

**CITY OF ALBANY TOWN PLANNING SCHEME No. 1A & 3
LOCAL PLANNING POLICY MANUAL
SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
1	Vera Anne Torr 18 Sussex Street ALBANY WA 6330	<p><u>Policy 6B - Albany Historic Town Design Policy</u></p> <p>(a) Conditions for the energy efficiency requirements for new and renovated buildings is not worded strongly enough to enforce requirements. It should be mandatory to have at least a certain capacity of rainwater stored on individual premises.</p> <p>(b) In the case of wind generation on private land, care must be taken that the primary purpose is to generate power for self-use first and not a priority commercial venture.</p> <p>(c) Solar panels should be incorporated into new housing designs as part of the design and not seen as an “add on” item.</p> <p><u>Policy 2G – Significant Tourist Development Sites</u></p> <p>(d) Whilst the site is reasonably large, to convert it to a predominantly residential based development would be very short sighted for the future of Albany as it is the optimum site for tourism and local facilities for entertainment, dining etc.</p> <p>(e) Did there need to be an overlooking policy</p>	<p><u>Policy 6B</u></p> <p>(a) The provisions relating to energy efficiency are considered suitable in their current form as they supplement the requirements of the Building Code of Australia which requires all new dwellings to meet energy efficiency standards.</p> <p>(b) In the case of wind generation, a domestic wind turbine would be considered differently to a commercial wind turbine. Refer to Council’s Policy on Domestic Wind Turbines.</p> <p>(c) Solar panels can be applied as of right on a dwelling without any requirement for Council approval, and when they are placed on a dwelling is up to the landowner.</p> <p><u>Policy 2G</u></p> <p>(d) The ratios contained within the advertised policy were based on the existing planning consent for a Hotel and Multiple Dwellings granted by</p>	<p><u>Policy 6B</u></p> <p>(a) No modification recommended. (b) No modification recommended. (c) No modification recommended.</p> <p><u>Policy 2G</u></p> <p>(d) No modification recommended. (e) No modification recommended. (f) No modification recommended.</p> <p><u>Policy 6P</u></p> <p>(g) No modification recommended.</p> <p><u>Policy LPP 1</u></p> <p>(h) No modification recommended. (i) No modification recommended.</p> <p><u>Policy 7K</u></p> <p>(j) No modification recommended.</p>

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		<p>on developments fronting the beaches except for the Esplanade site?</p> <p>(f) In relation to the Golf Club site what was the possibility included in the De Villiers report?</p> <p><u>Policy 6P – South Lockyer Structure Plan</u></p> <p>(g) Will this subdivision be amended through Council along with other examples of maps that will change?</p> <p><u>LPP 1 – Conceptual District Structure Plan</u></p> <p>(h) How was the Albany Regional Vegetation Survey incorporated into the overall ALPS design and how is this vegetation to be protected? Corridors and vegetation are mentioned but not as strongly as these factors deserve.</p> <p>(i) It is farcical to plan the development of a City and then override the plan by saying that developers can go ahead anywhere as long as they have money. If they do so, will they be required to pay for the infrastructure etc and road treatments that the extra traffic will create along the route to the development.</p>	<p>Council in 2007/08.</p> <p>(e) Building height adjacent to coastal locations need to be assessed on their merits. In relation to Middleton Beach, the buildings along Flinders Parade (which are predominantly 3 stories) are not highly visible from the beach given their setback, the positioning of dunes towards the north and the screening afforded by the Norfolk Island pines.</p> <p>(f) Patrick De Villiers in his Residential Design Code Policy (2007) recommended a 3 storey height limit for the old Golf Club site which has been retained under the Middleton Beach Tourist Precinct Policy.</p> <p><u>Policy 6P</u></p> <p>(g) The Local Planning Policy Manual simply incorporates the development control provisions contained within the South Lockyer Structure Plan into a policy format/document.</p>	

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		<p>How much of the infrastructure would be assisted by the City in its normal works program?</p> <p><u>Policy 7K - Centennial Park Redevelopment Area</u></p> <p>(j) I note the area on which the City has just spent a lot of money creating and raising a new soccer field is earmarked for residential development. There appears to be no protection in the manual to ensure that the soccer fields are retained in the future. Will the potential developer have to contribute back to the City for the landfill which the ratepayers have paid for? If and when the Oyster Harbour sports arena becomes accessible, will there still be a demand for these additional fields.</p>	<p><u>LPP 1</u></p> <p>(h) The Conceptual District Structure Plan simply overlays more detail over the adopted ALPS Map 9B, inclusive of a road hierarchy to promote coordinated structure planning into the future.</p> <p>(i) The prioritising of future residential areas and how they are progressed is outlined in the adopted ALPS.</p> <p><u>Policy 7K</u></p> <p>(j) The policy promotes a residential edge to existing parks to promote infill development and conceptually identifies 'possible residential areas' without doing a thorough investigation of such possibilities. The soccer fields are under the care and control of Council, and the policy would have no affect on the ongoing recreational use of this area.</p>	

