



AGENDA

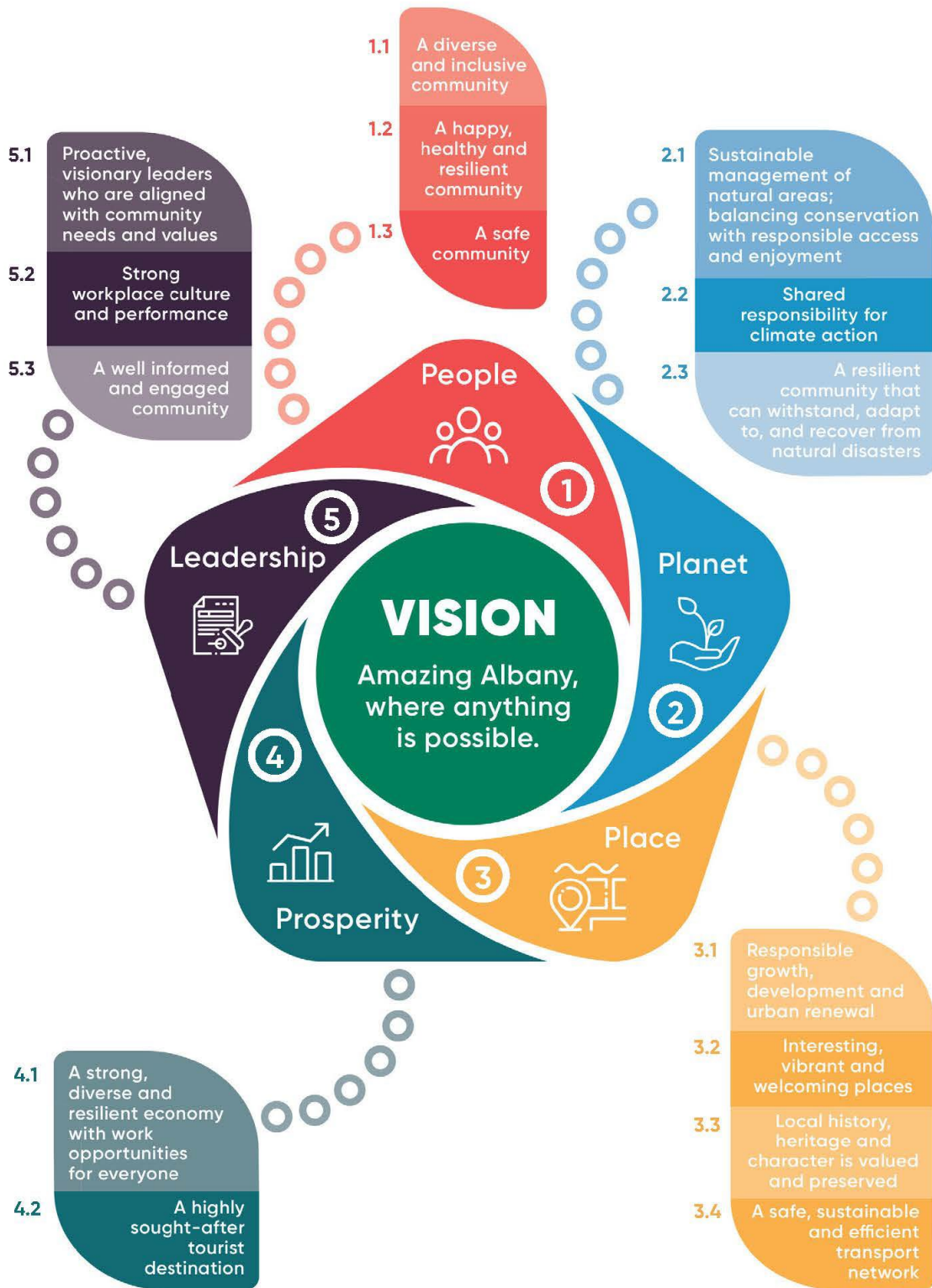
DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

Wednesday 10 July 2024

6.00pm

Council Chambers

The Five Strategic Pillars



Development & Infrastructure Services Committee
Terms of Reference

Functions:

This Committee is responsible for:

- Sustainable management of natural areas, balancing conservation with responsible access and enjoyment.
- Shared responsibility for climate action.
- Responsible growth, development, and urban renewal.
- Creating interesting, vibrant, and welcoming places.
- Valuing and preserving local history, heritage, and character.
- Ensuring a safe, sustainable, and efficient transport network.

It accomplishes this by:

- Developing policies and strategies.
- Creating progress measurement methods.
- Receiving progress reports.
- Considering officer advice.
- Debating current issues.
- Offering advice on effective community engagement and progress reporting.
- Making recommendations to Council.

