AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

04 March 2015

5.30pm

City of Albany Council Chambers

CITY OF ALBANY
COMMUNITY STRATEGIC PLAN (ALBANY 2023)

VISION

Western Australia's most sought after and unique regional city to live, work and visit.

VALUES

All Councillors, Staff and Volunteers at the City of Albany will be...

Focused: on community outcomes

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

United: by working and learning together

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

Accountable: for our actions

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

Proud: of our people and our community

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

TERMS OF REFERENCE

(1) Function:

The Planning and Development Committee will be responsible for the delivery of the following Liveable Environmental Objectives contained in the City of Albany Strategic Plan:

(a) To advocate, plan and build connected, liveable communities;
(b) To create a community that supports people of all ages and backgrounds;
(c) To create vibrant neighbourhoods which are safe yet retain our local character and heritage.

(2) It will achieve this by:

(a) Developing policies and strategies;
(b) Establishing ways to measure progress;
(c) Receiving progress reports;
(d) Considering officer advice;
(e) Debating topical issues;
(f) Providing advice on effective ways to engage and report progress to the Community ; and
(g) Making recommendations to Council.

(3)	**Chairperson:**	Councillor V Calleja
(4)	**Membership:**	Open to all elected members, who wish to be members
(5)	**Meeting Schedule:**	1st Wednesday of the Month
(6)	**Meeting Location:**	Council Chambers
(7)	**Executive Officer:**	Executive Director Planning & Development Services
(8)	**Delegated Authority:**	None

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1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

"Heavenly Father, we thank you for the peace and beauty of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen."

"We would like to acknowledge the Noongar people who are the Traditional Custodians of the Land.

We would also like to pay respect to Elders both past and present".

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor	Mayor D Wellington (Deputy Chair)
Councillors:	
Member	V Calleja JP (Chair)
Member	S Bowles
Member	A Hortin JP
Member	A Goode JP
Member	R Sutton
Member	G Gregson
Member	S Bowles
Member	N Williams
Member	B Hollingworth
Member	R Hammond

Staff:	
Executive Director Planning & Development Services	D Putland
Manager Planning	J van der Mescht
Planning Officer	C McMurtrie
Senior Planning Officer	A Bott
Senior Planning Officer / Statutory Planning and Compliance	Tom Wenbourne
Minutes	J Cobbold

Apologies:

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest

5. REPORTS OF MEMBERS

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

7. PUBLIC QUESTION TIME

8. APPLICATIONS FOR LEAVE OF ABSENCE

9. PETITIONS AND DEPUTATIONS

10. CONFIRMATION OF MINUTES

DRAFT MOTION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Planning and Development Committee Meeting held on 04 February 2015, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS

Update on Extractive Industries

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

PD072: DEVELOPMENT APPLICATION – TELECOMMUNICATIONS INFRASTRUCTURE –LOT 29, 64 BARRASS RD, LITTLE GROVE

Land Description	:	Lot 29, 64 Barrass Road, Little Grove WA 6330
Proponent	:	Daly International
Owner	:	C and M Slynn
Business Entity Name	:	Nil
Attachments	:	Area Plan Schedule of Submissions
Supplementary Information & Councillor Workstation:	:	Letters of submission from the public
Report Prepared by	:	Senior Planning Officer (A Bott)
Responsible Officer	:	Director Development Services (D Putland)

Responsible Officer's Signature:	

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.

2. This is a statutory planning matter that is assessed against the Local Planning Scheme No.1 (LPS1) and any relevant planning policies. As such there are no strategic implications. Notwithstanding this, the most relevant strategic document is the Albany Local Planning Strategy (ALPS).

3. The item relates to the following Strategic Objective of the Albany Local Planning Strategy (ALPS):

   6.4.4 Telecommunications: *"To encourage the extension and maintenance of high quality telecommunications for the whole Albany district"*

In Brief:

- Council is asked to consider a proposal for Telecommunications Infrastructure at Lot 29, 64 Barrass Rd, Little Grove WA 6330.
- The proposal has been advertised to the public, with 17 letters of representation received. 16 of these submissions have objected to the proposal. The objections are discussed later in the report
- Staff recommend that Council approve the proposal subject to conditions.

RECOMMENDATION

PD072: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Telecommunication Infrastructure at 64 Barrass Road, Little Grove; subject to the following conditions:

(1) Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur in accordance with the stamped, approved plans.
(2) A construction management plan shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.

(3) Stormwater from the lot shall be managed to the satisfaction of the City of Albany.

(4) Lighting devices are to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries, in accordance with Australian Standard AS4282/1997.

(5) Prior to commencement of development a schedule of materials and colours to be used on the structures hereby approved shall be submitted for approval by the City of Albany.

BACKGROUND

4. The City has received an application for Planning Scheme Consent for Telecommunication Infrastructure at Lot 29, 64 Barrass Rd, Little Grove WA 6330.

5. The subject site is located approximately 5.5km SSW of the Albany CBD.

6. The subject site is 1.84Ha in area and is zoned Rural Residential No.42 under (LPS1). The site is currently developed with a single dwelling and associated outbuilding.

7. The top of the proposed monopole tower telecommunications will be 45m above natural ground level.

8. The proposed Telecommunication Infrastructure is a component of the National Broadband Network's (NBN) wireless network.

9. Telecommunication Infrastructure is a use listed within LPS1, but is not specifically identified as a permissible use for this zone through Schedule 14 of LPS1. Although not listed for the zone, it is also not prohibited. As such, Telecommunication Infrastructure is considered as an 'A' use, meaning the use is not permitted unless the Local Government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.

10. During the advertising period a total of 17 submissions were received. 16 objected or raised concerns regarding the proposal.

11. The proposal has been assessed against LPS1 and State Planning Policy 5.2 – Telecommunications Infrastructure.

12. When determining telecommunications infrastructure, it is necessary to assess the impact on amenity against the overall public benefit of the infrastructure.

13. It is acknowledged that the proposal will detract from view scapes from a number of properties within the area.

14. The applicant has stated that the proposed telecommunications infrastructure will service at least 190 dwellings within the immediate area.

15. Taking into consideration the nature of public submissions against the significant public benefit of the proposal, it is recommended that the application be approved.

DISCUSSION

16. The proposal consists of one 45m high monopole. The monopole services one parabolic antenna (located at 38m) and two panel antennas (located at 45m). In addition to the monopole, it is proposed to install two outdoor equipment cabinets within a fenced area of 96m^2.

17. The proposed infrastructure and compound are proposed to be located in the south east corner of lot 29, setback a minimum of 3.5m of from Barrass Rd.

18. The proposal was initially scheduled to be advertised for a 21 day period with an advertisement appearing in the public notices section of a local paper on 16 October, 2014. Concerns were raised regarding the timeframe to make a submission. The closing date for submissions was consequently extended until 6 December, 2014. The issues raised are covered and addressed in the following section of the report.

19. A number of submissions make reference to the community consultation undertaken by the applicants prior to lodging a Planning Scheme Consent with the City of Albany.

20. The matters raised in the submissions will be discussed in further detail below. In brief, amenity was the main concern raised consistently throughout the submissions, particularly the perceived impact on views of significance and the natural amenity of the area.

21. When assessing impacts on amenity, it is necessary to determine the level of existing amenity within the immediate area and secondly, within wider the locality.

22. The assessment of landscape this report has been undertaken in reference with the Western Australian Planning Commission's *Visual Landscape Planning in Western Australia – a manual for assessment, siting and design.*

23. The existing amenity for Barrass Rd can be classified as a vegetated Rural Residential street directly adjoining the Torndirrup National Park to the east. The overall locality to the south of the subject site is primarily defined by vegetated Rural Residential properties provided with views towards the Harbour and National park. General residential properties are located approximately 450m to the north, across Frenchman Bay Road.