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2	Brian Malone PO Box 5667 ALBANY WA 6332	<p><u>Policy 2F – Holiday Homes</u></p> <p>(a) In relation to provision F2.1(2) – General, requests that a notice advertising the proponent’s intention to apply for a 5 year extension be placed outside the property and that neighbours be notified.</p> <p>(b) In relation to provision F2.3 – Protecting the residential character of neighbourhoods, Mr Malone refers to a letter sent to the City dated 22/09/09 in which he expressed concern at the growing number of homes being converted to holiday accommodation in the Rowley/Spencer/Grey St East/Serpentine/Earl Street precinct, the resulting in the erosion of community/neighbour relationships and the erosion of character and amenity caused by noise, traffic, parking issues and poor property management.</p> <p>Mr Malone questions how the “cumulative impact” of holiday homes will be measured: by the proportion of holiday homes within a certain radius; next to each other in a continuous row; or next to vacant lots and</p>	<p><u>Policy 2F</u></p> <p>(a) Agree that the consideration of the five year renewal should be advertised to surrounding landowners.</p> <p>(b) A similar policy provision referring to holiday accommodation not becoming the predominant use has consistently been applied by other local governments in relation to holiday homes, and the imposition of an arbitrary target or ratio is not considered helpful in further quantifying this statement. This provision is considered acceptable in it’s current form; the term ‘predominant’ implies that holiday homes should not outnumber permanent residences as a guide.</p> <p>(c) In relation to the questions posed:</p> <ol style="list-style-type: none"> 1. No, holiday accommodation owners will not be asked to pay an additional levy as part of the policy envisaged. 2. The conversion of residences to 	<p><u>Policy 2F</u></p> <p>(a) Modify as follows: F2.1 General “2) <i>Planning approvals for holiday homes shall be limited to a maximum period of 12 months, after which the further renewal of the approval by the local government is required and a renewal for a further 5 years will be considered, and will be subject to consultation with surrounding landowners. This is the responsibility of the applicant and the local government will not automatically re-issue approvals.</i>”</p> <p>(b) No modification recommended.</p> <p>(c) No modification recommended.</p>

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		<p>POS?. He states that unoccupied rental or short term accommodation properties have a 'cumulative effect' on the character of a residential neighbourhood.</p> <p>(c) In relation to provision F2.4(3)f – Ongoing Management, Mr Malone asks:</p> <ol style="list-style-type: none"> 1. Will holiday accommodation owners be asked to pay a special levy in addition to their rates for the additional burden placed on rubbish collection, street parking and other council services? 2. Will the impact on existing accommodation businesses (ie My Place and Three Chimneys) where the Owner/Manager resides on site, staff are employed and a local service is provided be considered? Will an over-supply of 'self-catering' venues be avoided that may threaten the viability of existing businesses? 3. Will the impact on the community of having empty short-stay homes in residential areas during the "off season" be considered? If the proportion rises, 	<p>holiday accommodation has been an important component of the overall supply of tourist accommodation in the City and meets a market need.</p> <ol style="list-style-type: none"> 3. Approximately 5 to 10% of residential dwellings within the inner residential area of Albany have been approved for holiday homes. It is accepted that there is likely to be an increased vacancy rate in the winter months. 4. The areas where holiday makers wish to reside is usually at the higher end of the residential property market (being locations close to the CBD and areas of natural attractions such as beaches etc) and it is not anticipated that the proportion of holiday accommodation present in Albany would significantly affect housing affordability. 	

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		<p>whole blocks may become empty, permanent residents will feel unsafe and abandoned and amenity will be reduced.</p> <p>4. Will the impact of excessive short-stay housing on home affordability in the central area be considered? The Australian Sea Change Taskforce (p11, 10 Point Plan July 2010) states; <i>“Most non-metropolitan coastal populations are characterised by greater levels of socio-economic disadvantaged than other parts of Australia. Demand for new housing and holiday accommodation reduces affordable housing opportunities. These factors are contributing to social polarisation within many coastal communities for low income groups.”</i></p>		
3	Neil Houghton ALBANY WA 6330 (Via email)	<p><u>Policy 2F – Holiday Homes</u></p> <p>(a) <u>F2.3 Protecting Residential Character</u> – although this section states that holiday homes should not become the predominant use in residential areas, the policy does not</p>	<p><u>Policy 2F</u></p> <p>(a) Refer Submission 2(b). (b) Supported in part. It is recommended that the response times for handling complaints is no more than 12 hours.</p>	<p><u>Policy 2F</u></p> <p>(a) Refer Submission 2(b). (b) Modify as follows: F2.4(f) <i>“The handling of complaints (it is expected that the tenant be</i></p>