Membership: Open to all elected members.

Meeting Schedule: Monthly Meeting

Location: Council Chambers

Executive Officers:

- Executive Director Infrastructure, Development & Environment Services
- Manager Development Services
- Manager Engineering & Sustainability

Delegated Authority: None

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
AGENDA – 10/07/2024

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1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

We would also like to pay respect to Elders past, present and emerging”.

3. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Mayor G Stocks

Councillors:

Deputy Mayor Councillor	P Terry
Councillor	A Cruse (Chair)
Councillor	R Sutton
Councillor	D Baesjou
Councillor	S Grimmer
Councillor	M Traill
Councillor	L MacLaren
Councillor	C McKinley
Councillor	M Lionetti

Staff:

Chief Executive Officer	A Sharpe
Executive Director Infrastructure, Development & Environment	P Camins
Manager Development Services	J van der Mescht
Meeting Secretary	P Ruggera

Apologies:

Councillor	T Brough (Apology)
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4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

During Public Question Time at the Development & Infrastructure Services Committee Meeting held on 12 June 2024, Mr Belfield asked the following questions which were taken on notice. The Senior Planner Josh Dallimore has provided the following responses.

Can the tower be moved further north at least 100m?

[There are no provisions within the planning framework that would prevent the tower from being moved north by 100m.](#)

How far are the towers meant to be from houses?

[The setback of telecommunication towers from neighbouring houses is covered by ARPANSA and therefore the City is not the regulatory body in this regard. The City's Local Planning Scheme 2 includes provisions for the setback of development from the lot boundary only and not neighbouring houses.](#)

This response has been provided to Mr Belfield by email (Synergy reference EF24314527)

During the discussion for item DIS398 – Telecommunication Infrastructure during the Development & Infrastructure Services Committee Meeting held on 12 June 2024, Councillor Brough asked the following question which was taken on notice. The Executive Director Infrastructure, Development and Environment Paul Camins provided the following response during the discussion for the item at the 25 June 2024 Ordinary Council Meeting.

Can the tower be moved to be less of a visual burden to the southern property?

[Our Senior Planning Officer has requested the tower be moved, the applicant has responded, and this has been included in the report DIS398 – Telecommunication Infrastructure to be included in the 10 July 2024 Development & Infrastructure Services Committee Meeting.](#)

6. PUBLIC QUESTION TIME

In accordance with the City of Albany Standing Orders Local Law 2014 (as amended):

Clause 4 (6) The total time allowed for public question time will be no more than 30 minutes.

Any extension to the time period defined by the City of Albany Standing Orders Local Law 2014 (as amended) will be at the discretion of the Presiding Member.

In accordance with the City of Albany Standing Orders Local Law 2014 (as amended):

Clause 5) The Presiding Member may decide that a public question shall not be responded to where—

- (a) the same or similar question was asked at a previous Meeting, a response was provided and the member of the public is directed to the minutes of the Meeting at which the response was provided;*
- (b) the member of the public asks a question or makes a statement that is offensive, unlawful or defamatory in nature, provided that the Presiding Member has taken reasonable steps to assist the member of the public to rephrase the question or statement in a manner that is not offensive, unlawful or defamatory.*

7. PETITIONS AND DEPUTATIONS

8. CONFIRMATION OF MINUTES

DRAFT MOTION

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 12 June 2024 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

9. PRESENTATIONS

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

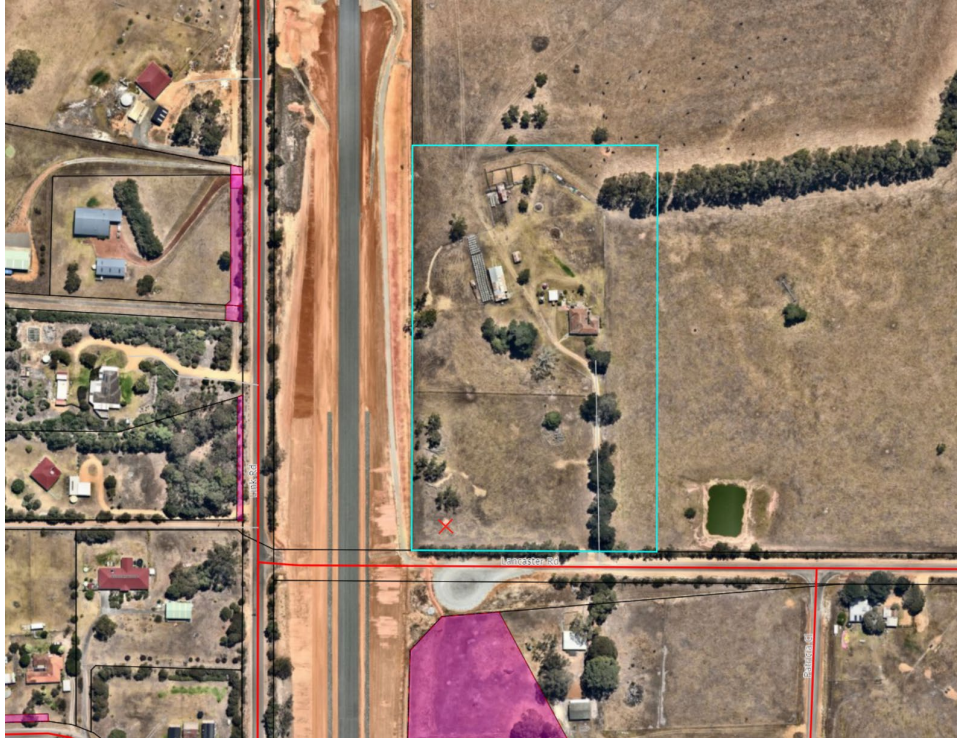
DIS398: TELECOMMUNICATIONS INFRASTRUCTURE

