



---

# MINUTES

---

## DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

**Wednesday 13 November 2019**

6.00pm

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) **Functions:** The Committee is responsible for:

Development Services:

The delivery of the “*Liveable Environmental Objectives*” contained in the City of Albany Strategic Plan:

- Advocate, plan and build connected, liveable communities.
- Create a community that supports people of all ages and backgrounds.
- Create vibrant neighbourhoods which are safe yet retain our local character and heritage.

Infrastructure Services:

The delivery of the “*Clean and Green Objectives*” contained in the City of Albany Strategic Plan:

- To protect and enhance our pristine natural environment.
- To promote environmental sustainability.
- To promote our region as clean and green.

(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) **Membership:** Open to all elected members.

(4) **Meeting Schedule:** Monthly

(5) **Meeting Location:** Council Chambers

(6) **Executive Officers:** Executive Director Infrastructure and Environment,  
Executive Director Development Services

(7) **Delegated Authority:** None

**TABLE OF CONTENTS**

	<b>Details</b>	<b>Pg#</b>
<b>1.</b>	<b>DECLARATION OF OPENING</b>	4
<b>2.</b>	<b>PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS</b>	4
<b>3.</b>	<b>RECORD OF APOLOGIES AND LEAVE OF ABSENCE</b>	4
<b>4.</b>	<b>DISCLOSURES OF INTEREST</b>	5
<b>5.</b>	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</b>	5
<b>6.</b>	<b>PUBLIC QUESTION TIME</b>	5
<b>7.</b>	<b>PETITIONS AND DEPUTATIONS</b>	5
<b>8.</b>	<b>CONFIRMATION OF MINUTES</b>	5
<b>9.</b>	<b>PRESENTATIONS</b>	5
<b>10.</b>	<b>UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS</b>	5
	<b>REPORTS</b>	
DIS180	UPDATE ON IMPLEMENTATION OF FOGO	7
DIS181	FRENCHMAN BAY HERITAGE TRAIL – FEASIBILITY STUDY	11
DIS182	LOCAL STRUCTURE PLAN NO. 10 – LOT 10 CHESTER PASS ROAD AND LOT 521 MERCER ROAD WALMSLEY	16
DIS183	DRAFT KALGAN RURAL VILLAGE COST APPORTIONMENT SCHEDULE POLICY	27
DIS184	PREPARE NEW LOCAL PLANNING SCHEME	31
DIS185	TELECOMMUNICATIONS INFRASTRUCTURE – LOT 505, 222 COLLINGWOOD RD, COLLINGWOOD PARK	35
<b>11.</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	42
<b>12.</b>	<b>MEETING CLOSED TO PUBLIC</b>	42
<b>13.</b>	<b>CLOSURE</b>	42

**1. DECLARATION OF OPENING – 6.00pm**

The Chief Executive Officer declared the meeting open and called for nominations for the positions of Chairperson.

**1.1 Chairperson**

Councillor Doughty nominated herself.

Councillor Doughty was duly elected unopposed as Chairperson.

**1.2 Deputy Chairperson**

Councillor Sutton nominated himself.

Councillor Sleeman nominated herself.

After a ballot, Councillor Sutton was elected as Deputy Chairperson.

**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 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

**Councillors:**

Member	P Terry
Member	J Shanahun
Member	S Smith
Member	C Thomson
Member	M Benson-Lidholm JP
Member	R Hammond
Member	E Doughty
Member	R Sutton
Member	A Goode JP
Member	T Sleeman
Member	G Stocks

**Staff:**

Chief Executive Officer	A Sharpe
Executive Director Infrastructure Development and Environment	P Camins
Manager City Reserves	J Freeman
Manager Planning and Building Services	Jan van der Mescht
Manager City Engineering	R March
Meeting Secretary	A Paulley

**Apologies:**

Mayor	D Wellington
Member	R Stephens

**4. DISCLOSURES OF INTEREST**

Name	Committee/Report Item Number	Nature of Interest
Councillor Terry	DIS185	<b>Financial.</b> The nature of the interest being that Councillor Terry owns Telstra shares. In accordance with Section 5.76 of the <i>Local Government Act 1995</i> a person is to be treated as being closely associated with a relevant person (in this case the proponent Aurecon provides site acquisition services across Australia to assist Telstra in expanding its wireless network infrastructure). Councillor Terry holds shares in Telstra in excess of the amount stipulated in section 5.76 and as such is considered a closely associated person to Telstra.
Councillor Smith	DIS185	<b>Impartiality.</b> The nature of the interest being that Councillor Smith owns shares in Telstra. Councillor Smith does not own shares in excess of the stipulated amount in Section 5.76 and is not considered a closely related person for this purpose.

**5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE - Nil**

**6. PUBLIC QUESTION TIME**

**Chris Goodchild** - Negri Road, Willyung (landowner at Pendeen Industrial Estate)  
DIS182 – agreed with most of the suggested modifications but still concerned about temporary transport depots in light of approval for the Albany Ring Road.

**Richard Vogwill** - La Perouse Road, Goode Beach representing the Frenchman Bay Association  
Spoke in favour of DIS181 – Frenchman Bay Heritage Trail.  
The FBA intends to seek funding from sources other than the City of Albany and does not see itself competing with other City trail priorities. The FBA trail is aligned with GSCORE’s Regional Trails Master Plan within the CBD to Whaling Station dual use path, rather than the City’s Trails Hub Strategy. The FBA asked that reference to the Frenchman Bay Heritage Trail being in competition with City priorities be removed from item 14 in the DIS181 agenda item before going to Council.

**Delma Baesjou** – Ayton Baesjou Planning, 59 Peels Place, Albany on behalf of various landowners  
DIS182 – generally supportive of modifications but has some concerns about planning definitions and mechanics.

1. Notion of transport depots within light industry zone inside the Albany Ring Road.
  2. Limiting the number of transport depots to just two.
  3. Temporary approvals and the issue of a sunset clause as a mechanism for controlling landuse.
- Would like to see overall planning being consistent.

DIS183 – Kalgan Structure Plan - proposed contributions are reasonable and acceptable. Unfair double up in one case but look forward to a meeting to correct this in due course.

**Nick Ayton** – Ayton Baesjou Planning, 59 Peels Place, Albany  
Spoke in favour of recommendation for DIS183.  
DIS182 – only objection is provision for RAV7 transport depots. This is at odds with basic planning practice.

**Ray Douglas** – Riverside Road, Kalgan

DIS183 – Mr Douglas made two submissions about contributions for Kalgan Village and Riverside Road.

**Charles Walmsley** – 325 Robinson Road, Robinson

Spoke in favour of DIS182.

**Edward Walmsley** – 40 Kitson Street, Gledhow

Spoke in favour of DIS182.

**Steve Thompson** – Edge Planning & Property, Albany, representing the Walmsley Family

Spoke in favour of DIS182.

**Chris Andrews** – Hunton Road, Kalgan

DIS183 – commented that land on east side of Hunton Road does not lend itself well to subdivision because it is susceptible to water movement. Blocks need to be double the current size.

Public question time closed at 6.37pm.

**7. PETITIONS AND DEPUTATIONS - Nil**

**8. CONFIRMATION OF MINUTES**

There was no Committee meeting held in October 2019.

**COMMITTEE MOTION**

**MOVED: COUNCILLOR SLEEMAN**

**SECONDED: COUNCILLOR SUTTON**

**THAT the minutes of the Development and Infrastructure Services Committee meeting held on 11 September 2019 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 11-0**

**9. PRESENTATIONS - Nil**

**10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS - Nil**

## **DIS180: UPDATE ON IMPLEMENTATION OF FOGO**

**Report Prepared By** : Waste Project Officer (J Passmore)  
**Responsible Officers:** : Executive Director Development, Infrastructure & Environment  
(P Camins)

### **STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme:** Clean, Green & Sustainable.
  - **Objective:** To identify and deliver improvements in sustainability within the City and wider community.
  - **Community Priority:** Deliver a sustainable and progressive approach to waste management including collaboration with neighbouring local governments.

#### **In Brief:**

- Council endorsement is sought to defer the commencement of the kerbside FOGO service to the first quarter of Financial Year (FY) 2020/2021.

### **RECOMMENDATION**

#### **DIS180: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR HAMMOND**  
**SECONDED: COUNCILLOR TERRY**

**THAT the Responsible Officer Recommendation be ADOPTED**

**CARRIED 11-0**

#### **DIS180: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the commencement of the kerbside FOGO service be DEFERRED until the first quarter of Financial Year 2020-21.**

### **BACKGROUND**

2. In May 2019 Council resolved:
  - a. That Council APPROVE the commencement of a kerbside FOGO service in January 2020 to properties receiving a kerbside waste collection.
  - b. That Council APPROVE Option 3, being fortnightly collection of all bins (FOGO, commingled recyclables and general waste) with weekly FOGO collection for 8 weeks during December-February.

### **DISCUSSION**

3. In order to implement these changes a detailed review of the current contractual arrangements has been undertaken. Changes to the current contractual arrangements for both the Waste and Recycling and Greenwaste contracts are required in order to accommodate the FOGO service. This process has commenced and the City will implement the changes in accordance with the advice received from WALGA.
4. At present, there is no facility capable of accepting FOGO waste within the City. The City's current Greenwaste Processing contractor is implementing the modifications required by the Department of Water and Environmental Regulation to permit them to accept, transport and process food waste.



