

Flying Minute: Draft Position Statement: Dark Sky and Astrotourism (05-036-03-0068 AR)

Ashley Robb, Planning Project Officer, Planning and Improvement

Cr Ronnie Fleay declared an interest and did not participate.

That the submission to the draft *Position Statement: Dark sky and astrotourism*, be endorsed.

RESOLUTION 198.FM/2021

CARRIED

Executive Summary

- The Western Australian Planning Commission has released the draft *Position Statement: Dark sky and astrotourism* for public comment. Submissions close on 26 March 2021.
- The position statement outlines a set of planning mechanisms that can be used by planning authorities to preserve dark sky locations for the purposes of supporting astrotourism activities.
- The People and Place Policy Team discussed WALGA's draft submission on 17 March 2021 and recommended that it be considered and endorsed by State Council through Flying Minute.

Attachment

Draft Position Statement: Dark Sky and Astrotourism - Submission.

Policy Implications

Policy Position 3.9 – Tourism: That State Government supports Local Government in the delivery of local tourism outcomes. The submission is consistent with this endorsed WALGA policy position.

Background

Astrotourism is a term used to describe a combination of scientific and recreational observation, photography and environmental tourism activities. It is a growing segment of Western Australia's tourism industry that Local Governments are actively supporting in various parts of the State. For example, nine Local Governments in the Wheatbelt have partnered with AstrotourismWA to list their towns as "astrotourism towns" and attract astrotourism visitors.

Light and dust pollution from sources such as industrial areas, residential areas, streets and roads can detrimentally affect dark sky locations and the capacity of communities to support and attract astrotourism businesses and visitors.

On 17 December 2020, the Western Australian Planning Commission (WAPC) released the *draft Dark sky and astrotourism Position Statement* for public comment. The position statement outlines a set of planning mechanisms that can be used by planning authorities, such as Local Governments, to help ensure that new development proposals preserve dark sky locations for the purposes of supporting astrotourism activities.

Comment

The main planning mechanisms outlined in the position statement include:

- *A set of principles* to guide planning authorities and decision makers when making decisions about new subdivision and development proposed in dark sky locations.

- *Special control areas*, which would allow planning authorities to ensure that new development is required to seek planning permission, and in particular, demonstrate how it will reduce light and dust pollution to preserve dark sky locations.
- *A model local planning policy* to provide specific development standards for new development proposed in designated dark sky locations.

WALGA's draft submission supports the intent of the position statement and the mechanisms suggested within the statement and raises several process related issues that require the WAPC's further consideration. The main issues include:

- Guidance for including dark sky for astrotourism considerations into local planning strategies.
- Guidance as to how local planning scheme amendments that propose special control areas which affect multiple Local Governments should be processed through the WAPC.
- Special control area provisions that facilitate new development requiring 24 hour operations.
- Clarification as to whether or not development that is currently exempt from the requirement to seek development approval under the *Planning and Development (Local Planning Schemes) Regulations 2015* would need to seek development approval if located in a special control area established to preserve dark sky locations.
- Lighting recommendations and potential impacts on road safety and sporting grounds.

The position statement is not a statutory document or regulation, meaning that Local Governments generally have discretion over whether or not the position statement should be applied within their localities; however, the position statement also states that the WAPC may designate a dark sky location. Further clarification on this has been sought in the WALGA submission.

It is recommended that State Council endorses a new advocacy position and include this position in WALGA's Policy Positions document, to guide future WALGA activities and support the development of astrotourism activities across Western Australia.

3.9 Tourism

Local Governments are well placed to (1) work with relevant agencies to identify dark sky for astrotourism locations, and (2) determine appropriate planning mechanisms to preserve these locations in their localities.

The draft submission was prepared in consultation with Local Governments. An early draft of the submission was circulated to members via the Planning Improvement Portal in February 2021. The public comment period closes on 26 March 2021.

