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# MINUTES

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## DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

**Wednesday 12 June 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  
MINUTES – 12/06/2024

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DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE  
MINUTES – 12/06/2024

1. **DECLARATION OF OPENING** The Chair declared the meeting open at 6.00pm
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         |
| <b>Councillors:</b>                                             |                  |
| Deputy Mayor Councillor                                         | P Terry          |
| Councillor                                                      | A Cruse (Chair)  |
| Councillor                                                      | R Sutton         |
| Councillor                                                      | T Brough         |
| Councillor                                                      | D Baesjou        |
| Councillor                                                      | S Grimmer        |
| Councillor                                                      | M Traill         |
| Councillor                                                      | L MacLaren       |
| Councillor                                                      | C McKinley       |
| Councillor                                                      | M Lionetti       |
| <b>Staff:</b>                                                   |                  |
| Chief Executive Officer                                         | A Sharpe         |
| Executive Director Infrastructure, Development<br>& Environment | P Camins         |
| Manager Development Services                                    | J van der Mescht |
| Manager Reserves                                                | J Freeman        |
| Meeting Secretary                                               | P Ruggera        |

**Apologies:** Nil

The was no media representative and 4 people were in attendance.

**4. DISCLOSURES OF INTEREST**

| Name                          | Committee/Report Item Number | Nature of Interest                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Deputy Mayor Councillor Terry | DIS398                       | <p><b>Financial:</b> The nature of the interest being that Deputy Mayor Councillor Terry is a Trustee of a Self-Managed Superannuation Fund who holds shares in the parent company of the client of the proponent, being Telstra Corporation Ltd, in excess of the value stipulated in the Act.</p> <p>Deputy Mayor Councillor Terry left the Chamber and did not participate in the discussion or vote on this item.</p> |

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

During Public Question Time at the Development & Infrastructure Services Meeting held on 15 May 2024, Mr Pemberton asked the following questions which were taken on notice. The Manager Development Services has provided the following responses.

Are conditions different between Monday to Friday and Saturday/Sunday? Time, position etc?

[CBD trading will be restricted if the new policy is adopted.](#)

Can food vans trade after regular business (brick and mortar) opens? Do they have to move to another place?

[Not in the CBD, however after-hours trading will be permitted in accordance with the policy.](#)

If the sandwich bar opens Saturday and Sunday what happens to the food van operating nearby the Town Hall?

[No, CBD trading will be restricted if the new policy is adopted.](#)

Can someone set up a market in the Centrelink Carpark on Saturday and Sunday?

[Not unless it is an event.](#)

How often and who checks compliance for food vans and traders in public places?

[This is done by the City's Environmental Health Team, a licence is needed and needs appropriate approvals in order to operate, including health and safety of food. We also attend when the public alerts us to breaches.](#)

Who is responsible for matters of personal and food hygiene, is someone available for late night traders?

[This is also done by the Environmental Health Team. The City Health inspects all food establishments when required.](#)

What are the time limits for the CBD? Does that vary for local food vans as opposed to itinerant food vans?

[No. CBD trading will be restricted.](#)

What is the definition of a public place?

[Public places are government owned property or road reserve.](#)

This response has been provided to Mr Pemberton by email (Synergy reference EF24312657)

**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.*

**6.02pm Mr Jamie Belfield, 323 Lancaster Road, Mckail**

**Summary of key points:**

Mr Belfield spoke against the Authorising Officer Recommendation for report DIS398: Telecommunications Infrastructure

The following question from Mr Belfield was taken on notice;

- *Can the tower be moved further north at least 100m?*
- *How far are the towers meant to be from houses?*

**6.05pm Richard Vogwill, 53 La Perouse Road, Goode Beach**

**Summary of key points:**

Mr Vogwill spoke against the Authorising Officer Recommendation for report DIS397: Whalers Beach (Frenchman Bay) Coastal Hazard Risk Management And Adaptation Plan (CHRMAP)

Mr Vogwill's tabled address is detailed in Appendix A.

**6.08pm Michael Pemberton – 9A Shorts Place, Mira Mar –**

**Summary of key points:**

Mr Pemberton spoke against the Retail Trading Hours Survey.

**7. PETITIONS AND DEPUTATIONS Nil**

**8. CONFIRMATION OF MINUTES**

**RESOLUTION**

**MOVED: COUNCILLOR TRAILL**

**SECONDED: COUNCILLOR BROUGH**

**THAT the minutes of the Development and Infrastructure Services Committee meeting held on 15 May 2024 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**

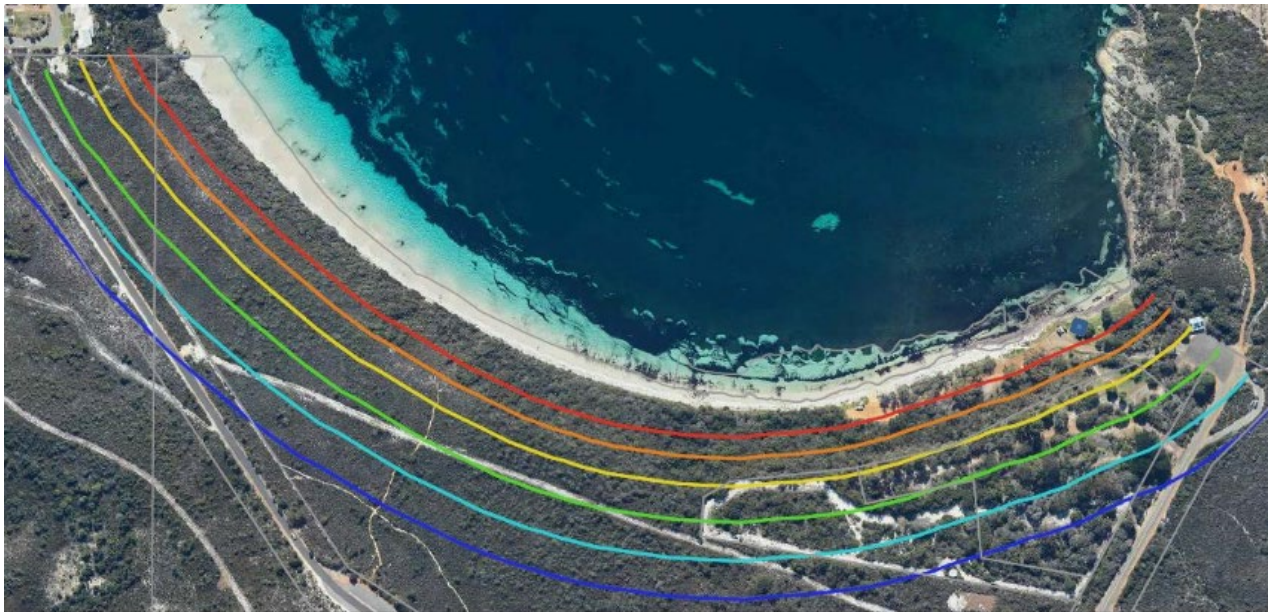
## DIS397: WHALERS BEACH (FRENCHMAN BAY) COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN (CHRMAP)