24. The notion of relocating the proposed infrastructure to an alternative location within the area was a consistent comment throughout the consultation process. As a response to these comments, the City of Albany contacted the applicant and enquired if there was scope to review other locations. The applicant advised that a number of sites were reviewed as part of the pre application process. However, they wish to proceed with the site selected.

25. The potential for detrimental health effects from the proposed tower was also regularly raised. It is necessary to note that the City is not a regulatory body in respect to electromagnetic energy (EME). The Federally established Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) enforce the *Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300GHz*. The EME report submitted by the applicant states that the maximum calculated EME level from the site will be 0.028% of the maximum public exposure level.

26. Decreased property values were raised during the consultation process. Property values are not within the matters to be considered under LPS1 and therefore are not a valid planning consideration.

GOVERNMENT & PUBLIC CONSULTATION

27. The proposal was advertised to residents within a 750m radius of the site from 16 October, 2014 to 6 December 2014. A notice was also placed in the local newspaper in accordance with clause 9.4 of LPS1.

28. A total of 17 public submissions were received following the initial advertising period. 1 was in support and 16 objected to the application, below is a summary of those submissions:

    a. The proposal will detrimentally affect the amenity of the area;

    b. The proposal will detrimentally affect views of significance within the area;

    c. Property values will be negatively affected;

    d. Detrimental health affects;

    e. Insufficient public consultation was undertaken by the NBN Co;

    f. The content of the submissions is summarised in more detail in the attached schedule of submissions, with officers providing responses to the matters raised.

STATUTORY IMPLICATIONS

29. The subject land is zoned Rural Residential under the City of Albany Local Planning Scheme No. 1 (LPS1).

30. Telecommunications Infrastructure is classified as an 'A' use under City of Albany Local Planning Scheme No. 1.

31. The proposal has been assessed against the objectives of the Rural Residential area under Clause 4.2.17 of LPS1.

32. The proposal has been assessed against the following relevant matters to be considered under clause 10.2 of LPS1:

    (b) The requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
    (c) Any approved statement of planning policy of the Western Australian Planning Commission;
    (i) The compatibility of a use or development with its setting;
    (n) The preservation of the amenity of the locality;
    (o) The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
    (x) The potential loss of any community service or benefit resulting from the planning approval;

33. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

34. The proposal has been assessed against the Western Australian Planning Commission's *State Planning Policy 5.2 - Telecommunications Infrastructure* (SPP 5.2). SPP 5.2 provides guiding principles for the assessment of telecommunication infrastructure.

35. The SPP 5.2 provides guiding principles for the location, siting and design of telecommunications infrastructure.

36. Comment in reference to the guiding principles for the location, siting and design of telecommunications infrastructure are as follows:

There should be a co-ordinated approach to the planning and development of telecommunications infrastructure, although changes in the location and demand for services require a flexible approach.

The option of reassessing other suitable sites was consistently raised during the consultation process. The applicant was made aware of this notion after the consultation period had ended. The applicant advised the City that the subject site was the location which was determined to be best suited and this would not be reviewed.

Telecommunications infrastructure should be strategically planned and co-ordinated, similar to planning for other essential infrastructure such as transport networks and energy supply.

The proposal forms a component of the National Broadband Network. Telecommunications infrastructure is identified within the Albany Local Planning Strategy.

Telecommunications facilities should be located and designed to meet the communication needs of the community.

The application proposes to provide wireless internet coverage to service at least 190 dwellings within the Little Grove area. The applicant has stated that they have selected the site based on technical parameters and the necessary land access agreement being in obtained.

Telecommunications facilities should be designed and sited to minimise any potential adverse visual impact on the character and amenity of the local environment, in particular, impacts on prominent landscape features, general views in the locality and individual significant views.

Given the height of the proposed tower, there will be detrimental impacts on views of significance from nearby properties. It is also pertinent to note that a National Park is located immediately to west of the proposed site. As discussed earlier, the existing level of amenity is defined by the secluded and vegetated nature of the area. The applicant has advised that there was no scope to co-locate the proposed infrastructure on an existing tower.

Telecommunications facilities should be designed and sited to minimise adverse impacts on areas of natural conservation value and places of heritage significance or where declared rare flora are located.

The site located immediately adjacent to a National park. The application proposes to remove a vegetation to establish a cleared area for the telecommunication infrastructure. The site does not contain any registered places of heritage significance.

Telecommunications facilities should be designed and sited with specific consideration of water catchment protection requirements and the need to minimise land degradation.

The proposal will not detrimentally affect groundwater. The proposed removal of vegetation would be required to be appropriately managed to avoid erosion.

Telecommunications facilities should be designed and sited to minimise adverse impacts on the visual character and amenity of residential areas.

The applicant has proposed a monopole rather than a lattice style tower as it is less obtrusive. It is also proposed to leave the infrastructure unpainted in a grey colour. Notwithstanding these measures, there will be an impact on the amenity of the area, primarily on views from properties to the south.

Telecommunications cables should be placed underground, unless it is impractical to do so and there would be no significant effect on visual amenity or, in the case of regional areas, it can be demonstrated that there are long-term benefits to the community that outweigh the visual impact.

The subject area has not been identified as being feasible for cable connection as part of the NBN rollout.

Telecommunications cables that are installed overhead with other infrastructure such as electricity cables should be removed and placed underground when it can be demonstrated and agreed by the carrier that it is technically feasible and practical to do so.

This guiding principle is not applicable in this situation.

Unless it is impractical to do so telecommunications towers should be located within commercial, business, industrial and rural areas and areas outside identified conservation areas.

The general area is zoned Rural Residential. There are no business, industrial or rural zoned land within the operating area of the telecommunications infrastructure.

The design and siting of telecommunications towers and ancillary facilities should be integrated with existing buildings and structures, unless it is impractical to do so, in which case they should be sited and designed so as to minimise any adverse impact on the amenity of the surrounding area.

In this situation there are no existing buildings or telecommunication infrastructure to utilise. As mentioned previously, while measures have been taken to reduce visual impact, there will still be a level of impact on the existing amenity of the area.

Co-location of telecommunications facilities should generally be sought, unless such an arrangement would detract from local amenities or where operation of the facilities would be significantly compromised as a result.

There are no existing facilities which would allow co location to occur while still meeting the operational requirements for the infrastructure.

Measures such as surface mounting, concealment, colour co-ordination, camouflage and landscaping to screen at least the base of towers and ancillary structures, and to draw attention away from the tower, should be used, where appropriate, to minimise the visual impact of telecommunications facilities.

The applicant has proposed leaving the monopole unpainted in an effort to reduce visual impact. A landscaping condition can potentially be applied to mitigate street level amenity.

Design and operation of a telecommunications facility should accord with the licensing requirements of the Australian Communications Authority, with physical isolation and control of public access to emission hazard zones and use of minimum power levels consistent with quality services.

As stated earlier, the City is not the responsibly authority in applying the abovementioned requirements. If approved these details are subject to separate licensing requirements.

Construction of a telecommunications facility (including access to a facility) should be undertaken so as to minimise adverse effects on the natural environment and the amenity of users or occupiers of adjacent property, and ensure compliance with relevant health and safety standards.

Any development would be subject to a construction management plan which would be required to address and mitigate potential amenity impacts i.e. (dust, noise, traffic).

