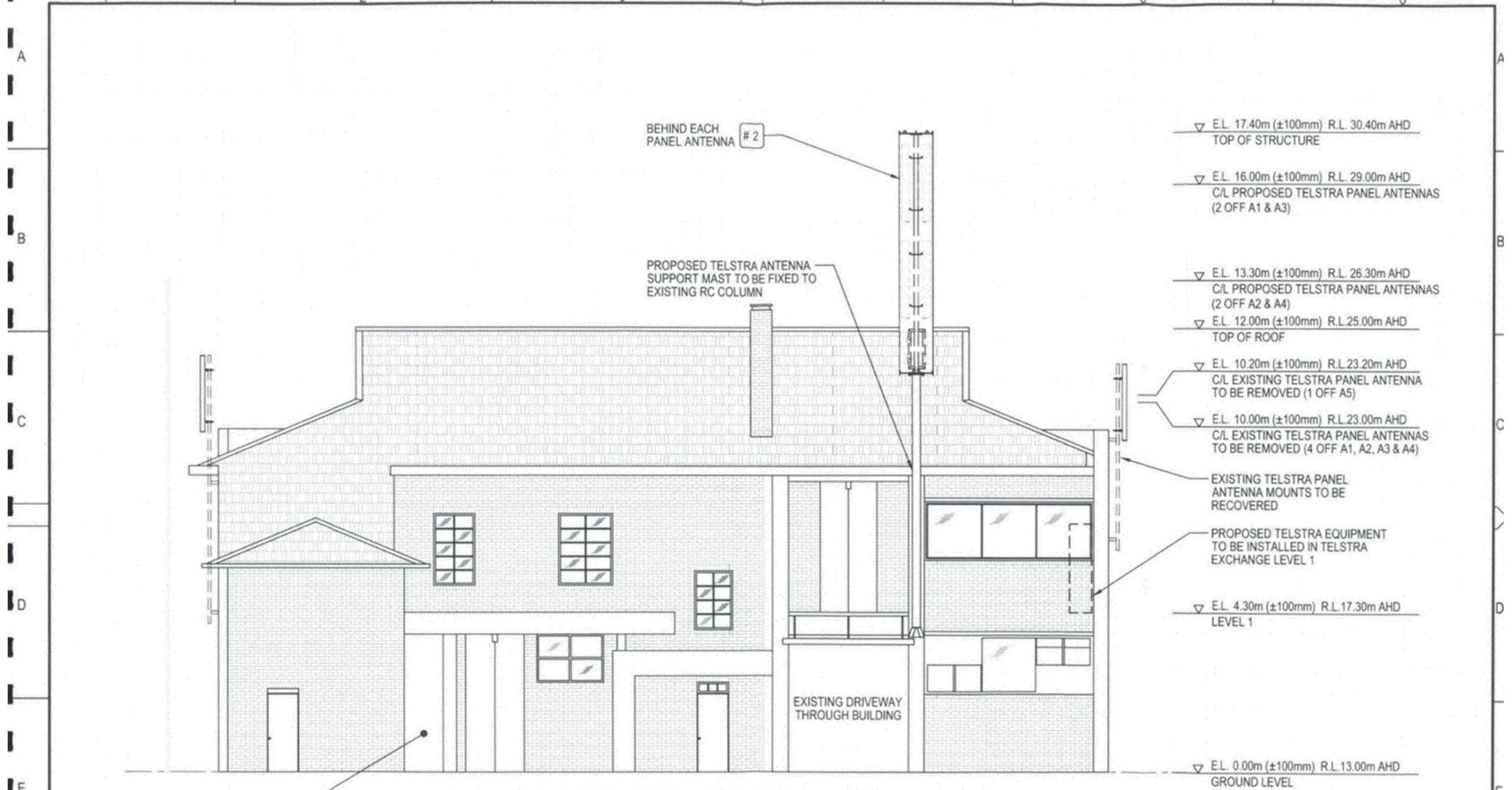
PRELIMINARY



MOBILE NETWORK SITE 13050
SOUTH PERTH EXCHANGE
SITE LAYOUT AND ACCESS
59 ANGELO STREET, SOUTH PERTH, WA 6151

DWG NO.	W102521	SHT NO.	S1
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SOUTH WEST ELEVATION

SCALE 1:100
1m 0 1m 2m 3m 4m 5m SCALE 1:100

STAIR ACCESS TO TELSTRA EXCHANGE ON LEVEL 1 VIA REAR ACCESS

PRELIMINARY

- NOTES:**
1. ALL EXTERNAL FEEDERS AND TAILS MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
 2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
 3. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
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ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
WA0601 01	DP	MB	JERSEY AS-BUILT CP952232SPXD	MB	DT	01.02.08	1
WA0601 01	TRE	GRS	SP4830004260 KSD DETAILED DESIGN 01 ERIC	AB	AB	24.06.11	2
WA0601 01	SRL	SPH	SP4830004260 KSD AS BUILT 01 ERIC	AB	AB	08.11.11	3
WA0601 01	SRL	SPH	SP4830004260 KSD AS BUILT 01 ERIC - AMENDMENTS	AB	AB	09.07.12	4
WA08153 01	SCL	JKSC	PRELIMINARY ISSUE - 72473645W0001SSMC - LTE700	TRE	MTS	06.03.15	5

Telstra

MOBILE NETWORK SITE 13050
SOUTH PERTH EXCHANGE
SOUTH WEST ELEVATION
59 ANGELO STREET, SOUTH PERTH, WA 6151

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DWG NO. **W102521** SHT NO. S3



Our Ref 3696

12 October 2015

The Chief Executive Officer
City of South Perth
Civic Centre
Cnr Sandgate St and South Tce
SOUTH PERTH WA 6151

Attention: Vicki Lummer – Director Development and Community Services

Dear Sir

TELSTRA CORPORATION LIMITED – PROPOSAL TO INSTALL A MOBILE PHONE BASE STATION

SITE NO: WA06031.01

SITE NAME: SOUTH PERTH EXCHANGE

SITE ADDRESS: LOT 123 (59) ANGELO STREET SOUTH PERTH WA 6151

Planning Solutions acts on behalf of Service Stream Mobile Communications (**SSMC**) for its Client, Telstra Corporation Limited (**Telstra**) with respect to the deployment of sites for its 3rd and 4th generation mobile phone network.

Please find enclosed an application for planning approval and supporting Development Application Report for the installation of a telecommunications facility at the above site. In order to assist this application we are pleased to enclose the requisite documentation as detailed below:

1. A cheque for the prescribed Development Application Fee of \$480.00;
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. Supporting report, including:
 - A copy of the Certificate of Title
 - An EME Report demonstrating compliance with the Australian Standard

This application has had regard to the relevant Planning Scheme requirements, as outlined in the accompanying submission. As a Licensed Carrier under the Commonwealth Telecommunications Act 1997 (as amended), Telstra 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 that Telstra 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.

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

Yours sincerely,



LAURIE CHANTRY
PLANNING CONSULTANT

Encl.

151012 3696 DA cover letter

PLANNING SOLUTIONS
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Development Application Report Proposed Mobile Phone Base Station

Lot 123 (59) Angelo Street
South Perth

Prepared for:
Service Stream Mobile Communications Pty Ltd

September 2015

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No express or implied warranties are made by Planning Solutions (Aust) Pty Ltd regarding the information and analysis contained in this report. In particular, but without limiting the preceding exclusion, Planning Solutions (Aust) Pty Ltd will not verify, and will not assume responsibility for, the accuracy and completeness of information provided to us.

This report has been prepared with particular attention to our Client's instructions and the relevant features of the subject site. Planning Solutions (Aust) Pty Ltd accepts no liability whatsoever for:

1. A third party's use of, or reliance upon, this report.
2. Use of, or reliance upon, this report in relation to any land other than the subject site.
3. The Client's implementation, or application, of the strategies recommended in this report.

Direct all inquiries to:

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PERTH WA 6000

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Project details

Job number	3696	
Client	Service Stream Mobile Communications (SSMC)	
Prepared by	Planning Solutions	
Consultant Team	Lead Carrier	Telstra Corporation Ltd
	Design and Drafting	Service Stream Mobile Communications

Document control

Revision number	File name	Document date
Rev 0	150918 3696 Draft DA Report	18 September 2015
Rev 1	151012 3696 DA Report	12 October 2015

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Appendices

- Appendix 1: Certificate of Title
- Appendix 2: Development Plans and Elevations
- Appendix 3: Photomontages
- Appendix 4: EME Report

1 Preliminary

1.1 Introduction

Planning Solutions acts on behalf of Service Stream Mobile Communications (**SSMC**) for its Client, Telstra Corporation Ltd (**Telstra**). Planning Solutions has prepared the following report in support of an Application for Approval to Commence Development for a telecommunications facility to form part of the Telstra mobile telephone network in Western Australia.

