

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

15 MAY 2012

- NOTES:**
- 1. This Meeting makes Recommendations to the Manager Planning & Development. Services**
 - 2. Should any Elected Member wish to discuss the content of any item included as part of the attached agenda, please contact Peter Prendergast, Manager Planning & Development Services. Contact should be established as soon as possible after the publication of the agenda to the City of Melville website. Contact details are as follows: peter.prendergast@melville.wa.gov.au or Tel 9364 0626.**
 - 3. Should an Elected Member propose that an item on this agenda be referred to Council for determination, a request to that effect must be made to the Chief Executive Officer (CEO). This request must be received by the CEO by midday on the Friday following the publication of the Development Advisory Unit (DAU) agenda to the City's web site.**
 - 4. Should any applicant or adjoining property owner object to any proposal included as part of this DAU agenda, then an opportunity exists to request that the application be determined by Council. All such requests are subject to the discretion of the CEO, and must be received by him no later than midday on the Friday following the publication of the DAU agenda to the City's web site.**
 - 5. In the absence of any referral request, a decision on any application included as part of this DAU agenda can take place under delegated authority to the Manager Planning & Development Services, after midday on the Friday after the publication of the agenda to the City's website.**

DISTRIBUTED: 21 MAY 2012

**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,
BOORAGOON, COMMENCING AT 9:00 AM ON TUESDAY, .**

PRESENT

| | |
|-----------------------------------|--|
| P. Prendergast (Presiding Member) | Manager Planning & Development Services |
| H. Shigeyoshi | A/Planning Services Coordinator |
| L. Anderson | Senior Planning Officer |
| T. Capobianco | Principal Building Surveyor |
| R Bailey | Special Projects Officer (Engineering Design) |
| C Taborda | Engineering Technical Officer (Engineering Design) |

APOLOGIES

| | |
|------------|--|
| L. Mannion | Technical Officer (Environment Services) |
|------------|--|

IN ATTENDANCE

OBSERVERS

DISCLOSURES OF INTEREST

ELECTED MEMBERS' ATTENTION

Nil

DELEGATED AUTHORITY – PLANNING AND RELATED MATTERS DA-020

The following items are recommendations to the Manager Planning & Development Services for decision.

DISCLOSURE OF FINANCIAL INTERESTS LOCAL GOVERNMENT ACT 1995

Members' interests in matters to be discussed at meetings to be disclosed

S.5.65 (1) A member who as an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

Meeting to be informed of disclosures

S.5.66 If a member has disclosed an interest in a written notice given to the Chief Executive Officer before a meeting then before the meeting -

- (a) the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

Disclosing members not to participate in meetings

S.5.67 A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for 2 years.

Please refer to your Handbook for definitions of interests and other detail.

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U12/0413 (LA) INSTALLATION OF TELECOMMUNICATIONS INFRASTRUCTURE AT LOT 13 (35) MCCOY STREET, MYAREE (REC) (ATTACHMENT)

Ward : City
 Category : Operational
 Application Number : DA-2012-371
 Property : Lot 13 (35) McCoy Street, Myaree
 Proposal : Installation of Telecommunications Infrastructure
 Applicant : Planning Solutions (Aust) Pty Ltd
 Owner : Russell Davison Pty Ltd
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services
 Previous Items : DA2011- 535: Installation of a Temporary Telecommunication Scaffold Structure

AUTHORITY / DISCRETION

DEFINITION

| | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> | Review | <i>when Council review decisions made by Officers.</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

U12/0413 (LA) INSTALLATION OF TELECOMMUNICATIONS INFRASTRUCTURE AT LOT 13 (35) MCCOY STREET, MYAREE (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought for the installation of a telecommunications tower and ancillary apparatus at 35 McCoy Street, Myaree
- The subject property comprises industrial premises located within a Mixed Business precinct.
- The site previously accommodated a telecommunications tower and apparatus, the supporting guide ropes of which extended onto the adjoining site at 37 McCoy Street. The recent re-development on the site of No 37 meant that the telecommunications infrastructure had to be dismantled.
- In view of this, Planning Approval was granted for the construction of a temporary scaffold structure to house the existing telecommunications equipment. The temporary telecommunications infrastructure housed on a scaffold structure is now proposed to be replaced on a permanent basis.
- Three objections have been received to the proposed permanent telecommunications infrastructure.
- The proposed telecommunications development has been assessed in accordance with the provisions of the City of Melville Community Planning Scheme No 5 (CPS5) and relevant Council Policies, namely Policy CP-064 - Telecommunications Facilities and Communications Equipment...
- The proposed development is recommended for conditional approval.



U12/0413 (LA) INSTALLATION OF TELECOMMUNICATIONS INFRASTRUCTURE AT LOT 13 (35) MCCOY STREET, MYAREE (REC) (ATTACHMENT)

BACKGROUND

35 McCoy Street, Myaree previously contained a 27 metre high telecommunications mast. This mast was supported by guide ropes, one of which extended into the adjoining site at 37 McCoy Street. Demolition and construction at 37 McCoy Street required the removal of the guide rope and mast as the structure could not be secured by any alternative structural means.

As the removal of the structure would result in an unacceptable impact to the telecommunications coverage for the locality, a temporary scaffold was erected, this structure having been granted temporary Planning Approval on 14 June 2011.

This application seeks to obtain Planning Approval for the permanent replacement of the telecommunication facilities which previously existed on-site.