37. The City of Albany Rural Planning Strategy provides policy in respect to visual resource protection. It is necessary to note that the Rural Planning strategy is dated 1996. Many of the provisions are now addressed in greater detail in SPP 5.2. Notwithstanding this, the following provisions are applicable:

Siting

- *Do not detract from significant views;*
- *Are not located on ridge tops;*
- *Are preferably not located on slopes greater than 1 in 10;*
- *Are sympathetic to existing landscape elements.*

38. In response to the above, the proposal will impact the views from private properties to the south. As mentioned previously it is necessary to consider the overall public benefit of the proposal against the any amenity impact. The proposal is not located on a ridge top and the slope on the site is not greater than 1 in 10. The applicant has proposed to leave the monopole unpainted in order to reduce the visual impact of the proposal.

Clearing of native Vegetation

- *Clearing of native vegetation for buildings, infrastructure and essential firebreaks shall be confined to the absolute minimum necessary for open space and garden areas, infrastructure installation and fire protection.*

39. The proposal does propose minimum clearing to facilitate the infrastructure. Unlike a dwelling which is subject to bushfire clearing requirements, the proposal does not require fuel load reduction round the facility.

RISK IDENTIFICATION & MITIGATION

40. The risk identification and categorisation relies on the City's Enterprise Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community. *Approving the proposed use could allow additional infrastructure to be attached to the tower without requiring City of Albany approval.*	*Likely*	*Moderate*	*Medium*	*Consult with telecommunications providers when queried on the site and advise of community concerns regarding additional infrastructure.*
Community. *If not approved the NBN may not build a tower in the area.*	*Likely*	*Moderate*	*Medium*	*Lobby the NBN to seek an alternative site in the area.*

FINANCIAL IMPLICATIONS

41. There are no financial implications related to the item.

LEGAL IMPLICATIONS

42. The proponent has the right to seek a review of the Council's decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

ENVIRONMENTAL CONSIDERATIONS

43. The property is well vegetated. The site adjoining the Torndirrup National park.

44. The site is within a protected drinking water area.

45. There are no additional environmental controls on the property other than those contained within LPS1. It is the applicants responsibility to ensure all obligations under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* are fulfilled.

ALTERNATE OPTIONS

46. Council has the following alternate option in relation to this item:

"THAT Council resolves to ISSUE a Notice of REFUSAL of Planning Scheme Consent for Telecommunication Infrastructure at 64 Barrass Road, Little Grove."

SUMMARY CONCLUSION

47. The proposal has been assessed against LPS1 and the State policy relating to telecommunications infrastructure.

48. In determining the application it is necessary to consider the impact on amenity against the long term benefit of a secured high speed broadband service.

49. It is recommended the application be approved subject to conditions.

Consulted References	**:**	*1.* Local Planning Scheme No. 1 *2.* Albany Local Planning Strategy 2010 *3.* WA Planning Commission (WAPC) State Planning Policy 5.2 *4.* Visual Landscape Planning in Western Australia – a manual for assessment, siting and design
File Number (Name of Ward)	**:**	A49420 (Vancouver Ward)
Previous Reference	**:**	Nil.

PD073: DEVELOPMENT APPLICATION – TELECOMMUNICATIONS INFRASTRUCTURE –LOT 105, 241 ROBINSON RD, ROBINSON

Land Description	**:**	Lot 105, 241 Robinson Road, Robinson WA 6330
Proponent	**:**	Daly International
Owner	**:**	Algean PTY LTD
Business Entity Name	**:**	NIL
Attachments	**:**	Area Plan Schedule of Submissions
Supplementary Information & Councillor Workstation:	**:**	Letters of submission from the public
Report Prepared by	**:**	Senior Planning Officer (A Bott)
Responsible Officer	**:**	Director Development Services (D Putland)

Responsible Officer's Signature:	

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.

2. This is a statutory planning matter that is assessed against the Local Planning Scheme No.1 (LPS1) and any relevant planning policies. As such there are no strategic implications. Notwithstanding this, the most relevant strategic document is the Albany Local Planning Strategy (ALPS).

3. The item relates to the following Strategic Objective of the Albany Local Planning Strategy (ALPS):

   6.4.4 Telecommunications: *"To encourage the extension and maintenance of high quality telecommunications for the whole Albany district"*

In Brief:

- Council is asked to consider a proposal for Telecommunications Infrastructure at Lot 105, 241 Robinson Road, Robinson WA 6330.
- The proposal has been advertised to the public, with 7 letters of representation received. All of the submissions objected to the proposal. A petition containing 89 signatures against the proposal was also received. The objections are discussed later in the report
- Staff recommend that Council approve the proposal subject to conditions.

RECOMMENDATION

PD073: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Telecommunication Infrastructure at 241 Robinson Road, Robinson; subject to the following conditions:

(1) Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur in accordance with the stamped, approved plans.
(2) A construction management plan shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.
(3) Stormwater from the lot shall be managed to the satisfaction of the City of Albany.
(4) Lighting devices are to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries, in accordance with Australian Standard AS4282/1997.
(5) Prior to commencement of development a schedule of materials and colours to be used on the structures hereby approved shall be submitted for approval by the City of Albany.

BACKGROUND

4. The City has received an application for Planning Scheme Consent for Telecommunication Infrastructure at Lot 105, 241 Robinson Rd, Robinson WA 6330.

5. The subject site is located approximately 4.7km West of the Albany CBD

6. The subject site is 6.16Ha in area and is zoned Rural Residential No.29 under (LPS1). The site is currently developed with a single dwelling and associated outbuilding.

7. The top of the proposed monopole tower telecommunications will be 40m above natural ground level.

8. The proposed Telecommunication Infrastructure is a component of the National Broadband Network's (NBN) wireless network.

9. Telecommunication Infrastructure is a use listed within LPS1, but is not specifically identified as a permissible use for this zone through Schedule 14 of LPS1. Although not listed for the zone, it is also not prohibited. As such, Telecommunication Infrastructure is considered as an 'A' use, meaning the use is not permitted unless the Local Government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.

10. During the advertising period a total of 7 submissions were received. All objected or raised concerns regarding the proposal. A petition against the proposal was also lodged. The petition contains 89 signatures.

11. The proposal has been assessed against LPS1 and *State Planning Policy 5.2 – Telecommunications Infrastructure.*

12. When determining telecommunications infrastructure, it is necessary to assess the impact on amenity against the overall public benefit of the infrastructure.

13. It is acknowledged that the proposal will detract from view scapes from a number of properties within the area.

14. Taking into consideration the nature of public submissions against the significant public benefit of the proposal, it is recommended that the application be approved.

DISCUSSION

15. The proposal consists of one 40m high monopole. The monopole services two parabolic antennas (located at 37m) and three panel antennas. In addition to the monopole, it is proposed to install two outdoor equipment cabinets within a fenced area of 96m^2.

16. The proposed infrastructure and compound are proposed to be located centrally on lot 105, setback 125m from Robinson Rd, 96m from the western boundary and 88m to the western boundary.

17. The proposal was initially scheduled to be advertised for a 21 day period with an advertisement appearing in the public notices section of a local paper on 16 October, 2014. Concerns were raised regarding the timeframe to make a submission. The closing date for submissions was consequently extended until 6 December, 2014. The issues raised are covered and addressed in the following section of the report.

18. A number of submissions make reference to the community consultation undertaken by the applicant prior to lodging a Planning Scheme Consent with the City of Albany.

19. The matters raised in the submissions will be discussed in further detail below. In brief, amenity was the main concern raised consistently throughout the submissions, particularly the perceived impact on views of significance and the natural amenity of the area.