Flying Minute Outcomes

Total Invited to Survey: 26

Declared an interest and did not participate: 1

Total Finished Survey: 14

Endorse Recommendation: 11

Do Not Endorse Recommendation: 1

Endorse Recommendation Subject to comment below: 2

Carol Adams OAM	23/03/2021 at 11:21
Phillip Blight	Not Completed
Julie Brown	24/03/2021 at 12:52
Ruth Butterfield	24/03/2021 at 13:32
Karen Chappel	25/03/2021 at 9:06
Cheryl Cowell	Not Completed
Malcolm Cullen	24/03/2021 at 16:17
Frank Cvitan	Not Completed
Tony Dean	19/03/2021 at 20:37
Catherine Ehrhardt	Not Completed
Russ Fishwick JP	21/03/2021 at 10:06
Ronnie Fleay	Not Completed
Logan Howlett JP	Not Completed
Mark Irwin	Not Completed
Paul Kelly	24/03/2021 at 14:11
Jenna Ledgerwood	21/03/2021 at 11:43
Peter Long	Not Completed
Cate McCullough	Not Completed
Chris Mitchell JP	20/03/2021 at 9:22
Les Price	24/03/2021 at 14:22
Michelle Rich	Not Completed
Ken Seymour	25/03/2021 at 16:36
Stephen Strange	24/03/2021 at 12:59
Doug Thompson	23/03/2021 at 18:29

Comments

Chris Mitchell JP on 20/03/2021 at 9:22

Happy to endorse the submission however I feel that as mentioned road safety must be taken into consideration and also more paramount is public safety at night. We need to reduce areas that are prone to antisocial behaviour by having adequate lighting at night to deter that behaviour. Astro tourism is widely recognised in Broome and the Kimberley region as a valuable tourism product.

Stephen Strange on 24/03/2021 at 12:59

Fantastic potential for the regions of Wa in particular, we had an Astronomy night here in Bruce Rock recently with the CEO of Astrotourism Carol Redford talking about the tourism gains for WA, particularly from the Northern Hemisphere tourists where there is too much light.

Les Price on 24/03/2021 at 14:22

The Murchison Country Zone is not against the principle concept of Dark Sky or Astrotourism and would willingly support LG's, particularly in the regions, to develop tourism related activities. The Submission is the first step in developing a framework and is often followed by the State putting in place processes around which legislation can be structured. The Zone is against the State implementing a set of rules and regulations to which our smaller Councils must comply. Resources are limited and at present LG's can create a Dark Sky and Astrotourism activity without the need to refer to a wide range of legislation.

There are many unanswered questions in the Submission and when the WAPC is involved the approval process can be longwinded and expensive. With heavily populated areas the Metro LG's are presented with a myriad of other complications around development approvals, community planning, general urban planning, ratepayer and resident concerns etc. etc.

Perhaps this needs to be dealt with separately in any Dark Sky and Astrotourism activity being considered. We support the concept but there are too many unknown variables. We also want to encourage tourists to travel to the regions to see beautiful night skies ...and it's not too far one will have to travel to gain the experience.

Secretariat Comment

In response to Cr Chris Mitchell's comments relating to public safety, the draft position statement currently recognises potential issues of public safety: "Road and pedestrian lighting is necessary to public safety..." (page 3) and includes the following policy provision in the model local planning policy for dark sky locations, to address these issues: "2.1.2 All lighting must: be commensurate with the intended use of the land and to the minimum standard to ensure safety and security, but no greater" (page 9).

Cr Stephen Strange's comments are noted.

The following comments relate to Cr Les Price's comments regarding new regulations and WAPC approval. The Secretariat has identified that some confusion may have been caused in the Flying Minute by the use of the term "designate". To clarify, the position statement does not provide powers

for the WAPC to mandate or designate dark sky locations but rather, it states that the WAPC will require that these locations are identified during the routine preparation of strategic planning instruments such as regional, district and local planning strategies. These instruments are prepared with or by Local Governments and in consultation with local communities. The submission has been amended to seek additional guidance from the WAPC on how planning authorities, such as Local Governments, should identify these locations through these strategic planning processes.



SUBMISSION TO THE DEPARTMENT OF PLANNING, LANDS AND HERITAGE

Draft Position Statement: Dark Sky and Astrotourism

INTRODUCTION

The Western Australian Local Government Association (WALGA) is the united voice of Local Government in Western Australia. It is an independent, membership-based association that represents and supports the work and interests of 139 Local Governments in Western Australia.