5. It is unlikely that the modifications to the facility, approvals and the contractual changes will be in place by January 2020. Delaying the commencement of the FOGO service will provide additional time to ensure the required modifications and approvals are in place.
6. The City has undertaken a lessons learnt process, including gathering information from other Local Governments and Contractors that have implemented either a three-bin GO or FOGO service. The insights from both other Local Government Authorities and contractors has recommended that January is not the preferred time to introduce changes to the service.
7. In October 2019, the City received notification that an application for Department of Water and Environmental Regulation funding for the Better Bins program was successful.
8. This funding provides \$30 per urban household to support a process to ensure all bin lids in the urban residential collection area are consistent with Australian standard colours (eg. red for general waste bins, yellow for recycling bins and lime green for FOGO bins).
9. It is proposed that the implementation of both the FOGO service and the changes to the bin lids are delivered as one streamlined project.
10. Postponing the start date will ensure that residents will only be impacted by one change rather than two, and the impact of communications is maximised in a less busy time of the year, rather than during the summer holiday period when some residents are absent and visitor numbers are high.
11. A start date of the first quarter of FY 2020-21 will provide enough time to implement the project and allow time to educate residents, not only on the changes to the bin lid but also outlining the new FOGO service. It will allow residents to adjust to the initial fortnightly FOGO collection period before the move to the weekly FOGO collection for eight weeks between December and February.
12. Commencing in January during the scheduled weekly FOGO collection period and then moving to fortnightly collections in mid-February may cause unnecessary confusion among residents.
13. The procurement and implementation of one project could reduce costs. Caddies and lids can be procured through one contract and implementation and lid changes can occur at the same time saving on implementation costs.
14. Delaying implementation to the first quarter of FY 2020-21 will ensure contractual arrangements and budget implications are finalised, required equipment is procured, routes and schedules are set, and communications are optimised for a smooth start to the service leading to maximum participation and best possible outcomes for the community.

#### **GOVERNMENT & PUBLIC CONSULTATION**

15. There has been no government consultation in relation to this item, although the City has been successful in receiving Department of Water and Environmental Regulation funding for the Better Bins program which will assist with communications for the FOGO service by providing all properties in the urban waste collection area with Australian standard colour bin lids.
16. The City is working with the Department of Water and Environmental Regulation's Waste Sorted program to develop communication materials for the introduction of the FOGO service.
17. There will be significant community education to advertise the start date of the FOGO service and how to effectively use the service. This will include Facebook, website, newsletter and newspaper advertising, workshops, displays, and information delivered with kitchen caddies to all urban households to assist with waste sorting.
18. Education is vital to the success of the project and it is vitally important to ensure that adequate time is provided to implement a comprehensive information and education process. Delaying the commencement will ensure that this is achieved.

**STATUTORY IMPLICATIONS**

19. Waste Avoidance and Recovery Act and associated Regulations.

**POLICY IMPLICATIONS**

20. There are no policy implications directly relating to this item.

**RISK IDENTIFICATION & MITIGATION**

21. The risk identification and categorisation relies on the City’s Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Community</b> <i>Risk: Postponing the start date may cause confusion among residents who expect the service to start in January.</i>	Possible	Low	Low	<i>Significant communications will be provided to residents to inform them of the confirmed start date and required actions.</i>
<b>Reputation</b> <i>Risk: Not delaying the start date may negatively impact the implementation process leading to discontent.</i>	Possible	Low	High	<i>Postpone start date to maximise community understanding and buy-in.</i>
<b>Environment</b> <i>Risk: When service commences there could be an increase in litter from overfull waste bins and illegal dumping</i>	Possible	Moderate	Medium	<i>A comprehensive implementation strategy to equip and educate the community encourage positive waste sorting behaviours will be essential. The City will work with relevant departments and community groups to provide options and assistance to minimise negative impact of the service change.</i>
<b>Opportunity:</b> <i>Delaying commencement of the FOGO service will ensure the required contracts, equipment purchases, communications and other implementation procedures are in place for a smooth start to the service. Delivering kitchen caddies and complementary information in a less busy time of the year is likely to optimise community understanding and effective participation in the new service. Delivering the bin lid change and changes to FOGO as one project will reduce costs and interruption to residents providing a better outcome and less inconvenience to the City’s residents.</i>				

**FINANCIAL IMPLICATIONS**

22. There are no immediate financial implications related to this report. Any additional costs due to changes in contract arrangements are not understood and will be managed as part of the normal operational budget process for FY 2020-21.

23. There was \$255,000 allocated to Food Waste Diversion in the 2019/20 budget. It is proposed this continue to be utilised in this financial year towards preparations for implementation of the FOGO service with the remaining balance forward to next financial year.

24. The City was successful in an application for \$456,930 in funding for the Department of Water and Environmental Regulation’s Better Bins program to complement the introduction of the FOGO service.

**LEGAL IMPLICATIONS**

25. There are no legal implications related to this report.

26. Advice relating to contracts has been sought from WALGA and legal counsel.

**ENVIRONMENTAL CONSIDERATIONS**

27. The City of Albany values a clean, green and sustainable environment, and works to deliver a sustainable and efficient waste management service.

The FOGO service has potential to increase diversion of waste from landfill, reduce gas and leachate emissions associated with decomposing food in landfill and improve community waste and recycling habits.

28. Delaying the start date may have a small negative environmental impact as municipal food waste continues to go to landfill in the short term.
29. However, an effective implementation process will negate this in the long term, with improved understanding and participation from residents from the start of the service ensuring ongoing environmental benefits through optimal waste sorting and diversion.

**ALTERNATE OPTIONS**

30. Commencement of the FOGO service in January 2020 is not achievable.
31. Commence FOGO during the last quarter of this financial year, after March 2020 but before July 2020. This would provide a very tight timeframe for delivery and not enough time for implementation of a full education program.

**CONCLUSION**

32. It is recommended that Council approve the postponement of the kerbside FOGO service to the first quarter of Financial Year 2020-21.
33. This option is the recommended option as it allows for adequate time to plan the project effectively allowing for good delivery time for all lids, caddies and liners.
34. It also enables the City to undertake an extensive information and education program which is critical to a successful project. It will ensure that confusion to our residents is minimised and contamination rates are reduced.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• City of Albany Community Waste Resource Strategy 2019-26</li> <li>• State Waste Avoidance &amp; Resource Recovery Strategy 2030</li> </ul>
<b>File Number (Name of Ward)</b>	:	CM.STD.6 (All Wards)
<b>Previous Reference</b>	:	DIS157 (OCM – May 2019)

**DIS181: FRENCHMAN BAY HERITAGE TRAIL – FEASIBILITY STUDY**

- Land Description** : • City of Albany Managed Reserve 21337  
• City of Albany Managed Reserve 26221
- Proponent / Owner** : City of Albany (Land vested in the care and control of the City of Albany)
- Attachments** : 1. Proposed Frenchman Bay Heritage Trail Feasibility Study – H+H Architects (September 2015)  
2. Revised trail map (May 2016)  
3. Trail & dam sketch (June 2016)  
4. Community Engagement Report (Sep 2019)  
5. Community Engagement Comments (Sep 2019)
- Report Prepared By** : Manger City Reserves (J Freeman)
- Responsible Officers:** : Executive Director Infrastructure Development and Environment (P Camins)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:

**Theme:** Leadership; and Clean, Green & Sustainable

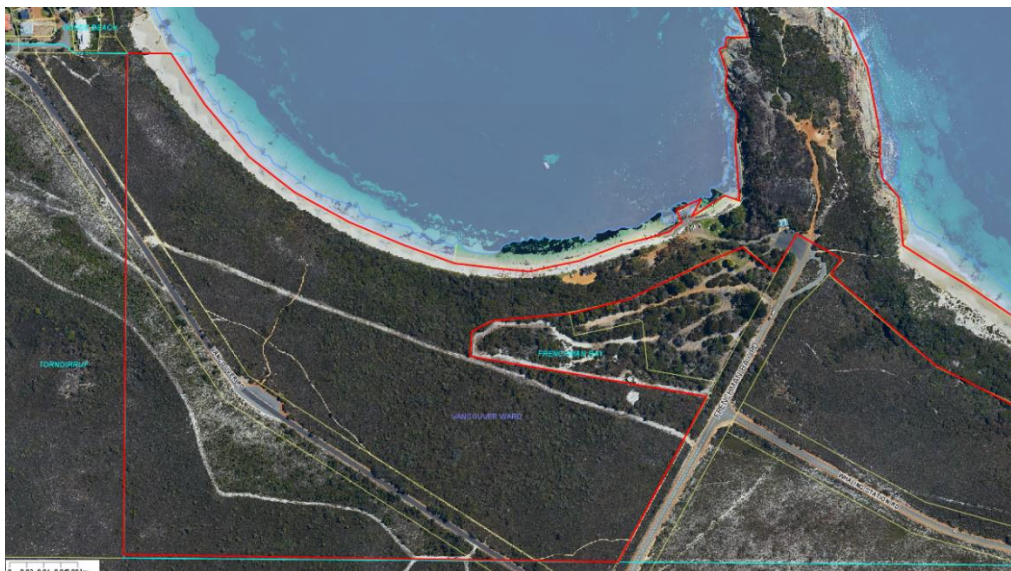
**Objectives:**

- To establish and maintain sound business and governance structures.
- To protect and enhance our natural and built environment in a changing climate

**Community Priorities:**

- Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.
- Sustainable protected and enhance our iconic coastline, reserves flora and fauna by delivering projects and programs that reflect the importance of our coastline and natural reserves.

**Maps and Diagrams:**



*Reserve 21337 – off Vancouver Road, Goode Beach*

**In Brief:**

- Council endorsement is sought for the feasibility study and associated concept plans for Frenchman Bay Heritage Trail which will guide future development and improvements in the area, based on funding availability.

**RECOMMENDATION**

**DIS181: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR SHANHUN**

**THAT the Responsible Officer Recommendation be ADOPTED**

**CARRIED 11-0**

**DIS181: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT:**

- 1) The Frenchman Bay Heritage Trail Feasibility Study and concept plan be **ENDORSED**; and
- 2) The City supports, in principle, the Frenchman Bay Association seeking external funding to progress to the detailed design phase of the concept plan.