Scheme Provisions

| | | |
|--------------|---|----------------|
| MRS Zoning | : | Industrial |
| CPS 5 Zoning | : | Mixed Business |
| R-Code | : | Not Applicable |
| Use Type | : | Not Applicable |
| Use Class | : | Not Applicable |

Site Details

| | | |
|--------------------------------------|---|----------------------|
| Lot Area | : | 4,046 sqm |
| Retention of Existing Vegetation | : | Not Applicable |
| Street Tree(s) | : | Not Applicable |
| Street Furniture (drainage pits etc) | : | Not Applicable |
| Site Details | : | Refer to photo above |

U12_0413_15_May_2012.pdf A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Monday 21 May 2012.

DETAIL

The proposed development is fully compliant with the development requirements of CPS5 and Council Policy CP-064 Telecommunications Facilities and Communications Equipment.

PUBLIC CONSULTATION/COMMUNICATION

| | |
|-------------------------------|--|
| Advertising Required: | Yes |
| Neighbour's Comment Supplied: | Yes, three (3) submissions received |
| Reason: | Consultation is required under the provisions of Council Policy CP-064 |
| Support/Object: Object | Object |

U12/0413 (LA) INSTALLATION OF TELECOMMUNICATIONS INFRASTRUCTURE AT LOT 13 (35) MCCOY STREET, MYAREE (REC) (ATTACHMENT)

| Affected Property | Summary of Submission | Support/Objection | Officer's Comment | Action (Condition/Uphold/Not Uphold) |
|--------------------------|--|--------------------------|---|---|
| Submission 1 | <p>Concerns raised in relation to the following:</p> <ul style="list-style-type: none"> • The drilling and cutting into the asbestos roof. • Possible radiation effects given the facilities proximity to our commercial unit. | Object | <p>The issue raised in connection with asbestos is not a material planning consideration. However, strict requirements apply to the handling and removal of asbestos should this be necessary as part of the proposal in question. With regard to radiation concerns, all telecommunication facilities are the subject of assessment against the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) standards. The applicant has submitted an estimated radio-frequency Electromagnetic Energy level report which states the highest exposure level will be 0.077% of the exposure level permitted for the general public (24 hour continuous exposure). This level has been set by ARPANSA, with a safety margin, below a level for which there have been no reported biological effects of radio frequency energy in</p> | Not Uphold |

U12/0413 (LA) INSTALLATION OF TELECOMMUNICATIONS INFRASTRUCTURE AT LOT 13 (35) MCCOY STREET, MYAREE (REC) (ATTACHMENT)

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|--------------|--|--------|---|------------|
| | | | the band used by mobile phones. | |
| Submission 2 | Concerns raised in relation to the very old asbestos on the roof. Can the City guarantee there will be no health issues from transmission wave from the tower. | Object | Refer to comments above. | Not Uphold |
| Submission 3 | Health ramifications of this are very concerning. | Object | As per comments above, Electromagnetic energy levels estimated for the proposal are well below the industry maximum set by ARPANSA. | Not Uphold |

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

None required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application, the applicant will have the right to appeal the decision in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental management implications associated with this proposal.

POLICY IMPLICATIONS

There are no Policy implications associated with this proposal.

U12/0413 (LA) INSTALLATION OF TELECOMMUNICATIONS INFRASTRUCTURE AT LOT 13 (35) MCCOY STREET, MYAREE (REC) (ATTACHMENT)

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This application is recommended for approval under delegation through the DAU process. Should Elected Members or interested third parties have an alternative view the DAU 'call-up' procedures provide opportunity to call the matter up for formal Council consideration.

COMMENTS

As detailed above, planning approval is sought for the development of a permanent telecommunications infrastructure facility at 35 McCoy Street, Myaree. The proposed installation will comprise three (3) panel antennas and one (1) radio-communications dish mounted on a 27 metre high mast. An equipment shelter will be located at ground level, together with underground cabling between equipment and antenna devices and ancillary safety and access equipment.

The mast structure will be of a galvanised finish which is consistent with the previous telecommunications infrastructure which existing on-site. This is considered to be the most unobtrusive option for the proposed infrastructure.

The telecommunications facility is not classed as a low-impact facility under the *Telecommunications (Low Impact Facilities) Determination 1997* and therefore requires planning approval, notwithstanding the fact that the infrastructure existed previously in a similar form.

The proposal has been assessed against the City of Melville Policy CP-064 - Telecommunications Facilities and Communications Equipment and deemed to satisfy all requirements. Specifically, the proposal satisfies the following:

- Is contained within an area zoned 'Mixed Business' Precinct;
- There are no sensitive land uses in the immediate vicinity. Existing residential property is located 60 metres to the west. The infrastructure has been located on the subject site to minimize visual impact and is of similar height and visual impact as the original structure.
- The mast is of a galvanized finish which is considered to be the most unobtrusive when viewed against the skyline.
- conservation, heritage, landscape features or significant views, are not compromised.
- The mast is designed to enable further co-location of other telecommunications providers.

Based on the above and notwithstanding the concerns raised by objectors, the proposed telecommunications installation is recommended for approval..

CONCLUSION

The provision of telecommunications infrastructure in this location, as proposed by the details of this application, meets with the objectives of Council Policy CP-064 d and as such is recommended for approval on that basis.

**U12/0413 (LA) INSTALLATION OF TELECOMMUNICATIONS INFRASTRUCTURE AT
LOT 13 (35) MCCOY STREET, MYAREE (REC) (ATTACHMENT)**

OFFICER RECOMMENDATION

APPROVAL

- A) That the application for a Permanent Telecommunications Infrastructure at Lot 13 (35) McCoy Street, Myaree be approved.**
- B) That the residents who made a submission in relation to the proposal be notified of A) above.**