Land Description	: Lot 200, 322 Lancaster Road, McKail WA 6330
Owner	: B.J Panizza
Business Entity Name	: BMM Group Pty Ltd <ul style="list-style-type: none">• Directors being Stanley McDonnell, Benjamin Bruce, Robert Guy, Secretary Stanley McDonnell.
Attachments	: 1. Plans and applicant report 2. Summary of submissions and Applicant response
Supplementary Information & Councillor Workstation	: 1. Copies of Submissions
Report Prepared By	: Planning Officer (J Dallimore)
Authorising Officer:	: Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed development application, the Council is obliged to draw conclusion from its adopted City of Albany *Local Planning Strategy 2019* and City of Albany *Strategic Community Plan 2032*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan:
 - **Pillar:** Place
 - **Outcome:** Responsible growth, development and urban renewal
4. This item relates to the following elements of the City of Albany Corporate Business Plan:
 - **Outcome:** Plan for adequate utilities to support responsible growth.
 - **Action:** Advocate for improved telecommunications.
5. When exercising its discretion in relation to planning matters, the pertinent strategic document is the Albany *Local Planning Strategy 2019* (the Planning Strategy).
6. The proposal is consistent with the objectives identified in the Planning Strategy, specifically: *Meet the service infrastructure requirements for settlement growth*.

Maps and Diagrams: 322 (Lot 200) Lancaster Road, McKail



In Brief:

- Council is asked to consider a Development Application for Telecommunications Infrastructure at 322 (lot 200) Lancaster Road, McKail. The land use is considered a 'D' use within the 'Rural' zone in accordance with the City of Albany *Local Planning Scheme No. 2* (LPS2).
- The application was advertised for public comment via direct mail out to surrounding landowners within 500m radius. Seven submissions were received during advertising, all of which raised concerns in relation to the proposal.
- The application in its current form, has been assessed on its merit against the applicable statutory framework including the LPS2 zone objectives and applicable provisions, applicable state legislation and guidelines such as *State Planning Policy 5.2 – Telecommunications Infrastructure* (SPP 5.2). Advice from state agencies, relevant matters raised during the advertising period, and further response from the applicant addressing matters have been considered as part of the City's assessment.
- Due to the number of concerns raised, the application is referred to Council for determination.
- In June 2024, under report item DIS398, the proposal was referred to the Committee. The decision was deferred to allow the applicant to reconsider the proposed location of the telecommunications tower, taking into account additional feedback from neighbouring residents.
- The applicant later submitted revised plans that met the setback requirements of LPS 2. This new information has been reviewed and evaluated, informing the recommendation detailed below.
- Staff consider that the proposal will not have a detrimental impact on adjoining properties nor the overarching amenity and desired character of the area. The use is consistent with the relevant objectives of the zone, Strategic Community Plan, and Corporate Business Plan and therefore staff recommend that Council approve the proposed development, subject to conditions.

RECOMMENDATION

DIS398: AUTHORISING OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a notice of determination granting development approval with conditions for Telecommunications Infrastructure at Lot 200, 322 Lancaster Road, McKail.

Conditions:

1. All development shall occur in accordance with the stamped, approved plans referenced P2240018, being signed and dated by a designated Authorised Person, 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. Unless otherwise agreed in writing with the City of Albany, no additional lighting is permitted on the telecommunications tower.
4. The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.

Advice:

The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.

BACKGROUND

7. The City of Albany has received a development application for Telecommunications Infrastructure at 322 (Lot 200) Lancaster Road, McKail.