|                                                               |                                                                                                                                                  |
|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Land Description</b>                                       | : Landgate Reserve 21337                                                                                                                         |
| <b>Proponent / Owner</b>                                      | : City of Albany (Vested Crown Land)                                                                                                             |
| <b>Attachments</b>                                            | : 1. Whalers Beach Coastal Hazard Risk Management and Adaptation Plan                                                                            |
| <b>Supplementary Information &amp; Councillor Workstation</b> | : 1. Copies of submissions<br>2. Schedule of Submissions and Officer Response<br>3. <a href="#">State Planning Policy 2.6 – Coastal Planning</a> |
| <b>Report Prepared By</b>                                     | : Senior Planning Officer (D Ashboth)                                                                                                            |
| <b>Authorising Officer:</b>                                   | : Executive Director Infrastructure, Development & Environment (P Camins)                                                                        |

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** Planet
  - **Outcomes:** Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.
  - **Outcomes:** A resilient community that can withstand, adapt to, and recover from natural disasters.

### Maps and Diagrams: Whalers Beach, Frenchman Bay





**In Brief:**

- The City of Albany engaged MP Rogers & Associates to prepare a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for public assets at Whalers Beach.
- The draft CHRMAP recommends the public assets are retreated as they become actively impacted by coastal erosion.
- The CHRMAP is considered the first step in the long-term planning of the foreshore reserve, which has been significantly impacted by coastal erosion in recent times.
- It is recommended Council resolve to adopt the Whalers Beach Coastal Hazard Risk Management and Adaptation Plan (CHRMAP), in accordance with *State Planning Policy 2.6 – State Coastal Planning Policy*.

**RECOMMENDATION**

**DIS397: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR BROUGH**

**SECONDED: DEPUTY MAYOR COUNCILLOR TERRY**

**THAT the Authorising Officer Recommendation be ADOPTED.**

**CARRIED 11-0**

**DIS397: AUTHORISING OFFICER RECOMMENDATION**

THAT Council resolves to ADOPT the draft Whalers Beach (Frenchman Bay) Coastal Hazard Risk Management and Adaptation Plan (CHRMAP), in accordance with State Planning Policy 2.6 – State Coastal Planning Policy.

**BACKGROUND**

2. The City of Albany (The City) has engaged MP Rogers & Associates to prepare a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for public assets at Whalers Beach. Although colloquially used to reference the shoreline subject to this CHRMAP, the term Frenchman Bay officially refer to a wider locality that extends eastward to the end of Whaling Station Road (refer image below). The foreshore that is subject to this CHRMAP is correctly known as Whalers Beach. The CHRMAP has been updated following advertising to reflect the correct naming convention.



3. The draft CHRMAP has been prepared in accordance with State Planning Policy No. 2.6 State Coastal Planning Policy (SPP 2.6) which requires the responsible management authority to prepare a CHRMAP where existing or proposed assets or infrastructure may be at risk from coastal hazards over the planning timeframe.

4. The purpose of a CHRMAP is to define areas of coastline which could be vulnerable to coastal hazards and outline the preferred approach to monitoring and management of these hazards.
5. The need to undertake a detailed CHRMAP for the site was identified following receipt of Coastal Hazard Assessment and CHRMAP to support consideration of an LDP application for lots 1 & 2 Frenchman Bay Road which identified the existing foreshore reserve at Whalers Beach to be imminently at risk of coastal hazard impacts.
6. The requirement for the assessment of coastal hazard risk is even more profound given that the shoreline fronting the main coastal node has experienced noticeable erosion over the past few years.
7. Extensive coastal erosion has forced the closure of the lower carpark and picnic area by the City of Albany in the winter of 2022. The erosion undermined the carpark, signage, fencing and bollards. The picnic area has also become unstable with high tides and wave action from recent storms. Boat users have been told to launch their craft at alternative locations.
8. In response, coir logs have been installed in the lower-lying areas to protect trees from falling into the ocean, with further plans in place for remediation at the picnic area including terracing, coir logs and planting of native fringing vegetation. This was identified as a short-term solution until a Foreshore Management Plan has been prepared for the area.
9. The CHRMAP is considered the first step in the long-term planning for the foreshore reserve at Whalers Beach and is likely to inform the preparation of a Foreshore Management Plan (FMP) in the 2024/2025 financial year.

## **DISCUSSION**

10. The CHRMAP identifies the vulnerability and associated risk management requirements for City assets within the Whalers Beach foreshore reserve.
11. The report deems the risks of coastal inundation impacts to public assets to be minor however, indicates a number of assets to be imminently at risk of coastal erosion.
12. The draft CHRMAP recommends the public assets are retreated as they become actively impacted by coastal erosion, an adaptation measure that would allow for high levels of public access to the area for the largest timeframe.
13. The report recommends the retreat of assets is triggered by an individual assessment relating to the risk each asset poses to public safety and City management, with specific triggers for individual assets outlined within the report.
14. Identified coastal hazard risks will be used to guide future site management in the context of coastal hazards and inform Foreshore Management activities at Whalers Beach.