An assessment by Planning Solutions under the provisions of the *Telecommunications (Low-Impact Facilities) Determination 1997* as amended (**the Determination**) determined the proposed facility not to be 'low-impact' for the purposes of the Determination. Telstra has supported the assessment by Planning Solutions.

The fact that the proposed facility has been determined not to be 'low-impact' requires the proponent to apply for, and receive, Approval to Commence Development under State planning laws, in accordance with Part 2 of the Determination.

The site selection process undertaken by Telstra, and the design of the facility proposed to achieve the network solutions required to obtain the necessary coverage, has incorporated the following considerations:

- Radio coverage objectives.
- Low-impact and co-location opportunities.
- Surrounding land uses.
- Planning, environmental and heritage considerations.
- Facility construction and treatments.

The facility proposed by Telstra involves removal of existing telecommunications infrastructure and installation of new telecommunications infrastructure on an existing building together with associated cabling and ancillary equipment. Specifically, it is proposed to replace five (5) existing antennas and install four (4) new shrouded Telstra panel antennas on an antenna mount attached to the building. The proposed facility is to be located at Lot 123 (59) Angelo Street South Perth WA (**subject site**) and is the most appropriate solution to facilitate Telstra's mobile telephone network in this locality, with minimum impact upon the amenity of the area.

1.2 Background

The following section provides a summary of the approach to, and issues surrounding, the deployment of the Telstra mobile telephone network in Western Australia.

The proposed telecommunications infrastructure will facilitate Telstra's high-speed NextG® mobile telephone network, which will see customers enjoying improved high quality content, wireless broadband access and further mobilisation of business applications. In selecting network base station sites, Telstra will, as in this case, endeavour to utilise existing mobile network sites as extensively as possible, or share other forms of existing infrastructure to build the network. In addition to the utilisation of existing infrastructure, the use of 'low-impact' facilities is the preferred solution, where possible, to achieve the

Lot 123 (59) Angelo Street South Perth WA 6151
Telecommunications Infrastructure

network deployment. It is considered that this approach will lead to the least possible impact on the local environment and community.

Detailed investigations of the locality revealed no other opportunities to co-locate telecommunications infrastructure which would satisfy the coverage objectives for the facility.

The proposal involves the upgrading of existing, and installation of new, telecommunications infrastructure on an existing building currently utilised as a telephone exchange and post office in the South Perth locality.

Site selection process has been influenced by the objective of using existing premises and avoiding community sensitive locations.

2 Site details

2.1 Land description

Refer to Table 1 below for a description of the land the subject of this development application.

Table 1 – Lot details

Lot	Plan/Diagram	Volume	Folio	Area (m ²)
123	Diagram 15257	1808	946	832

Refer **Appendix 1** for a copy of the Certificate of Title

2.2 Location

The subject site is located within the Perth Metropolitan Region of Western Australia, approximately 3.1 kilometres south of the Perth Central Business District.

2.2.1 Regional context

The subject site is located within the municipality of the City of South Perth, on Angelo Street, west of the intersection with Coode Street. The site is connected via Mill Point Road or Labouchere Road to the Perth Central Business District to the north and greater South Perth to the South. The Mitchell Freeway is located approximately 1.3 kilometres west of the subject lot.

2.2.2 Local context

The subject site is located within the suburb of South Perth, within the Angelo Street Shopping Precinct. The immediately adjacent land is utilised for commercial uses, with the surrounding land predominately residential and private school use. The nearest residential dwelling is located 35m south of the site. Wesley College is located 66 metres north east of the subject site, and South Perth Primary School approximately 330 metres west.

Refer **Figure 1**, aerial photo.

2.3 Land use and topography

The subject site accommodates Telstra's South Perth telecommunications exchange on the first floor of the building and Angelo Street Post Office on the ground floor. The building, with associated sealed parking and ground level air conditioning tower, occupies the subject site. The subject site is located on level land. The surrounding topography rises to the west along Angelo Street and to the north west. There is extensive residential development surrounding the subject site. The site is well situated to provide essential telecommunication services to the immediate and surrounding locality.

Photos 1 to 3 depict the subject site and surrounds.



LEGEND
 [Yellow dashed box symbol] Subject Site

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SCALE 1:2,000 @ A4
 DATE 23 September 2015
 FILE 01_180923_3005_Aerial Photo.dwg
 REVISION 1:EP:final Draft/23.09.2015



AERIAL PHOTOGRAPH

LOT 123 (59) ANGELO STREET
SOUTH PERTH, WESTERN AUSTRALIA

FIGURE

01

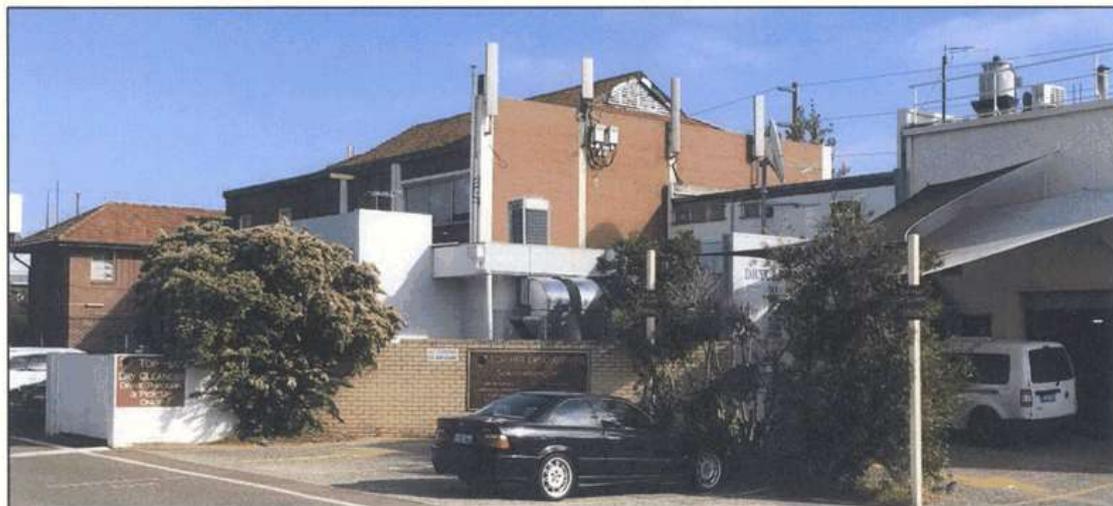
Lot 123 (59) Angelo Street South Perth WA 6151
Telecommunications Infrastructure



Photograph 1 – View of subject site looking south west from Angelo Street.



Photograph 2 – View of subject site looking west across Coode Street



Photograph 3 – View of subject site looking north west across Coode Street.

3 Proposed development

To achieve the necessary network coverage requirements, Telstra proposes to replace five (5) existing panel antennas attached to the existing building and install four (4) new panel antennas, within a shroud, mounted on a new antenna mount attached to the existing building, together with internal cabling between the antenna devices and existing equipment area within the building, and associated ancillary equipment including six (6) radio remote units (within the shroud).

In summary the proposed development consists of the following:

Remove existing antennas	5
Elevation:	1 @ 10.2m Φ above natural ground level
Elevation:	4 @ 10.00m Φ above natural ground level
New Panel Antenna:	4
Dimensions:	2 x 2533mm (w) x 353mm (d) x 209mm (h)
Elevation:	13.30m Φ above natural ground level
Dimensions:	2 x 2533mm (w) x 353mm (d) x 209mm (h)
Elevation:	16.00m Φ above natural ground level

The antenna structures will be enclosed within a shroud which will be integrated with the existing building and will be coloured to match the building's roof colour, which is considered to be the most unobtrusive option for the proposed infrastructure, or other colour at the discretion of Council.

Detailed plans and elevations depicting the subject proposal are attached (refer **Appendix 2**).

Photomontages depicting the proposed antenna structures are attached (refer **Appendix 3**).

4 Strategic planning framework

4.1 City of South Perth Local Commercial Strategy

The purpose of the City of South Perth Local Commercial Strategy (LCS) is to provide Council with strategic planning direction for commercial development within the City.