Local Planning Scheme	City of Albany Local Planning Scheme No. 2
Zone	Rural
LPS 2 Class & Permissibility (Table 3)	Telecommunications Infrastructure – D
Lot size	41,713m ²
Existing Land Use	Single House and other incidental structures
Bushfire Prone Area	Yes
Local Planning Policies	N/A

8. The subject site is approximately 7.5km from the Albany CBD adjacent to the new ring road. The site is also within 150m of the 'Rural Residential' zone to the west which is separated from the development site by the ring road.
9. The development site does not have any heritage significance, nor does it contain any significant vegetation marked for protection.
10. The proposal was referred to the Committee in June 2024 under report item DIS398 and a decision was deferred to request the applicant reconsider the proposed location of the tower taking into consideration the comments received from adjoining neighbours.
11. After the DIS meeting, the applicant was informed of the Committee's position. Taking this feedback into account, along with other comments received, the applicant has decided to adjust the development to comply with the setback requirements of LPS 2.

DISCUSSION

13. The proposed Telecommunications Infrastructure involves the following:

<p>Area of Use</p>	<ul style="list-style-type: none"> • Development lot is approximately 4.17ha • Telecommunications infrastructure will be located on a 120m² lease area
<p>Summary of proposed operations</p>	<p><u>Proposal</u></p> <ul style="list-style-type: none"> • The applicants report states that the tower is being proposed to accommodate the immediate and future coverage and capacity requirements of Telstra’s network and improve coverage in the locality. • The proposed development involves the installation of the following telecommunications infrastructure at the subject site: <ul style="list-style-type: none"> ○ Establishment of a 120m² fenced lease area; ○ Excavation of the footing for the monopole; ○ The installation of a new 40m monopole with a triangular headframe; ○ The installation of six (6) new Telstra panel and six (6) AIR antennas for the provision of 4G and 5G technologies to be mounted on the headframe at a maximum height of 41.3m elevation; ○ The installation of an equipment shelter to accommodate internal Telstra equipment; and ○ The installation of ancillary equipment including transceivers, remote radio units, amplifiers, antenna mounts, cable trays, feeders, cabling, combiners, diplexers, splitters, couplers, jumpers, filters, electrical equipment, signage, and other associated equipment. • 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. <p><u>Location</u></p> <ul style="list-style-type: none"> • The existing development on site will remain. • The location of the tower is approximately 170m from the existing single house on the site, 110m from the closest neighbouring building, and 178m from the closest neighbouring single house. • The subject site is not identified as being within an area of high landscape protection, nor does it contain any places of heritage significance. • The infrastructure is located within an existing cleared area and does not require the removal of any native vegetation. • The proposal has been assessed against LPS 2 and SPP 5.2 • As outlined under SPP 5.2, when determining telecommunications infrastructure, it is necessary to assess the impact on amenity against the overall public benefit of the infrastructure. • The application was initially taken to DIS Committee with a setback variation to both the primary and secondary street setbacks.

	<ul style="list-style-type: none">• In response to the feedback received from the Committee meeting the applicant has opted to submit revised plans with increased setbacks that comply with the provisions of LPS 2.• The lease area for the telecommunications tower and its supporting infrastructure is now 15m from Lancaster Rd, and 15m from the western boundary
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14. In assessing the merits of the proposal, Council are to consider the overall public benefit of the proposal on balance with the potential impacts on the amenity from the proposed development.
15. The proposed development has been assessed against the applicable statutory framework including SPP 5.2 and LPS 2.
16. In support of the proposed location, the applicant has also provided a detailed justification for the location as a part of the planning report included as attachment 1 to this report. The following matters were taken into consideration in selection of the proposed location.
 - Maximising the setback of the facility from residential areas and any sensitive land uses.
 - Ability for the tower to visually integrate into the locality and ensure that existing and future amenity of the locality is not compromised.
 - The choice of construction (being a monopole design) to reduce the impact of visual amenity.
 - The ability for the tower to provide a clear line of site to devices using the network as is required by the technology.
 - The ability to co-locate with other existing infrastructure.
17. Following this process, the proposed site was considered suitable by the applicant for the following reasons:
 - The proposal is technically feasible in this location achieving Telstra's network objectives for the area, resulting in significantly improved telecommunications services benefitting the McKail community.
 - The site has been located in an area where there is no public access and on a land parcel that will not interfere with current or future lawful activities of the side and adjoining parcels of land.
 - There are no specific sensitive uses, such as schools, childcare centres or aged care facilities close to the proposed facility.