### Response to submissions

15. The draft CHRMAP was advertised for public comment throughout February 2024 via direct mail out to nearby residents and community associations and was also published on the City of Albany website.
16. Through this process, four (4) submissions on the draft CHRMAP report were received.
17. A number of submissions raised concerns with the naming conventions used in the report, specifically the use of the term 'Frenchman Bay' to refer to the project area.
18. The submissions correctly state that the term 'Frenchman Bay' refers to a wider area, approximately encompassing the area from Limestone Point to Mistaken Island (a distance of approximately 7kms).
19. The area the CHRMAP has been prepared for is correctly known as 'Whalers Beach'.
20. In response to these submissions the draft CHRMAP was updated to ensure the correct naming convention is used throughout the document.

21. A submission also suggested a geotechnical investigation of the slope/embankment may assist in refining managed retreat predictions.
22. A study was previously undertaken on Lots 1 and 2 which determined there was a deep layer of sand underlain by siltier material with no rock present. It was therefore anticipated that these conditions would extend over the full extent of Whalers Beach.
23. Given the drillholes on lots 1 and 2 were located in very close proximity to the escarpment, a sandy coastline classification has been used. Although likely accurate, this classification also represents the ‘worst case scenario’ in regard to coastal erosion therefore further geotechnical studies are only capable of indicating an increased timeframe for coastal erosion behind the escarpment.
24. Noting the majority of public assets are located seaward of the escarpment, it is considered this study would be of more relevance to any private development on lots 1 and 2 rather than City assets.
25. Furthermore, the provision of a geological assessment for the escarpment would not be expected to impact the long-term management of the foreshore, being events based managed retreat.

### GOVERNMENT & PUBLIC CONSULTATION

26. The draft CHRMAP was advertised for public comment in accordance with the following:

| Type of Engagement | Method of Engagement          | Engagement Dates        | Participation (Number)    | Statutory Consultation |
|--------------------|-------------------------------|-------------------------|---------------------------|------------------------|
| Consult            | Mail Out                      | 12/02/2024 – 01/03/2024 | Four submissions received | Yes                    |
| Consult            | Public comment – City website | 23/01/2024 – 20/02/2024 |                           | Yes                    |

27. Following the close of advertising four (4) public submissions were received, the content of the submissions is summarised above and within the Schedule of Submissions (refer attached).

### STATUTORY IMPLICATIONS

28. Future strategic and statutory proposals located within the CHRMAP area will be required to be considered against this document.
29. The voting requirement of Council is **Simple Majority**.

### POLICY IMPLICATIONS

30. The CHRMAP was prepared in accordance with *State Planning Policy 2.6 – Coastal Planning*.

### RISK IDENTIFICATION & MITIGATION

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

| Risk                                                                                                                                                                                           | Likelihood | Consequence | Risk Analysis | Mitigation                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-------------|---------------|-----------------------------------------------------------------------------------|
| <b>Operational:</b> The CHRMAP is not adopted which may impact future planning for the foreshore reserve.                                                                                      | Possible   | Minor       | Medium        | City officers will address concerns and present the reviewed CHRMAP for adoption. |
| <b>Opportunity:</b> Facilitate long-term planning for the foreshore reserve which has been impacted by coastal erosion processes and is subject to a number of short-term protection measures. |            |             |               |                                                                                   |

### FINANCIAL IMPLICATIONS

32. There are no financial implications relating to the adoption the draft CHRMAP.

### LEGAL IMPLICATIONS

33. There are no legal implications relating to adopting the revised policy.

**ENVIRONMENTAL CONSIDERATIONS**

34. There are no environmental implications relating to adopting revised policy.

**ALTERNATE OPTIONS**

35. Council may choose not to support the adoption of the CHRMAP for reasons.

**CONCLUSION**

36. The City of Albany engaged MP Rogers & Associates to prepare a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for public assets at Whalers Beach.

37. The draft CHRMAP recommends the public assets are retreated as they become actively impacted by coastal erosion.

38. The CHRMAP is considered the first step in the long-term planning of the foreshore reserve, which has been significantly impacted by coastal erosion in recent times.

39. It is recommended Council resolve to adopt the Whalers Beach Coastal Hazard Risk Management and Adaptation Plan (CHRMAP), in accordance with State Planning Policy 2.6 – State Coastal Planning Policy.

|                             |   |                                                                                                                                              |
|-----------------------------|---|----------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Consulted References</b> | : | 1. <i>Local Government Act 1995</i><br>2. <i>Planning and Development Act 2005</i><br>3. <i>State Planning Policy 2.6 – Coastal Planning</i> |
| <b>File Number</b>          | : | A234493                                                                                                                                      |
| <b>Previous Reference</b>   | : | Nil                                                                                                                                          |

## DIS398: TELECOMMUNICATIONS INFRASTRUCTURE

|                                                               |                                                                                                                                                                   |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Land Description</b>                                       | : Lot 200, 322 Lancaster Road, McKail WA 6330                                                                                                                     |
| <b>Owner</b>                                                  | : B.J Panizza                                                                                                                                                     |
| <b>Business Entity Name</b>                                   | : BMM Group Pty Ltd <ul style="list-style-type: none"><li>• Directors being Stanley McDonnell, Benjamin Bruce, Robert Guy, Secretary Stanley McDonnell.</li></ul> |
| <b>Attachments</b>                                            | : 1. Plans and applicant report<br>2. Setback variation justification<br>3. Summary of submissions and Applicant response                                         |
| <b>Supplementary Information &amp; Councillor Workstation</b> | : 1. Copies of Submissions<br>2. Summary of submissions                                                                                                           |
| <b>Report Prepared By</b>                                     | : Planning Officer (J Dallimore)                                                                                                                                  |
| <b>Authorising Officer:</b>                                   | : Executive Director Infrastructure, Development and Environment (P Camins)                                                                                       |

Deputy Mayor Councillor Terry declared a Financial Interest for this item. Deputy Mayor Councillor Terry left the Chamber and did not participate in the discussion or vote for this item.