**BACKGROUND**

2. The Frenchman Bay Heritage Trail is a project driven by the Frenchman Bay Association (FBA) which has been working on improving the trails within the area since 2015.
3. At the Ordinary Council Meeting in October 2017 the Frenchman Bay Heritage Trail Feasibility Study (DIS055) was brought to Council for endorsement and inclusion into the Trails Hub Strategy 2015-2025.
4. Feedback from the Goode Beach community suggested that the consultation undertaken had not been extensive and there was some opposition to the proposed trail.
5. Council therefore proposed an amended recommendation which was:
6. *THAT Council APPROVE the Frenchman Bay Heritage Trail Feasibility Study and Concept Plan for PUBLIC ADVERTISING and that submissions received as part of the public advertising be presented to Council with a Responsible Officer Recommendation at a future Council Meeting.*
7. The Feasibility Study was put out for public comment between 5 and 30 August 2019 and a community information session was undertaken on Sunday 11 August 2019. Noongar community representatives attended the information session.
8. A total of 28 formal submissions were received with 22 supporting. See Community Engagement Report attached for more details.
9. There has been a time delay between Council items due to a request from the Frenchman Bay Association that this item be delayed whilst other issues were being dealt with around Goode Beach.
10. The feasibility study makes recommendations for \$380,000 of upgrades to improve and create a loop trail that showcases the spectacular coastline and provides historical and cultural interpretation of Goode Beach.

11. This proposed trail is not to be included in the approved City of Albany Trails Hub Strategy 2015 – 2025 as there are a number of other priority projects in the vicinity within Torndirrup National Park and Discovery Bay.

**DISCUSSION**

12. The feasibility study has been developed by H+H Architects on behalf of the FBA. This study was developed in close consultation with City Reserves staff and local Noongar Elders.
13. The objective of the document is to establish a plan for a loop trail and associated interpretative signage that acknowledges the Noongar and European cultural heritage of the area. The plan identifies a total of 11 interpretative nodes along the trail and the background information for these have been researched and included in the plan.
14. An indicative cost estimate for the full project is \$380,000. Funding would need to come from a number of external grants if the project is to progress. Given that the project is not a priority in the Trails Hub Strategy, it is not proposed that the City contribute to the project at this stage, and the City would need to guide any funding submissions made, so as to not compete with existing City priorities.
15. The proposed trail has been developed as a standalone attraction and there may be potential to expand in the future (to Discovery Bay and Bald Head Island walk to the east and to Little Grove and the City centre to the west) to become a valuable section of a larger trail hub within the City. At this stage, the proposal is considered a worthwhile local community project however it is not considered a strategic priority.
16. The loop trail proposes to pass in front of Lots 1 and 2 Frenchman Bay Road and the structure plan allows for public access for this connection, however, this land is now up for sale and there would be negotiations required with new owners to confirm that this is still possible.
17. A revised map was submitted by the FBA in June 2016. This revised trail includes stairs down onto the beach from the Vancouver dam as a backup plan if access through Lots 1 and 2 cannot be successfully negotiated prior to construction.
18. Having an adopted feasibility study for the reserve will enable the FBA to apply for external funding opportunities in consultation with the City for the construction of the trail.

**GOVERNMENT & PUBLIC CONSULTATION**

19. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Inform	Public Comment Advertised	5th-30th August 2019	28 submissions received	N/A
Consult	Community Information Session	11th August 2019	43	N/A

20. 28 formal submissions were received as per the attached Community Engagement Report and Comments.
21. Through the development of the concept plan, the study authors consulted with a number of stakeholders during the planning of the trail to ascertain their views on the type, location and potential impact of the trail.
22. The organisations consulted include Albany Historical Society, Albany Museum, Department of Water, Department of Parks and Wildlife, Discovery Bay, Great Southern Development Commission, South Coast Natural Resource Management, Kinjarling Trail Project Committee and the City of Albany.

23. A site visit and walkover was held with two local Noongar Elders in early 2016 to discuss the plan. At this site visit, a number of concerns were raised about the underground water source that feeds the natural spring.
24. As a result of these concerns, the initial plan was amended and a new map showing the works around the spring and dam were altered. This amended plan was then presented to the Noongar Consultative Committee on 10 August 2017.
25. The committee supported the amended plan and the project, and noted that a formal heritage survey would be required as the next step prior to any on ground works. A detailed archaeological survey of Noongar heritage has been included as a specific step in the feasibility study.

### STATUTORY IMPLICATIONS

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

### POLICY IMPLICATIONS

27. Nil

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation.</b> Community members negative response to additional clearing of vegetation	Possible	Moderate	Medium	Council ensures all appropriate studies and approvals are provided prior to any on ground works
<b>Organisational Operations.</b> Infrastructure not planned and built in a co-ordinated way.	Possible	Moderate	Medium	Council prioritises and implements works in accordance with current priorities.
<b>Finance.</b> Funding opportunities missed due to lack of planning.	Possible	Moderate	Medium	Council adopt the feasibility study.
<b>Opportunity:</b> To provide an interpretative trail that showcases natural and cultural heritage of Goode Beach				

### FINANCIAL IMPLICATIONS

29. The construction of the trail and associated infrastructure will be funded through external funding bodies as opportunities arise. It is not proposed that City funds be directed to this project due to other priorities in the Trails Hub Strategy.
30. Once constructed, ongoing costs for maintenance and renewal will be the responsibility of the City of Albany and will be funded through the Reserves maintenance budget.

### LEGAL IMPLICATIONS

31. There are no legal implications relevant to this item. All actions will be consistent with legislative requirements.

### ENVIRONMENTAL CONSIDERATIONS

32. The purpose of both Reserves is consistent for this type of activity; R21337: Recreation, Pleasure Resort and Caravan Park and R26221: Recreation Special Conditions.
33. As a part of the feasibility study, Aurora Environmental undertook an initial environmental impact study of the area. They found four (4) potential threats that require further consideration prior to construction. These potential threats were spread of dieback, erosion, disturbance to rare and endangered flora, and fire.

34. All of above threats can be suitably mitigated as part of final trail design.
35. Prior to construction, all on ground works will be referred to the City Reserves officers to ensure all appropriate approvals and permits are in place and there are no outstanding environmental issues.

**ALTERNATE OPTIONS**

36. Council may choose not to endorse the Frenchman Bay Heritage Trail Feasibility Study and therefore the project will not proceed. Council may wish for plans to be altered or amended and represented to Council at a future time.

**CONCLUSION**

37. Frenchman Bay Heritage Trail feasibility study and concept plan is considered a worthwhile local community project which is currently not featured in the City of Albany Trails Hub Strategy.
38. This report recommends that the study be endorsed, allowing the Frenchman Bay Association to further progress the project, and explore avenues for funding in consultation with the City of Albany

<b>Consulted References</b>	:	City of Albany Trails Hub Strategy 2015 – 2025
<b>File Number (Name of Ward)</b>	:	CR.COC.61 (Vancouver Ward)
<b>Previous Reference</b>	:	DIS055 - October 2017



**DIS182: LOCAL STRUCTURE PLAN NO.10 – LOT 10 CHESTER PASS ROAD AND LOT 521 MERCER ROAD, WALMSLEY.**

<b>Land Description</b>	: Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley
<b>Proponent / Owner</b>	: Edge Planning & Property / Ardess 1607 Pty Ltd (A. Walmsley, F.Walmsley, G.Walmsley, P.Walmsley, E. Walmsley)
<b>Business Entity Name</b>	: Ten Year Developments Pty Ltd
<b>Attachments</b>	: <u>OCM November 2019</u> 1. November Schedule of Submissions 2. November Recommended Modifications 3. November Recommended Structure Plan Provisions 4. Combined Schedule of Modifications June and November 5. Ardess-Walmsley Local Structure Plan Final Background Information
<b>Supplementary Information &amp; Councillor Workstation</b>	
<b>Report Prepared By</b>	: Senior Planning Officer – Strategic Planning (A Nicoll)
<b>Responsible Officers:</b>	: Executive Director Infrastructure, Development and Environment (P Camins)

**STRATEGIC IMPLICATIONS**

1. The application for consideration proposes a structure plan to guide future development, subdivision and rezoning of land in the Walmsley area.
2. In making a decision on the proposed structure plan, the Council is obliged to consider;
  - a) *The Albany Local Planning Strategy 2010,*
  - b) *The Albany Local Planning Strategy 2019 (WAPC endorsed subject to modifications).*
  - c) *The Albany Industrial Land Strategy 2017; and*
  - d) *The Community Strategic Plan – Albany 2030.*
3. The structure plan complies with the strategic plans for the following reasons:  
*Albany Local Planning Strategy 2010*
  - a) The Albany Local Planning Strategy (2010) seeks to provide the necessary land and supporting infrastructure to maintain an adequate supply and range of serviced industrial land in appropriate locations. The landholder of the Ardess Industrial Estate proposes to provide an additional supply of industrial land, which:
    - Is located with access to a 'Primary Distributor Road' (Chester Pass Road). Chester Pass Road is designed to facilitate efficient and safe regional and district traffic movement;
    - Is capable of accommodating additional light industrial activity, with a suitable buffer distance (200m) to designated residential land;
    - Achieves the Albany Local Planning Strategy goal of containing the spread of fragmented land to help protect biodiversity and the environment;  
*Albany Industrial Land Strategy 2017*
  - a) *The Albany Industrial Land Strategy (2017)* has recommended the investigation of land adjacent to the Ardess Industrial Estate, for Light and/or General industrial activities.