Public Consultation

18. It is not required to be advertised under LPS2 as the use is a 'D' use, the application was advertised to adjoining landowners within 500m for 27 days. During the consultation period a total of seven submissions were received, all objecting to the proposal and raising concerns as outlined below and within the attached summary of submissions (Attachment 2).
 - Health concerns
 - The visual impact of the proposal on the amenity of the area.
 - Environmental concerns.
 - Impact on property values.
 - Quality of the supporting planning report submitted with the application.
19. The main concerns raised during the submission period will be broadly addressed under the headings below.

Health Concerns

20. Through public consultation concerns were raised in relation to the potential for detrimental health effects from the proposed tower, particularly in relation to 5G technology.

21. Concerns were specifically raised that there are a number of households within the immediate vicinity of the proposed tower.
22. The subject site is zoned as rural which is typically associated with lower density types of development. However, it is noted that to the west of the subject site is a rural residential zoned area that increases the intensity of neighbouring properties.
23. The applicant has provided the following response in relation to the comments received regarding potential health impacts. A full copy of the applicant's response to the concerns raised during the consultation period has been provided as attachment 2 to this report.

“Over 50 years of scientific research has already been conducted into the possible health effects of the radio signals used for mobile phones, base stations and other wireless services, including the frequency bands now being redeployed for 5G.

We agree that it is important that scientists perform long term studies on possible adverse effects of mobile-phone type exposure. There are a number of studies underway (e.g. COSMOS, see <http://www.thecosmosproject.org/>) and it is important to monitor the outcomes of these.

The ARPANSA website describes that Electromagnetic hypersensitivity (EHS) is a wide range of non-specific health problems that are attributed to low-level exposure of electromagnetic fields (EMF) and “... EHS has no clear diagnostic criteria and the science so far has not provided evidence that EMF exposure is the cause.”

ARPANSA advises:

On the basis of current scientific information, there is no established evidence that EHS is caused by EMF at levels below exposure guidelines. ARPANSA acknowledges that the health symptoms experienced by the affected individuals are real and can be a disabling problem, and advise those affected to seek medical advice from a qualified medical specialist.

ARPANSA remains actively engaged with the EHS community, researchers and medical specialists in this area. ARPANSA will continue to review the research into potential health effects of exposure to EMF in order to provide accurate and up-to-date advice.”

24. It is necessary to note that the City is not a regulatory body in respect to electromagnetic energy (EME). The Federally established Australian 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 EME level from the site will be 1.97% of the maximum public exposure level.

Visual Impact

25. A number of concerns were received in relation to the impact on visual amenity of the area from the proposed development, including the visual impact from nearby residents.
26. When assessing impacts on amenity, it is necessary to determine the level of existing amenity within the immediate area, and secondly, within the wider locality.
27. The existing amenity in this area of Lancaster Road can be characterised as being a largely rural and rural residential landscape defined by large lot sizes and high separation between neighbouring development.
28. It is also worth noting that the Albany Ring Road has now been constructed which separates the rural residential area from the subject site. While the ring road does not specifically screen the telecommunications tower from view, it does add another dimension to the existing amenity, introducing a higher level of development into the area.
29. It is also common for development such as that proposed to be grouped with a main road due to the consistent visuals and the need to maintain coverage over high traffic routes.

30. SPP 5.2 outlines a number of considerations in the assessment of the visual impact of telecommunications infrastructure proposals.
31. Considerations include that visual impact assessment should be made on a case by case basis, that proposal should be sited and designed to minimise visual impact, that proposals should not be located on sites that may compromise site of cultural, environmental, social or visual landscape value and the proposal should display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.
32. In line with the above, the proposed site is not located in a prominent topographical location (such as on a ridge line). The applicant has also proposed to use a monopole design in a grey tone to assist in reducing the visual impact of the proposed development.
33. It is acknowledged that while the proposal will be visible when viewed from a number of properties within the area, it is necessary to consider that although the development will be partially visible, this aspect does not in itself mean that proposed development will have a negative impact on the visual amenity of the locality.
34. The subject land is not identified as being located within an area of high landscape protection, nor does it contain any places of heritage significance.
35. As outlined above, the proposal demonstrates compliance with the policy objectives and measures set out under SPP 5.2. A full assessment of the policy is outlined under the Policy Implications section below.

Environmental Concerns

36. During public consultation concerns were raised on the risk of EMF's on native wildlife, specifically:
 - The submission mentions that bees are affected by EMF's which cause them to get disorientated and lose their way causing Colony Collapse Disorder.
 - The subsequent potential loss of bees will have negative impacts on the fruit trees and other vegetation in the area.
37. The applicant has provided the following comments in response to the above:

With respect to possible effects of RF EME on flora and fauna, in 2019 Telstra asked ARPANSA for their response on the issue of possible effects on flora and fauna. They replied, *"There is no established evidence that EME exposure from wireless telecommunications sources is harmful to flora or fauna. It should be remembered that many of the studies investigating human health are performed in the laboratory on animals and plant cells."*
38. As noted within the applicants report Electromagnetic Fields (EMF) are often referred to as Electromagnetic Radiation (EMR) or Electromagnetic Energy (EME). When referenced above these terms are referred to interchangeably.
39. As above, the City is not the regulatory body for health concerns whether that be human or environmental.