WALGA provides an essential voice for 1,222 Elected Members and approximately 15,000 Local Government employees as well as over 2 million community members. WALGA also provides professional advice and offers services that provide financial benefits to Local Governments and the communities they serve.

GENERAL COMMENTS

WALGA welcomes the release of *draft Position Statement: Dark Sky and Astrotourism* for public consultation. Tourism plays an important role in the economic development of Western Australia and many Local Governments recognise this important role through their community strategic plans and local planning frameworks.

Local Governments across Western Australia have actively engaged AstrotourismWA and the dark sky movement to promote their communities as attractive astrotourism destinations. For example, nine Local Governments have worked with AstrotourismWA to have towns listed as “Astrotourism Towns” (see [Astrotourism-WA-Strategic-Plan_Final-Digital.pdf](#)) and a number of Local Governments have developed and endorsed lighting management policies to support these designations. Furthermore, many Local Governments are pursuing the development of astrotourism activities and services, regardless of there being an observatory in their locality.

Astrotourism proposals are inherently tied to the natural landscape and in many instances, conflicts arise between new development proposals and the preservation of astrotourism qualities of locality. Light and dust pollution is an impact caused by many new developments that can harm these qualities and therefore, WALGA is encouraged that the draft position statement recognises that these sources of pollution need to be controlled to preserve dark sky locations for the purposes of supporting astrotourism activities. Support from the State Government through refinement and adoption of this position statement will help Local Governments ensure that new development proposed in dark sky locations preserves the qualities that support astrotourism in their local communities.

SPECIFIC COMMENTS

WALGA has a number of suggested improvements to the draft position statement which are provided below.

Application of Special Control Areas

The draft positions statement states that the preferred mechanism for establishing a dark sky precinct is through the establishment of a special control area. The following maps (Figures 1 and 2) show the extent of special control areas applied using the suggested 20 kilometre radius at the Gingin and Perth observatories.