20. When assessing impacts on amenity, it is necessary to determine the level of existing amenity within the immediate area and secondly, within wider the locality.

21. The assessment of landscape this report has been undertaken in reference with the Western Australian Planning Commission's *Visual Landscape Planning in Western Australia – a manual for assessment, siting and design.*

22. The existing amenity for Robinson Rd can be classified as typical Rural Residential area defined by sections open paddock and a thick vegetation belt on the south side of Robinson Rd. The overall locality to the south of the subject site is primarily defined by relatively cleared smaller sized Rural Residential properties. The locality to the north is defined by larger cleared rural small holding lots. Overall it can be considered an area of Rural amenity.

23. The notion of relocating the proposed infrastructure to an alternative location within the area was a consistent comment throughout the consultation process. As a response to these comments, the City of Albany contacted the applicant and enquired if there was scope to review other locations. The applicant advised that a number of sites were reviewed as part of the pre application process. However, they wish to proceed with the site selected.

24. The potential for detrimental health effects from the proposed tower was also regularly raised. It is necessary to note that the City is not a regulatory body in respect to electromagnetic energy (EME). The Federally established Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) enforce the *Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300GHz*. The EME report submitted by the applicant states that the maximum calculated EME level from the site will be 0.028% of the maximum public exposure level.

25. Decreased property values were raised during the consultation process. Property values are not within the matters to be considered under LPS1 and therefore are not a valid planning consideration.

GOVERNMENT & PUBLIC CONSULTATION

26. The proposal was advertised to residents within a 1km radius of the site from 16 October, 2014 to 6 December 2014. A notice was also placed in the local newspaper in accordance with clause 9.4 of LPS1.

27. A total of 7 public submissions were received following the initial advertising period. 7 objected to the application. A petition objecting to the proposal was also submitted. The petition contains 89 signatures. below is a summary of those submissions:

- The proposal will detrimentally affect the amenity of the area;
- Proposal conflicts with historical status;
- Detrimental to tourism values;
- The proposal will detrimentally affect views of significance within the area;
- Property values will be negatively affected;
- Detrimental health affects;
- Insufficient public consultation was undertaken by the NBN Co;

28. The content of the submissions is summarised in more detail in the attached schedule of submissions, with officers providing responses to the matters raised.

STATUTORY IMPLICATIONS

29. The subject land is zoned Rural Residential under the City of Albany Local Planning Scheme No. 1 (LPS1).

30. Telecommunications Infrastructure is classified as an 'A' use under City of Albany Local Planning Scheme No. 1.

31. The proposal has been assessed against the objectives of the Rural Residential area under Clause 4.2.17 of LPS1.

32. The proposal has been assessed against the following relevant matters to be considered under clause 10.2 of LPS1:

(b) The requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
(c) Any approved statement of planning policy of the Western Australian Planning Commission;
(i) The compatibility of a use or development with its setting;
(n) The preservation of the amenity of the locality;
(o) The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
(x) The potential loss of any community service or benefit resulting from the planning approval;

33. Voting requirements for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

34. The proposal has been assessed against the Western Australian Planning Commission's *State Planning Policy 5.2 - Telecommunications Infrastructure* (SPP 5.2). SPP 5.2 provides guiding principles for the assessment of telecommunication infrastructure.

35. The SPP 5.2 provides guiding principles for the location, siting and design of telecommunications infrastructure.

Comment in reference to the guiding principles for the location, siting and design of telecommunications infrastructure are as follows;

There should be a co-ordinated approach to the planning and development of telecommunications infrastructure, although changes in the location and demand for services require a flexible approach.

The option of reassessing other suitable sites was raised during the consultation process. The applicant was made aware of this notion after the consultation period had ended. The applicant advised the City that the subject site was the location which was determined to be best suited and this would not be reviewed.

Telecommunications infrastructure should be strategically planned and co-ordinated, similar to planning for other essential infrastructure such as transport networks and energy supply.

The proposal forms a component of the National Broadband Network. Telecommunications infrastructure is identified within the Albany Local Planning Strategy.

Telecommunications facilities should be located and designed to meet the communication needs of the community.

The application proposes to provide wireless internet coverage Robinson area. Over recent years there have been a number of new rural residential subdivisions within the area which have increased demand for broadband services. The applicant has stated that they have selected the site based on technical parameters and the necessary land access agreement being in obtained.

Telecommunications facilities should be designed and sited to minimise any potential adverse visual impact on the character and amenity of the local environment, in particular, impacts on prominent landscape features, general views in the locality and individual significant views.

Given the height of the proposed tower, the tower will be able to be seen from nearby properties and Robinson Rd. The applicant has provided a photo merge which shows that the large setback from the Robinson Rd screens the lower half of the tower. As discussed earlier, the existing level of amenity is defined by the rural nature of the area.

Telecommunications facilities should be designed and sited to minimise adverse impacts on areas of natural conservation value and places of heritage significance or where declared rare flora are located.

The application proposes to remove a vegetation to establish a cleared area for the telecommunication infrastructure. It is proposed to utilise an existing firebreak. The site does not contain any registered places of heritage significance.

Telecommunications facilities should be designed and sited with specific consideration of water catchment protection requirements and the need to minimise land degradation.

The proposal is located within a water protection area within LPS1. Given the nature of the proposal it will not detrimentally affect groundwater. The proposed removal of vegetation would be required to be appropriately managed to avoid erosion.

Telecommunications facilities should be designed and sited to minimise adverse impacts on the visual character and amenity of residential areas.

The applicant has proposed a monopole rather than a lattice style tower as it is less obtrusive. It is also proposed to leave the infrastructure unpainted in a grey colour. Notwithstanding these measures, there will be an impact on the amenity of the area, primarily on views from surrounding properties and from Robinson Rd.

Telecommunications cables should be placed underground, unless it is impractical to do so and there would be no significant effect on visual amenity or, in the case of regional areas, it can be demonstrated that there are long-term benefits to the community that outweigh the visual impact.

The subject area has not been identified as being feasible for cable connection as part of the NBN rollout.

Telecommunications cables that are installed overhead with other infrastructure such as electricity cables should be removed and placed underground when it can be demonstrated and agreed by the carrier that it is technically feasible and practical to do so.

This guiding principle is not applicable in this situation.

Unless it is impractical to do so telecommunications towers should be located within commercial, business, industrial and rural areas and areas outside identified conservation areas.

The general area is zoned Rural Residential and Rural Small Holding. There are no business, industrial or rural zoned land within the operating area of the telecommunications infrastructure.

The design and siting of telecommunications towers and ancillary facilities should be integrated with existing buildings and structures, unless it is impractical to do so, in which case they should be sited and designed so as to minimise any adverse impact on the amenity of the surrounding area.

In this situation there are no existing buildings or telecommunication infrastructure to utilise. As mentioned previously, while measures have been taken to reduce visual impact, there will still be a level of impact on the existing amenity of the area.

Co-location of telecommunications facilities should generally be sought, unless such an arrangement would detract from local amenities or where operation of the facilities would be significantly compromised as a result.

There are no existing facilities which would allow co location to occur while still meeting the operational requirements for the infrastructure.

Measures such as surface mounting, concealment, colour co-ordination, camouflage and landscaping to screen at least the base of towers and ancillary structures, and to draw attention away from the tower, should be used, where appropriate, to minimise the visual impact of telecommunications facilities.