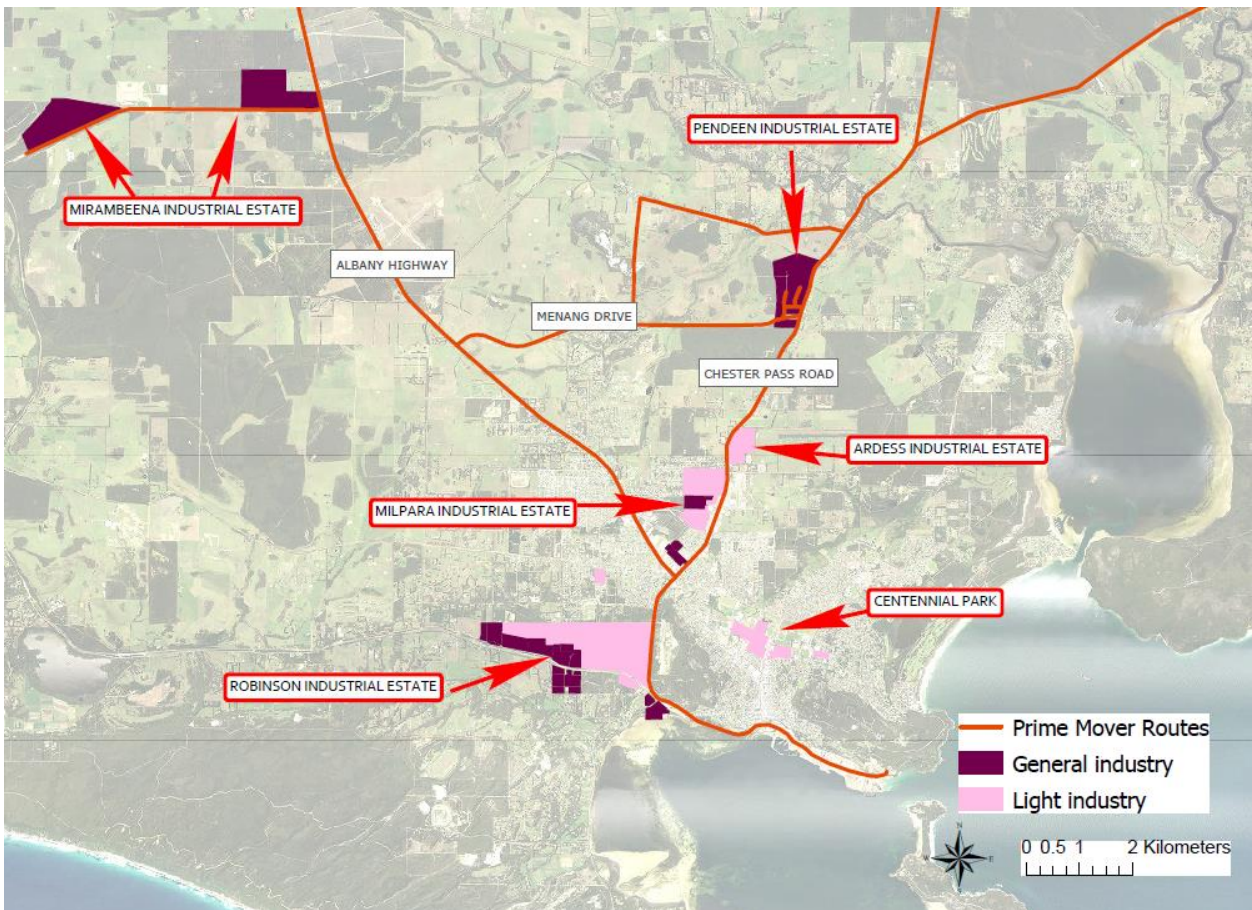
Albany Local Planning Strategy 2019

- a) The Albany Local Planning Strategy (2019) has the following overall Strategic direction: Support the growth of strategic and service industry by meeting the demand for industrial land and associated infrastructure requirements.
- b) The Albany Local Planning Strategy (2019) specifically Identifies the Ardess Estate as a light industrial expansion area and seeks to facilitate the preparation of a structure plan addressing the following matters:
- extent of expansion area;
  - justification for extent of expansion area;
  - industrial interface with residential land;
  - bushfire hazard;
  - impact on visual amenity and landscape;
  - land capability;
  - infrastructure constraints;
  - servicing requirements; and
  - any other requirements that may be determined by the City of Albany or State government agencies.
- c) The Albany Local Planning Strategy (2019) section 7.1 acknowledges that the impact of heavy freight movements on communities and tourism is significant and the management of potential road conflicts between heavy freight traffic and adjacent land uses is an important planning consideration.
- It includes the following strategic direction: Provide for a safe and efficient road network that caters for the needs of freight, local and tourist traffic.
- d) The strategy also includes the following pertinent action;
- “Preserve Chester Pass Road and Hanrahan Road in Albany as major freight routes, until such time as the Albany Ring Road provides the more expedient and safer route for freight transport between the east and the port.”

Albany Community Strategic Plan – Albany 2030

- a) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

**Maps and Diagrams:** Subject Site – Lot 10 Chester Pass Road and Lot 521 Mercer Road, Waalsley.



**In Brief:**

- Local Structure Plan No.10 proposes the following key elements:
  - Additional light industrial development associated with the Ardess Industrial Estate;
  - Opportunity for Transport Depots; and
  - New areas for residential development, including a primary school and district sized public open space.

- At the June 2019 Ordinary Council Meeting, Council resolved to re-advertise the structure plan.
- The structure plan was re-advertised and additional comments were received.
- The proponent has undertaken a 'Transport Impact Assessment' to address concerns relating to accessibility of large trucks to and from the subject land (Restricted Access Vehicles).
- Main Roads WA has provided no objections to Restricted Access Vehicles using their road infrastructure (Chester Pass Road) to access the subject land and has no plans at this time to remove Restricted Access Vehicle access from the section of road.
- Main Roads however agrees that consideration should be given to restricting the establishment of industry requiring RAV access in the City of Albany within the Albany Ring Road, but as this is a town planning issue these outcomes need to be driven by the COA.
- City staff have recommended modifications to the structure plan to address concerns relating to land use, buffers, access capacity, habitat assessment, connection to services, stormwater management, density of land use and road upgrades.
- Council is requested to consider submissions received and to agree to recommend that the Western Australian Planning Commission support the Local Structure Plan No.10 subject to modifications, identified in the Schedule of Modifications

#### **RECOMMENDATION**

##### **DIS182: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR SHANHUN**

**THAT the Responsible Officer Recommendation be ADOPTED**

**CARRIED 6-5**

#### **Record of Vote:**

Against the Motion: Councillors Doughty, Thomson, Smith, Stocks and Terry.

Councillor Terry foreshadowed an amendment to remove RAV access to transport depots if the motion was defeated.

Councillor Thomson foreshadowed an amendment prior to the OCM to modify the wording of item 10 of the Strategies segment of the draft Structure Plan relating to the 5 year approval for transport depots.

##### **DIS182: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council, pursuant to Schedule 2, Part 4, cl.20. (2)(e) of *the Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. Recommend that the Western Australian Planning Commission approve Local Structure Plan No.10, subject to modifications identified within the Schedule of Modifications.
2. Forward structure plan documentation, submissions and recommended modifications to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan.
3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.

## BACKGROUND

4. The proponent of the Ardess Light Industry estate (Lot 10 Chester Pass Road) approached the City with the idea of developing a Transport Depot.
5. The proponent was advised that a Transport Depot, located at the Ardess Light Industry estate is not currently permitted by the City's *Local Planning Scheme No. 1*.
6. The City recommended that the proponent justify support for a Transport Depot via a structure plan proposal.
7. Subsequent to the above advice, in 2018 the proponent lodged a structure plan pertaining to Lot 10 Chester Pass Road and Lot 521 Mercer Road. The structure plan identified new areas for industry and residential and included provisions to support Transport Depots.
8. The structure plan was advertised and comments were received concerning allocation of public open space areas, buffers between industry and residential, management of stormwater, provision of utilities (e.g. sewer) and the suitability for Transport Depots.
9. The structure plan and associated comments were initially scheduled to be tabled at the May 2018 Council meeting. Prior to the Council meeting, the proponent withdrew the application to allow time to address matters of concern.
10. The proponent then prepared a new Structure Plan Map (2019), a new Stormwater Management Plan Map (2019), updated structure plan provisions and a Transport Impact Assessment to address matters of concern.
11. The Transport Impact Assessment calculated existing and future estimated vehicle movements on roads servicing the structure plan area. Based on vehicle movement calculations and current road design, the Transport Impact Assessment recommended limiting the amount of transport depots which utilise Restricted Access Vehicles (RAV's) to two (2).
12. The Transport Impact Assessment also confirmed that the private access road between Chester Pass Road and the Ardess industrial estate is capable of accommodating Restricted Access Vehicles (Large Trucks - RAV's > 19m in length), subject to widening of the Ardess Private Access Road to allow for RAV's to pass each other.
13. The updated plans and provisions were presented to the June 2019 Council meeting with a recommendation for support. Council resolved to defer the item to allow the structure plan to be re-advertised to obtain feedback from the community and affected stakeholders on the proposed changes.
14. Council is now requested to consider the submissions received following public re-advertising and determine whether to support the structure plan.

## DISCUSSION

15. The following paragraphs discuss the key matters raised during the latest round of advertising, these matters include:
  - a) Ensure subdivision and development of the structure plan area mitigates any increase in stormwater runoff volume and rate so as not to affect land south of Mercer Road (Lot 990).
  - b) Protect environmental values associated with a watercourse running through Lot 10 Chester Pass Road.
  - c) Ensure the section of Chester Pass Road between Menang Drive and the Ardess industrial estate is capable of handling the movement of Restricted Access Vehicles (Trucks > 19m in length).
  - d) Ensure a temporary approval process for transport depots does not lead to compliance issues with transport depots refusing to relocate once their approval has expired.

- e) Some members of the community are of the view that Restricted Access Vehicles will be removed from the subject section of Chester Pass Road, due to the impending development of the Albany Ring Road.
  - f) That the provision for major transport depots and RAVs at the Ardess industrial estate appears to be completely at odds with sensible strategic planning.
  - g) The proposal to create Terry Road as an 'Integrated Arterial Road' is contrary to the recently approved Warrenup-Walmsley Local Structure Plan.
  - h) The proposed modification to the structure plan reduces the retention of native vegetation.
16. The submissions received cover a broad range of matters, which are addressed in the attached Schedule of Submissions. The key matters which emerged are discussed in more detail below:

#### Stormwater

- a) A landholder to the south of the structure plan area (Lot 990 Mercer Road), considers that development of the structure plan area may require the development of a 'Living Stream' over Lot 990.
- b) The development of the structure plan does not result in the requirement for a living stream. Local Structure Plan No.10 does not apply to Lot 990 Mercer Road and is not relying on Lot 990 to manage stormwater.
- c) Development within the structure plan area will be required to mitigate any increase in runoff volume and rate caused by more paved areas, steep gradients and reduction in soil infiltration.
- d) Provisions have been included in the structure plan to ensure stormwater is appropriately managed.