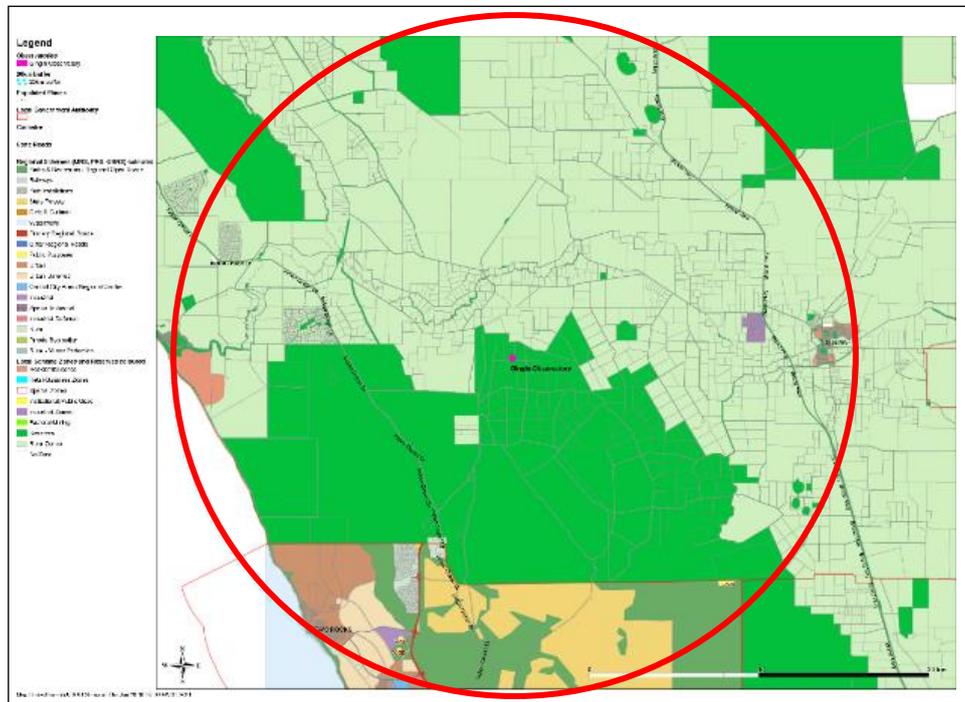


Figure 1: Gravity Discovery Centre, Shire of Gingin

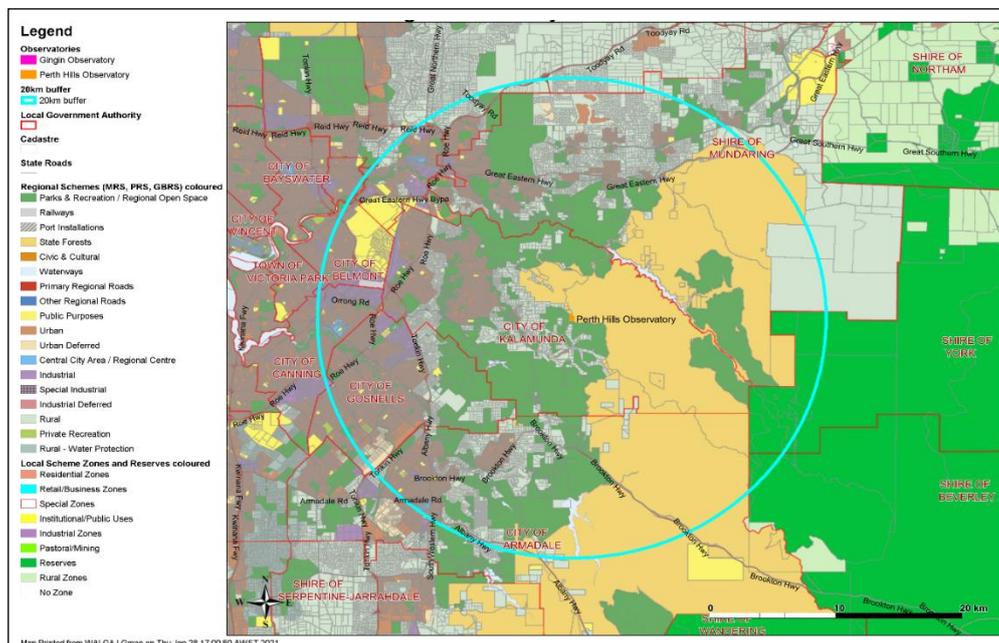


Figure 2: Perth Observatory, City of Kalamunda

These figures demonstrate that the special control areas would need to be implemented across several Local Government areas, potentially creating challenges in establishing cross boundary special control areas.

Furthermore, a special control area applied to preserve dark sky around the Perth Observatory would also affect land currently used for 24 hour operations such as airports, railyards and

transport depots. Therefore, the position statement should also provide guidance on how special control areas can facilitate new development that requires 24 hour operations.

Finally, it is unclear if special control areas established for preserving dark sky locations would bind servicing agencies such as Western Power, whose activities do not normally require planning approval. These activities may include lighting for overnight road upgrades and road lighting upgrades and maintenance.

Recommendations:

1. Guidance as to how scheme amendments that propose special control areas which affect multiple Local Governments should be processed through the WAPC, and
2. Guidance for managing situations where one or more neighbouring Local Government may not support a cross boundary special control area.
3. Special control area provisions that facilitate new development requiring 24 hour operations.
4. Clarification regarding how special control areas bind servicing agencies whose activities may not require planning approval.

Development Exempt from the Requirement to Seek Development Approval

Appendix 2 of the position statement, Special Control Area Provisions, states that “*Development approval is required for all development within the special control area.*” These provisions suggest that development approval may be required for proposals currently exempt by the *Planning and Development (Local Planning Schemes) Regulations 2015* Deemed Provisions; however, Appendix 3 states that the policy does not apply to matters exempt under the Deemed Provisions.

Recommendation:

5. Clarify what types of development require development approval located in a special control area introduced under this position statement and what types of development would not require development approval.

Regional, Sub-Regional and Local Planning Strategies

This section outlines the WAPC’s role in assessing and determining proposals for regional, sub-regional and local planning strategies; however, the position statement lacks guidance on how planning authorities, such as Local Governments, should identify these locations and incorporate dark sky principles into these strategies. Establishing dark sky principles and astrotourism locations should occur as early as possible in the planning process and the position statement should provide more detail to encourage this.

Recommendation:

6. Provide guidance for identifying dark sky locations and incorporating dark sky principles through regional, sub-regional and local planning strategies.