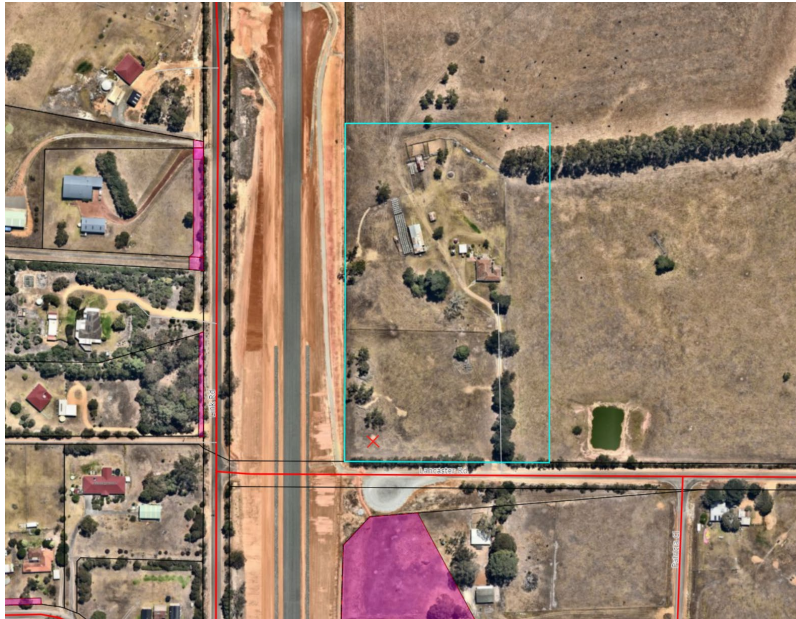
The following question by Councillor Brough was taken on notice during the discussion for the item.

- *Can the Telecommunication Tower be relocated on the lot to be less of a visual burden to the southern property?*

### 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 relate to the following elements of the City of Albany Strategic Community Plan:
  - **Pillar:** Place
  - **Outcome:** Responsible growth, development and urban renewal
4. When exercising its discretion in relation to planning matters, the pertinent strategic document is the Albany *Local Planning Strategy 2019* (the Planning Strategy).
5. 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.
- Staff consider that the proposal will not have a detrimental impact on adjoining properties nor the overarching amenity and desired character of the area, and the use is consistent with the relevant objectives of the zone. Staff therefore recommend that Council approve the proposed development, subject to conditions.

**RECOMMENDATION**

**DIS398: PROCEDURAL MOTION**

**MOVED: MAYOR STOCKS**

**SECONDED: COUNCILLOR TRAILL**

That Council **DEFER** the item **DIS398: TELECOMMUNICATIONS INFRASTRUCTURE** until an answer has been received from the proponent in regards to the possible options for relocation of the tower within the subject lot in order to create greater separation to the dwelling to the south.

**CARRIED 10-0**

*Mayor Stocks and Councillor Trill agreed for the withdrawal of Moving and Seconding for the Authorising Officer Recommendation to be replaced by a procedural motion to defer the item.*

**DIS398: AUTHORISING OFFICER RECOMMENDATION**

MOVED: MAYOR STOCKS  
SECONDED: COUNCILLOR TRAILL

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**

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

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

7. 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.
8. The development site does not have any heritage significance, nor does it contain any significant vegetation marked for protection.

**DISCUSSION**

9. The proposed Telecommunications Infrastructure involves the following:

|                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Area of Use</b></p>                    | <ul style="list-style-type: none"> <li>• Development lot is approximately 4.17ha</li> <li>• Telecommunications infrastructure will be located on a 120m<sup>2</sup> lease area</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>Summary of proposed operations</b></p> | <p><u>Proposal</u></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• The proposed development involves the installation of the following telecommunications infrastructure at the subject site: <ul style="list-style-type: none"> <li>○ Establishment of a 120m<sup>2</sup> fenced lease area;</li> <li>○ Excavation of the footing for the monopole;</li> <li>○ The installation of a new 40m monopole with a triangular headframe;</li> <li>○ 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;</li> <li>○ The installation of an equipment shelter to accommodate internal Telstra equipment; and</li> <li>○ 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.</li> </ul> </li> <li>• 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.</li> </ul> <p><u>Location</u></p> <ul style="list-style-type: none"> <li>• The existing development on site will remain.</li> <li>• 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.</li> <li>• The subject site is not identified as being within an area of high landscape protection, nor does it contain any places of heritage significance.</li> <li>• The infrastructure is located within an existing cleared area and does not require the removal of any native vegetation.</li> <li>• The proposal has been assessed against LPS 2 and SPP 5.2</li> <li>• 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.</li> <li>• The acceptable boundary setbacks for Rural land are listed under Table 12 – Additional requirements that apply to specific zones in Scheme area require a primary street setback of 15m and side and rear setbacks of 10m.</li> </ul> |



|  |                                                                                                                                                                                                                                                                                                                               |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <ul style="list-style-type: none"><li>• The proposed tower and associated infrastructure are proposed to be located in the south west corner of the lot, with the key setbacks being:<ul style="list-style-type: none"><li>○ Primary – Lancaster Road (south): 9m</li><li>○ Side – Rind Road (west): 7.5m</li></ul></li></ul> |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

10. 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.
11. The proposed development has been assessed against the applicable statutory framework including SPP 5.2 and LPS 2.
12. The applicant has provided the following justification for the reduced setback of the telecommunications tower and supporting infrastructure, with the complete justification, including images of the proposed site, included as attachment 2.
  - The facility has been sited and designed to maximise visual integration in the locality and ensure that the amenity of the locality is not substantially impacted.
  - The setbacks of the facility ensure that road users and adjacent property owners will view the proposed structure in the context of other vertical elements associated with the Ring Road construction, including power lines and light poles.
  - The location maximises the screening of the facility at ground level by being sited directly adjacent to existing mature vegetation and separated from properties to the west by the newly constructed Ring Road.
13. Based on the above justification the proposed reduction in the street setbacks is considered to not have an adverse impact on the amenity of the area in the context of the overall proposal.
14. Furthermore, the applicant has also provided a detailed justification for the proposed 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.
15. 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

16. 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 3).
- 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.
17. The main concerns raised during the submission period will be broadly addressed under the headings below.