#### Watercourse

- a) It was commented that effluent from industrial development should be controlled so as not to impact on the environmental values of a watercourse running through Lot 10.
- b) Controls to protect environmental values of the watercourse have been proposed. The following structure plan and scheme provisions address effluent management associated with industries:
  - *Retention and infiltration are to occur on site using individual soakwells, retention basins or other measures as deemed necessary. Oil and grease traps are to be provided within each building site to the satisfaction of the local government to ensure that nutrient export off the site is kept to a minimum.*
  - *To protect development from inundation or flooding; to maintain the environment in its natural form; and to ensure the natural biophysical processes of the watercourse are accommodated, the construction or placement of any building or on-site effluent disposal systems shall be setback so as to achieve a minimum separation distance from the known high-water mark of a watercourse as follows: 30 metres from any seasonally flowing watercourse*
- e) It is considered that the above provisions mitigate concerns in respect to the environmental values of the watercourse running through Lot 10.

#### Transport Depots

- a) It was commented that transport depots may result in traffic conflict issues on Chester Pass Road.
- b) A Transport Impact Assessment confirmed that traffic conflict on Chester Pass road is not expected until such time that the whole structure plan area has been developed. In respect to this, the Transport Impact Assessment recommended that:

- *A right turn exit ban from the Private Access Road to Chester Pass Road will likely be required following full development of the site; and*
  - *Right turn restrictions wouldn't be required immediately as they would be subject to future surrounding intersection works on Chester Pass Road and future through traffic volumes on Chester Pass Road.*
- c) Controls to ensure safe Restricted Access Vehicle movement to the industrial precinct were recommended and include:
- *A right turn exit ban from the Private Access Road to Chester Pass Road required following full development of the site. Any right-turn ban would best be achieved through signage, as opposed to physical design.*
  - *Trees on the inner radius of the bend in the Private Access Road to be removed to allow for appropriate sight lines for oncoming traffic. Provide additional shoulder width at the corner to allow for two opposing RAV's to pass each other simultaneously (as per the Transport Impact Assessment report 2019).*
- d) The Transport Impact Assessment modelled transport movement considerate of various factors, including the development of 30 industries at the Ardess Estate and the movement of around 180 Restricted Access Vehicles (90 Restricted Access Vehicles with 2 movements per day – one in and one out of the estate). Based on the modelling, it has been recommended that a limit is placed on the amount of transport depots operating within the industrial estate. It is considered that the restriction on the number of RAV transport depots to two will address a number of the safety concerns expressed by members of the public.
- e) It is noted that Main Roads WA has made reference to the City of Albany giving consideration from a town planning perspective to restricting RAV industries within the Albany Ring Road. Noting the other points of the Main Roads WA submission, in conjunction with the proposed reduction and limit on the number of RAV level transport depots, it is considered that the proposed structure plan will not prejudice holistic consideration of the matter at a later date.

#### Temporary Approval

- a) It was commented that the proposal to temporarily approve transport depots is unworkable. It was commented that transport depots, once established, would not relocate once their approval notice has expired.
- b) The provision to limit the approval period of transport depots is subject to on road (Chester Pass) vehicle restrictions, which may be instigated by Main Roads WA on an as required basis after consultation with the City of Albany.
- c) Each transport depot would be required to obtain a temporary planning approval prior to being developed. If subsequently on road vehicle restrictions are imposed, then restricted access vehicles would not be able to gain access to the site on which planning approval is granted. Should a transport depot choose not to relocate once its time limited approval has expired, it would be in breach of its planning approval and be committing an offence under the *Planning and Development Act 2005*. Such an offence is liable to a fine of \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues.
- d) If on road vehicle restrictions are not imposed by Main Roads, and there is no traffic conflict on Chester Pass Road, then the transport depot may re-apply for a new temporary approval (5 years).
- e) In addition to the above, it is considered that the revised limit of two RAV level Transport Depots will be more manageable in respect to monitoring approvals.

### Ring Road

- a) It was commented that Restricted Access Vehicles will likely be removed at an undetermined time after the completion of the ring road from the subject section of Chester Pass Road.
- b) Main Roads WA acknowledged that Chester Pass Road is approved for use by Restricted Access Vehicles and that Main Road WA does not currently have plans to remove accessibility rights. They further state that vehicle restrictions will be instigated on an as required basis after consultation with the City of Albany and industry.
- c) Main Roads agrees that consideration should be given to restricting the establishment of industry requiring RAV access in the City of Albany within the Albany Ring Road, but as this is a town planning issue these outcomes need to be driven by the COA.

### Strategic Planning

- a) It was commented that transport depots and RAVs at the Ardess industrial estate is at odds with sensible strategic planning.
- b) City of Albany staff consider that enabling transport depots to establish at the Ardess Industrial Estate represents a viable alternative (lease opportunity) to locating at the Pendeen Industrial Estate, which is currently the only estate in Albany located adjacent to the Albany Ring Road and with approved RAV access.
- c) The recommendation to support transport depots at the Ardess industrial estate is in response to the *Albany Industrial Land Strategy (2017)*, which recommends the investigation of land adjacent to the Ardess Industrial Estate, for light and/or general industrial activities.

### Terry Road

- a) It was commented that Terry Road should be constructed as a 'Neighbourhood Connector Road' and not an 'Integrated Arterial Road'.
- b) The structure plan recommends, in accordance with the Western Australian Planning Commissions 'Liveable Neighbourhoods' document, the development of Terry Road as an 'Integrated Arterial Road'. This is because the road is planned to:
  - Provide connection between centres and other key destinations (e.g. Bayonet Head and Albany's CBD); and
  - Be designed with limited crossovers to enable the convenient movement of vehicles and cyclists.

### Native Vegetation

- a) The Department of Biodiversity, Conservation and Attractions expressed concern over the loss of vegetated habitat due to the proposal to clear vegetation to accommodate residential development.
- b) The structure plan recommendation for residential development is in response to the City's Local Planning Strategy 2010, which identifies the subject land for 'urban' development. Other than the City buying land to protect vegetation or the Environmental Protection Authority issuing a protection order, there is limited statutory ability to protect the strip of vegetation located within the structure plan area.
- c) As per Department of Environment Regulations clearing guidelines, the structure plan recommends the clearing of vegetation on the basis that:
  - The native vegetation does not comprise of a significant habitat (narrow strip of vegetation);
  - The native vegetation does not comprise a high level of biological diversity;



- The native vegetation is not significant as a remnant of native vegetation in an area;
  - The native vegetation is not in association with a watercourse or wetland;
  - The clearing of native vegetation is not likely to exacerbate the incidence or intensity of flooding or deterioration in the quality of surface or underground water.
- d) Prior to rezoning the native vegetation strip to enable residential development, an application may need to be made to the Environmental Protection Authority and Federal Department of Environment and Energy.
17. It is recommended that the Council agree to recommend that the Commission support the submitted structure plan subject to the modifications shown by an updated structure plan map, updated stormwater management map, updated structure plan provisions and Transport Impact Assessment.

### GOVERNMENT & PUBLIC CONSULTATION

18. The Structure Plan No.10 was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. Structure Plans require advertising in accordance with Part 4, cl.18 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
19. Submissions were received from government agencies and members of the public. Submissions have been provided to the Councillors as an original and as summarised in this report item and an attached Schedule of Submissions.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Statutory Consultation.	Mail out to agencies and adjoining landowners / occupiers and advertised in newspaper and on website.	8 February 2018 – 8 March 2018	11 Submissions	<i>Planning and Development (Local Planning Schemes) Regulations 2015, Part 4, cl.18.</i>
Statutory Consultation.	Mail out to agencies and adjoining landowners / occupiers.	4 July 2019 – 1 August 2019	27 Submissions	<i>Planning and Development (Local Planning Schemes) Regulations 2015, Part 4, cl.19 (d).</i>

### STATUTORY IMPLICATIONS

20. Local Structure Plans undergo a statutory process in accordance with Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
21. Schedule 2, Part 4, clause 19 requires the local government to consider the submissions made within the period specified in the notice advertising the structure plan.
22. Schedule 2, Part 4, clause 20 requires the local government to prepare a report to the Western Australian Planning Commission, including a recommendation on whether the proposed structure plan should be approved by the Commission.
23. Voting requirement for this item is **SIMPLE MAJORITY**
24. Following endorsement of a structure plan by the Western Australian Planning Commission, an amendment to introduce new zones, rezone land and / or introduce additional provisions into the City's scheme, to reflect structure plan requirements, may be undertaken.

### POLICY IMPLICATIONS

25. The following applicable policies have been considered for the assessment of the structure plan:
- a) *Government Sewerage Policy;*
  - b) *State Planning Policy 2 Environment and Natural Resources Policy;*
  - c) *State Planning Policy No. 2.9 Water Resources;*

- d) *State Planning Policy 5.4 Road and Rail Noise;*
- e) *State Planning Policy 3.7 Planning in Bushfire Prone Areas;*
- f) *Liveable Neighbourhoods;* and
- g) *EPA Guidance Statement No 3 - Separation Distances Between Industrial and Sensitive Land Uses.*

### RISK IDENTIFICATION & MITIGATION

26. The risk identification and categorisation relies on the City’s Enterprise Risk & Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. The proposal may not be accepted by the Western Australian Planning.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>If the Structure Plan is not supported by the WAPC the City may be required to make modifications.</i>
<b>Opportunity:</b> <i>Increase opportunity for servicing, development and employment.</i>				

### FINANCIAL IMPLICATIONS

27. If the local government does not provide a recommendation and report on the structure plan, to the Commission, the Commission may take reasonable steps to obtain the services or information on its own behalf. All costs incurred by the Commission may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

### LEGAL IMPLICATIONS

28. There are no legal implications directly relating to this item.

### ENVIRONMENTAL CONSIDERATIONS

- 29. The Department of Biodiversity, Conservation and Attractions and the Department of Water and Environmental Regulation recommended protecting a strip of native vegetation, located in the northern precinct of the structure plan.
- 30. The City recommends that a portion of the native vegetation is cleared for residential development and a portion is ceded as public open space for nature oriented activities.
- 31. Prior to rezoning the native vegetation strip to enable residential development, an application may need to be made to the Environmental Protection Authority and Federal Department of Environment and Energy.