Category 2 Mixed Use Neighbourhood Centres – Angelo Street and Preston Street of LCS provides the following objectives:

1. *To maintain and enhance the level of service and amenity offered by these centres.*
2. *To recognise the importance of these centres as employment and service areas.*

Telstra has identified deficiencies in mobile telephone and wireless broadband data coverage (particularly indoor coverage) and capacity in the immediate locality. Accordingly, the infrastructure will enhance the level of service for which there is a demonstrated immediate, and increasing, public demand.

Effective telecommunications are vital to successful growth and development. The proposed facility is intended to provide improved coverage to the business and residential communities in the locality.

It is submitted the proposed development adequately addresses matters to be considered by Council and is considered to be entirely consistent with the objectives of the Local Commercial Strategy.

Accordingly, the proposal warrants Council support and approval.

5 Statutory planning framework

5.1 City of South Perth Town Planning Scheme No. 6

5.1.1 Zoning

The subject site falls within the area covered by the City of South Perth Town Planning Scheme No. 6 (TPS6) and is zoned 'Neighbourhood Centre Commercial' under the provisions of TPS6.

The proposed infrastructure is deemed to be consistent with, and does not compromise the ultimate purpose intended for, the zone.

Refer **Figure 2**, TPS Zoning Map.

5.1.2 Land use

Under Schedule 1 – Definitions of TPS6 'Telecommunications Infrastructure':

means land used to accommodate 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 proposed development will provide and maintain mobile telephone and wireless broadband data coverage to the surrounding community and is therefore considered to be defined as 'Telecommunications Infrastructure' under the provisions of TPS6.

'Telecommunications Infrastructure' is a 'D' use in the 'Neighbourhood Centre Commercial' under Table 1 – Zoning – Land Use of TPS6. Under the provisions of Clause 3.3 (3) of TPS6 a "D" use has the following meaning:

'D' indicates a Discretionary Use and means that the Use is not permitted unless the Council has exercised its discretion by granting planning approval.

Accordingly, it is open to Council to grant approval for the proposed 'Telecommunications Infrastructure'.

5.1.3 General Development Requirements

Clause 6.15 Telecommunications Infrastructure of Part VI – General Development requirements of TPS6 provides, inter alia:

On any Land:

- (a) *Mobile telephone towers and associated equipment buildings shall be sited not less than 300 metres from the nearest residential buildings.*

TPS6 does not provide any justification regarding the basis of the 300 metre buffer requirement. It is also noted that there is no requirement under State Planning Policy 5.2 Telecommunications Infrastructure (SPP 5.2) for separation from sensitive sites or buffer distances. In particular, Clause 6.1 e) provides:

When preparing or reviewing local planning schemes or local planning policies, local governments should ensure that:



Lot 123 (59) Angelo Street South Perth WA 6151
Telecommunications Infrastructure

- e) *Buffer zones and/or setback distances are not included in local planning schemes or local planning policies;*

Further, Clause 3.1 of SPP 5.2 provides:

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.

It is noted there have been a number of State Administrative Tribunal (SAT) appeals allowed where the Local Authority has refused an application for telecommunications infrastructure based on non-compliance with Local Planning Policy 'buffer' distances, including:

Telstra Corporation Limited and City of Wanneroo [2011] WASAT77;

Taylor (Hutchinson 3G Australia Pty Ltd) and City of Swan [2003] WATPAT 6; and

Hutchison 3G Australia Pty Ltd and Shire of Kalamunda [2004] WASAT 204 and WASAT 205 (considered concurrently).

The existing telecommunication facilities on the subject site are located within 30 metres of the nearest residential building. This will not change with the proposed infrastructure, however the base of the proposed antennas will be approximately 1.2 metres more above ground level than the top of the existing antennas to be removed, extending to approximately 17.3 metres above ground level, effectively providing additional vertical separation from nearby residences.

The proposal is for an upgrading of existing facilities on the building.

- (c) *Any Telecommunications Infrastructure which does not constitute a low impact facility for the purposes of the Telecommunications Act, 1997 (Commonwealth) shall be installed on or within other existing Telecommunications Infrastructure that is currently used, or intended to be used, for connection to a telecommunications network unless the Council is satisfied that such installation would result in inadequate radio frequency coverage having regard to the carrier's existing network.*

The proposed infrastructure is to be installed with other existing telecommunications infrastructure currently used for connection to a telecommunications network.

- (d) *Above ground telecommunications cabling shall not be permitted due to its adverse visual impact. Any telecommunications cabling shall be located underground.*

There is no above ground cabling. Proposed telecommunications cabling will be contained within the building.

Accordingly, the proposed infrastructure is deemed to be consistent with Clause 6.15 of TPS6.

5.1.4 Cultural Heritage Significance

The subject site, domiciled Angelo Street Post Office, is included in State Heritage Office records – Place No: 02372, but not listed on the State Heritage Office Statutory Heritage Listing, however, it is included as an 'Other Heritage Listing - Municipal Inventory'.

The State Heritage Council has acknowledged that places not listed on the State Heritage Office Statutory Heritage Listing do not require referral for any development of the place.

Lot 123 (59) Angelo Street South Perth WA 6151
Telecommunications Infrastructure

The site is listed as *LGA Place No: SPCv 01 Angelo Street Post Office* on the City of South Perth's Municipal Heritage Inventory with a Management Category B, which is defined as follows;

Worthy of a high level of protection: provide maximum encouragement to the owner under the City of South Perth Town Planning Scheme to conserve the significance of the place. A more detailed Heritage Assessment/Impact Statement to be undertaken before approval given for any major redevelopment. Incentives to promote conservation should be considered.

Clause 6.11 Heritage Places of TPS6 provides provisions to be considered by Council in relation to heritage places in the city. The objectives of these provisions are:

- (a) to facilitate the conservation of places of cultural heritage significance nominated on the City of South Perth Heritage List; and*
- (b) to ensure as far as possible that development occurs with due regard to cultural heritage significance.*

In addition to the subject site's use as a post office, its historic use is also as a telephone exchange. Accordingly, the proposal is appropriate to the original and continued telecommunication function of the building and the development will occur with due regard to its heritage significance. Works associated with the development are minor and the proposal cannot be deemed a major redevelopment.

Clause 6.11 (5) provides:

Where a place is entered on the Heritage List, planning approval is required in relation to the demolition, erection, construction, or alteration of, or addition to, any building or structure on the land, including any act or thing that:

- (a) is likely to change the character of the place or the external appearance of any building; or*
- (b) would constitute an irreversible alteration to the fabric of any building.*

As the building is already, in part, a telecommunications exchange accommodating telecommunications (mobile phone) infrastructure there will be no detrimental change to the use or character of the building by the proposed infrastructure and no irreversible alteration to its physical fabric.

Importantly, the removal of the five (5) existing antennas currently attached to the external walls and roof will return the external appearance and fabric of the building to its original facade and enhance and conserve the cultural heritage significance of the place.

5.2 State Planning Policy No. 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.

The following principles, as stated in SPP5.2 are relevant:

- Clause 5.1.1 (ii) Telecommunications facilities should be sited and designed to minimise visual impact and wherever possible; and*

Lot 123 (59) Angelo Street South Perth WA 6151
Telecommunications Infrastructure

- 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:*

Telecommunications antennas are currently installed on the building. Four existing antennas are attached to the eastern external wall of the building and one antenna extends from the roof on the western side of the building. These antennas detract from the heritage significance of the building. In addition to providing improved mobile phone and wireless broadband data coverage, removal of these antennas from the building will return the external appearance and fabric of the building to its original facade and enhance and conserve the cultural heritage significance of the building.

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

In addition to replacing the existing five antennas, the proposed antennas will be located within a service area at the rear of the building, away from the street frontage and encased within a single shroud, colour matched to the building roof, reducing the impact on the streetscape.

The proposed infrastructure described in this document 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 4**).

Further, 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, inter alia, the requirement to have regard to guidelines established within the DC Code to facilitate a Precautionary Approach to site selection and infrastructure design. In accordance with the conditions of its licence, Telstra 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. It is therefore submitted that the subject site and design of the proposed infrastructure are appropriate, and warrant approval.

As demonstrated above, the proposed development is entirely consistent with the requirements, spirit and intent of SPP5.2 and has been selected and designed in accordance with the precautionary approach required of Carriers and warrants Council support and approval.

5.3 City of South Perth Policy P310 Telecommunications Infrastructure

City of South Perth Policy P310 Telecommunications Infrastructure (**Telecommunications Policy**) provides policy objectives and guidance for Council in assessing applications for telecommunications facilities to be located within the municipality.