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		<p>provide any measures to prevent this happening.</p> <p>(b) <u>F2.4 – Ongoing Management</u> – this section, in particular F2.4.2, is extremely weak and does not provide the level of control needed to protect residential amenity and promote good business practice. I would strongly recommend that Council looks at the recently adopted Shire of Denmark Policy 19.3 – Holiday Homes and develops far more stringent property management controls.</p> <p>(c) <u>F2.8 – Conditions of Approval</u> – The proposed 5 year renewal of approval is potentially too long. The Shire of Denmark’s policy, which provides for a 3 – 5 year renewal, is more acceptable.</p> <p>(d) <u>Policy 6K – Lot 100 Grey Street East</u> This policy provides a considered and appropriate response to the site and the locality. The design principles and, in particular, the use of 3 dimensional building envelopes are supported.</p>	<p>It is believed that the ongoing management controls are a significant improvement on Council’s current position and are clear and concise. The policy requires the submission of a detailed management plan to address issues such as noise management, expected behaviour, and the handling of complaints.</p> <p>(c) A five year renewal is considered appropriate, as the initial 12 month approval provides a probationary period in which the actions of the proprietor will be scrutinised. If there are concerns with the management of a specific property which is brought to Council’s attention or revealed during advertising, a lesser renewal period could be applied by Council.</p> <p><u>Policy 6K</u> (d) Noted.</p>	<p><i>contacted by phone immediately and the proponent or their representative visit the property, preferably within 12 hours).</i>”</p> <p>(c) No modification recommended.</p> <p><u>Policy 6K</u> (d) Noted.</p>

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4	Ms Barbara Madden 10 Golf Links Road ALBANY WA 6330	<p><u>Policy 2G - Significant Tourist Accommodation Sites</u></p> <p>(a) Ms Madden expressed disappointment that the former Esplanade Hotel site has been vacant for so long and believes that the Local Planning Scheme must address issues affecting the commercial viability of developing the site. Accordingly, recommendations for Site 1 in Table 2 (Pg 25) should be changed to allow for a mix of uses such as a tavern, retail, serviced apartments, permanent residential and community facilities, even though this will require a change to the current recommended ratio of tourist/permanent residential accommodation.</p> <p>(b) Ms Madden supports the policy for the Middleton Beach Caravan Park stating no permanent residential development or permanents should be supported and that existing designated caravan bays should be retained wherever possible and not be replaced with park homes or onsite vans. Ms Madden considers that the policy should</p>	<p><u>Policy 2G</u></p> <p>(a) The current zoning already allows for a mix of land uses ranging from restaurant, tavern, shop, holiday accommodation, hotel, grouped dwellings and multiple dwellings. Refer submission 6 for comments in relation to the ratio.</p> <p>(b) In relation to building heights at the Middleton Beach Caravan Park it is recommended that a one storey height limit be the acceptable standard, however development up to two storeys could be considered where a visual impact assessment has been lodged and consultation is undertaken with surrounding landowners.</p>	<p><u>Policy 2G</u></p> <p>(a) No modification recommended.</p> <p>(b) Modify Middleton Beach Tourist Precinct Policy (7M) to include following provision under Building Heights:</p> <p><i>“In relation to the Middleton Beach Caravan Park site, development shall generally be no higher than one storey, however Council may consider development up to a maximum of two storey’s where a visual impact statement has been provided and such development in the opinion of Council does not detrimentally affect the views from existing residences and/or views from the beach. Council will refer applications for two storey development to surrounding landowners for comment.”</i></p>

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		<p>be extended to reflect that “the purpose of the site is to provide an affordable seaside holiday experience for visitors”. Furthermore, as building heights within the park seriously impact on the visual amenity of the area, the site should be subject to the same policy guidelines as other developments in the Middleton Beach precinct and included in Section 7 – The Middleton Beach Precinct (Pg 207). The recent approval of 3 x 2 storey chalets in the park is disappointing when there is scope for local authorities to specify lower height limits to achieve outcomes in keeping with the desired character, built form and amenity of the locality. Building heights within the caravan park should be restricted to one storey.</p>		
5	<p>Jane Mouritz Middleton Beach Group C/- 10 Golf Links Rd ALBANY WA</p>	<p>At a public forum held by the Middleton Beach Group (MBG) on 06/01/11, which 100 people attended, the following views were supported: <u>Policy 2G – Significant Accommodation Sites – Former Esplanade Hotel Site</u> (a) Table 2 (Pg 29) shows the recommended</p>	<p><u>Policy 2G</u> (a) Refer to Submission No. 6 on issue relating to ratios. (b) Refer Submission No. 4 on building height within Middleton Beach Caravan Park.</p>	<p><u>Policy 2G</u> (a) Refer to Submission No. 6. (b) Refer to Submission No. 4. (c) No modification recommended. (d) Noted.</p>

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	6330	<p>tourist development for this site is a hotel and that a permanent residential component be restricted to the western third of the site only and that the recommended zoning be Hotel/Motel & tourist Residential. MBG proposes that a tavern and other community and commercial facilities (such as restaurants, cinema, tennis courts etc) may be more appropriate than a hotel. A greater percentage of the site may need to be allowed for permanent residential. MBG urges Council to review the current recommendations relating to the site to include a ratio of 70% permanent residential and 30% tourist residential to reflect community aspirations and commercial realities, without compromising the character and community amenity. MBG suggests that any developer of the permanent residential component be required to incorporate public open space and pedestrian/cycle access throughout.</p> <p>(b) MBG supports the recommendations in Table 2 to ensure this site remains as a</p>	<p>(c) These building heights were previously adopted by Council in 2007 after Patrick de Villiers (a renowned architect and town planner) was engaged to undertake a building height analysis for the Middleton Beach Precinct. Development such as the Hotel and apartments on the old Esplanade Hotel site, have already been guided by this policy.</p> <p>The submission suggests that building height should decrease on the Garden Street and Flinders Parade frontages and be no more than three stories, and where additional height is proposed, this should be within the middle of this precinct.</p> <p>The existing height limits identified in the Policy are supported by staff as they will encourage a more diverse range of permanent and tourist accommodation into the future and will</p>	