### Health Concerns

18. 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.
19. Concerns were specifically raised that there are a number of households within the immediate vicinity of the proposed tower.
20. 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.
21. 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 3 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.”*

22. 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

23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. SPP 5.2 outlines a number of considerations in the assessment of the visual impact of telecommunications infrastructure proposals.
29. 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.
30. 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.
31. 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.
32. 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.
33. 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

34. 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.

35. 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.”*

36. 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.
37. As above, the City is not the regulatory body for health concerns whether that be human or environmental.

#### Property Values

38. The potential decrease in property values was raised during the consultation process.
39. 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

40. The report included by the applicant has been prepared to address all relevant planning matters.
41. 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.
42. The applicant has provided the following response to the concerns raised which can be found in detail in attachment 3:

*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.*

43. 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.
44. 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

### 45. 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

46. 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.

47. Voting requirement for this item is **Simple Majority**.

## POLICY IMPLICATIONS

48. The proposal has been assessed against SPP 5.2 which provides guiding principles for the location, siting and design of telecommunications infrastructure.

49. 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.

50. Furthermore, buffer zones and/or setback distances are not to be included in local planning schemes or policies.

51. 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.

52. 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;”

53. 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.

54. 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.

55. The infrastructure is located within an existing cleared area and does not require the removal of any native vegetation.

56. 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.

57. The site has been chosen to address the existing coverage issues in the McKail and surrounding areas.
58. There are no existing facilities which would allow co-location to occur while meeting the operational requirements for the infrastructure.
59. The proposal demonstrates compliance with the policy objectives of SPP 5.2

**RISK IDENTIFICATION & MITIGATION**

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

| Risk                                                                                                                                      | Likelihood | Consequence | Risk Analysis | Mitigation                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------|------------|-------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Reputation</b><br/> <b>Risk:</b> The perception that the approval may generate unacceptable impacts on the amenity of 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><i>Opportunity: Responds to the community for improving mobile telecommunications in the municipality.</i></p>                         |            |             |               |                                                                                                                                          |

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

62. 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**

63. 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**

64. 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**

65. The proposal has been assessed against LPS 2 and SPP 5.2 relating to telecommunications infrastructure.
66. 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.
67. It is recommended that Council approve the proposed development, subject to the conditions provided.

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

## DIS400: DEVELOPED MANAGED SPACE - PARKS & GARDENS POLICY

|                             |                                                                                |
|-----------------------------|--------------------------------------------------------------------------------|
| <b>Land Description</b>     | : City of Albany                                                               |
| <b>Proponent / Owner</b>    | : City of Albany                                                               |
| <b>Attachments</b>          | : Developed Managed Space – Parks and Gardens Policy                           |
| <b>Report Prepared By</b>   | : Manager City Reserves (J Freeman)<br>Reserves Officer (K O’Flaherty)         |
| <b>Authorising Officer:</b> | : Executive Director Infrastructure, Development and<br>Environment (P Camins) |

*As per Section 3.2(3) of the City of Albany Standing Orders Local Law 2014, the committee decided to alter the order of the agenda to consider Agenda Item DIS400: DEVELOPED MANAGED SPACE - PARKS & GARDENS POLICY to this place in the meeting.*

### 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:
  - **Pillar:** Place
  - **Outcome:** Interesting, vibrant and welcoming places.
  - **Pillar:** Leadership
  - **Outcome:** A well informed and engaged community.

### In Brief:

- The City receives many requests from the community regarding infrastructure for their local parks, especially large items such as toilets, shelters, BBQ’s and playgrounds.
- This Policy will assist in managing community expectations and provide a consistent approach.
- This policy focuses exclusively on parks, aiming to:
  - Establish a consistent level of service across all parks, appropriate to their size and location.
  - Integrate development and upgrades within a comprehensive, City-wide network.
  - Optimize City resources to effectively meet the needs of both the city and the community.
  - Clearly communicate the roles and provisions of parks to the community.
- Guarantee equitable recreational opportunities for all residents, regardless of their location.

### RECOMMENDATION

#### DIS400: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR GRIMMER**

**SECONDED: COUNCILLOR BAESJOU**

**THAT the Authorising Officer Recommendation be ADOPTED.**

**CARRIED 11-0**

#### DIS400: AUTHORISING OFFICER RECOMMENDATION

**THAT the Developed Managed Space Policy be ADOPTED.**

## BACKGROUND

2. The City manages over 160 ha of Parks and Gardens (parks) in the urban area.
3. There is considerable pressure from the community to provide an increasing level of infrastructure in many of the City's parks.
4. This policy provides direction and guidance for provision of infrastructure and maintenance operations at each of the City's parks based on an associated Level of Service (LOS).
5. Allocation of staff resources and operational budgets are to be guided by consistent criteria across our parks and gardens.

## DISCUSSION

6. Parks form one of the vital components of Albany's POS network. This POS network is an integral part of the City's environment – providing access to nature, community meeting places, and recreational opportunities.
7. Parks generally go hand in hand with a variety of built infrastructure such as lighting, playgrounds, shelter, paths, signage, fencing, bins, barbeques, public toilets, and skate parks.
8. There is considerable pressure from the community to provide an increasing level of infrastructure in many of the City's parks, however, this is not sustainable. Infrastructure needs to be distributed equitably across Albany, with equal consideration given to the cost of implementing and maintaining that infrastructure in the long term. This is critical to ensure parks remain high quality, valuable public assets.
9. Adopting Development and Operational Levels of Service will ensure infrastructure provision and upkeep is sustainable, and residents' opportunities for recreation are equitable.
10. This policy does not address creation of new parks, rather the allocation and provision of infrastructure and maintenance resources to existing parks.