The applicant has proposed leaving the monopole unpainted in an effort to reduce visual impact. The proposed tower is well setback from Robinson Rd and other boundaries. The setback serves to screen the lower section of the tower from adjoining properties and Robinson Rd

Design and operation of a telecommunications facility should accord with the licensing requirements of the Australian Communications Authority, with physical isolation and control of public access to emission hazard zones and use of minimum power levels consistent with quality services.

As stated earlier, the City is not the responsibly authority in applying the abovementioned requirements. If approved these details are subject to separate licensing requirements.

Construction of a telecommunications facility (including access to a facility) should be undertaken so as to minimise adverse effects on the natural environment and the amenity of users or occupiers of adjacent property, and ensure compliance with relevant health and safety standards.

Any development would be subject to a construction management plan which would be required to address and mitigate potential amenity impacts i.e. (dust, noise, traffic).

36. The City of Albany Rural Planning Strategy provides policy in respect to visual resource protection. It is necessary to note that the Rural Planning strategy is dated 1996. Many of the provisions are now addressed in greater detail in SPP 5.2. Notwithstanding this, the following provisions are applicable;

Siting

- *Do not detract from significant views;*
- *Are not located on ridge tops;*
- *Are preferably not located on slopes greater than 1 in 10;*
- *Are sympathetic to existing landscape elements.*

37. In response to the above, the proposal will impact the views from private properties in the surrounding area. As mentioned previously it is necessary to consider the overall public benefit of the proposal against the any amenity impact. The proposal is not located on a ridge top and the slope on the site is not greater than 1 in 10. The applicant has proposed to leave the monopole unpainted in order to reduce the visual impact of the proposal.

Clearing of native Vegetation

- *Clearing of native vegetation for buildings, infrastructure and essential firebreaks shall be confined to the absolute minimum necessary for open space and garden areas, infrastructure installation and fire protection.*

38. The proposal does propose minimum clearing to facilitate the infrastructure. Unlike a dwelling which is subject to bushfire clearing requirements, the proposal does not require fuel load reduction round the facility.

RISK IDENTIFICATION & MITIGATION

39. The risk identification and categorisation relies on the City's Enterprise Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community. *Approving the proposed use could allow additional infrastructure to be attached to the tower without requiring City of Albany approval.*	*Likely*	*Moderate*	*Medium*	*Consult with telecommunications providers when queried on the site and advise of community concerns regarding additional infrastructure.*
Community. *If not approved the NBN may not build a tower in the area.*	*Likely*	*Moderate*	*Medium*	*Lobby the NBN to seek an alternative site in the area.*

FINANCIAL IMPLICATIONS

40. There are no financial implications related to the item.

LEGAL IMPLICATIONS

41. The proponent has the right to seek a review of the Council's decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

ENVIRONMENTAL CONSIDERATIONS

42. The property is approximately 80% vegetated. The vegetation forms a 200m wide belt from racecourse rd to Robinson rd.

43. The site is classified as a protected drinking water area.

44. There are no additional environmental controls on the property other than those contained within LPS1. It is the applicants responsibility to ensure all obligations under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and Enviro*nmental Protection (Clearing of Native Vegetation) Regulations 2004* are fulfilled*.*

ALTERNATE OPTIONS

45. Council has the following alternate option in relation to this item:

THAT Council resolves to ISSUE a Notice of REFUSAL of Planning Scheme Consent for Telecommunication Infrastructure at 241 Robinson Road, Robinson.

SUMMARY CONCLUSION

46. The proposal has been assessed against LPS1 and the State policy relating to telecommunications infrastructure.

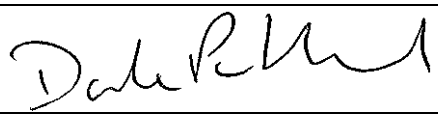
47. In determining the application it is necessary to consider the impact on amenity against the long term benefit of a secured high speed broadband service.

48. It is recommended the application be approved subject to conditions.

Consulted References	**:**	*1.* Local Planning Scheme No. 1 *2.* Albany Local Planning Strategy 2010 *3.* WA Planning Commission (WAPC) State Planning Policy 5.2 *4.* Visual Landscape Planning in Western Australia – a manual for assessment, siting and design
File Number (Name of Ward)	**:**	A42985 (Vancouver Ward)
Previous Reference	**:**	

PD075: CONSIDERATION OF LOCAL DEVELOPMENT PLAN – LOT 1 AND 2 FRENCHMAN BAY ROAD, FRENCHMAN BAY, 6330

Land Description	:	Lot 1 and 2 Frenchman Bay Road, Frenchman Bay 6330
Proponent	:	Harley Dykstra
Owners	:	MTK Ventures Pty Ltd
Business Entity Name	:	MTK Ventures Pty Ltd
Attachments	:	1. Location plan 2. Site Plan 3. Local Development Plan No. 1 report
Supplementary Information & Councillor Workstation:	:	Nil
Report Prepared by	:	Senior Planning Officer (Alex Bott)
Responsible Officer	:	Executive Director Planning and Development Services (D Putland)

Responsible Officer's Signature:	

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the Albany Local Planning Strategy (ALPS).
3. The proposal is consistent with the strategic direction set in ALPS.

In Brief:

- A request has been submitted for Council to initiate advertising a Local development Plan for Lot 1 and 2 Frenchman Bay to facilitate the development of a mixed use tourist development.
- The proposal seeks to vary the *Significant Tourist Sites Policy* by allowing a permanent stay component for future development (20 Holiday Units, 10 Permanent).
- The Local Development Plan also proposes to vary provisions of Special Use 13 (SU13) relating to the requirement for development to be connected to reticulated water and sewer.
- Staff recommend that Council adopt the Local Development Plan for advertising on the basis it facilitates the orderly planning and development of the site to achieve a tourism outcome.

RECOMMENDATION

PD075: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPTS the draft Local Development Plan for Lots 1 and 2 Frenchman Bay Road, Frenchman Bay for the purpose of public advertising.

BACKGROUND

4. Local Planning Scheme No. 1 was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

5. The two lots have been identified as a significant tourist site within the City of Albany planning framework. Consequently, a Local Development Plan is required prior to development.

6. The site was previously used as a caravan park but has remained undeveloped for a number of years.

7. A previous development application on the site was considerably larger (107 units) than what is currently proposed and resulted in significant community concerns. Council resolved to refuse the previous application at the 19 May, 2009 OCM. The current LPS1 controls relating to the site were introduced as a response the previous application in order to mitigate concerns raised and identified site constraints. Notwithstanding the requested variations, the application meets the introduced requirements.

8. Local Development Plan No.1 (LDP1) has been prepared to facilitate the development of Lot 1 and 2 Frenchman Bay Road as a tourist site.

9. The LDP1 proposes to allow for the following land uses:

- Twenty (20) two storey holiday units;
- Ten (10) two storey permanent residential units;
- A caretakers dwelling incorporating a kiosk, restaurant and reception;
- Centrally landscaped area with playground and bbq facilities;
- Boat parking compound;
- Path network to whalers beach.

10. The applicant has requested a number of variations to the planning framework relating to the site. The variations have been requested on the grounds that it would be economically unviable to develop the site. The proposed variations are as follows;

- A permanent residential component of 10 units;
- Varying provisions of Special Use 13 (SU13) relating to the requirement for development to be connected to reticulated water and sewer;
- Increasing the number of unsewered units from 25 to 30.

DISCUSSION

11. The subject lots are zoned Special Use site 13 under Local Planning Scheme No.1.

12. The subject site is located at the eastern termination of Frenchman Bay Rd, approximately 600m east from Goode beach and 10km south east of the Albany CBD.