Property Values

40. The potential decrease in property values was raised during the consultation process.
41. Property values are not within the matters to be considered under clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015; and therefore, are not a valid planning consideration.

Quality of the supporting planning report

42. The report included by the applicant has been prepared to address all relevant planning matters.

43. As a part of the consultation period concerns were specifically raised over the quality of the references used as a part of the report when referencing the impact of the technologies on the proposed tower on the area.
44. The applicant has provided the following response to the concerns raised which can be found in detail in attachment 2:

EME levels, which are based on safety guidelines recommended by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), are set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and regulated by the Federal Government's, Australian Communications and Media Authority (ACMA).

The ACMA's regulatory arrangements require base stations to comply with the exposure limits set in the relevant Australian safety standard; the Radiation Protection Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz (2021), known as RPS S-1 or the ARPANSA Standard. The RPS S-1 series was adopted in 2021 and includes 4G and 5G frequency fields. The new standard was introduced to align with updated ICNIRP guidelines published in 2020.

All Telstra mobile base stations are designed to comply with the relevant Australian safety standard. The EME report provided with the application provides a calculation of the maximum EME associated with the proposed facility measured in accordance with the ARPANSA methodology.

45. As previously noted the City is not the regulatory body for this component of the development and therefore facts and figures presented regarding EME do not influence this decision.
46. It is noted that while concerns were raised on the potential amenity impacts of the proposal as discussed above, no comments were received regarding the quality of the visual amenity assessment by the applicant which carries more weight within this assessment.

GOVERNMENT & PUBLIC CONSULTATION

47. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Mail out to landowners within approximately 500m	1 March 2024 – 29 March 2024	7 submissions received	No statutory consultation

STATUTORY IMPLICATIONS

48. Telecommunications infrastructure is classified as a “D” use within the ‘Rural’ zone under LPS 2 Zoning table, meaning that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.
49. Voting requirement for this item is **Simple Majority**.

POLICY IMPLICATIONS

50. The proposal has been assessed against SPP 5.2 which provides guiding principles for the location, siting and design of telecommunications infrastructure.
51. It is important to note that 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.
52. Furthermore, buffer zones and/or setback distances are not to be included in local planning schemes or policies.
53. There is a clear direction in 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.

54. 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:
- Be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;
 - 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;
 - Not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised and
 - Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape;”
55. As outlined within the discussion above, the applicant has provided justification (attachment 1) outlining the design measures undertaken to minimise the perceived visual amenity impacts of the tower.
56. The development site has not been identified as being within an area of high landscape protection, nor does it contain any places of heritage significance.
57. The infrastructure is located within an existing cleared area and does not require the removal of any native vegetation.
58. The applicant has proposed a monopole rather than a lattice style tower as it is less obtrusive. A recessive colour (either concrete or steel grey) has also been proposed by the applicant in order to blend the infrastructure into the sky to reduce the overall dominance of the structure.
59. The site has been chosen to address the existing coverage issues in the McKail and surrounding areas.
60. There are no existing facilities which would allow co-location to occur while meeting the operational requirements for the infrastructure.
61. The proposal demonstrates compliance with the policy objectives of SPP 5.2

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>The perception that the approval may generate unacceptable impacts on the amenity of the area.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>The application has been assessed against the relevant statutory framework and sited to minimise any impacts on the amenity of the area.</i>
Legal & Compliance <i>The potential for legal challenges and how they would be addressed.</i>	<i>Low</i>	<i>Low</i>	<i>Low</i>	<i>The proposal complies with the City of Albany Local Planning Scheme No. 2 and State Planning Policy 5.2. This compliance is critical as it shows that the proposal meets all necessary legal and regulatory requirements.</i>
Environmental <i>Even though health risks are regulated by ARPANSA, public perception of environmental impact is a risk.</i>	<i>Low</i>	<i>Low</i>	<i>Low</i>	<i>The report addresses the concerns raised during public consultation in a detailed manner, providing evidence and expert opinions to mitigate those concerns.</i>
<i>Opportunity: Responds to the community for improving mobile telecommunications in the municipality.</i>				

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

64. 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

65. The proposed development is required to comply with parameters set out under the Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300GHz. The federally established Australian Protection and Nuclear Safety Agency (ARPANSA) enforce these standards.