Council, in considering the provision of Telecommunications Infrastructure will have regard to the following:

Lot 123 (59) Angelo Street South Perth WA 6151
Telecommunications Infrastructure

In considering an application for planning approval, the City will have regard to the provisions of Town Planning Scheme No. 6 and the visual impact of the proposed Telecommunications Infrastructure. Planning approval will be refused where the City is of the opinion that the proposed facility would have a significant adverse visual impact. Alternatively, the City may grant planning approval conditional upon appropriate modifications to minimise the adverse visual impact.

The subject site currently has telecommunications infrastructure, being five (5) antennas and supporting mounts, installed externally around the building. The proposal is to replace these antennas with four (4) new antennas, incorporating new technology, mounted on a single support mast affixed to an existing reinforced concrete column. The new antennas will be enclosed in a shroud to be colour matched to the building, or in a colour to be determined by Council, thereby minimising the impact on the visual amenity of the locality and return the external appearance and fabric of the building to its original facade and enhance and conserve the cultural heritage significance of the building.

6 Conclusion

The proposal presented is permissible under the provisions of City of South Perth Town Planning Scheme No. 6 and is consistent with the objectives and provisions of the 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 scheme provisions of the City of South Perth Town Planning Scheme No. 6;
2. The proposal is consistent with the Western Australian Planning Commission's State Planning Policy No. 5.2 – Telecommunications Infrastructure, which encourages siting to minimise potential adverse visual impact on the character and amenity of the local environment;
3. The infrastructure associated with the telecommunications facility will be contained on and within the existing site, and will not impact adversely on the heritage character or external appearance of the building; and
4. Works associated with the development are minor, are not anticipated to detrimentally affect the heritage significance or visual amenity of the area.

The proposal is consistent with planning principles derived from state and local levels, and given the minimal impact on the amenity of the area and the locality generally, the application warrants the support of the City of South Perth. In light of the proposal's demonstrated compliance with the applicable statutory planning instruments, the City is respectfully requested to approve the subject application.

Lot 123 (59) Angelo Street South Perth WA 6151
Telecommunications Infrastructure



**Appendix 1
Certificate Title**

WESTERN



AUSTRALIA

REGISTER NUMBER 123/D15257	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **1808** FOLIO **946**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 123 ON DIAGRAM 15257

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

AUSTRALIAN TELECOMMUNICATIONS COMMISSION OF TELECOM CENTRE, 80 STIRLING STREET, PERTH (T D850207) REGISTERED 19 AUGUST 1988

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. D850207 SUBJECT TO CERTAIN MINERAL AND OTHER RESERVATIONS AS SET OUT IN TRANSFER D850207 WHICH ARE IN ADDITION TO THOSE RESERVATIONS TO THE CROWN CONTAINED IN THE ORIGINAL GRANT. REGISTERED 19.8.1988.
2. *G213915 CAVEAT BY AUSTRALIAN POSTAL CORPORATION AS TO PORTION ONLY. LODGED 27.6.1996.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

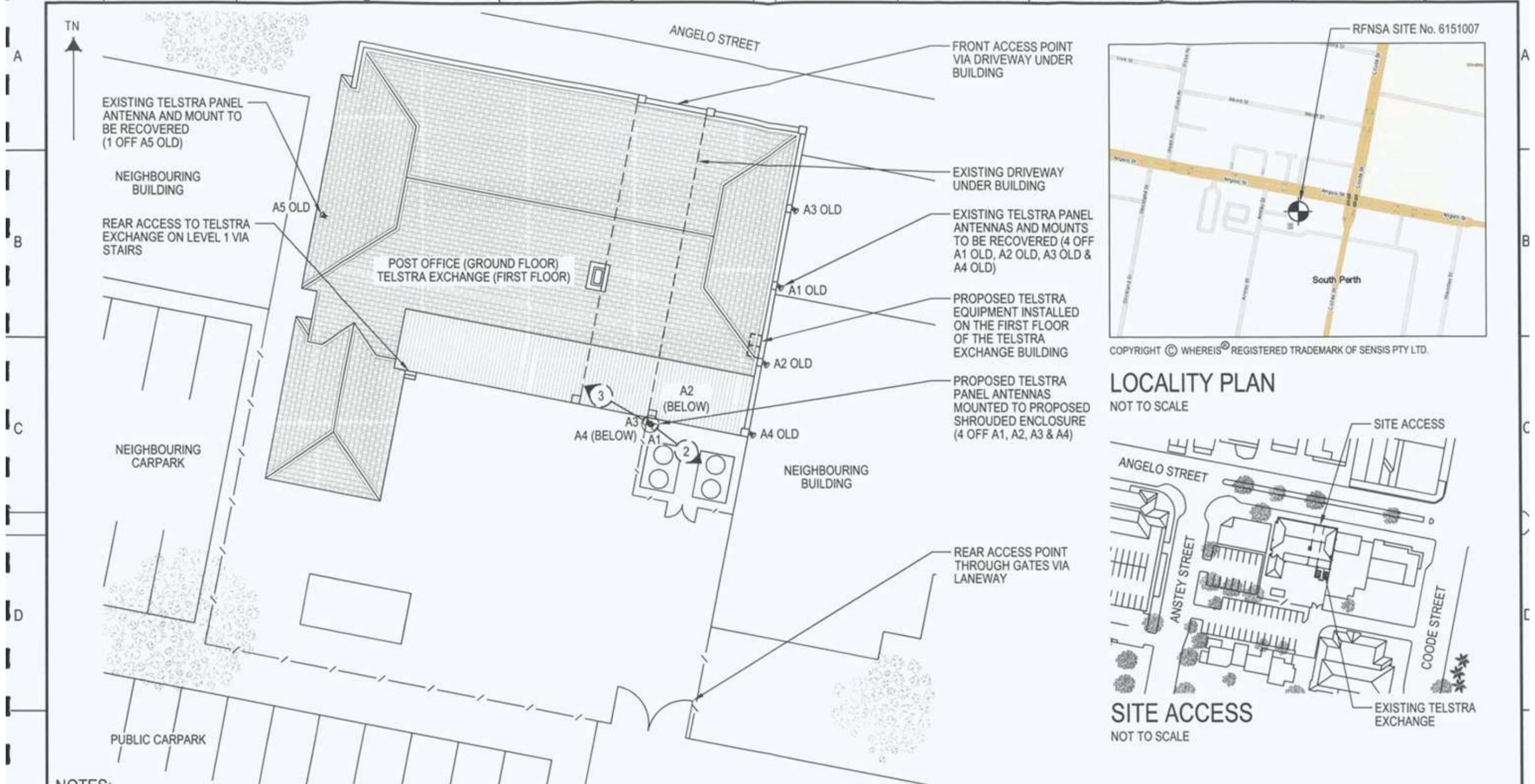
The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1808-946 (123/D15257).
 PREVIOUS TITLE: 1142-623.
 PROPERTY STREET ADDRESS: 59 ANGELO ST, SOUTH PERTH.
 LOCAL GOVERNMENT AREA: CITY OF SOUTH PERTH.
 RESPONSIBLE AGENCY: TELSTRA CORPORATION LIMITED.

NOTE 1: A000001A LAND DESCRIPTION AMENDED ON ORIGINAL CERTIFICATE OF TITLE - BUT NOT SHOWN ON CURRENT EDITION OF THE DUPLICATE.

Lot 123 (59) Angelo Street South Perth WA 6151
Telecommunications Infrastructure

Appendix 2 Development Plans and Elevations



- NOTES:**
1. ALL EXTERNAL FEEDERS AND TAILS MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
 2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
 3. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
 4. FOR EME SIGNS NOTED THUS [X] REFER TO 005486 FOR DETAILS.