13. SU13 currently allows the following land uses subject to consistency with an endorsed Local development Plan;

- Caravan Park
- Caretakers Dwelling
- Holiday Accommodation
- Shop
- Restaurant

14. The applicant has requested variations to allow a permanent residential component and to remove the requirement for development to be connected to reticulated sewer/water. The request has been made on the basis that it is economically unviable to develop the site with these requirements.

15. Officers are supportive of the variations requested as the development of the site will ensure a tourism outcome for an identified significant site, while also providing economic benefits to the greater area. The proposed variations are discussed in detail below.

Permanent Residential

16. The planning framework for the site states that no permanent residential is supported on the site.

17. The applicant has proposed that 10 of the 30 units be available for permanent residential living.

18. In recent years the inclusion of a permanent stay component in tourist developments has been seen by Tourism WA as a method of achieving an overall on site tourism outcome by allowing non peak occupancy rates to be offset by the guaranteed income of permanent living.

19. In order to prevent only the residential component of the proposal being developed, staff would recommended a condition at the development stage only allowing one residential unit to be developed per every two tourist units developed. This provision could potentially be varied subject to alternative tourism outcomes being achieved on site to the satisfaction of the City of Albany.

Connection to reticulated water and sewer

20. SU13 requires that all development be connected to reticulated water supplied by a licenced water provider. The applicant has stated that it is financially unviable to connect to the site, with the nearest reticulated pipe being 1.3km away. In addition to the pipe extension, there would also likely be system upgrade costs.

21. The previous caravan park on the site operated with a treated bore water supply. It would be a requirement of any future development to demonstrate that on site water can be provided through treated bore water and tanks. It would be a development requirement for the applicant to obtain the for relevant Government approvals for groundwater usage. If adopted for advertising, the proposal will be referred to Department of Water and Watercorp for comment.

22. SU13 requires that all development be connected to reticulated sewer. The LDP proposes to vary this provision by allowing future development to be serviced by on site effluent disposal.

23. The applicant has requested to vary this provision due to the significant costs involved with connecting the site.

24. It would be a requirement of future development to demonstrate that effluent can be appropriately discharged on site. If adopted for advertising, the proposal will be referred to Department of Health to comment on the matter.

25. If Department of Health is supportive of onsite effluent disposal, officers would recommend the system be designed as such that it can be readily connected to reticulated sewer if available in the future.

Number of unsewered units

26. The draft *Country Sewerage Policy* makes provision for remote or isolated development sites. A site falls within this classification if the land is remote from existing or proposed urban land or unlikely to be connected to sewerage in the foreseeable future.

27. As per the draft *Country Sewerage Policy,* proposals within remote or isolated locations may be supported subject to the following

- the development being a maximum density of R10 and no more than 25 lots or dwelling units in total;
- the overall objectives of the policy not being compromised; and
- the statutory authority being satisfied, after considering the advice of consultative authorities, that the intended wastewater disposal arrangements are acceptable.

28. The applicant has proposed 30 units on the site. The 30 units have been proposed on the basis of a 70% occupancy rate for tourist accommodation within the Albany area. The applicant has stated that the 20 holiday accommodation units at 70% occupancy results in the equivalent effluent load of 14 residential units. The 14 equivalent residential units in conjunction with the proposed 10 residential units and caretakers residence results in 25 equivalent residential units.

29. If adopted for advertising, the proposal will be referred to Department of Health to comment on the matter.

GOVERNMENT & PUBLIC CONSULTATION

30. Should Council adopt the draft LDP1 for the purpose of public advertising, it will be referred to all relevant Government agencies for assessment and comment.

31. Given the previous community concerns relating to the site, if Council adopts LDP1 for advertising, officers recommend that a site meeting and additional community consultation be undertaken.

STATUTORY IMPLICATIONS

32. Clause 5.9.1.7 of *Local Planning Scheme No.1* sets out the process for preparing a Local Development Plan.

33. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

34. The Significant Tourist Sites and Frenchman Bay Tourist Development Site policies are applicable to the proposal.

35. The Significant Tourist Sites policy classifies the site as a local strategic tourist development site.

36. The Significant Tourist Sites Policy states the following:

"No permanent residential development supported. For guidance on Built Form refer to Council's Frenchman Bay Tourist Development Site Policy".

37. As mentioned previously, LDP1 proposes to vary the provision relating to permanent residential development.

38. The proponent has made the following statements in support of a permanent residential component to the development:

- A permanent residential component would ensure there is occupancy year round. This will assist in providing security, maintenance and vibrancy year round.
- Strata title management plans can be developed to ensure that no additional units can be converted to permanent stay.
- A tourist development comprising of 100% tourist accommodation would not be financially viable.

39. Strata management plans can be developed to appropriately cater for the tourist and permanent residential components of a tourist site.

40. *Frenchman Bay Tourist Development Site* policy also applies to the site. The policy provides additional detail in respect to land uses and built form.

41. In terms of built form, the applicant has stated an intention for two storey development. The *Frenchman Bay Tourist Development Site* policy allows two storey development to be considered within the areas proposed by the applicant. Any future development on the site will be subject to a development application.

42. The LDP is compliant with provisions of the *Frenchman Bay Tourist Development Site* policy in respect to setbacks from the high water mark and Vancouver Springs. As mentioned previously, if adopted for advertising, the proposal will be referred to the relevant Government agencies for further comments regarding environmental setbacks.

43. A number of provisions within the Frenchman Bay Tourist Development Site policy relating to built form are not applicable at this stage and would be assessed as part of a development application.

RISK IDENTIFICATION & MITIGATION

44. The risk identification and categorisation relies on the City's Enterprise Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisational Operations and Reputation. *Difficulty enforcing conditions regarding the number of permanent stay units*	*Possible*	*Moderate*	*Medium*	*Ensuring management statements are strictly worded with notifications on titles to advise purchasers of length of stay limitations.*
Reputation. *Objections from members of the public that the location will be lost as a significant tourist site.*	*Possible*	*Minor*	*Medium*	*Widely consulting with the Community, clearly communicating the overall tourism outcomes of the proposal.*
Community, Organisational Operations and Reputation *The proposal may attract objections from members of the public or other Government agencies.*	*Possible*	*Minor*	*Medium*	*Widely consulting with all parties who may be affected and all government agencies should mitigate any risk in this regard. If necessary, further information can be requested from the proponent as part of the amendment process.*

FINANCIAL IMPLICATIONS

45. Nil

LEGAL IMPLICATIONS

46. Nil.

ENVIRONMENTAL CONSIDERATIONS

47. Environmental considerations have been identified and addressed through a number of controls within LPS1 and the *Significant Tourist Sites* and *Frenchman Bay Tourist Development* Site policies.

48. SU13 states that all development on the land is to be setback 75 metres from the horizontal setback datum. The proposal is compliant with the required setback. A greater setback may be recommended by the relevant public authority. If the LDP is initiated for advertising, government agencies will have the opportunity for comment on the suitability of the setback.

49. The provisions of SU13 also state that development on the land is to be setback a minimum of 65 metres from the western boundary (which setback corresponds with the catchment associated with the Vancouver Springs). The LDP proposes the minimum setback which is compliant.

50. The consideration of on-site effluent disposal would be required to address any on site environmental constraints, including the nearby Vancouver Springs.

ALTERNATE OPTIONS

51. Council has the following alternate option in relation to this item, which are:

- Adopt the draft Local Development Plan for the purpose of public advertising, subject to modification; or
- Not adopt the draft Local Development Plan for the purpose of public advertising.