ALTERNATE OPTIONS

66. 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

67. The proposal has been assessed against LPS 2 and SPP 5.2 relating to telecommunications infrastructure.
68. In determining the application, it is necessary to consider any potential impacts on amenity against the long-term benefit of improved telecommunication services and coverage.
69. It is recommended that Council approve the proposed development, subject to the conditions provided.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No. 2</i> 2. <i>Strategic Community Plan 2032</i> 3. <i>State Planning Policy 5.2 – Telecommunications Infrastructure</i> 4. <i>Visual Landscape Planning in Western Australia – a manual for assessment, siting and design.</i> 5. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
File Number	:	A27175
Previous Reference	:	N/A

DIS402: LOCAL PLANNING POLICIES – LOCAL PLANNING SCHEME NO.2.

Land Description	: City of Albany.
Proponent / Owner	: City of Albany.
Business Entity Name	: City of Albany.
Attachments	: Modified Local Planning Policy Suite
Supplementary Information & Councillor Workstation	: N/A
Report Prepared By	: Senior Planning Officer – Policy & Place (D Ashboth)
Authorising Officer:	: 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 2032:
 - **Pillar:** Place
 - **Outcome:**
 - Responsible growth, development and urban renewal.
 - Interesting, vibrant and welcoming places.
 - Local history, heritage and character is valued and preserved.
 - A safe, sustainable, and efficient transport network.
 - **Pillar:** Planet
 - **Outcome:**
 - Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.
 - A resilient community that can withstand, adapt to, and recover from natural disasters.
 - **Pillar:** Prosperity
 - **Outcome:**
 - A strong, diverse and resilient economy with work opportunities for everyone.
 - A highly sought-after tourist destination.
 - **Pillar:** Leadership
 - **Outcome:** Grow awareness, understanding and engagement in City projects, activities and decisions.
2. The Albany *Local Planning Strategy 2019* is the local planning strategy that sets out the long-term planning directions for the Scheme area. This report aligns with the implementation of the strategic objectives and actions identified under the City of Albany *Local Planning Strategy 2019* (the Planning Strategy).

In Brief:

- The suite of local planning policies (LPP) requires updating to reflect the recent gazettal of City of Albany Local Planning Scheme No. 2 (LPS2) and other recent administrative updates in state and local planning frameworks.
- The modified suite of LPPs as presented to Council, involves minor administrative changes, undertaken for administrative purposes only, with no changes proposed to overarching intent, scope, objectives or provisions.
- In accordance with pursuant to Schedule 2, Part 2, Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* advertising is not required for minor amendments to local planning policies.
- Council is requested to adopt the modified policy suite to support the implementation of LPS2.

RECOMMENDATION

DIS402: AUTHORISING OFFICER RECOMMENDATION

THAT Council ADOPTS the following draft Local Planning Policies, pursuant to Schedule 2, Part 2, Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- a) **Local Planning Policy 1.1 - Domestic Wind Turbines**
- b) **Local Planning Policy 1.3 - Signs**
- c) **Local Planning Policy 1.4 - Heritage Protection**
- d) **Local Planning Policy 1.5 - Public Parkland Policy**
- e) **Local Planning Policy 1.6 - Holiday Accommodation**
- f) **Local Planning Policy 1.7 - Container Deposit Scheme**
- g) **Local Planning Policy 1.9 - Waste Management**
- h) **Local Planning Policy 1.10 - Percent for Art**
- i) **Local Planning Policy 1.13 Bed and Breakfast**
- j) **Local Planning Policy 2.1 - Non-Residential Development in the Residential Zone**
- k) **Local Planning Policy 2.2 - Temporary Accommodation**
- l) **Local Planning Policy 2.4 - Development Approval Exemptions – Urban Development Zone**
- m) **Local Planning Policy 3.1 - Caravan Park and Tourist Development Uses in the Rural or Priority Agriculture Zones**
- n) **Local Planning Policy 4.1 - Albany Historic Town Design Policy**
- o) **Local Planning Policy 4.2 - Reflective Roofs Goode Beach**
- p) **Local Planning Policy 4.3 - Albany Town Centre**
- q) **Local Planning Policy 4.4 - Cheyne Beach Policy**
- r) **Local Planning Policy 4.5 - Masonic Hall Design Guidelines**
- s) **Local Planning Policy 4.6 – Lot 100 Grey Street East**
- t) **Local Planning Policy 4.7 – Thomas Street Design Guidelines**
- u) **Local Planning Policy 4.8 – Barker Road Industrial Area**
- v) **Local Planning Policy 4.9 – Station Precinct Guidelines**

BACKGROUND

3. City of Albany Local Planning Scheme No. 2 (LPS2) was published in the Government Gazette in February 2024. Following this, the City's suite of LPPs requires updating to reflect this and other recent applicable updates to documentation in the State and local planning frameworks.
4. The City is required to update its existing local planning policy suite in to ensure alignment with LPS2.
5. Officers are undertaking a further in-depth review of the City's remaining LPPs to ensure the policy suite is contemporary and consistent with best practice however, this is a separate process unrelated to the gazettal of LPS2.