## GOVERNMENT & PUBLIC CONSULTATION

11. There is no consultation, the City will inform the public as required.

## STATUTORY IMPLICATIONS

12. There are no statutory implications.

## POLICY IMPLICATIONS

13. The proposed policy aims to provide a consistent approach to the provision of infrastructure, upgrades, and ongoing maintenance across all City parks.

## RISK IDENTIFICATION & MITIGATION

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

| Risk                                                                                                                         | Likelihood | Consequence | Risk Analysis | Mitigation                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------|------------|-------------|---------------|---------------------------------------------------------------------------------------------------------------------|
| <b>Community Risk:</b> Under provision of infrastructure in some areas resulting in inequitable opportunities.               | Possible   | Moderate    | Medium        | Levels of Service tables within the policy provide guidance to avoid over/under provision.                          |
| <b>Environment &amp; Operations Risk:</b> Parks may not be maintained to the appropriate level.                              | Unlikely   | Moderate    | Medium        | Levels of Service tables provide minimum maintenance standards to be met.                                           |
| <b>Financial Risk:</b> Escalation in budgets due to no application of consistent standards                                   | Possible   | Major       | High          | Budget ranges are included in policy according to a parks Level of Service and category.                            |
| <b>Reputation Risk:</b> Community expectations may not be met.                                                               | Unlikely   | Moderate    | Medium        | Decision framework and Levels of Service tables included to guide decision making and explain process to community. |
| <b>Opportunity:</b> Provision of a consistent approach to park upgrades, infrastructure provision and maintenance operations |            |             |               |                                                                                                                     |



### FINANCIAL IMPLICATIONS

15. If consistent Levels of Service are not applied to guide decisions, there is potential for an increase in capital and operational budgets required to meet community expectations.

### LEGAL IMPLICATIONS

16. Nil

### ENVIRONMENTAL CONSIDERATIONS

17. Unsustainable level of infrastructure provided resulting in insufficient staff resources available to maintain natural assets within parks.

### ALTERNATE OPTIONS

18. Council could choose not to adopt this policy.

### CONCLUSION

19. This policy will provide consistent guidance on Development and Operational Levels of Service for City parks, ensuring staff have clear direction on appropriate infrastructure provision and maintenance standards.

|                             |   |                                                                                                                                                                                                                                                                                                      |
|-----------------------------|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Consulted References</b> | : | <ul style="list-style-type: none"><li>• <i>Public Parkland Policy</i>, City of Albany</li><li>• <i>Strategic Asset Management Plan 2017</i>, City of Albany</li><li>• <i>Classification Framework for Public Open Space</i>, Department of Local Government, Sport and Cultural Industries</li></ul> |
| <b>File Number</b>          | : | LP.POL.2                                                                                                                                                                                                                                                                                             |
| <b>Previous Reference</b>   | : | Strategic Workshop - May 2024                                                                                                                                                                                                                                                                        |

**DIS399: C24010 PANEL OF SUPPLIERS – MAINTENANCE SUPPORT SERVICES – ENVIRONMENTAL WORKS**

**Proponent / Owner** : City of Albany  
**Attachments** : **Confidential Briefing Note**  
**Report Prepared By** : Manager City Reserves (J Freeman)  
**Authorising Officer:** : Executive Director Infrastructure, Development & Environment (P Camins)

**CONFIDENTIAL ATTACHMENT**

*It is recommended that if discussion is required in regards to details contained within the Confidential Attachment, that the matters are discussed behind closed doors, in accordance with section 5.23(2)(c) & (e)(ii) of the Local Government Act 1995, being: a contract which may be entered into and information that has commercial value.*

**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:
  - **Pillar:** Planet.
  - **Outcomes:** Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.

**In Brief:**

- A Tender to appoint preferred contractors to the provision of Maintenance Support Services – Environmental Works for various projects and works.
- This contract will be valid for two (2) years from 01 July 2024 or date of award (whichever occurs latest).

**RECOMMENDATION**

**DIS399: COMMITTEE RECOMMENDATION**

**Moved: Councillor Sutton**

**Seconded: Councillor Baesjou**

**THAT the Authorising Officer Recommendation be ADOPTED.**

**CARRIED 11-0**

**DIS399: AUTHORISING OFFICER RECOMMENDATION**

THAT Council ACCEPT the tendered rates for Contract C24010 - Panel of Suppliers – Maintenance Support Services – Environmental Works to the tenderers recommended by the evaluation panel, as detailed in the Confidential Briefing Note attached to this report.

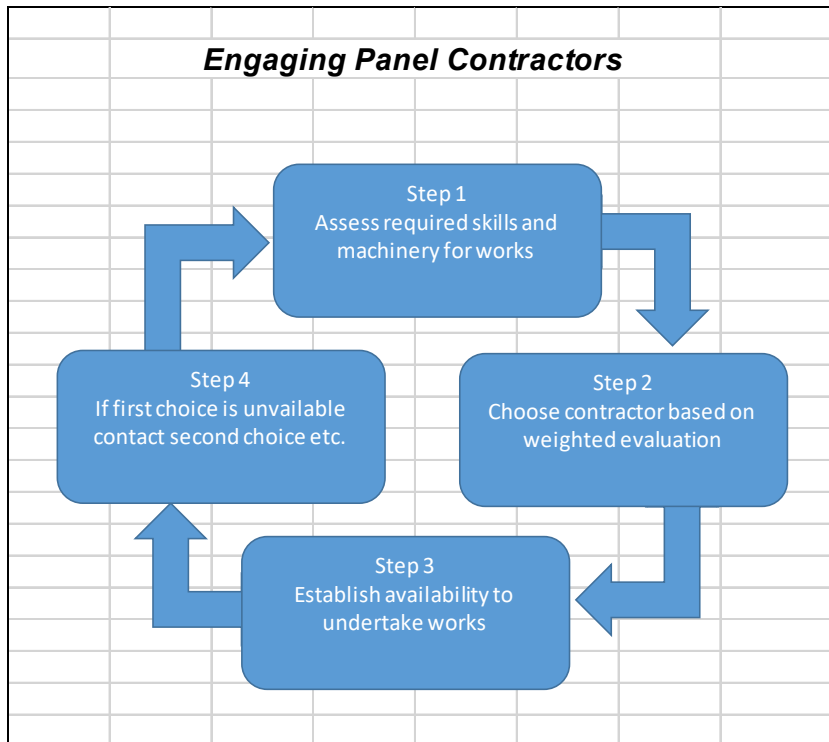
**BACKGROUND**

2. The City of Albany (“Principal”) is seeking to establish a Panel of Suppliers for the provision of Maintenance Support Services – Environmental Works for various projects and works within various Reserves as required.
3. The City of Albany (CoA) is responsible for many natural reserves covering over 12,500ha, which require ongoing maintenance to ensure the long-term protection, conservation and restoration of the City’s reserves, whilst providing recreational opportunities.