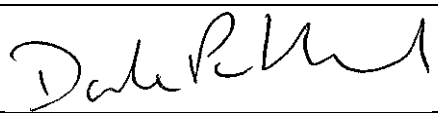
SUMMARY CONCLUSION

52. It is recommended that Council adopt the draft Local Development Plan No.1 for the purpose of public advertising on the basis that it presents a valuable opportunity to develop tourism in the locality and facilitate further economic opportunities.

Consulted References	**:**	*1.* Planning and Development Act 2015 *2.* Local Planning Scheme No. 1 *3.* Albany Local Planning Strategy 2010 *4.* City of Albany Strategic Community Plan 2023 *5.* City of Corporate Business Plan 2013-2017 *6.* City of Albany *Significant Tourist Sites* Policy *7.* City of Albany *Frenchman Bay Tourist Development* Site Policy *8.* Draft *Country Sewerage Policy*
File Number (Name of Ward)	**:**	LDP1 (Vancouver Ward)
Previous Reference	**:**	OCM 19 May 2009 – item number 11.1.1

PD076: CONSIDERATION OF SCHEME AMENDMENT – LOT 103 COCKBURN ROAD AND LOT 104 CAMPBELL RD, MIRA MAR

Land Description	:	Lot 103 Cockburn Road and Lot 104 Campbell Road Mira Mar
Proponent	:	Edge Planning and Property
Owners	:	R Stockdale and L Stockdale (Lot 103)
Business Entity Name	:	T and O Management PTY LTD (Lot 104)
Attachments	:	1. Location plan 2. Site Plan 3. Local Planning Scheme Amendment No. 8 report 4. Scheme Amendment Context Map
Supplementary Information & Councillor Workstation:	:	Nil
Report Prepared by	:	Senior Planning Officer (Alex Bott)
Responsible Officer	:	Executive Director Planning and Development Services (D Putland)

Responsible Officer's Signature:	

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the Albany Local Planning Strategy (ALPS).
3. The proposal is consistent with the strategic direction set in ALPS.

In Brief:

- A request has been submitted for Council to initiate a Local Planning Scheme Amendment to rezone Lot 104 Campbell Rd from "Residential" with "Additional Use 17 - Medical Centre" to "Regional Centre Mixed Business" and Lot 103 Cockburn Road, Mira Mar from "Residential R30" to "Regional Centre Mixed Business".

- Staff support the rezoning on the basis of the proximity of the both lots to the regional centre and the current commercial use of both properties.

RECOMMENDATION

PD076: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, in pursuance of Section 75 of the Planning and Development Act 2005 and Regulation 25(1)(c) of the Town Planning Regulations 1967, resolves to initiate Amendment No. 8 to City of Albany Local Planning Scheme No. 1 for the purposes of:

(1) Rezoning Lot 103 Cockburn Road, Mira Mar from "Residential R30" to "Regional Centre Mixed Business";

(2) Rezoning Lot 104 Campbell Rd from "Residential" with "Additional Use 17 - Medical Centre" to "Regional Centre Mixed Business"; and

(3) Amending the Scheme Maps accordingly.

BACKGROUND

4. Local Planning Scheme No.1 was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

5. Amendment No. 8 has been prepared to seek the rezoning of Lot 103 Cockburn Road, Mira Mar from "Residential R30" to "Regional Centre Mixed Business" and Lot 104 Campbell Rd from "Residential" with "Additional Use 17 - Medical Centre" to "Regional Centre Mixed Business".

6. Lots 103 and 104 are 2060m^2 and 1712m^2 in size and located approximately 1 Kilometre from the Albany town centre.

7. The subject lot is surrounded by Residential zoned land to the north and east and "Regional Centre Mixed Business" zoned land to the south and west.

8. The amendment document states that:

"The purpose of this report and associated plans is to explain the proposal and set out the planning merits of rezoning lot 103 Cockburn Road and Lot 104 Campbell Road to "Regional Centre Mixed Business".

DISCUSSION

9. The proposed zoning is consistent with land to the south and west. Commercial land uses currently operate on the northwest and southeast corner of Campbell Rd and Cockburn Rd.

10. The proposal is supported on the grounds that it is a natural extension of the mixed business land uses of the area and represents an opportunity for community and economic development.

11. The ALPS designates both sites as City Centre. The proposal is consistent with this designation.

12. Lot 104 is currently used as a medical centre. Lot 103 has been previously used and designed for commercial purposes.

13. Lots 103 and 104 are both fully serviced by reticulated water/sewer, telephone and power.

14. In terms of the retail hierarchy, the Regional Centre Mixed Business zoning does not allow for retail style shops. The zoning only allows for the retail of bulky goods that cannot be reasonably sold in a shopping centre e.g. whitegoods.

15. Both properties are large enough to facilitate commercial development while also being able to meet development requirements such as parking and landscaping.

16. Campbell Road is briefly mentioned within the City of Albany *Activity Centres Planning Strategy*. The strategy states that the recommendation for the area as an activity centre would not be appropriate within the useful life of the document.

GOVERNMENT & PUBLIC CONSULTATION

17. The Town Planning Regulations 1967 require that a Local Planning Scheme amendment is initiated by a resolution of Council and that the consent of the Environmental Protection Authority and the Department of Planning is obtained, prior to the proposal being advertised for public comment. Consequently, no consultation has been undertaken at this stage.

STATUTORY IMPLICATIONS

18. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.

19. Section 75 of the Planning and Development Act 2005 allows a local government authority to amend its Local Planning Scheme with the approval of the Minister for Planning. Council resolution is sought for the initiation of a local planning scheme amendment.

20. Regulation 25 of the *Town Planning Regulations 1967* sets out the process for amending the LPS.

21. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

22. Nil

RISK IDENTIFICATION & MITIGATION

23. The risk identification and categorisation relies on the City's Enterprise Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisational Operations and Reputation. *The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.*	*Possible*	*Minor*	*Medium*	*If not supported by the WAPC or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.*
Community, Organisational Operations and Reputation. *The proposal may attract objections from members of the public or other Government agencies.*	*Possible*	*Minor*	*Medium*	*Widely consulting with all parties who may be affected and all government agencies should mitigate any risk in this regard. If necessary, further information can be requested from the proponent as part of the amendment process.*

FINANCIAL IMPLICATIONS

24. Nil

LEGAL IMPLICATIONS

25. Nil.

ENVIRONMENTAL CONSIDERATIONS

26. Both lots are currently developed. Rezoning the properties will result in no additional environmental considerations.

ALTERNATE OPTIONS

27. Council has the following alternate option in relation to this item, which are:

- To initiate the scheme amendment with modifications; or
- Resolve not to initiate the scheme amendment.

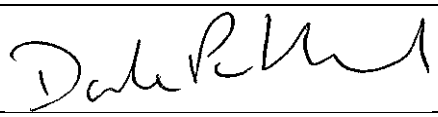
SUMMARY CONCLUSION

28. It is recommended that Council initiate Local Planning Scheme Amendment No. 8 on the basis that the proposal is consistent the existing on site commercial uses and also the surrounding zoning within the locality.