### ALTERNATE OPTIONS

- 32. Council may consider alternate options in relation to the structure plan, including;
  - a) Recommend, with justification, that the Western Australian Planning Commission not approve the proposed structure plan; or
  - b) Recommend that the Western Australian Planning Commission approve the proposed structure plan without modification; or
  - c) Recommend that the Western Australian Planning Commission approve the proposed structure plan subject to additional modifications and or provisions.
- 33. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, modifications to a structure plan may not be advertised on more than one occasion without the approval of the Commission.

**CONCLUSION**

34. The subject land comprises Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley.
  - a) Lot 10 is currently zoned ‘Light Industry’ and partly developed to accommodate various industries including, garden centre, warehouse, storage, rural and workshop. The remainder of Lot 10 is vacant.
  - b) Lot 521 is currently zoned ‘General Agriculture’ and is used for livestock grazing. A vegetated area is located in the northern section of the lot.
35. The Structure Plan No.10 is proposing new areas for light industrial development (Lot 10 Chester Pass Road), and new areas for residential development (Lot 521 Mercer Road).
36. It is proposed that Transport Depots may be considered for development approval at the Ardess industrial estate, subject to complying with buffers to residential areas, access upgrades and limited use by restricted access vehicles.
37. Main Roads WA has raised no concerns with Restricted Access Vehicles using their road infrastructure (Chester Pass Road) to access the subject land.
38. Main Roads agrees that consideration should be given by the City to restricting the establishment of industries requiring RAV access in the City of Albany within the Albany Ring Road. The *Albany Local Planning Strategy (2010)* seeks to encourage the development of the Structure Plan area for urban growth. The *Albany Industrial Land Strategy (2017)* has recommended the investigation of land adjacent to the Ardess Industrial Estate, for light and/or general industrial activities.
39. The Albany Local Planning Strategy (2019 specifically Identifies the Ardess Estate as a light industrial expansion area and seeks to facilitate the preparation of a structure plan for the area.
40. The structure plan was advertised with a number of submissions received. The structure plan provisions have subsequently been recommended to the address matters raised.
41. Council is requested to agree to recommend that the Western Australian Planning Commission approve the structure plan subject to modifications.

<b>Consulted References</b>	:	<ol style="list-style-type: none"> <li>1. <i>Local Planning Scheme No.1;</i></li> <li>2. <i>Local Planning Strategy 2010;</i></li> <li>3. <i>Draft Government Sewerage Policy;</i></li> <li>4. <i>State Planning Policy 2 Environment and Natural Resources Policy;</i></li> <li>5. <i>State Planning Policy No. 2.9 Water Resources;</i></li> <li>6. <i>State Planning Policy 5.4 Road and Rail Noise;</i></li> <li>7. <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas;</i></li> <li>8. <i>Liveable Neighbourhoods;</i></li> <li>9. <i>EPA Guidance Statement No 3 - Separation Distances Between Industrial and Sensitive Land Uses.</i></li> </ol>
<b>File Number (Name of Ward)</b>	:	LSP10 (Yakamia Ward)
<b>Previous Reference</b>	:	OCM DIS093 22/5/2018 OCM DIS165 25/6/2019

**DIS183: DRAFT KALGAN RURAL VILLAGE COST APPORTIONMENT SCHEDULE POLICY**

<b>Land Description</b>	: Kalgan Rural Village Structure Plan area
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: Various
<b>Business Entity Name</b>	: City of Albany
<b>Attachments</b>	: Draft Kalgan Rural Village Cost Apportionment Schedule of Submissions
<b>Report Prepared by</b>	: Development Engineer (A Millar)
<b>Responsible Officer</b>	: Executive Director Infrastructure, Development and Environment (Paul Camins)

**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed policy, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*.
3. In making a decision on the proposed policy, Council is obliged to draw conclusion from its adopted *Community Strategic Plan – Albany 2030*. The policy that relates to the structure plan complies with strategic planning for the following reasons:
  - a. The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

**In Brief:**

- The adoption of the *Kalgan Rural Village Structure Plan* has led to a number of applications for subdivision within the area. The intensification of residential land use will increase the population of the area and create significant demands on existing infrastructure.
- The Draft Local Planning Policy will review/establish a Cost Apportionment Schedule, which prescribes appropriate financial contributions from developers toward the upgrade of road infrastructure within the Structure Plan area.
- The Kalgan Rural Village Cost Apportionment Schedule Policy (KRVCASP) has been prepared in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- The KRVCASP was endorsed by Council in June 2019 for advertising, which has now been completed. Several submissions were received and summarised in the attached Schedule of Submissions.

**RECOMMENDATION**

**DIS183: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR TERRY**

**SECONDED: COUNCILLOR BENSON-LIDHOLM**

**THAT the Responsible Officer Recommendation be ADOPTED**

**CARRIED 11-0**

**DIS183: RESPONSIBLE OFFICER RECOMMENDATION**

That Council in accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to MAKE the Kalgan Rural Village Cost Apportionment Schedule Policy (as set out as an attachment to this item) subject to the following modifications:

- Adjust the apportionment cost to upgrade Riverside Road for sealing works only.
- Adjust the number of lots contributing to Riverside Road from Lot 601.

## **BACKGROUND**

4. The Kalgan Rural Village Structure Plan (KRVSP) was adopted by Council on 21 June 2011 and subsequently endorsed by the Western Australian Planning Commission. However, the Structure Plan did not incorporate a development contribution plan to apportion cost contributions to developers for upgrade of infrastructure within the Structure Plan area.
5. In 2014, a previous version of this policy was advertised but not adopted. The policy was not adopted as a bridge upgrade by Main Roads WA and associated funding changes were imminent.
6. Main Road WA have now completed the bridge works and the City has acquired the land required for the bridge and future intersection works using contributions received. On this basis, a more accurate figure for the cost of expected upgrades is now available.
7. Contributions based on the 2014 schedule were received for a number of subdivisions and these contributions have been used for some of the upgrades already.
8. Council are now requested to consider the submissions received, and determine whether to adopt the Kalgan Rural Village Cost Apportionment Schedule Policy.

## **DISCUSSION**

9. The Kalgan Rural Village Structure Plan has enabled higher density subdivision to occur within the subject area. A number of subdivision applications have been received, and further subdivisions are expected. Over time, the continued intensification of the residential land uses will increase the population of the area and create significant demands on existing infrastructure.
10. A number of road upgrades are necessary to ensure that the road network in the area is safe and will meet the expectations of the current and future land owners. The endorsed Kalgan Rural Village Structure Plan requires that contributions are made to upgrade a number of roads within the Structure Plan area.
11. The total road upgrade cost has been calculated for the entire development area to meet the needs of a 'build-out scenario' (i.e. all lots able to be created, are created) and apportioned across the development.
12. The City of Albany local planning policy is an appropriate mechanism to formalise the process of obtaining funds for standard infrastructure at the subdivision stage. It is necessary to note that as this policy pertains to standard infrastructure, it is not impacted upon by *State Planning Policy 3.6 – Development Contributions for Infrastructure and Part 7 of the Planning and Development (Local Planning Scheme) Regulations 2015*.
13. By adopting a policy position on the matter, the City of Albany will give developers a clear directive on appropriate financial contributions to assist with the upgrade of infrastructure within the Structure Plan area.
14. The *Kalgan Rural Village Cost Apportionment Schedule policy* is consistent with the requirements of both the *Kalgan Rural Village Structure Plan* and in general with the principles set out in *State Planning Policy 3.6 – Development Contributions for Infrastructure*.
15. Once the policy is adopted, in situations where contributions have been received by previous subdivisions, the City of Albany will refund the difference of any excess contributions.
16. The modification to limit the cost contribution to the sealing only on Riverside Road is due to the improvements to widening the existing culverts and cutting of the crest to improve the vertical geometry being existing issues, and not being created by an increased demand from the road.
17. The modification to maintain the same number of lots from Lot 601 contributing to Riverside Road as per the original apportionment schedule is a fair and equitable

approach given the higher subdivision lot yield, and future connection to Hunton Road which was not part of the original Structure Plan.

18. A total of 8 submissions were received through the advertising process. Generally, the submissions are mostly in support of the proposed policy, with the majority of the submissions being subdividers seeking reimbursement as a result of the reduced cost per lot contribution.

### GOVERNMENT & PUBLIC CONSULTATION

19. The *Kalgan Rural Village Cost Apportionment Schedule policy* was advertised in the local newspaper, and in a letter to all lots within the Kalgan Rural Village Structure Plan area. A summary of each submission and City of Albany response is summarised on the attached Schedule of Submissions.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Statutory Consultation.	Mail out to landowners in the Kalgan Rural Village Structure Plan area and advertised in newspaper and on website.	8 July 2019 until 8 August 2019	8 Submissions	<i>Planning &amp; Development (Local Planning Schemes) Regulations 2015, Part 2, cl.4 (1).</i>

### STATUTORY IMPLICATIONS

20. There are no statutory implications relating to endorsing the proposed Kalgan Rural Village Cost Apportionment Schedule as a local planning policy.
21. Voting requirement for this item is **SIMPLE MAJORITY**.

### POLICY IMPLICATIONS

22. A local planning policy is the appropriate mechanism to formalise the process of obtaining funds for standard infrastructure at the subdivision stage. It is necessary to note that as this policy pertains to standard infrastructure, it is not impacted upon by *State Planning Policy 3.6 – Development Contributions for Infrastructure* and Part 7 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

### RISK IDENTIFICATION & MITIGATION

23. The following indicates the risk to the City in making a decision to support or not support the Policy:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation</b> <i>The costs of infrastructure contributions within the Contribution Policy are under-estimated</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>The plan has been developed using a balanced approach with all available information.</i>
<b>Reputation</b> <i>Developers may still dispute the contribution amounts prescribed.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Contributions are based on sound principles and financial analysis.</i>
<b>Opportunity:</b> <i>To facilitate the development of the Kalgan Rural Village Structure Plan by sharing infrastructure costs in an equitable manner.</i>				

### FINANCIAL IMPLICATIONS

24. Should Council decide not to adopt the draft *Kalgan Rural Village Cost Apportionment Schedule policy* to obtain developer contributions for infrastructure upgrades, the City may become liable for significant costs associated with road and intersection upgrades.
25. Once the policy is adopted, in situations where contributions have been received by previous subdivisions, the City of Albany will refund the difference of excess contributions.