4. Maintenance Support Services include:

- Weed control – manual and chemical (backpack)
- Verge/drainage spraying – vehicle mounted
- Woody weed removal
- Trails and dirt bike track maintenance including:
  - Brush cutting and pruning (pole saw and chainsaw)
  - Surface maintenance
  - Fire access tracks
  - Maintenance inspections
  - Signage replacement
- Infrastructure construction, installation and maintenance including:
  - Bollards, stairs, boardwalks, post and rails
  - Fencing including minor retaining walls
  - Signage installation and removal
- Litter collection
- Revegetation
- Erosion control

5. Contractors on the Panel will be selected as per the below Process Map:



6. The City requires flexibility in this panel to ensure that resources are available for ensuring well managed recreational spaces and community safety.

**DISCUSSION**

7. A total of 18 Tender Documents were issued.
8. Tenderers were asked to provide hourly rates for general staff and supervisors for the various services.
9. Should there be a requirement for additional services or the Panel Suppliers are not available, then the normal procedure for quoting of these services will apply.

10. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:

| <b>Criteria</b>                     | <b>% Weight</b> |
|-------------------------------------|-----------------|
| Cost                                | 30              |
| Relevant Experience                 | 20              |
| Key Personnel Skills and Experience | 15              |
| Tenderer’s Resources                | 10              |
| Demonstrated Understanding          | 20              |
| Corporate Social Responsibility     | 5               |
| <b>Total</b>                        | <b>100</b>      |

11. Three (3) completed tender documents were submitted on or before the stipulated closing date and time. As per Regulations, the tender documents stated that the City’s intention was to appoint up to four (4) Contractors to the Panel of Suppliers however only three (3) Contractors have been appointed to the Panel of Suppliers.
12. The following table summarises the recommended tenderers and overall evaluation scores. The cost scoring was evaluated based on the delivered rates to Mercer Road Depot. The rates for supply have not been included in the table as these are “commercial in confidence” and will not be made publicly available.

| <b>Tenderer</b> | <b>Weighted Score</b> |
|-----------------|-----------------------|
| Tenderer A      | 682.84                |
| Tenderer B      | 530.98                |
| Tenderer C      | 522.85                |

**GOVERNMENT & PUBLIC CONSULTATION**

13. A request for tenders was published in the West Australian on Wednesday 24 April 2024 and the Albany Extra on Friday 26 April 2024.

**STATUTORY IMPLICATIONS**

14. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the Contract is, or is expected to be, more, or worth more, than \$250,000.00.
15. Regulation 18 of the Regulations outlines several requirements related to the selection of tenders. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
16. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council’s decision.

**POLICY IMPLICATIONS**

17. The City of Albany Purchasing Policy and Buy Local Policy (Regional Price Preference) are applicable to this item.
18. The value of this tender is expected to exceed \$500,000.00 and therefore Council approval is required as this exceeds CEO’s delegation.

## RISK IDENTIFICATION & MITIGATION

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

| Risk                                                                                                                                                 | Likelihood | Consequence | Risk Analysis | Mitigation                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-------------|---------------|---------------------------------------------------------------------------------------------------------------------|
| <b>Environment:</b><br>Delays to works may impact Natural Reserves.                                                                                  | Unlikely   | Moderate    | Medium        | Address any concerns in relation to the contract and re-present to Council for award.                               |
| <b>Legal &amp; Compliance.</b><br>Non-compliance with Contract or business failure                                                                   | Unlikely   | Moderate    | Medium        | General conditions of contract allow for contract termination on the basis of failure to supply goods and services. |
| <b>Organisation's Operations:</b><br>Delays in delivering capital works and maintenance.                                                             | Unlikely   | Moderate    | Medium        | Address any concerns in relation to the contract and re-present to Council for award.                               |
| <b>Reputation &amp; Financial</b><br>Not awarding a panel arrangement and appointing a single Contractor.                                            | Unlikely   | Moderate    | Medium        | Not having a panel of suppliers may reduce capacity to undertake maintenance and Capital Works.                     |
| <b>Reputation.</b> The community's expectation for the protection and enhancement of the natural environment is not met.                             | Unlikely   | Moderate    | High          | Award the contract to enable capital works and maintenance of Natural Reserves.                                     |
| <b>Opportunity:</b> To support and work collaboratively on projects with our local community to provide best possible outcomes for project delivery. |            |             |               |                                                                                                                     |

## FINANCIAL IMPLICATIONS

20. The estimated value of this tender is in excess of \$500,000.00 and therefore the approval is referred to Council for consideration.

21. Tenderers were required to provide an hourly rate for the services. The supply of these services is budgeted for in the capital works and maintenance budgets. The tendered prices are within those allocations.

## LEGAL IMPLICATIONS

22. Nil

## ENVIRONMENTAL CONSIDERATIONS

23. All works completed as per the Environmental Land Management Guidelines.

24. Environmental approvals gained as required.

## ALTERNATE OPTIONS

25. Council can accept or reject the tenders as submitted.

## CONCLUSION

26. The City has undergone a competitive process in line with the relevant legislation and established policies.

|                             |   |                                                                                                                                                                          |
|-----------------------------|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Consulted References</b> | : | <ul style="list-style-type: none"> <li>• Council Policy – Purchasing (Tenders &amp; Quotes)</li> <li>• Council Policy – Buy Local (Regional Price Preference)</li> </ul> |
| <b>File Number</b>          | : | C24010                                                                                                                                                                   |
| <b>Previous Reference</b>   | : | C22010                                                                                                                                                                   |

11. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil**
12. **MEETING CLOSED TO THE PUBLIC 7.10pm**
13. **CLOSURE** -There being no further business the Chair declared the meeting closed at 7.10pm.