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		<p>prime seaside camping holiday destination for tourists. MBG recommends that in relation to the 3 x 2 storey tourist-residential apartments that have been approved for the site, that Norfolk Island pines be planted to reduce the visual impact from the beach and Marine Drive.</p> <p><u>Policy 7M – Middleton Beach Tourist Precinct</u></p> <p>(c) At the community meeting held on 06/01/11, there was a general desire for less multi-storey constructions. The recommendations were;</p> <ul style="list-style-type: none"> • Single storey on the beach front for all future developments, including the caravan park, ie the coastal side of Flinders Parade. • Within the suburb, 3 storeys should be the limit and if there is a variation in building height it should be lower at Garden St and Flinders Parade and higher in the middle to reflect the natural rise and fall of the topography around Albany and to respect the location 	<p>assist in promoting a high quality and vibrant beachside tourist precinct. Given the orientation of Middleton Beach, the northern winter sun will not cast shadows over the foreshore reserve or Flinders Parade (as they lie to the east); therefore overshadowing at the height envisaged is likely to be minimal.</p> <p>(d) Noted.</p>	

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		<p style="text-align: center;">between the ocean and the lake. Where possible, top storey's should be set back so as not to overshadow the street.</p> <p>(d) The first paragraph reflects the nature of comments received by MBG desiring low-key development style. The second paragraph relating to the possible requirement of streetscape drawings is also supported to encourage more pedestrian/cycle friendly pathways throughout the residential area whilst reducing traffic thoroughfares.</p>		
6	<p>Nick Ayton (for: Middleton Beach Group) Ayton Baesjou Planning 11 Duke Street ALBANY WA 6330</p>	<p><u>Policy 2G – Significant Accommodation Sites – Former Esplanade Hotel Site</u></p> <p>(a) According to Graham Robertson, a developer with over 40 years experience in the tourist industry, there are 2 key factors contributing to the difficulty of developing tourist accommodation in WA;</p> <ul style="list-style-type: none"> • The availability and cost of labour as a result of the resource industry boom – a factor that is likely to be with us for a considerable period of time; and • The cost of building, which can be 13 	<p><u>Policy 2G</u></p> <p>(a) Staff recommend that the current ratio be retained as an as of right (acceptable criteria), with an increase in the permanent residential component, up to a maximum of 65%, only being considered where all of the performance criteria is achieved.</p> <p>(b) The draft Scheme is likely to be advertised within the next few months, and therefore the need to undertake a separate scheme amendment is not</p>	<p><u>Policy 2G</u></p> <p>(a) Modify Policy by including the following under Site 1 Policy Statement:</p> <p><i>“Area where permanent residential development is permitted as of right is identified in blue above. Council may however consider an increase in the area designated for permanent residential up to a maximum of 65% where the following criteria is met:</i></p>

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		<p>times more expensive than in parts of South East Asia.</p> <p>Given these circumstances, it is requested that Council amend the policy for the Esplanade site to enable a permanent residential component to occupy 70% of the site and a tourist component 30%. The tourist component could include a tavern, bottle shop, restaurant/cafe, retail and tourist accommodation. Appropriate guarantees would need to be put in place to ensure the permanent accommodation did not proceed without the tourist component and that the tourist development would occupy the highest valued tourist land, ie the Flinders Parade frontage. Potential conflict between a hotel/tavern and the permanent accommodation would need to be addressed in the design as required by Council's policy guidelines.</p> <p>(b) MBG understands the Council's new Town Planning Scheme proposes to amend the</p>	<p>recommended.</p>	<p><i>a) The tourist development is to occupy no less than 35% of the physical site and shall be located wholly within the eastern (beach) side of the subject land and be segregated from the permanent residential development.</i></p> <p><i>b) A public restaurant and/or tavern being incorporated into the development with direct frontage and access to Flinders Parade.</i></p> <p><i>c) Incidental tourist orientated shops/cafes being incorporated into the development and located at ground level to create an active and vibrant edge to Flinders Parade.</i></p> <p><i>d) Tourist accommodation (being a Hotel or serviced apartments) is incorporated into the development fronting Flinders Parade and a feasibility study is provided to ensure that the room/unit yield is economically sustainable on a reduced building footprint, within the development parameters set down by the Scheme and/or Middleton Beach Policy (Policy 7M).</i></p>