SITE LAYOUT
SCALE 1:200
2m 0 2m 4m 6m 8m 10m SCALE 1:200

PROPERTY DESCRIPTION
LOT 123 ON DIAGRAM 15257
VOLUMN (TBC) FOLIO (TBC)
SOUTH PERTH

SITE STRUCTURE CO-ORDINATES (GDA94) GPS READING ACCURACY: ± 10m CENTRE OF STRUCTURE	
LATITUDE	GDA 94 -31.98093
LONGITUDE	GDA 94 115.86327



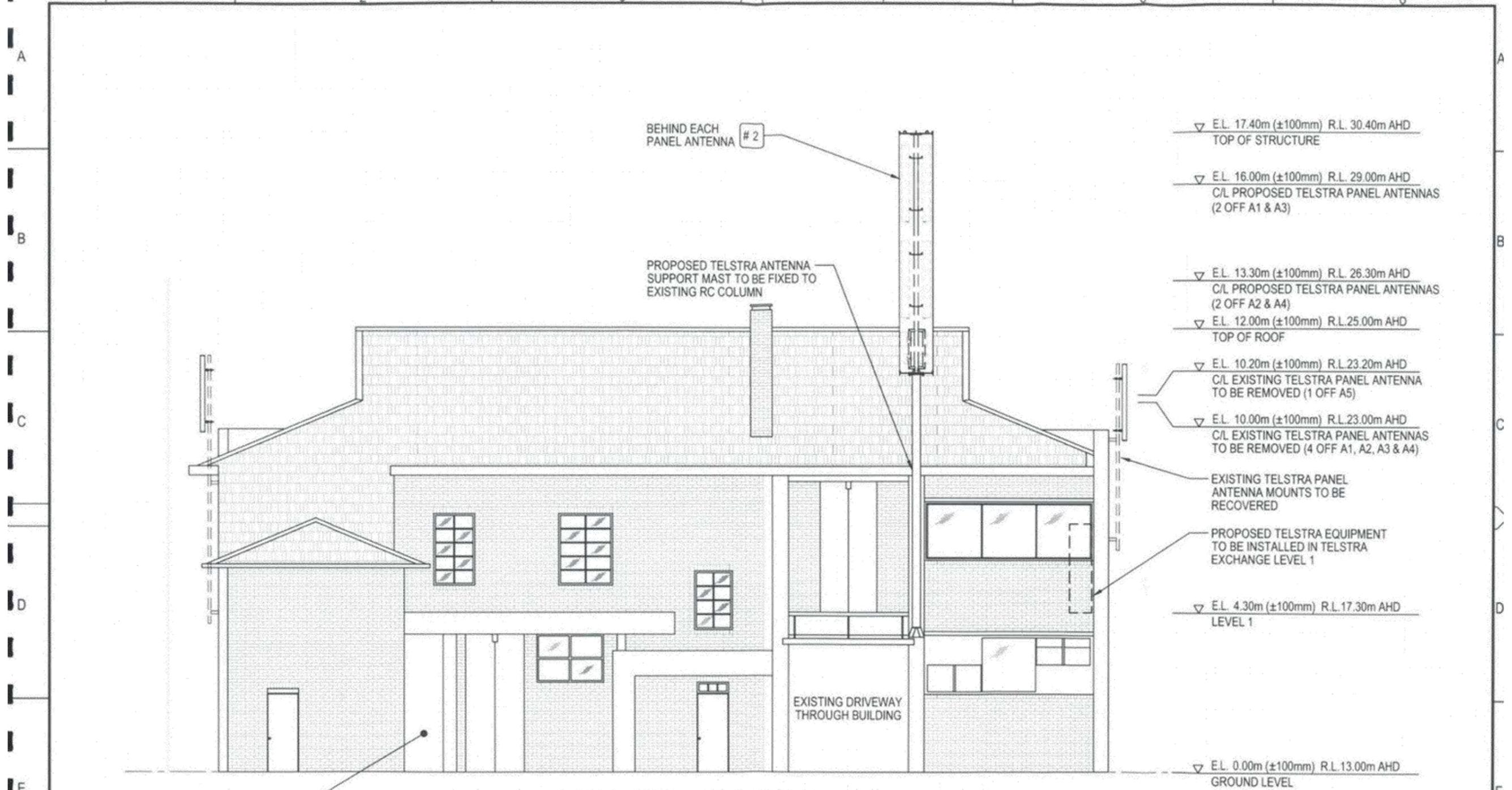
ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
WA06031.01	DP	MB	JERSEY AS-BUILT CP952232SPXD	MB	DT	01.02.08	1
WA06031	TRE	GRS	SP4830004260 KSD DETAILED DESIGN 01 ERIC	AB	AB	24.06.11	2
WA06031	SRL	SPH	SP4830004260 KSD AS BUILT 01 ERIC	AB	AB	08.11.11	3
WA08153.01	SCL	JKSC	PRELIMINARY ISSUE - 72473645W0001SSMC - LTE700	TRE	MTS	06.03.15	4

PRELIMINARY

MOBILE NETWORK SITE 13050
SOUTH PERTH EXCHANGE
SITE LAYOUT AND ACCESS
59 ANGELO STREET, SOUTH PERTH, WA 6151

DWG NO. **W102521** SHT NO. **S1**

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- ▽ E.L. 17.40m (±100mm) R.L. 30.40m AHD
TOP OF STRUCTURE
- ▽ E.L. 16.00m (±100mm) R.L. 29.00m AHD
C/L PROPOSED TELSTRA PANEL ANTENNAS
(2 OFF A1 & A3)
- ▽ E.L. 13.30m (±100mm) R.L. 26.30m AHD
C/L PROPOSED TELSTRA PANEL ANTENNAS
(2 OFF A2 & A4)
- ▽ E.L. 12.00m (±100mm) R.L. 25.00m AHD
TOP OF ROOF
- ▽ E.L. 10.20m (±100mm) R.L. 23.20m AHD
C/L EXISTING TELSTRA PANEL ANTENNA
TO BE REMOVED (1 OFF A5)
- ▽ E.L. 10.00m (±100mm) R.L. 23.00m AHD
C/L EXISTING TELSTRA PANEL ANTENNAS
TO BE REMOVED (4 OFF A1, A2, A3 & A4)
- EXISTING TELSTRA PANEL
ANTENNA MOUNTS TO BE
RECOVERED
- PROPOSED TELSTRA EQUIPMENT
TO BE INSTALLED IN TELSTRA
EXCHANGE LEVEL 1
- ▽ E.L. 4.30m (±100mm) R.L. 17.30m AHD
LEVEL 1
- ▽ E.L. 0.00m (±100mm) R.L. 13.00m AHD
GROUND LEVEL

SOUTH WEST ELEVATION

SCALE 1:100
1m 0 1m 2m 3m 4m 5m SCALE 1:100

STAIR ACCESS TO TELSTRA EXCHANGE ON LEVEL 1 VIA REAR ACCESS

PRELIMINARY

- NOTES:
1. ALL EXTERNAL FEEDERS AND TAILS MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
 2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
 3. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
 4. FOR EME SIGNS NOTED THUS [X] REFER TO 005486 FOR DETAILS.

servicestream
MOBILE COMMUNICATIONS
40 Hasler Road, Osborne Park WA 6017
T +61 8 9355 7500 | F +61 8 9355 5100 | www.servicestream.com.au

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
WA0601 01	DP	MB	JERSEY AS-BUILT CP952232SPXD	MB	DT	01.02.08	1
WA0601	TRE	GRS	SP4830004260 KSD DETAILED DESIGN 01 ERIC	AB	AB	24.06.11	2
WA0601	SRL	SPH	SP4830004260 KSD AS BUILT 01 ERIC	AB	AB	08.11.11	3
WA0601	SRL	SPH	SP4830004260 KSD AS BUILT 01 ERIC - AMENDMENTS	AB	AB	09.07.12	4
WA08153 01	SCL	JKSC	PRELIMINARY ISSUE - 72473645W0001SSMC - LTE700	TRE	MTS	06.03.15	5

MOBILE NETWORK SITE 13050
SOUTH PERTH EXCHANGE
SOUTH WEST ELEVATION
59 ANGELO STREET, SOUTH PERTH, WA 6151

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DWG NO. **W102521** SHT NO. S3

Lot 123 (59) Angelo Street South Perth WA 6151
Telecommunications Infrastructure

Appendix 3 Photomontages



BEFORE



AFTER

VIEW OF SUBJECT SITE NORTH FROM ACCESS LANE

PHOTOMONTAGE 2

LOT 123 (59) ANGELO STREET
SOUTH PERTH, WESTERN AUSTRALIA

SCALE	NTS
DATE	12 October 2015
FILE	151012 3696 Photomontage Set.dwg
REVISION	1/EF/First Draft/12.10.15

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URBAN & REGIONAL
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PERTH
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 P: PO Box 8701 PERTH BC WA 6849

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 A: Level 4, 355 Collins Street Melbourne VIC 3000
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 F: (03) 9600 1477

E: admin@planningsolutions.com.au
 W: www.planningsolutions.com.au
 AON 143 573 184 AEN 23 143 573 184
 Planning Solutions (Aust) Pty Ltd



BEFORE



AFTER

VIEW OF SUBJECT SITE SOUTH FROM ANGELO STREET

PHOTOMONTAGE 1

LOT 123 (59) ANGELO STREET
SOUTH PERTH, WESTERN AUSTRALIA

SCALE	NTS
DATE	12 October 2015
FILE	151012 3696 Photomontage Set.dwg
REVISION	1:EF/First Draft/12.10.15

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MELBOURNE
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T: (03) 9699 1500
F: (03) 9600 1477

E: admin@planningsolutions.com.au
W: www.planningsolutions.com.au
ACN 143 573 184 ABN 23 143 573 184
Planning Solutions (Inc) Pty Ltd

Lot 123 (59) Angelo Street South Perth WA 6151
Telecommunications Infrastructure

Appendix 4 EME Report



Environmental EME Report 59 Angelo Street, SOUTH PERTH WA 6151

This report provides a summary of Calculated RF EME Levels around the wireless base station

Date 10/8/2015

RFNSA Site No. 6151007

Introduction

The purpose of this report is to provide calculations of EME levels from the existing facilities at the site and any proposed additional facilities.