**LEGAL IMPLICATIONS**

26. There are no legal implications relating to resolving to advertise a draft Local Planning Policy.

**ENVIRONMENTAL CONSIDERATIONS**

27. There are no environmental implications relating the adoption of the local planning policy.

**ALTERNATE OPTIONS**

28. Council has the following alternate options in relation to this item, which are:
- To resolve to proceed with the policy without modification;
  - To resolve to proceed with the policy subject to additional modification; and
  - To resolve not to proceed with the policy.

**CONCLUSION**

29. By adopting a policy position on the matter, the City of Albany will give developers a clear directive on appropriate financial contributions to assist with the upgrade of infrastructure within the Structure Plan area.
30. Modifications have been made to the policy to reflect the works which have now been undertaken by Main Roads WA.
31. Once adopted, refunds will be made to developers who paid the original contribution amount which included the abovementioned works.
32. Council is requested to accept the policy to enable the revised apportionment costs to be adopted.

<b>Consulted References</b>	:	1. <i>Local Planning Scheme 1</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i>
<b>File Number (Name of Ward)</b>	:	N/A (Kalgan Ward)
<b>Previous Reference</b>	:	OCM 28/10/2014 Report Item PD053 OCM 25/6/2019 Report item DIS167

## DIS184: PREPARE NEW LOCAL PLANNING SCHEME

<b>Land Description</b>	: City of Albany.
<b>Proponent / Owner</b>	: City of Albany.
<b>Business Entity Name</b>	: City of Albany.
<b>Attachments</b>	: Report of a Review of <i>Local Planning Scheme No.1</i> .
<b>Report Prepared By</b>	: Senior Planning Officer – Strategic Planning (A Nicoll)
<b>Responsible Officers:</b>	: Executive Director Infrastructure, Development and Environment (P Camins)

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan:
  - **Theme:** A connected and safe built environment.
  - **Objective:** To advocate, plan for and build friendly and connected communities
  - **Community Priority:** 5.2.2 Create infrastructure and connected streetscapes that are consistent and reflect our unique heritage

#### In Brief:

- The *Planning and Development (Local Planning Schemes) Regulations 2015* requires that every five years following publication of a scheme in the Government Gazette, the Local Government is to prepare a report on the operation of the scheme to the Western Australian Planning Commission.
- A report of a review of the City's *Local Planning Scheme No.1* has been undertaken and is attached for Council consideration.
- The report recommends that the Western Australian Planning Commission agrees with the City's recommendation to repeal its current scheme and prepare a new scheme in its place.

### RECOMMENDATION

#### DIS184: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR THOMSON**  
**SECONDED: COUNCILLOR SMITH**

**THAT the Responsible Officer Recommendation be ADOPTED**

**CARRIED 11-0**

#### DIS184: RESPONSIBLE OFFICER RECOMMENDATION

THAT pursuant to Part 6, r. 65 and r. 66 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council:

1. Adopt the tabled 'Report on a review of the *Local Planning Scheme No.1*'; and
2. Agree to request that the WA Planning Commission:
  - a) Receives the 'Report of a review of the *Local Planning Scheme No.1*'; and
  - b) Resolves to agree with the recommendation in the report, which is to repeal the current scheme and for a new scheme to be prepared in its place.



**BACKGROUND**

2. Local Planning Scheme No. 1 was gazetted on 28 April 2014 and covers the entire City of Albany local government area.
3. As five years has transpired since gazettal, the City is required to report to the WAPC on the operation of the scheme.
4. In accordance with Part 6, r. 65 and r. 66 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Local Government is to prepare a ‘Report of a review of the City’s *Local Planning Scheme No. 1*’ and to include a recommendation as to whether the scheme:
  - a) Is satisfactory in its existing form;
  - b) Should be amended; or
  - c) Should be repealed and a new scheme prepared in its place.
5. A report of a review of the City’s *Local Planning Scheme No. 1* has been prepared and is attached for Council review.

**DISCUSSION**

6. The report poses a number of questions to ascertain how well the City’s scheme is functioning in its current format. For example:
  - a) Is the scheme capable of facilitating the type of development for which demand is anticipated?
  - b) Are there structure plans that need to be incorporated into the scheme?
  - c) Can the direction and recommendations established in the Local Planning Strategy be implemented through the Scheme or are amendments to the scheme required?
7. It has been noted by the report that:
  - a) The scheme has facilitated significant development and subdivision within the City of Albany since its gazettal in 2014.
  - b) The City’s Local Planning Strategy (2019) has now been endorsed and contains recommendations to undertake amendments to the scheme; and
  - c) The City’s scheme is inconsistent with parts of the State’s Model Scheme (e.g. zone classifications, reserve classifications and land use definitions).
8. It is necessary to note that since the gazettal of the scheme in 2014, there have been a number of changes within the legislative framework in Western Australia pertaining Local Planning Schemes.
9. The report therefore concludes that whilst the current scheme has performed sufficiently, due to the number of required modifications resulting from the Strategy and the State Model Scheme Text, it is recommended that the current scheme be repealed and a new scheme be prepared in its place.

**GOVERNMENT & PUBLIC CONSULTATION**

10. The initial preparation of the report of the scheme does not involve consultation. However, it is worth noting that the City has recently reviewed its Local Planning Strategy, which involved an extensive consultation process to recommend actions for reviewing the City’s Local Planning Scheme No.1.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Local Planning Strategy - Consult	Invitation to comment on draft strategy.	23 July 2018 – 26 October 2018	N/A	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> . Part 3, r. 13.

11. The preparation of the new scheme will involve public consultation in accordance legislative requirements. Initially, the City of Albany will be required to place a public advertisement of its intention to review the scheme.

### STATUTORY IMPLICATIONS

12. A Local Planning Scheme comes into force in a similar manner to an Act of Parliament. A Local Planning Scheme, and amendments thereto, must therefore receive the consent of the Minister for Planning before it becomes a legal document. Once a scheme is gazetted, it sets up a statutory framework for the development of the Municipality and becomes the primary tool to guide town planning matters.
13. Part 6, Division 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that in each fifth year following the date a scheme was last published in the Government Gazette, the Local Government is to:
- Prepare a report of a review of its Local Planning Scheme;
  - Approve the report by resolution; and
  - Provide the approved report to the Commission.
14. Voting requirements for this item is **SIMPLE MAJORITY**.

### POLICY IMPLICATIONS

15. Nil.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i><b>Risk:</b> There is a risk that by not agreeing to create a new scheme, actions recommended by the recent strategy will not get implemented.</i>	<i>Likely</i>	<i>Moderate</i>	<i>Moderate</i>	<i>If the Council does not agree to prepare a new scheme, the Minister may direct the local government to prepare a new scheme.</i>
<i><b>Opportunity:</b> Provide up-to-date legislation to govern the City of Albany and implementation of planning strategy outcomes.</i>				

### FINANCIAL IMPLICATIONS

17. Nil

### LEGAL IMPLICATIONS

18. Nil

### ENVIRONMENTAL CONSIDERATIONS

19. Nil

### ALTERNATE OPTIONS

20. Council has the following alternate options in relation to this item, which are:
- To resolve that the City's Scheme No.1 is satisfactory in its existing form; or
  - To resolve that individual amendments should be made to the City's Scheme No.1.

**CONCLUSION**

21. The City has recently adopted a new Local Planning Strategy, which recommends that the City undertake various amendments to its Local Planning Scheme. The amendments are expected to bring the City’s Scheme in-line with state expectations for Local Planning Scheme format and content.
22. The number of amendments, as recommended by the strategy are extensive and some of the amendments are substantial, meaning it would be beneficial to repeal the existing scheme and to prepare a new scheme in its place.
23. The City has developed a report to ascertain how well the City’s Scheme is functioning in its current format. The report concludes that the scheme is functioning well, however, the report notes that the City’s Scheme is inconsistent with the State’s Model Scheme. The report therefore recommends that the City prepare a new scheme to accommodate strategy recommendations.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Planning Scheme No. 1.</i></li> <li>• <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i></li> <li>• <i>Local Planning Strategy 2019.</i></li> <li>• City of Albany Strategic Community Plan.</li> </ul>
<b>File Number (Name of Ward)</b>	:	DB.PLA.8
<b>Previous Reference</b>	:	Nil

**DIS185: TELECOMMUNICATIONS INFRASTRUCTURE – LOT 505,  
222 COLLINGWOOD RD, COLLINGWOOD PARK**

<b>Land Description</b>	: Lot 505, 222 Collingwood Road, Collingwood Park WA 6330
<b>Proponent</b>	: Aurecon Australasia
<b>Business Entity Name</b>	: N/A
<b>Attachments</b>	: 1. Copy of Application 2. Schedule of Submissions
<b>Report Prepared By</b>	: Senior Planning Officer (T Gunn)
<b>Responsible Officers:</b>	: Executive Director Infrastructure, Development and Environment (P Camins)

**7.35pm** - Councillor Terry left the Chamber after declaring a financial interest in this item.

Cr Smith declared an impartiality interest and remained in the Chamber to take part in the discussion and vote on this item.

**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.
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”*

**Maps and Diagrams:** Lot 505, 222 Collingwood Road, Collingwood Park



**In Brief:**

- The City of Albany has received a development application for Telecommunication Infrastructure (Mobile Phone Base Station) at Lot 505, 222 Collingwood Road, Collingwood Park.
- The application was advertised for public comment. Through this process, two submissions were received, both objecting to the proposal. The objections are discussed in detail throughout the report.
- Having considered the proposal against the applicable statutory framework, including *State Planning Policy 5.2 – Telecommunications Infrastructure*, Staff recommend the proposal be supported subject to conditions.