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		<p>density coding for the site from R60/80. This change is supported by the MBG as it will enable increased numbers of short stay accommodation to be provided as well as helping to improve the viability of the project. The split coding also enables Council to ensure that the higher density is only permitted where the quality of the development and community benefit is clearly demonstrated. As the new Scheme may take several years to finalise, it is requested that Council give consideration to incorporating provisions in the current scheme text to allow the density code to be varied where a Detailed Area Plan is prepared (as recommended in “liveable neighbourhoods”) which demonstrates how the site can be appropriately developed. Flexibility in local policy affecting the site is critical in order to accommodate the outcomes of a feasibility study for the site.</p>		<p><i>e) No subdivision of the site or the consideration of any permanent residential development will be entertained by Council until such time as the tourist accommodation and restaurant/tavern uses have been constructed and operational.</i></p> <p><i>f) The tourist accommodation and associated tourist uses shall be designed and constructed to a high standard, representing the iconic/landmark building within the Middleton Beach Precinct.”</i></p> <p>(b) No modification recommended.</p>
7	Jennifer Viol Landscape Architect	<p><u>2J – Public Open Space (P48)</u> (a) The objective to ensure sufficient, <u>quality</u> open space should also take into</p>	<p><u>Policy 2J</u> (a) The subject policy is relevant to only residential subdivisions creating</p>	<p><u>Policy 2J</u> (a) No modification recommended. (b) No modification recommended.</p>

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	17 Seymour Street ALBANY WA 6330	<p>consideration; scenic value, remnant vegetation, mature trees (native or exotic); houses clustered to allow maximum space for new large tree species.</p> <p>(b) Where remnant vegetation exists on an urban site that is to be subdivided, POS should be much greater than the 10% required in the policy in order to retain that remnant vegetation and the decision should be based on:</p> <ul style="list-style-type: none"> • Creation of a network of continuous wildlife corridors through Albany, following the low lying wetlands and creeks. If the subdivision contains some of this land their POS may total more than 10%. • If the site is on a rise it would be desirable to retain significant bushland areas that are visible from other rises so that views across are of vegetation, not a crowd of houses all competing for views. • If the remnant vegetation contains rare flora and fauna species. 	<p>between 3 and 5 lots, and ensures that for these smaller subdivision proposals Council is able to receive funds for the purchase of land or equipment for public open space. Comments outside scope of Policy.</p> <p>(b) As above, comments are outside scope of the Policy. The Albany Local Planning Strategy (ALPS) at the strategic level does green space corridors.</p> <p>(c) Comments outside scope of the Policy.</p> <p>(d) Comments outside scope of the Policy.</p> <p><u>Policy 5D</u></p> <p>(e) All applications that involve the clearing of any remnant vegetation are referred to the Department of Environment and Conservation for comment. There could be instances where an application could meet the maximum 20% clearing limit specified,</p>	<p>(c) No modification recommended.</p> <p>(d) No modification recommended.</p> <p><u>Policy 5D</u></p> <p>(e) Modify policy as per the following:</p> <p><i>“5) The clearing of remnant vegetation to access basic raw materials is discouraged, however where such vegetation is affected as part of the proposal Council will consider the advice from the Department of Environment and Conservation.”</i></p> <p><u>Policy 6A and 6B</u></p> <p>(f) No modification recommended.</p> <p><u>Policy 7M</u></p> <p>(g) No modification recommended.</p>

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		<p>(c) Albany has a unique character where urban, rural and bush are all intermingled. This should be retained and enhanced and take precedence over urban growth.</p> <p>(d) Where subdivision is not possible due to lack of services and access, these areas are ideal for urban agriculture to produce vegetables or hold livestock to provide food on a local level.</p> <p><u>5D – Extractive Industries and Mining</u></p> <p>(e) In relation to D2.2 <i>“no more than 20% of the proposed pit area is to consist of remnant vegetation and should vegetation be affected, this area should not represent the only significant stand of vegetation on the site”</i>, Ms Viol suggests that <u>none</u> of the proposed pit area should consist of remnant vegetation as there may be valuable species contained. An alternative, cleared pasture site should be sourced, or the construction industry should cut down on the need for so much fill.</p> <p><u>6A – Residential Development on Steep Sites /</u></p>	<p>yet affect important vegetation species. It is therefore recommended that policy statement D2.2(5) is amended.</p> <p><u>Policy 6A & 6B</u></p> <p>(f) It’s important to distinguish the reason for the separation of the two policies. Policy 6A applies to selected sites outside of the inner residential areas where the building of larger contemporary dwellings on steep sites is suitable and blends in with the existing housing stock (ie. slopes of Mt Clarence, the steeper areas of Mira Mar and the northern slopes of Mt Melville between Albany Highway and Serpentine Road). Policy 6B applies to the inner residential areas of Albany which contain a wide selection of heritage listed dwellings or dwellings that contribute to the defined character of the streetscape, where additional controls on height and bulk</p>	