*(Unconfirmed Minutes)*

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Councillor Amanda Cruse  
**CHAIR**

DIS Committee Meeting 13 July 2024

Agenda Item 1 DIS 397 Whalers Beach (Frenchman Bay) Coastal Hazard Risk Management and Adaption Plan (CHRMAP)

by Richard Vogwill, La Perouse Road, Goode Beach

Chair, thank you for the opportunity to address the DIS Committee about Item DIS 397 - the Whalers Beach CHRMAP project, a coastal hazard study of Whalers Beach at Frenchman Bay (M P Rogers and Associates, 2023).

My submission to the City on this project concerned:

- incorrect naming in the reports, including the actual location of the project. Using unofficial names.
- the lack of any detailed geotechnical modelling of the steep slopes above some portions of Whalers Beach; and
- the need to document, by signage and features, the historical importance of the Norwegian Whaling Station ruins at Whalers Beach.

**Background Discussion**

*"The purpose of a CHRMAP is to define areas of coastline which could be vulnerable to coastal hazards and outline the preferred approach to monitoring and management of these hazards."*

Whalers Beach has been visibly eroding quickly over the past few years. The City Planners state that *"..... the existing foreshore reserve at Whalers Beach to be imminently at risk of coastal hazard impacts."*

The CHRMAP report and appendices describe coastal hazards that may occur at Whalers Beach, and on the steep slope behind it, caused by rising sea levels and various coastal processes. The report and appendices appear thorough and professionally researched.

The study will help the City to manage and predict the future erosion of Whalers Beach to protect City assets there, probably by managed

retreat. *"The draft CHRMAP recommends the public assets are retreated as they become actively impacted by coastal erosion."*

However, there is only a very narrow beach width available for such retreat. In a future worst-case scenario of beach erosion, the assets at Whalers Beach may be considered of moderate value by the City and are 'sacrificed', but this would ruin an iconic location for public recreation and possibly result in impacts on the remnants of the Norwegian Whaling Station.

Theoretically, any erosion of Whalers Beach into the base of the slope could result in slope instability and the landward migration of the slope embankment and escarpment towards any development infrastructure above. A similar CHRMAP study of a portion of Whalers Beach below the proposed development above the beach (Lots 1 and 2, FBR) has also been completed for the Proponent. The professional opinion is that there is a very small chance of such slope failure occurring, because the assumed parameters for the study were very conservative/worst case. However, any complete or partial failures of the slope above the beach (and associated escarpment movement) may have ramifications for public safety and need to be carefully examined.

### **Name Corrections**

The original report and appendices contained numerous incorrect naming of places, including a lack of identifying the location of the study as Whalers Beach and not the fictitious Frenchman Bay Beach (not an official name). Whalers Beach was probably named because of the heritage-listed Norwegian Whaling Station ruins and the water supply of Vancouver Spring, historically used by whalers. So, it is both a descriptive and official name.

Thanks to the City Planners for arranging/making the necessary text and figure corrections.



It will also be necessary to make similar name changes for the numerous reports associated with the proposed developments on Lots 1 and 2, FBR.

### **Geotechnical Modelling of Slopes above Whalers Beach**

As mentioned, in theory the steep slopes and escarpment above portions of Whalers Beach could also be susceptible to impacts from continuing beach erosion. Any slope failure has the potential to impact infrastructure landward of the current slope escarpment.

These steeper slopes are thought to have been stable for many decades, partly because of a good vegetation cover. However, (i) ongoing and progressive beach erosion could undermine the 'toe' of the slope causing progressive upslope failure; and (ii) the removal of the stabilising vegetation by fire or construction, could also cause the slope to destabilise. It is noted also that slope areas further north along the beach and above Vancouver Dam have already exhibited some historical slumping.

Early studies (Landform Research, 2008, 2009?) on Lots 1 and 2, FBR, concluded that the slope above Whalers Beach has the geotechnical parameters of sand (a material that can be very unstable when loose).

However, the work also showed that detailed layering of sand, fine sand, silt, and organics comprise the slope. There must be a connection between the geotechnical parameters of the sediments comprising the slope and the potential for slope failure with ongoing beach erosion. No predictive geotechnical modelling of the steeper slopes, under different coastal hazard scenarios, has been completed using various representations of the slope geology.

I suggested that such geotechnical modelling would be advantageous to complement the CHRMAP studies and to confirm that the chance that the landward erosion of Whalers Beach will cause slope and escarpment instability, is very small. The City Planners disagree on the need for the geotechnical modelling but note that such modelling ".....

*would be of more relevance to any private development on lots 1 and 2 rather than City assets". This is worth remembering because, as stated previously, any complete or partial failures of the slope above the beach (and associated escarpment movement) may have ramifications for public safety and need to be carefully examined.*

### **Future Design of Norwegian Whaling Station Commemorations**

I recently read the final report by (the firm) Creative Spaces entitled "*Frenchman Bay Whaling Station*" (December 2023), describing their design concept to commemorate, through extensive signage and explanatory text/photographs, the historical importance of the Norwegian Whaling Station at Whalers Beach.

I think there were two major historical whaling stations on Frenchman Bay, the Norwegian at Whalers Beach, and Cheynes at Whale World. The title of the report does not indicate which of these is being described.

The Creative Spaces design concept looks very impressive and is befitting of this important historical place. I hope the City will accept this impressive design and begin activities in the short-term to implement it 'on the ground.'

I feel that there are some 'naming' issues in this report and will contact the City Planners to discuss if any changes can occur.

Richard Vogwill, 12 June 2024.