Local Planning Schemes

Part 5.2 outlines the role the WAPC takes in assessing and determining local planning schemes and states that the WAPC may require a special control area for the purposes of preserving dark sky locations. The position statement is to be used by all planning decision makers and therefore, specific guidance is needed for Local Governments regarding the incorporation of dark sky principles into local planning schemes.

This section also incorporates a short list of matters that planning decision makers should consider when determining development proposals. This list currently sits within the subsection “Land use term/permmissibility” but would be more appropriately placed under “Part 5.6 Development” because the list relates specifically to matters that should be considered at that stage of assessment. Second, it should be noted in this section that this list is not exhaustive and that all matters outlined in cl. 67 of the Deemed Provisions also need to be considered.

Recommendations:

7. Move the list of matters to be considered from Part 5.2 to Part 5.6 of the position statement.
8. Note in Part 5.6 that the list is not exhaustive and that all matters within cl. 67 of the Deemed Provisions need to be considered also.

District and Local Structure Plans

Part 5.3 briefly outlines how dark sky precincts should be implemented through district and local structure plans. Of concern is that this section states *“For example, district open space or local open space may be located closer to observatories to minimise the impacts of residential light spill.”*

It is unclear why this statement has been included and what the rationale for its inclusion is. For instance, if district or local open space is located close to an observatory, and is also included within a special control area, lighting arrangements for the open space could be restricted, severely affecting the intended function of the open space. Given the majority of large district open spaces are used for competitive sports, this approach would constrain or even prohibit evening sport training and competitions.

Recommendation:

9. The appropriateness of this sentence *“For example, district open space or local open space may be located closer to observatories to minimise the impacts of residential light spill”* needs to be reconsidered.

Subdivision

Part 5.4 states that the WAPC may apply conditions that are consistent with dark sky principles to preserve dark sky locations; however, it is not clear when or through what processes the WAPC may apply these conditions. We assume that applying such conditions would be through the subdivision approval process where a subdivision is located in a special control area; however, this requires clarification in the position statement.

Recommendation:

10. Clarify in the position statement that the application of dark sky principles through conditional subdivision approval can only be exercised by the WAPC when the subdivision is located within a dark sky special control area.

Development

Part 5.6 states that Local Governments can encourage applicants to use lighting that is consistent with the relevant Australian Standard; however, the position statement does not specifically clarify how this can be achieved:

“Applicants seeking approval for developments which may otherwise be exempt (i.e., an outbuilding that is noncompliant with the R-Codes) should be encouraged to install lighting consistent with the dark sky principles and Australian Standard 4282:2019 - control of the obtrusive effects of lighting.”

One pathway for encouraging applicants would be to include an advice note referencing the relevant Australian Standard on the development approval. The position statement needs to clarify if this is the preferred approach and if so, provide a standard advice note to encourage consistency in application across Local Governments.

Alternatively, if the proposed development is located within a special control area then a condition should probably be placed on the development approval, otherwise the intent and function of the special control area is redundant. The position statement should clarify if a condition is the preferred approach and if so, provide a standard condition to encourage consistency in application across Local Governments.

Recommendations:

11. Clarify the preferred approach for encouraging applicants to install lighting consistent with the dark sky principles and provide either a standard draft advice note or planning condition for Local Governments to apply on development approvals to encourage consistency across jurisdictions.

Model Policy

The draft positions statement’s draft local planning policy (Appendix 3) states that *“All lighting must... use warm white or filtered LEDs with a correlated colour temperature (CCT) of less than 2500K”*.

As we have outlined, a Local Government can only enforce particular lighting requirements if they are required as a condition of subdivision or development approval in a special control area. Furthermore, Local Governments would need resources to monitor and enforce such conditions.

Furthermore, it is unclear if this proposed reduction in light intensity has been discussed with Main Roads WA and the Road Safety Commission given the potential implications on road safety. Local Governments are more likely to support or install lower lighting requirements where these requirements have been endorsed by these agencies and are acceptable to energy distributors such as Western Power. Finally, it is unlikely that lighting with a CCT of less than 2500K would be appropriate for sports lighting.

Recommendation:

12. Investigate and confirm in the position statement that reduced lighting requirements would not adversely affect road safety, are acceptable to energy distributors, and are adequate for sports ground lighting.

END