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		<p><u>6B – Albany Historic Town Policy</u> (f) Requirements for the above should be combined for housing on any slope in all areas of Albany. The topography of Albany is one of its defining elements and the natural ground plane should be respected in the built environment. Steep slopes and granite rocks are seen as restraints and therefore are retained and affect construction, but gentle slopes should also be retained. The trend in Australia is for increased house footprint and decreased garden area, plus retaining walls and fill to create a blank horizontal surface. The result is that new houses tower over older neighbours creating discontinuity in the streetscape. Instead houses could be situated in a 3 dimensional way instead of 2 dimensional; retaining walls could be limited to 1m by splitting a concrete footing into a few stepped pieces, even if it raises construction costs; foundations could be built on posts and cut should equal fill. When tall canopy trees in parks and</p>	<p>are appropriate.</p> <p><u>Policy 7M</u> (g) The existing height limits identified in the Policy are supported by staff as they will encourage a more diverse range of permanent and tourist accommodation into the future and will assist in promoting a high quality and vibrant beachside tourist precinct. Given the orientation of Middleton Beach, the northern winter sun will not cast shadows over the foreshore reserve or Flinders Parade (as they lie to the east); therefore overshadowing at the height envisaged is likely to be minimal.</p> <p>The four storey height limits adjacent to Eyre Park, along Garden Street, were also raised as an area of concern. Staff are supportive of the current height parameters relating to this area as the built form envisaged</p>	

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		<p>residential areas reach maturity and die, they are often not replaced. The solution would be to retain existing trees; on a new house block, level and fill only the area for the slab, retaining existing soil and providing maximum area away from the house for tall trees; and in a housing development, cluster houses together in medium density to allow maximum area away from the houses for tall trees.</p> <p><u>7M – Middleton Beach Tourist Precinct</u> (g) Future planning for the Middleton Beach precinct which allows for 3 storey high buildings overall, 4 storey along Flinders Parade and Garden Street and 5 storeys in the Esplanade site, could potentially create narrow streets shaded by buildings with a very urban feel, which is not appropriate for a holiday village. At a recent Middleton Beach Group workshop it was agreed that 4 and 5 storeys along Flinders Pde were too high and would cause overshadowing of the foreshore area. It would also be imposing</p>	<p>will promote an attractive residential edge to the park, increase housing diversity, passive surveillance and will encourage higher accessibility to a strategic area of district open space. The policy also requires the submission of streetscape drawings to indicate how new buildings will integrate into the street. All other elements that relate to the R-Codes, including privacy (overlooking), boundary setbacks and overshadowing will continue to apply ensuring the amenity of existing residents is accommodated.</p>	

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		<p>for beach users to be looked down on by residents of the buildings. No buildings should be visible from the beach. Within the suburb, it was generally agreed that 3 storeys should be the limit with any variations to reflect the natural rise and fall of the topography around Albany and to respect the location between the ocean and the lake. Where possible, top storeys should be set back so as not to overshadow the street.</p> <p>The existing relaxed holiday atmosphere should be enhanced through no kerbs, surfaces conducive to bare feet, peppermint trees, little hard paving, verandahs and balconies easing onto verges and prioritising pedestrians and cyclists in groups. Enhancing the atmosphere for the tourist experience is more valuable to the tourist economy than attempting to pack in more tourists at the expense of their experience.</p>		
8	Dennis Backshall	<u>Policy 2G - Significant Tourist Accommodation Sites – Esplanade Hotel Site</u>	<u>Policy 2G</u> (a) Refer to Submission 6. It is	<u>Policy 2G</u> (a) Refer Submission No. 6.

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	7 Middleton Road ALBANY WA 6330	(a) Mr Backshall advised that the proposal put up by the Middleton Beach Group (MBG) to change the zoning ratio of the Esplanade Site from tourism to residential is not supported by all residents of Middleton Beach, or Albany. The current site and zoning is the only location in Albany which will support a 'resort style' development which includes landscaped pool areas, recreational facilities, accommodation, restaurants and boutiques, all adjacent to a world-class beach. There are also no suitable convention facilities currently available in Albany. If rezoning forecloses the opportunity to attract such a development then Albany will never compete with other centres for tourism and convention opportunities. This site offers a once-only opportunity for Albany and the option to develop it as such should be kept open, as investors will return. Let the site owners and their selling agent deliver the solution required to honour the original promises made to Albany.	recommended that the current ratio is maintained as an acceptable standard, and only consider a revised ratio where a proponent can satisfy a range of performance criteria.	

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9	Will & Ursula Richards 28 Rowley Street (adjoining Lot 101) ALBANY WA 6330	<p><u>Policy 6K - Lot 100, Cnr Rowley Street & Grey St East</u></p> <p>(a) Mr & Mrs Richards objects to the possibility of a parapet wall on the boundary of Lots B & C if they are developed as one integrated development with the same floor levels. This would set an undesirable precedent for Mt Clarence. The scale and mass of such a combined house frontage would not complement the current traditional street front of Rowley St or Grey St East, would dominate adjacent buildings and would not be in accordance with the Albany Historic Town Design Policy. Objectives 4, 5 & 6 are contradictory to the AHTD policy and the clause should be removed. The Richards support the Policy Manual in general.</p>	<p><u>Policy 6K</u></p> <p>(a) It should be noted that a parapet wall is only permitted between Lots B and C where these properties are developed as one integrated development, however it is recommended that additional clarification be provided so that articulation of the building within the 2 metre zone between the two houses is required.</p>	<p><u>Policy 6K</u></p> <p>(a) Modify policy as follows:</p> <p>K2.10 Side Setbacks</p> <p>“.....If Lots B and C are developed as one integrated development, with the same floor levels, then a parapet wall on the boundary between the two Lots may be considered <i>provided there is an articulation of the 2m zone between the two houses to ensure that the design of two houses meet the other requirements of this policy.</i>”</p>
10	Martin & Viv Lloyd 12 Grey Street East ALBANY WA 6330	<p><u>Policy 6K – Lot 100 Grey Street East</u></p> <p>(a) Mr & Mrs Lloyd have no objection to the proposed 4 lots that adhere to the Albany Historic Town Design Policy, however they request that;</p> <ul style="list-style-type: none"> • all loose sand on site during construction be dampened down to avoid sand 	<p><u>Policy 6K</u></p> <p>(a) Noted. The issue of sand drift and blasting of granite will be addressed at the time of a building licence being lodged. Non-compliance in these areas will result in substantial fines.</p>	<p><u>Policy 6K</u></p> <p>(a) Noted.</p>