**RECOMMENDATION**

**DIS185: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR HAMMOND  
SECONDED: COUNCILLOR SUTTON**

**THAT the Responsible Officer Recommendation be ADOPTED**

**CARRIED 10-0**

**DIS185: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council resolves to ISSUE a notice of determination granting development approval, subject to the following conditions, for Telecommunication Infrastructure – Mobile Phone Base Station at Lot 505, 222 Collingwood Road, Collingwood Park:

Conditions:

1. All development shall occur in accordance with the stamped, approved plans referenced P2190328, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.
2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.
3. A Construction Management Plan shall be submitted to the City of Albany for approval in writing and implemented to the satisfaction of the City of Albany.
4. Prior to commencement of the development, a final schedule of materials and colours to be used on the structures hereby approved shall be submitted for approval and implemented to the satisfaction of the City of Albany.
5. Unless otherwise agreed in writing with the City of Albany, no additional lighting is permitted on the telecommunications tower.

**BACKGROUND**

4. The subject site is located approximately 4.5km north-east of the Albany CBD. The subject site has recently been subdivided, and is currently developed with a single dwelling and associated outbuildings and stables.
5. The subject site is 10.14Ha in area and zoned General Agriculture under Local Planning Scheme No.1 (LPS1). The site is surrounded General Agriculture land to the south-east and north-west and City of Albany and Crown reserves located to the north-east and south-west of the site.

6. The telecommunication infrastructure is for Telstra and has been lodged on the basis of providing improved mobile phone network services to the Emu Point Locality.
7. The application includes an 80m<sup>2</sup> security fenced compound to accommodate Telstra equipment shelter and a monopole tower, which measures 36.26m above natural ground level.
8. Telecommunication Infrastructure is classified as a 'D' (discretionary) land use within the General Agriculture zone. Although not specifically required under the LPS1, the application was advertised to surrounding landowners for a period of twenty-one (21) days. During the advertising period a total of 2 submissions were received, both objecting to the proposal.
9. The proposal has been assessed against LPS1 and *State Planning Policy 5.2 – Telecommunications Infrastructure* (SPP 5.2). As per this policy, when determining telecommunications infrastructure, it is necessary to assess the impact on amenity against the overall public benefit of the infrastructure.
10. While acknowledging that the proposal will be partially visible when viewed from a number of properties within the area, it is necessary to consider that the mere fact that part of the proposed development will be visible does not, in itself, mean that the proposed development will have a negative impact on the visual amenity of the locality. As can be seen from SPP 5.2, factors such as the prominence of the development within the landscape and the extent to which visual aspects of value to the community as a whole might be compromised are relevant to this assessment.
11. Council is now requested to consider the application and determine whether to grant development approval.

## **DISCUSSION**

12. The proposal consists of;
  - 1 monopole measuring 36.26m high.
  - 6 panel antennas attached to a triangular headframe at the 35m centreline level.
  - Equipment shelter, with ancillary equipment.
  - 80m<sup>2</sup> compound area which is proposed to be enclosed by security chain-mesh fencing.
13. The proposed infrastructure and compound are proposed in the eastern corner of lot 505. The acceptable boundary setbacks for General Agriculture land listed under *Table 8 – Site Requirements* of LPS 1 are; 15m from the front boundary and 10m from rear and side boundaries. The compound is setback 2.3m from Wright Street and 1.66m from the north eastern boundary, the centre of the monopole is located a further 2.75m from each boundary.
14. The lot is located at the end of Wright Street. The infrastructure directly abuts a Crown Reserve to the North East and unconstructed portion of Wright Street to the South East. Whilst the setbacks could be increased, this would not result in a material change to the appearance of the development in the landscape and would only serve to affect the landowners useable land area. Vegetation on the site and adjoining properties further serves to screen the development and reduce visual impacts. The above-mentioned variation is supported in accordance with the discretion provided for under clause 4.2 of LPS1.
15. The nearest residence is located on General Agriculture zoned land 110m to the southwest of the compound area. The neighbouring lot has large pockets of mature vegetation on the boundaries facing the infrastructure. A Visual Impact Analysis from this lot has been included with the application.
16. The proposal was advertised for twenty-one (21) days. Two submissions were received objection to the proposal. The matters raised in the submissions, including the proponents

and officer comments are detailed in the attached schedule of submissions. The concerns were mainly in respect to visual impact, electromagnetic energy (EME) and questioning the proposed location. The main issues raised will be discussed in further detail below.

17. 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.
18. The assessment of landscape in 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*.
19. The existing amenity of Wright Street can be classified as a modified rural agricultural area, defined by sections of open paddocks and areas of dense vegetation, mainly consisting of native eucalypts, shrubs and trees less than 12m in height.
20. It is acknowledged that the proposal will be visible from private properties in the surrounding area. It is necessary to consider the overall public benefit of the proposal against any amenity impacts. The proposal is not located on ridge line. The applicant has proposed to leave the monopole unpainted in order to reduce the visual impact of the development.
21. The potential for detrimental health effects from the proposed tower was 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 0.37% of the maximum public exposure level.
22. The notion of relocating the proposed infrastructure to an alternative location within the area was raised in both submissions. The applicant has advised that a number of sites were reviewed as part of the pre-application process. However, they have confirmed they wish to proceed with the site selected.

#### GOVERNMENT & PUBLIC CONSULTATION

23. The application was advertised for public comment for a period of 21 days, with nearby landowners directly notified by letter.
24. Two submissions were received during advertising which raised concerns in respect to the proposal. The issues raised are discussed above and in the attached schedule of submissions.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Mail Out	23/7/2019 to 13/8/2019	2 Submissions received	No

#### STATUTORY IMPLICATIONS

25. Telecommunication Infrastructure is classified as a “D” use within the ‘General Agriculture’ zone under LPS1, meaning that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.
26. Voting requirements for this item is **SIMPLE MAJORITY**.

## POLICY IMPLICATIONS

27. The proposal has been assessed against the Western Australian Planning Commission's *State Planning Policy 5.2 - Telecommunications Infrastructure*. The SPP 5.2 provides guiding principles for the location, siting and design of telecommunications infrastructure.
28. It is important to note that the SPP 5.2 provides the direction that telecommunication infrastructure should not be prohibited in any zone, hence why it is discretionary within all zones throughout the City of Albany. Furthermore, buffer zones and or setback distances are not to be included in planning schemes or policies. There is a clear direction in the SPP 5.2 to facilitate the roll out of an efficient telecommunications network, unless the location and siting unreasonably affects places of cultural or environmental significance, or the visual impact on balance has not been mitigated to outweigh the community benefit of the service it will provide the community.
29. Comment in reference to the key guiding principles for the location, siting and design of telecommunications infrastructure from SPP 5.2 are as follows;
- "Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:*
- a) *Be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;*
  - b) *Be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;*
  - c) *Not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised and*
  - d) *Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape;"*
30. The applicant has taken steps to select a site and location that aims to minimise, perceived negative impacts on the visual amenity of the area.
31. The location is 1km from King George Sound, over 800m from Collingwood Park and over 400m from Emu Point Road. It is not anticipated the facility will be visible from any of these locations.
32. The subject land is not identified as an area of high landscape protection, nor does it contain any places of heritage significance.
33. The infrastructure is located within an existing cleared area and does not require the removal of any native vegetation.
34. 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 which is the preferred finish for telecommunication infrastructure as it blends as far as practical against lighter background such as the sky. The equipment shelter on ground level will be colour treated to blend against darker eucalypt backgrounds.
- "Telecommunications infrastructure should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community; and"*
35. The site has been chosen to address the existing coverage issues in the Emu Point and surrounding areas partially shadowed by terrain. The site is centrally located to service the catchment population including the residential areas earmarked for further development, such as Bayonet Head.



“Telecommunications infrastructure should be collocated and whenever possible:

- a) Cables and lines should be located within an existing underground conduit or duct; and
- b) Overhead lines and towers should be co-located with existing infrastructure and/or within existing infrastructure corridors and/or mounted on existing or proposed buildings.”

36. There are no existing facilities which would allow co location to occur while still meeting the operational requirements for the infrastructure. The final layout and configuration of fibre and power cables will be to the agreement of Western Power, the landowner and Telstra.
37. The proposal demonstrates compliance with the policy objectives of SPP 5.2.

### RISK IDENTIFICATION & MITIGATION

38. The risk identification and categorisation relies on the City’s Enterprise Risk & Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Reputation</b> The perception that the approval may generate unacceptable impacts on the amenity on the area.</p>	Possible	Moderate	Medium	The application has been assessed against the relevant statutory framework and sited to minimise any impacts on the amenity of the area.
<p><b>Opportunity:</b> Responds to community for improving mobile telecommunications in the municipality.</p>				

### FINANCIAL IMPLICATIONS

39. There are no financial implications directly relating to this item.

### LEGAL IMPLICATIONS

40. The proponent has the right to seek a review of the Council’s decision, including any conditions attached to an approval, conferred by the *Planning and Development Act 2005*. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

### ENVIRONMENTAL CONSIDERATIONS

41. There are no environmental implications directly relating to this item.

### ALTERNATE OPTIONS

42. Council has the following alternate options in relation to this item, which are:
- To resolve to refuse the proposal subject to reasons; and
  - To resolve to approve the proposal subject to additional or modified conditions.

### CONCLUSION

43. The proposal has been assessed against LPS 1 and the State Planning Policy relating to telecommunications infrastructure.
44. In determining the application it is necessary to consider and potential impacts on amenity against the long term benefit of improved mobile telecommunication services and coverage.
45. It is therefore recommended that Council approve the proposed development, subject to the conditions provided.

<b>Consulted References</b>	:	<ol style="list-style-type: none"> <li>1. Local Planning Scheme No. 1</li> <li>2. Albany Local Planning Strategy 2010</li> <li>3. State Planning Policy 5.2 - <i>Telecommunications Infrastructure</i></li> <li>4. Visual Landscape Planning in Western Australia – a manual for assessment, siting and design</li> <li>5. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li> </ol>
<b>File Number (Name of Ward)</b>	:	A246476 Breaksea Ward
<b>Previous Reference</b>	:	Nil

**7.37pm** – Councillor Terry returned to the Chamber. Councillor Terry was not present for the discussion and vote on this item.

- 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN - Nil**
- 12. MEETING CLOSED TO THE PUBLIC - 7.38pm**
- 13. CLOSURE – 7.38pm**