

## AMENDED MOTION BY COUNCILLOR TERRY

ITEM NUMBER: PD125  
ITEM TITLE: CONSIDERATION OF SCHEME AMENDMENT AND ACTIVITY CENTRE  
STRUCTURE PLAN-LOT 8888 FLINDERS PARADE AND LOTS 660 AND  
661 MARINE TERRACE, MIDDLETON BEACH

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VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

1. **RESOLVES** to amend the attached Schedule of Modifications by including the following modifications:

- **Modification No. 2:**

Insertion of an additional bullet point after 'Building Height' under Condition 11, Hotel/Mixed Use Precinct, to read as follows:

'1-3 storey height limit along Primary Active Frontages abutting Public Open Space, with additional height located towards Mount Adelaide.'

- **Modification No. 3:**

The precinct plan is modified to incorporate Primary Active Frontage on the eastern edge of the Hotel/Mixed Use Precinct where it abuts the Public Open Space.

- **Modification No. 4:**

Maximum height within the amending document is modified from 12 storeys to 8 storeys and the 46 metres limit is modified accordingly to reflect the 8 story limit.

2. Pursuant to section 75 of the *Planning and Development Act 2005*, resolves to support, with modification as per the attached amended Schedule of Modifications, Amendment No. 1 to amend *City of Albany Local Planning Scheme No. 1* by:

- (1) Rezoning:

- Lot 8888 Flinders Parade, Middleton Beach from the 'Hotel/Motel' and 'Tourist Residential' zones;
- Lots 660 and 661 Marine Terrace, Middleton Beach from the 'Tourist Residential' zone; and
- Portions of Adelaide Crescent, Marine Terrace, Barnett Street, Flinders Parade and Marine Drive from 'Priority Road' and Local Road Reserves

to 'Special Use Zone SU25'.

- (2) Amending 'Schedule 4 – Special Use Zones' to incorporate provisions relating to Middleton Beach Activity Centre;

- (3) Introducing the following land use definition to the City of Albany Local Planning Scheme No. 1:

*'single attached dwelling means one of a group of two or more attached dwellings, each being separated by a common wall and may include a row house, terrace house or town house, not located above or below another dwelling';*

- (4) Amending the Scheme Maps accordingly.

**3. RESOLVES to recommend to the Western Australian Planning Commission that it approve the *Middleton Beach Activity Centre Structure Plan*, subject to the following modifications:**

- (1) Incorporating Primary Active Frontage on the eastern edge of the Hotel/Mixed Use Precinct where it abuts the Public Open Space; and**
- (2) Incorporating a visual identifier behind the Primary Active Frontage on the Hotel/Mixed Use Precinct to indicate the staging of building height from 1-3 storeys to 5-8 storeys.**

**Councillor's Reason:**

There was a significant amount of opposition to the 12 storey limit in the submissions received and to this date this opposition has not been adequately acknowledge by Council via debate of the issue. The height limit was the most significant issue raised in the public submissions and I feel should be debated to ensure transparency and integrity of Council's Community Consultation process.

**Officer's Comment (Executive Director Planning and Development):**

While reduction of the maximum height limit to the hotel may limit developer interest in the hotel site, it is a minor alteration to the Planning Scheme Amendment and allows a substantial hotel to be constructed on the site.