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		<p>blowing across adjacent properties; and</p> <ul style="list-style-type: none"> if granite is discovered during construction/subdivision, adjacent property owners be informed if rock blasting/splitting occurs. 		
11	<p>Joanne McLeod 10 Grey Street East ALBANY WA 6330</p>	<p><u>Policy 6K - Lot 100 Grey Street East Albany</u> (a) Ms McLeod supports the proposed development guidelines, stating:</p> <ul style="list-style-type: none"> Lot 100 Grey Street East has been approved for subdivision subject to conditions which are in the process of being satisfied. For the subdivision approval to be implemented appropriately, the development of the lots should be consistent with the surrounding area and further the objectives in the proposed policy. The proposed policy has been tailor-made for the site by reputable heritage architects who are very familiar with the subject area, its surrounds and the City as a whole. The existing, more general, policy (Dec 	<p><u>Policy 6K</u> (a) Noted.</p>	<p><u>Policy 6K</u> (a) Noted.</p>

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		<p>09) does not address the specific attributes of the immediate area and the site itself. It will derogate from the streetscape and make development of the lots problematic.</p> <p>In conclusion, Ms McLeod advises that the proposed policy provides workable development guidelines and respectfully requests it be adopted without amendment.</p>		
12	<p>Juliet Albany 54 Duke Street ALBANY WA 6330</p>	<p><u>General</u> (a) Ms Albany protested at the timing of the public consultation (over Christmas/New Year) and advised that she would be putting in a submission at the end of the week. No record of a submission was received.</p>	<p><u>General</u> (a) The consultation period was increased from 21 days to 42 days to take into account the Christmas Period; this extension was expressly supported by Council.</p>	<p><u>General</u> (a) No modification recommended.</p>
13	<p>Heather Joyce 21 Rowley Street ALBANY WA 6330</p>	<p><u>Policy 6K - Lot 100 Grey Street East Albany</u> (a) Ms Joyce supported the development proposed at the above site. She is situated diagonally opposite the site on the lower side of Rowley Street.</p>	<p><u>Policy 6K</u> (a) Noted.</p>	<p><u>Policy 6K</u> (a) Noted.</p>
14	<p>Rod Hedderwick Harley Global 116 Serpentine Road</p>	<p><u>Policy 2G - Residential Activity on Tourist Development Sites</u> (a) Harley Global submit the following comments on behalf of Walker Paddon Real</p>	<p><u>Policy 2G</u> (a) The submission is supported to ensure consistency throughout the document and reflect the previous</p>	<p><u>Policy 2G</u> (a) Modify policy as follows: <u>G4.2.1 (point 7):</u></p>

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	ALBANY WA 6330	<p>Estate Pty Ltd, registered proprietors of Lot 150 Barry Court, Collingwood Park, which is identified within Site No 6 of the draft policy as a 'prime site' with recommended development of Hotel/Services Apartments and a recommended zoning of 'Hotel/Motel' by draft City of Albany Local Planning Scheme No 1.</p> <p>On behalf of the owners of Lot 150, conditional support for the draft policy on the following basis:</p> <ul style="list-style-type: none"> • Permanent Residential to SAT DR 309-209 – the permanent residential development component of Lot 150, as depicted in the draft Council Policy, corresponds directly to WAPC Approvals 141114 and 357-09 and SAT decision 150 that is approved to be subdivided into six survey-strata lots, with a common property driveway for access. These lots are intended to be developed for permanent residential development; 	<p>State Administrative Tribunal (SAT) ruling to allow six (6) strata lots to be developed for permanent residential purposes. It should be noted that the submission refers to section numbers that were relevant to the old format, before being inserted into the local planning policy manual.</p> <ul style="list-style-type: none"> • 3rd Paragraph of G4.2.1 (formerly known as 5.2.1) – As the western portion of Lot 150 is recognised for permanent residential this statement is considered sufficiently clear. • Table 3 (site 6) - additional clarity supported to reflect status of western portion of Lot 150. • Table 3 (site 6) – recommended zoning is Hotel/Motel and Tourist Residential; further clarification is supported to ensure western portion of Lot 150 retained in Tourist Residential zoning. • 7th dot point under G4.2.1 – it is 	<p>"7) The tourism component shall be completed to Council' s satisfaction prior to the residential lots and/or development being completed and released for sale (with the exception of Site 6, in particular the western portion of Lot 150)."</p> <p><u>Table 3</u></p> <p>Under Site 6 inserting specific reference to the western portion of Lot 150 for clarity purposes.</p>