Consulted References	**:**	*1.* Planning and Development Act 2015 *2.* Local Planning Scheme No. 1 *3.* Albany Local Planning Strategy 2010 *4.* City of Albany Strategic Community Plan 2023 *5.* City of Corporate Business Plan 2013-2017 *6.* City of Albany
File Number (Name of Ward)	**:**	LAMD8 (Fredrickstown Ward)
Previous Reference	**:**	Nil

PD077: CONSIDERATION OF SCHEME AMENDMENT – LOTS 312 AND 1315 COCKBURN ROAD, MIRA MAR

Land Description	:	Lots 312 and 1315 Cockburn Road, Mira Mar
Proponent	:	Edge Planning & Property.
Owner	:	Three of a Kind Pty Ltd
Business Entity Name	:	Three of a Kind Pty Ltd
Attachments	:	1. Map
	:	2. Albany Local Planning Strategy excerpts
		3. Local Planning Scheme Amendment No. 11 report
Supplementary Information & Councillor Workstation:	:	NIL
Report Prepared by	:	Planning Officer (C McMurtrie)
Responsible Officer	:	Executive Director Planning and Development Services (D Putland)

Responsible Officer's Signature:	

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the Albany Local Planning Strategy (ALPS).
3. This proposal is broadly consistent with the strategic direction set in the ALPS.

In Brief:

- A request has been submitted for Council to initiate a Local Planning Scheme Amendment to rezone Lots 312 and 1325 Cockburn Road, Mira Mar from the Residential zone to the Special Use zone; amend Schedule 4 – Special Use Zones to incorporate provisions relating to Lots 312 and 1315 Cockburn Road, Mira Mar; and amend the Scheme Maps accordingly.
- City planning staff support the proposal, as it is a natural extension of an existing mixed use precinct that will bring community benefit and potential for economic development, and it is consistent with the current strategic direction set within the ALPS.

RECOMMENDATION

PD077: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council in pursuance of Section 75 of the Planning and Development Act 2005, amend the Local Planning Scheme by:

(1) Rezoning Lot 312 and Lot 1315 Cockburn Road, Mira Mar from the Residential zone to the Special Use zone;

(2) Amending Schedule 4 – Special Use Zones to incorporate provisions relating to Lots 312 and 1315 Cockburn Road, Mira Mar; and

(3) Amending the Scheme Maps accordingly.

BACKGROUND

4. Local Planning Scheme No. 1 (LPS 1) was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

5. Amendment No. 11 has been prepared to seek the rezoning of Lots 312 and 1325 Cockburn Road, Mira Mar from the Residential zone to the Special Use zone to create a health precinct that will also facilitate a number of complimentary and ancillary land uses. This would be achieved by inserting a new set of land use and development provisions into Schedule 4 of LPS 1.

6. The subject lots are located approximately 890m north-east of Albany town centre and have an area of approximately 1.2ha. The land is relatively flat, with only a very slight fall to the north, toward Cockburn Road.

7. The land to the west of the subject lots is zoned Residential with the R30 density code and is occupied by a unit development. An unconstructed road reserve bounds the southern extent of the subject lots, while the land beyond is also zoned Residential with the R30 density code and has been developed with a mixture of units and single houses. A 'notch' in the north-east corner of Lot 1315 is occupied by Lot 4 Cockburn Road, which is also zoned Residential with the R30 density code and occupied by a unit development. The remainder of the land to the east and to the north of the subject lots is zoned Regional Centre Mixed Business and supports a range of commercial and light industrial land uses.

8. The amendment document states that:

"*The site's proximity to the Albany city centre, Albany Regional Hospital and other facilities (outlined in Figure 1) and that is adjacent to commercial development (Figure 2) highlight its suitability for the proposed health precinct use.*

The expected health related uses include a day or general hospital, medical centre, health practitioner offices and complementary uses such as a pharmacy and a café.

It is envisaged that there would be a component of residential development which borders existing residential units in the western portion of the site. The residential

uses may include providing short-stay accommodation for visiting health specialists, nurses and others along with the provision of accommodation for palliative/respite care".

DISCUSSION

9. The City's planning Staff support the rezoning of Lots 312 and 1315 Cockburn Road, Mira Mar from the Residential zone to the Special Use zone, in order to facilitate the establishment of a health precinct incorporating complimentary and ancillary land uses, as it is a natural extension of the mixed use precinct around the intersection of Cockburn and Campbell Roads. The location of private healthcare facilities in close proximity to the city centre and well-established residential areas will bring both community benefit and an opportunity for economic development.

10. The proposal is also considered to be consistent with the current strategic direction set by the ALPS, which identifies the site as part of the 'City Centre' area and states that Albany should remain the commercial centre of the Lower Great Southern. The ALPS indicates support for a mix of businesses within the city centre to diversify the local economy and provide jobs. It further indicates support for the development of health care facilities within or near major centres to cater to community needs.

11. The size, topography and location of the subject lots mean that they are well suited to the development of a health precinct. They form one of the few large, relatively level gap sites close to the city centre and they are also in close proximity to a number of residential areas and less than 2km from Albany Health Campus.

GOVERNMENT & PUBLIC CONSULTATION

12. The Town Planning Regulations 1967 require that a Local Planning Scheme amendment is initiated by a resolution of Council and that the consent of the Environmental Protection Authority and the Department of Planning is obtained, prior to the proposal being advertised for public comment. Consequently, no consultation has been undertaken at this stage.

STATUTORY IMPLICATIONS

13. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967.*

14. Section 75 of the Planning and Development Act 2005 allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning. Council resolution is sought for the initiation of a local planning scheme amendment.

15. *Regulation 25* of the *Town Planning Regulations 1967* sets out the process for amending the LPS.

16. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

17. There are no policy implications relating to this item.

RISK IDENTIFICATION & MITIGATION

18. The risk identification and categorisation relies on the City's Enterprise Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisational Operations and Reputation. *The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.*	*Unlikely*	*Minor*	*Low*	*If not supported by the WAPC or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.*
Community, Organisational Operations and Reputation. *The proposal may attract objections from members of the public or other Government agencies.*	*Unlikely*	*Minor*	*Low*	*Widely consulting with all parties who may be affected and all government agencies should mitigate any risk in this regard. If necessary, further information can be requested from the proponent as part of the amendment process.*

FINANCIAL IMPLICATIONS

19. Nil.

LEGAL IMPLICATIONS

20. Nil.

ENVIRONMENTAL CONSIDERATIONS

21. The subject lots are cleared of native vegetation and covered in kikuyu grass. Three open drainage ditches run across the subject lots; the first across Lot 312, approximately 5m inside the western lot boundary in a northerly direction; the second across Lot 312, approximately 40m from the western lot boundary and also in a northerly direction; and the third across Lot 1315 from a point approximately 19m from the eastern lot boundary in a north-westerly direction. All three drainage lines converge at a point approximately 3.5m from the northern boundary and 24m from the western boundary of Lot 312. They are then piped under Cockburn Road and into the district stormwater drainage system. A Local Water Management Strategy has been prepared for the subject lots to determine the most appropriate method of stormwater attenuation and disposal.

ALTERNATE OPTIONS

22. Council has the following alternate options in relation to this item, which are:

- To resolve to initiate the scheme amendment with modifications; or
- Resolve not to initiate the scheme amendment.

SUMMARY CONCLUSION

23. It is recommended that Council initiate Local Planning Scheme Amendment No. 4, as it is a natural extension of an existing mixed use precinct that will bring community benefit and potential for economic development, and it is consistent with the current strategic direction set within the ALPS.

Consulted References	**:**	*1.* Local Planning Scheme No. 1 *2.* Albany Local Planning Strategy 2010 *3.* City of Albany Strategic Community Plan 2023 *4.* City of Corporate Business Plan 2013-2017 *5.* WA Planning Commission (WAPC) Statement of Planning Policy 1 (SPP 1).
File Number (Name of Ward)	**:**	LAMD11 (Frederickstown Ward)
Previous Reference	**:**	NIL

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16. REPORTS OF CITY OFFICERS

17. MEETING CLOSED TO PUBLIC

18. CLOSURE