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at 59 Angelo Street SOUTH PERTH WA 6151. These levels have been calculated by Telstra using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

The maximum EME level calculated for the existing systems at this site is 4.65% of the public exposure limit and with proposed alterations to this site the calculated maximum EME level will be 2.029% of the public exposure limit.

The ARPANSA Standard

ARPANSA, an Australian Government agency in the Health and Ageing portfolio, has established a Radiation Protection Standard specifying limits for general public exposure to RF transmissions at frequencies used by wireless base stations. The Australian Communications and Media Authority (ACMA) mandates the exposure limits of the ARPANSA Standard.

How the EME is calculated in this report

The procedure used for these calculations is documented in the ARPANSA Technical Report "Radio Frequency EME Exposure Levels - Prediction Methodologies" which is available at <http://www.arpansa.gov.au>.

RF EME values are calculated at 1.5m above ground at various distances from the base station, assuming level ground.

The estimate is based on worst-case scenario, including:

- wireless base station transmitters for mobile and broadband data operating at maximum power
- simultaneous telephone calls and data transmission
- an unobstructed line of sight view to the antennas.

In practice, exposures are usually lower because:

- the presence of buildings, trees and other features of the environment reduces signal strength
- the base station automatically adjusts transmit power to the minimum required.

Maximum EME levels are estimated in 360° circular bands out to 500m from the base station.

These levels are cumulative and take into account emissions from all mobile phone antennas at this site.

The EME levels are presented in three different units:

- volts per metre (V/m) – the electric field component of the RF wave
- milliwatts per square metre (mW/m²) – the power density (or rate of flow of RF energy per unit area)
- percentage (%) of the ARPANSA Standard public exposure limit (the public exposure limit = 100%).

Results

The maximum EME level calculated for the existing systems at this site is 10.65 V/m; equivalent to 301.07 mW/m² or 4.65% of the public exposure limit.

The maximum EME level calculated for the existing and proposed systems at this site is 6.66 V/m; equivalent to 117.58 mW/m² or 2.029% of the public exposure limit.

Radio Systems at the Site

This base station currently has equipment for transmitting the following services:

Carrier	Radio Systems
Telstra	GSM900, WCDMA850, LTE1800

It is proposed that this base station will have equipment for transmitting the following services:

Carrier	Radio Systems
Telstra	GSM900, WCDMA850, LTE1800, LTE700 (proposed)

Calculated EME Levels

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined.

Distance from the antennas at 59 Angelo Street in 360° circular bands	Maximum Cumulative EME Level – All carriers at this site					
	Existing Equipment			Existing and Proposed Equipment		
	Electric Field V/m	Power Density mW/m ²	% ARPANSA exposure limits	Electric Field V/m	Power Density mW/m ²	% ARPANSA exposure limits
0m to 50m	9.71	250.17	3.8%	2.37	14.89	0.23%
50m to 100m	10.65	301.07	4.65%	6.66	117.58	2.029%
100m to 200m	6.9	126.27	1.96%	6.52	112.83	1.93%
200m to 300m	3.48	32.13	0.5%	3.58	34.071	0.57%
300m to 400m	2.35	14.61	0.23%	2.4	15.26	0.26%
400m to 500m	1.77	8.3	0.13%	1.81	8.7	0.15%
Maximum EME level	10.65	301.07	4.65	6.66	117.58	2.029
	59.076 m from the antennas at 59 Angelo Street			89.98 m from the antennas at 59 Angelo Street		

Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest that have been identified through the consultation requirements of the Communications Alliance Ltd Deployment Code C564:2011 or via any other means. The calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

Additional Locations	Height / Scan relative to location ground level	Maximum Cumulative EME Level All Carriers at this site Existing and Proposed Equipment		
		Electric Field V/m	Power Density mW/m ²	% of ARPANSA exposure limits
Near residential	0m to 6m	1.59	6.68	0.14%
South Perth Senior Citizens Centre	0m to 3m	5.39	77.0013	1.42%
Bethanie Adult Day Centre	0m to 3m	4.4	51.47	0.94%
Amana Living Le Fanu Retirement Villa...	0m to 9m	1.27	4.3	0.075%
Wesley College	0m to 6m	2.72	19.68	0.32%

RF EME Exposure Standard

The calculated EME levels in this report have been expressed as percentages of the ARPANSA RF Standard and this table shows the actual RF EME limits used for the frequency bands available. At frequencies below 2000 MHz the limits vary across the band and the limit has been determined at the Assessment Frequency indicated. The four exposure limit figures quoted are equivalent values expressed in different units – volts per metre (V/m), watts per square metre (W/m²), microwatts per square centimetre (μW/cm²) and milliwatts per square metre (mW/m²). Note: 1 W/m² = 100 μW/cm² = 1000 mW/m².

Radio Systems	Frequency Band	Assessment Frequency	ARPANSA Exposure Limit (100% of Standard)
LTE 700	758 – 803 MHz	750 MHz	37.6 V/m = 3.75 W/m ² = 375 μW/cm ² = 3750 mW/m ²
WCDMA850	870 – 890 MHz	900 MHz	41.1 V/m = 4.50 W/m ² = 450 μW/cm ² = 4500 mW/m ²
GSM900, LTE900, WCDMA900	935 – 960 MHz	900 MHz	41.1 V/m = 4.50 W/m ² = 450 μW/cm ² = 4500 mW/m ²
GSM1800, LTE1800	1805 – 1880 MHz	1800 MHz	58.1 V/m = 9.00 W/m ² = 900 μW/cm ² = 9000 mW/m ²
LTE2100, WCDMA2100	2110 – 2170 MHz	2100 MHz	61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ²
LTE2300	2302 – 2400 MHz	2300 MHz	61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ²
LTE2600	2620 – 2690 MHz	2600 MHz	61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ²
LTE3500	3425 – 3575 MHz	3500 MHz	61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ²

Further Information

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a Federal Government agency incorporated under the Health and Ageing portfolio. ARPANSA is charged with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of radiation (ionising and non-ionising).

Information about RF EME can be accessed at the ARPANSA website, <http://www.arpansa.gov.au>, including:

- Further explanation of this report in the document "Understanding the ARPANSA Environmental EME Report"
- The procedure used for the calculations in this report is documented in the ARPANSA Technical Report; "Radio Frequency EME Exposure Levels - Prediction Methodologies"
- the current RF EME exposure standard
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), 2002, 'Radiation Protection Standard: Maximum Exposure Levels to Radiofrequency Fields — 3 kHz to 300 GHz', Radiation Protection Series Publication No. 3, ARPANSA, Yallambie Australia.
[Printed version: ISBN 0-642-79400-6 ISSN 1445-9760] [Web version: ISBN 0-642-79402-2 ISSN 1445-9760]

The Australian Communications and Media Authority (ACMA) is responsible for the regulation of broadcasting, radiocommunications, telecommunications and online content. Information on EME is available at <http://emr.acma.gov.au>

The Communications Alliance Ltd Industry Code C564:2011 'Mobile Phone Base Station Deployment' is available from the Communications Alliance Ltd website, <http://commsalliance.com.au>.

Contact details for the Carriers (mobile phone companies) present at this site and the most recent version of this document are available online at the Radio Frequency National Site Archive, <http://www.rfnsa.com.au>.