DISCUSSION

6. Twenty-two LPPs require updating to reference LPS2 and incorporate other recent administrative changes in the local and state planning frameworks.
7. The proposed modifications can be summarised into the following categories:
 - a) Updated template to reflect new City branding and format.
 - b) Updated formatting and correction of grammatical and typographical errors, without impacting on the policy's purpose or intent.
 - c) References updated to incorporate recent changes to current local and state planning frameworks, primarily involving updating the reference to LPS2 from the superseded City of Albany Local Planning Scheme No. 1 (LPS1).
8. Proposed amendments to LPPs that are considered minor by the local government, do not require advertising prior to adoption by Council, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations).
9. Given the changes are administrative in nature and do not affect the intent of the policies that were operational under LPS1, it is not considered necessary to advertise the amendments to the local planning policies.
10. It is recommended that Council adopts the modified suite of LPPs, in accordance with the applicable provisions of the Planning Regulations.

GOVERNMENT & PUBLIC CONSULTATION

11. The proposed amendments to the LPPs were considered minor, and therefore did not require formal advertising before referral to Council for adoption, in accordance with the applicable provisions of the Planning Regulations. Refer Statutory Implications below for further information.

STATUTORY IMPLICATIONS

12. Voting requirement for this item is **Simple Majority**.
13. LPS2 is a prescriptive instrument that sets out the statutory provisions for how land may be used and developed. Sole reliance upon it for regulating all forms of development under all circumstances is not always practical.
14. To address this, the Deemed Provisions of the Planning Regulations contains provisions enabling local governments to adopt LPPs in order to:
 - a) address specific planning and development matters unique to the local government's context.
 - b) amend or augment provisions set out by State Planning Policy, including the application of additional development controls or considerations for specific sites.
15. In accordance with Schedule 2, cl. 4 of the Planning Regulations, amendments to existing LPPs that are considered minor in the opinion of the local government, are not required to be advertised prior to adoption.
16. If the local government resolves to adopt the amended LPPs, the local government must publish a notice in accordance with cl. 87 of Planning Regulations. The amended LPPs come into effect on the publication of the notice.
17. Existing LPPs where provisions had been incorporated into LPS2 or were no longer considered relevant have been revoked, with notice issued via publication in the newspaper and on the City's website. Council resolution is not required for the revocation of an LPP, in accordance with applicable provisions of the Planning Regulations.

POLICY IMPLICATIONS

- 18. A Policy is a ‘due regard’ document and as such should not prescribe mandatory requirements in the way a local planning scheme does.
- 19. Administrative amendments to the existing local planning policies will have no impact on the assessment of development applications or the intent of the existing local planning policies.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operational <i>Not approving the amended policy suite would result in the continued use of local planning policies referencing a local planning scheme that is no longer operational or that conflict with scheme provisions.</i>	<i>Almost Certain</i>	<i>Minor</i>	<i>High</i>	<i>Approving the amended local planning policies.</i>
Opportunity: <i>Ensure the City’s Local Planning Policies are up to date and fit for purpose.</i>				

FINANCIAL IMPLICATIONS

- 21. There are no financial implications beyond what will be used for the notices of adoption and revocation.

LEGAL IMPLICATIONS

- 22. Subject to following regulatory steps, there are no legal implications relating to preparing, amending or revoking policy positions.

ENVIRONMENTAL CONSIDERATIONS

- 23. There are no environmental considerations relating to the amendments proposed to the current suite of LPPs.

ALTERNATE OPTIONS

- 24. Council can alternatively resolve not to proceed with the amended local planning policies, in accordance with the applicable provisions of the Planning Regulations.

CONCLUSION

- 25. Amendments are proposed to the City of Albany suite of LPPs to reflect the recently gazetted LPS2 and other updates to local and state planning frameworks.
- 26. Advertising the amendments was not required in this instance, as the modifications were minor, implemented for administrative purposes only and do not involve changes to overarching intent or specific provisions.
- 27. Council is therefore requested to endorse the officer’s recommendation to adopt the proposed amendments to the City’s Local Planning Policy suite.

Consulted References	:	1. <i>Local Planning Scheme 1</i> 2. <i>Draft Local Planning Scheme 2</i> 3. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
File Number	:	LP.POL.2
Previous Reference	:	Nil

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