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		<ul style="list-style-type: none"> • Section 5.2.1 Para 3 – The current statement is a key policy statement that lacks clarity in relation to the permanent residential component of Lot 150. • Table 3 Site No 6 – The recommended Zoning under LPS1 being modified to make provision for use of the western portion of Lot 150 as ‘Permanent Residential’ in accord with SAT decision DR 309-2009. • Table 3 Site No 6 – That the recommended Zoning under LPS1 be modified as necessary to include similar Tourist Residential uses, as are established elsewhere in the precinct for the eastern portion of Lot 150, and that the site not be detrimentally restricted in development potential by limitation to Hotel or Motel. • Section 5.2.1 Bullet 7/10 – Please modify this clause or add another specific to the western portion of Lot 150 that does not preclude development of the residential component of Lot 150 first. I understand that there is no such restriction in SAT decision DR 309-2009. 	<p>recommended that a specific exception is made for western portion of Lot 150 for clarity purposes.</p>	

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		<p>This submission seeks to ensure that the permanent residential development component of Lot 150 Barry Court, Collingwood Park, is identified and protected, as per previous negotiations and correspondence with the City of Albany and WAPC and that the Tourist Residential component's existing potential uses are not restricted by recommendations for a zoning change that restricts these uses under LPS1.</p> <p>In summary, the owners of Lot 150 express support for the draft Policy, subject to modifications as outlined above.</p>		
15	<p>Richard Vogwill President Frenchman Bay Assoc (Via Email)</p>	<p><u>2G - Residential Activity on Tourism Development Sites</u></p> <p>(a) Mr Vogwill has submitted the following concerns on behalf of the Frenchman Bay Association, specifically in relation to stopping any residential development on Tourism Development Site No 9 (Table 1 in Policy) – “Frenchman Bay Caravan Park” at Lots 1 and 2, Frenchman Bay Road.</p> <p>(b) I strongly agree with the objectives of the Policy to <i>“maintain and protect significant</i></p>	<p><u>Policy 2G</u></p> <p>(a) Noted. (b) Noted. (c) Noted. (d) Council would monitor any breach of the 3 month occupation requirement. Staff's experience is that other owners also assist in identifying whether occupants are residing in units permanently. (e) Noted.</p>	

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		<p><i>tourist sites from indiscriminate subdivision and non-tourism uses” and “enable the optimal protection and planning guidance for prospective tourism sites in the city”. These objectives give due recognition to the importance of modern community and environmental considerations during project planning, design and development.</i></p> <p>(c) I agree that Site No 9 should be classified as “Local Strategic” because of its unique environment and historical importance.</p> <p>(d) Who monitors the maximum 3 months per year residence period in “short stay accommodation” zoning. If it is not monitored it would be easy to live there permanently.</p> <p>(e) I strongly agree with the statement “no permanent residential development or permanents in the case of Caravan Parks are permitted on sites designated as ‘Local Strategic’ (Section 5.2.1)”.</p> <p>(f) The 4th paragraph of section 5.2.1 states “where stated in the Policy Council supports the utilisation (through subdivision, including</p>	<p>(f) This only applies to sites where a residential component is permitted (no residential component is permitted on this site).</p> <p>(g) Noted.</p>	

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		<p><i>strata title subdivision) of a percentage of the site for residential purposes (no occupancy restriction) subject to...". It is not clear which "site type" this statement is describing. Please confirm.</i></p> <p>(g) I strongly agree with Table 2 that no permanent residential component is allowed on Site No 9. However, I am concerned that "short stay accommodation and tourism development" could easily convert to Permanent Residential, as I doubt that the maximum 3 month period would ever be monitored.</p> <p>In conclusion I am opposed to "Residential" being included on Site No 9 and the Frenchman Bay Association will be watchful of attempts to do so.</p>		
16	Ken and Jody Shanhun 34 Silver Street, ALBANY WA 6330	<p>(a) Concerned that detailed area plan is foregone conclusion as the land is currently being subdivided.</p> <p>(b) Have concerns regarding drainage impacting on property and distribution of Public Open Space.</p>	(a) The Detailed Area Plan simply identifies design guidelines over the approved lots that have been created through the subdivision process. The Structure Plan was subject to community consultation and was	<p>(a) No modification to the policy recommended.</p> <p>(b) No modification to the policy recommended.</p> <p>(c) No modification to the policy recommended.</p>

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		(c) Concerned about two storey dwellings being built on the lots.	<p>endorsed by Council and the Western Australian Planning Commission.</p> <p>(b) Drainage and public open space provision were established / identified in the endorsed Structure Plan. Before clearing the conditions of subdivision relating to road works and drainage Council's Works and Services Department will ensure construction has been undertaken with the endorsed civil works plans.</p> <p>(c) The R-Codes permit 2 storey dwellings, however in McKail the incidence of 2 storey dwellings is quite rare and it is expected that the majority of dwellings will be single storey.</p>	