Applicant's Responses to Submitters 4 & 1

RE: Telecommunications Infrastructure to Angelo Street Post Office

Dear Sir,

We note that there has been a Development Application by Telstra to install a new Panel Antenna on the old Post Office building at 59 Angelo Street, South Perth. Whilst we are aware that by replacing the 5 existing antennae with a single panel antenna, the EME from the site installation would be significantly reduced and thus comply with the recommended standards, we have concerns that a number of other factors have not been addressed in the application. Acknowledged

We suggest that Council request the Applicant to address these various issues, noting that:-

1. The Applicant has not provided any technical details to suggest that the replacement antenna would not improve mobile phone reception if mounted in compliance with the "Low Impact" criteria and within the building roofline. Antenna locations and heights are determined by radio frequency engineers to maximise coverage objectives and thereby reduce the number of facilities required in an area. Location of antennas within the roof space would result in signals being blocked by the roofing material. The proposal is not a "Low Impact" facility as the site is heritage listed. A DA must be lodged with Council for approval, and accordingly, Telstra could have submitted design of greater height for consideration. However, the proposed facility has been designed to comply with the "Low Impact" criteria in regard to height (and shrouded) to minimise the impact on the heritage significance and visual amenity.
2. The Applicant has not provided any details of the cumulative effects of the EME levels at nearby schools, elderly citizens centres and other public venues that are emitted from the other telecommunication towers within the area (Coles 50m, Goode St Jetty, Council Chambers, Melville Pde Reserve, Surgicentre). Some of these transmitters have undergone or are about to undergo other upgrades. There is no statutory requirement for a report on cumulative effects of EME from surrounding infrastructure. All facilities must comply with EME exposure limits as set by the ASRPANSA Standards and mandated by ACMA. Estimated EME levels have been calculated for the following surrounding sensitive sites and are included in the EME report provided with the Development Application:
 - Near residential;
 - South Perth Senior Citizens Centre;
 - Bethanie Adult Day centre;
 - Amana Living Le Fanu Retirement Village; and
 - Wesley College
3. The proposed 17.4m tower has no structural design details to confirm the tower (with all associated antenna, including future) is capable of withstanding the wind loads of South Perth (2 tornadoes within 1 km of the site). The adequacy of the 17.4m tower to withstand wind loadings should be certified by a professional structural engineer. The Facility will be constructed in accordance with Building Codes Australia and all State And Federal statutory requirements.

Accordingly, we object to the submission made for a proposed new tower as:-

- a) The Applicant has not provided any technical details in the submission to support or justify the replacement antenna needing to be located any higher than those existing. Similarly nothing suggesting a need to mount higher than the building roof line (@12m).
See 1. above
- b) The overall antenna height would be 17.4m, some 5.4m taller than the existing building roofline (12m).
See 1. above
- c) The proposed antenna does not meet the criteria of "low Impact" (6.5m) and would be adjacent to a heritage building. In fact no heritage considerations have been made, despite the Post Office building being on Council's heritage list
See 1. above. Heritage considerations have been included in the development application report, and the Council has undertaken an assessment on the heritage impact.
- d) There are numerous other installations within the area and their cumulative EME has not been provided/detailed or assessed for community sensitive locations.
See 2. above
- e) The Planning Solutions photomontage view of subject site looking south from Angelo St would appear to show a 16.1 m high tower, about 76% of the proposed 17.4m tower. This appears to be understating the height of the structure that is actually proposed. This appears to be a serious misrepresentation, if not deception, to anyone reading the site report?
**The photomontage is indicative only. Allowance in apparent height has been made for the set back of the facility from the building's Angelo Street façade and is considered to be a fair and reasonable representation.
We note there is no negative comment on the photomontage looking north west from the rear of the premises.**

We thank-you for your understanding on this matter and look forward to your response,

Re: Application for Planning Approval, AN1/59
Telecommunications Infrastructure, 59 Angelo St, South Perth

Thank you for advising of this Application AN 1/59 as we have not had any communication from the Applicant.

We note that the Development Application is to install new Panel Antennae for Telstra at the Council's heritage listed Post Office building, 59 Angelo Street, South Perth. We appreciate that by replacing the 5 existing antennae with 4 newer panel antennae, the EME from this site's Installation would be significantly reduced, potentially enabling compliance with the recommended ARPANSA standards for maximum EME levels.

However, we are concerned that a number of relevant aspects have not been addressed in the application and so prevent our informed consideration of the Application.

We suggest that Council should request the Applicant to address these various issues and then advise (to re-assure) the Public of the respective responses, particularly:-

1. The Applicant has not provided any technical details to suggest the replacement antennae would not improve mobile phone reception if mounted at a lower level in compliance with Council's Low Impact criteria and/or within the PO building roofline.

See Submission 1

2. No structural design details have been provided to confirm the tower (with all associated antennae, including future) is capable of withstanding the wind loading in South Perth where there have been 2 tornadoes within 1 km of the site.

3. The adequacy of the 17.4m tall tower to withstand wind loadings (as per Australian Standards) should be certified by a professional structural engineer.

See Submission 1

4. The Applicant has not provided any details of the cumulative effects of the EME levels at nearby schools, elderly citizen's centre and other public venues that are emitted from the other telecommunication towers within a 500m radius of these sensitive locations (e.g. Coles 50m, Coode St Jetty, Council Chambers, Melville Pde Reserve, Surgicentre). We note that some of these other transmitters have undergone or are about to undergo upgrades.

See Submission 1

Accordingly, we object to the inadequacy of the current submission made for a proposed new tower as:-

1 The Applicant has not provided any technical details in the submission to support or justify the requirement that replacement antennae need to be located any higher than those existing. Furthermore, there is nothing to suggest a need to mount the new antennae any higher than the building roof line (@12m) to improve the performance.

See Submission 1

2 The overall antenna tower height would be 17.4m, some 5.4m taller than the existing building roofline (12m) and would be visually significant from the south, east and west. Not just Angelo St, towering well above the surroundings.

Acknowledged

3 The proposed tower does not meet the "low Impact" criteria of Council's policy P394.

Acknowledged – The proposal is not a "Low-Impact" facility

4 There has been no independent assessment made of the impact of the 17.4m tower adjacent to the Council's heritage listed Post Office building.

See Submission 1

5 The cumulative EME effects of numerous other installations within the immediate area of the recognised 'community sensitive locations' have not been detailed. These need to be an integral part of the assessment Approval process.

See Submission 1

6 The Planning Solutions photomontage view of the subject site looking south from Angelo St would appear to show a tower of approx. 16.1m, not the proposed 17.4m tower (i.e. 76%). This appears to be understating the height of the structure that is actually proposed and is a serious misrepresentation, if not deception, to anyone reading the Appendix to the Report.

See Submission 1

7 No photomontage view of the subject site looking west from Coode St has been provided to show the significant impact from areas other than Angelo St. Acknowledged – there is no requirement for multiple photomontages under the City's policies/TPS. The photomontages provided are deemed sufficient to accurately reflect the proposal.

I trust that Council will address each of these issues and then re-advertise the complete Proposal for informed public comment.

	
MEMORANDUM	
To:	Mina Thomas, Statutory Planning Officer
From:	Gina Fraser, Senior Strategic Planning Officer
Date:	11 November 2015
File ref:	AN1/59; 11.2015.498.1
Subject:	Proposed Replacement Telecommunications Infrastructure Additions To Angelo Street Post Office - Lot 123 (No. 59) Angelo Street, South Perth

Thank you for the opportunity to comment on the heritage implications of the proposed 16.0 metre high structure comprising shrouded panel antennas on an antenna mount to be attached to the rear of the *Angelo Street Post Office* to replace five existing 10 metre high panel antennas attached to the eastern side of the building. While the proposed works are compatible with the existing use of the building, the proposed structure is six metres taller than the existing structures, and therefore, has been examined carefully in relation to possible heritage implications.

Heritage Listing

Since December 1994, *Angelo Street Post Office* has been listed by the City in the Local Heritage Inventory with a classification of 'Category B'. As the *Angelo Street Post Office* has a heritage classification of Category B, it is included on the City's Heritage List by virtue of clause 7(a)(ii) of Policy P313.

The *Angelo Street Post Office* is not registered by the Heritage Council of Western Australia in the State Register of Heritage Places.

Statement of significance

The *Angelo Street Post Office* has aesthetic, historic, social, representative and rarity cultural heritage significance. Since 1939, the *Angelo Street Post Office* has been the base for the postal service in this area. Due to the lasting effects of the Depression, the building was one of only a few post offices constructed in Australia during the 1930s. The street façade is of interest owing to the design patterns and textures particularly of the brickwork and wrought iron. The building has high integrity, is a good example of post offices constructed in the 1930s and provides a demonstration of their accommodation and materials.

Policy P313 'Local Heritage Listing'

The site of the *Angelo Street Post Office* has been classified as Category 'B'. The current proposal involves Telecommunication Infrastructure which is not 'low impact'. Policy P313 'Local Heritage Listing' contains the following relevant definitions:

"Management Category B : Considerable significance

Conservation essential. Reflects the highest level of local cultural heritage significance. Very important to the heritage of the locality. High degree of integrity and authenticity. Demolition or significant alteration to a place in Management Category B of the Heritage List is not permitted. Any alterations or additions are to be guided by a Conservation Plan, if any, and reinforce the heritage values of the place."

Page 2**Angelo Street Post Office – Replacement Telecommunications Infrastructure*****“minor additions or alterations***

For the purpose of this policy, the term refers to additions or alterations to an approved or existing development which:

- (a) are small in relation to the main building (eg. pergola, patio, portico and the like); and*
- (b) are not visible from the street; and*
- (c) do not exceed 3.0 metres in height; and*
- (d) do not impinge on neighbours' views, outlook or solar access to a greater extent than permitted by the Residential Design Codes or a Council Policy.”*

The current proposal does not meet all of these criteria, and therefore, is not a minor addition.

“significant alteration

For the purpose of this Policy, the term means alterations and additions to a place listed in the Local Heritage Inventory or Heritage List, which, in the Council's opinion:

- (a) are likely to significantly change the character of the place or the external appearance of any building, or would constitute an irreversible alteration to a significant proportion of the fabric of the building; or*
- (b) involve a major alteration of the layout, contours, structures, significant plant species or other significant features on the land.”*

Based on the above definitions, the proposal does not constitute 'minor additions or alterations' because it will be visible from the street, will exceed 3.0 metres in height and will somewhat change the external appearance of the building. However, it will not change the character of the place and does not constitute an irreversible alteration (ie. demolition or additions) to the building.

As the proposed development constitutes development other than a minor alteration to a building, Policy P313 enables the City to require the applicant to submit a heritage assessment report. In this case, however, a heritage assessment report will not be required. The proposed 16.0 metre high structure comprising shrouded panel antennas on an antenna mount to be attached to the rear of the *Angelo Street Post Office*, while obtrusive, will not adversely affect the heritage significance of the *Angelo Street Post Office*. The building currently has five smaller antennas which will be removed and the building fabric restored. It has also been operating as a combined post office and telephone exchange for many years and is an appropriate building to host such a structure. The proposal reflects the changing technology and increasing demand for telephone services.

There are no significantly adverse heritage implications in this instance.

Concluding comments and recommendations

I have examined the information you have provided in relation to the proposal. In examining the drawings, I have noted that the proposed structure comprising shrouded panel antennas on an antenna mount attached to the building:

- is complementary to the existing uses of the building;
- would replace other existing smaller panel antennas;
- would be located at the rear of the building; and
- would be coloured to match the existing roof colour.

Therefore, despite the height of the proposed structure, I am of the opinion that the applicant has made a reasonable effort to reduce the visual impact of the tower when viewed from the street. From the point of view of the local heritage significance of the proposal, it is acceptable.

It is recommended that the application be determined according to all of the usual development considerations.

GINA FRASER
SENIOR STRATEGIC PLANNING OFFICER

Submitter 1 (Riverview Street)

"We note that the Development Application is to install new Panel Antennae for Telstra at the Council's heritage listed Post Office building, 59 Angelo Street, South Perth. We appreciate that by replacing the 5 existing antennae with 4 newer panel antennae, the EME from this site's installation would be significantly reduced, potentially enabling compliance with the recommended ARPANSA standards for maximum EME levels.

However, we are concerned that a number of relevant aspects have not been addressed in the application and so prevent our informed consideration of the Application.

We suggest that Council should request the Applicant to address these various issues and then advise (to reassure) the Public of the respective responses, particularly:-

1. The Applicant has not provided any technical details to suggest the replacement antennae would not improve mobile phone reception if mounted at a lower level in compliance with Council's Low Impact criteria and/or within the PO building roofline.
2. No structural design details have been provided to confirm the tower (with all associated antennae, including future) is capable of withstanding the wind loading in South Perth where there have been 2 tornadoes within 1 km of the site.
3. The adequacy of the 17.4m tall tower to withstand wind loadings (as per Australian Standards) should be certified by a professional structural engineer.
4. The Applicant has not provided any details of the cumulative effects of the EME levels at nearby schools, elderly citizen's centre and other public venues that are emitted from the other telecommunication towers within a 500m radius of these sensitive locations (e.g. Coles 50m, Coode St Jetty, Council Chambers, Melville Pde Reserve, Surgicentre). We note that some of these other transmitters have undergone or are about to undergo upgrades.

Accordingly, we object to the inadequacy of the current submission made for a proposed new tower as:-

1. The Applicant has not provided any technical details in the submission to support or justify the requirement that replacement antennae need to be located any higher than those existing. Furthermore, there is nothing to suggest a need to mount the new antennae any higher than the building roof line (@12m) to improve the performance.
2. The overall antenna tower height would be 17.4m, some 5.4m taller than the existing building roofline (12m) and would be visually significant from the south, east and west, not just Angelo St, towering well above the surroundings.
3. The proposed tower does not meet the "low Impact" criteria of Council's policy P394.
4. There has been no independent assessment made of the impact of the 17.4m tower adjacent to the Council's heritage listed Post Office building.
5. The cumulative EME effects of numerous other installations within the immediate area of the recognised "community sensitive locations" have not been detailed. These need to be an integral part of the assessment Approval process.
6. The Planning Solutions photomontage view of the subject site looking south from Angelo St would appear to show a tower of approx. 16.1 m, not the proposed 17.4m tower (i.e. 76%). This appears to be understating the height of the structure that is actually proposed and is a serious misrepresentation, if not deception, to anyone reading the Appendix to the Report.
7. No photomontage view of the subject site looking west from Coode St has been provided to show the significant impact from areas other than Angelo St.

I trust that Council will address each of these issues and then re-advertise the complete Proposal for informed public comment."



Photograph attached to Submission 1.

Submitter 2 (Anstey Street)

"The towers are probably not taller than those above Coles, but the colour is all wrong. The applicants own photo montages show that a Brown coloured Lump in the air stands out much more than the light coloured ones already there. There is an industry accepted colour (I think it is a pale blue or grey) that blends in when viewed against the average sky. Even plain white in that location would be better than brown."

Submitter 3 (Edinburgh Street)

"Let me send this email in full support of the telecommunications tower going in the above proposed location. I'm hopeful that this will improve the mobile phone service in South Perth which is currently hopeless for our present location at [street number] Edinburgh Street, South Perth. Hoping that this application proceeds smoothly and speedily."

Submitter 4 (City of South Perth Residents Association Incorporated)

"We note that there has been a Development Application by Telstra to install a new Panel Antenna on the old Post Office building at 59 Angelo Street, South Perth. Whilst we are aware that by replacing the 5 existing antennae with a single panel antenna, the EME from the site installation would be significantly reduced and thus comply with the recommended standards, we have concerns that a number of other factors have not been addressed in the application.

We suggest that Council request the Applicant to address these various issues, noting that:-

- 1. The Applicant has not provided any technical details to suggest that the replacement antenna would not improve mobile phone reception if mounted in compliance with the "Low Impact" criteria and within the building roofline.*
- 2. The Applicant has not provided any details of the cumulative effects of the EME levels at nearby schools, elderly citizens centres and other public venues that are emitted from the other telecommunication towers within the area (Coles 50m, Coode St Jetty, Council Chambers, Melville Pde Reserve, Surgicentre). Some of these transmitters have undergone or are about to undergo other upgrades.*
- 3. The proposed 17.4m tower has no structural design details to confirm the tower (with all associated antenna, including future) is capable of withstanding the wind loads of South Perth (2 tornadoes within 1km of the site). The adequacy of the 17.4m tower to withstand wind loadings should be certified by a professional structural engineer.*

Accordingly, we object to the submission made for a proposed new tower as:-

- a) *The Applicant has not provided any technical details in the submission to support or justify the replacement antenna needing to be located any higher than those existing. Similarly nothing suggesting a need to mount higher than the building roof line (@12m).*
- b) *The overall antenna height would be 17.4m, some 5.4m taller than the existing building roofline (12m).*
- c) *The proposed antenna does not meet the criteria of "low Impact" (6.5m) and would be adjacent to a heritage building. In fact no heritage considerations have been made, despite the Post Office building being on Council's heritage list.*
- d) *There are numerous other installations within the area and their cumulative EME has not been provided/detailed or assessed for community sensitive locations.*
- e) *The Planning Solutions photomontage view of subject site looking south from Angelo St would appear to show a 16.1m high tower, about 76% of the proposed 17.4m tower. This appears to be understating the height of the structure that is actually proposed. This appears to be a serious misrepresentation, if not deception, to anyone reading the site report?"*

