

## 1.1: ADOPTION OF DRAFT LOCAL PLANNING POLICY MANUAL

### VERSION 2

(change relates to amendments to Policy 7I only through Recommendation 12 and includes attachment identifying the section of the policy to be removed as attached)

#### ITEM 1.1: RESPONSIBLE OFFICER AMENDED RECOMMENDATION 1

THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3, resolves to ADOPT the following policies within Local Planning Policy Manual (April 2011), where no amendments to the advertised version are proposed:

- LPP No. 1 – Conceptual District Structure Plan;
- LPP No. 2 – General Development Policy, specifically:
  - 2A – Outbuildings;
  - 2B – Signs;
  - 2C – Sea Containers;
  - 2D – Ancillary Accommodation;
  - 2E – Bed and Breakfast Accommodation;
  - 2H – Temporary Accommodation;
  - 2I – Heritage Protection;
  - 2J – Public Open Space;
  - 2K – Domestic Wind Turbines;
- LPP No. 3 – Residential Development Policy;
- LPP No. 4 – Commercial and Industrial Development Policy;
- LPP No. 5 – Rural and Environment Policy, specifically:
  - 5A - Grouped Dwellings on Rural Land;
  - 5B - Chalets;
  - 5C - Workers Accommodation (Seasonal);
  - 5E – Development in Flood Prone Areas;
  - 5F – Agricultural Protection and Subdivision;
- LPP No. 6 – Special Development Control Areas (Residential)
  - 6A – Residential Development on Steep Sites;
  - 6B – Albany Historic Town Design Policy;
  - 6D – Sloping Land;
  - 6E – Reflective Roofs in Goode Beach;
  - 6F – The Outlook Estate;
  - 6G – Masonic Hall Design Guidelines;
  - 6H – Thomas Street Design Guidelines;
  - 6I – Melville Drive View Corridor;
  - 6J – Woodrise Estate;
  - 6L – Pines Estate Setbacks;
  - 6M – Frenchman Bay Road Residential Development Area;
  - 6N – Lake Seppings Drive/Wright and Loftie Street;
  - 6P – South Lockyer Structure Plan;
  - 6Q – Little Grove Structure Plan;
- LPP No. 7 – Special Development Control Areas (Non-Residential)
  - 7A – Airport Buffer;
  - 7B – Speedway Buffer;
  - 7C - Timewell Road Wastewater Treatment Plant Buffer;
  - 7D - Albany Port Buffer;
  - 7E - Barker Road Industrial Buffer;
  - 7F - Richard Street Light Industrial Area;

- 7G – Down Road Timber Processing Precinct;
- 7H – Marbellup Brook Water Resource Protection Area;
- ~~7I – Albany Town Centre;~~
- 7J – Albany Waterfront;
- 7K – Centennial Park Redevelopment Area;
- 7L – Neighbourhood Centres;
- 7N – Frenchman Bay Tourist Development Site;
- 7O – Woolstores Redevelopment Site;
- 7P – Emu Point and Big Grove Village Centres;

**ITEM 1.1: RESPONSIBLE OFFICER RECOMMENDATION 2**

THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3, resolves to ADOPT policy LPP2(F) Holiday Homes within the Local Planning Policy Manual (April 2011) as per the amendments identified within the attached schedule of submissions.

**ITEM 1.1: RESPONSIBLE OFFICER RECOMMENDATION 3**

THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3, resolves to ADOPT policy LPP2(G) Significant Tourist Accommodation Sites within the Local Planning Policy Manual (April 2011) as per the amendments identified within the attached schedule of submissions, except that the Policy Statement for Site 1 (Esplanade Hotel Site) is amended to the following:

***“Site 1: Policy Statement***

***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:***

- a) The tourist development is to occupy no less than 35% of the physical site area and shall be located wholly within the eastern (beach) side of the subject land and be segregated from the permanent residential development.***
- b) A public restaurant and/or tavern being incorporated into the development with direct frontage and access to Flinders Parade.***
- c) Incidental tourist orientated shops/cafes etc being incorporated into the development and located at ground level to create an active and vibrant edge to Flinders Parade.***
- 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 Tourist Precinct (Policy 7M).***

- e) *Whilst a planning application identifying all uses over the site is encouraged, the creation of new titles through the subdivision process or the construction of the permanent residential component will not be entertained until such time as the tourist accommodation and uses mentioned in part b) and c) are constructed to at least 'plate height' of the ground floor with such arrangement being identified as a condition of planning scheme consent or subdivision.*
- 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."*

**ITEM 1.1: RESPONSIBLE OFFICER RECOMMENDATION 4**

THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3, resolves to ADOPT policy LPP5(D) Extractive Industries and Mining within the Local Planning Policy Manual (April 2011) as per the amendments identified within the attached schedule of submissions.

**ITEM 1.1: RESPONSIBLE OFFICER RECOMMENDATION 5**

THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3, resolves to ADOPT policy LPP6(C) Detailed Area Plans within the Local Planning Policy Manual (April 2011) as per the amendments identified within Paragraph 31 of the officer's report.

**ITEM 1.1: RESPONSIBLE OFFICER RECOMMENDATION 6**

THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3, resolves to ADOPT policy LPP6(K) Lot 100 Grey Street East within the Local Planning Policy Manual (April 2011) as per the amendments identified within the attached schedule of submissions.

**ITEM 1.1: RESPONSIBLE OFFICER RECOMMENDATION 7**

THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3, resolves to ADOPT policy LPP6(O) Modifications to Subdivision Guide Plans within the Local Planning Policy Manual (April 2011) as per Paragraph 47 and 48 of the officer's report.

**ITEM 1.1: RESPONSIBLE OFFICER RECOMMENDATION 8**

THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3, resolves to ADOPT policy LPP7(M) Middleton Beach Tourist Precinct within the Local Planning Policy Manual (April 2011) subject to

the following modification:

***“M2.2 Building Heights***

***Maximum building heights within the Precinct are set out in Figure 2. In relation to the Middleton Beach Caravan Park site, the following height criteria applies:***

- 1. No development shall be approved which results in overlooking of the beach and bathing area (100 metres seaward of high water mark), by an occupant within the development.***
- 2. Development should harmonise with the landscape elements in siting and design, particularly in regards to colours, scale, height and materials.***
- 3. No development shall exceed 7.5 metres in height. Where development at the prescribed height may result in overlooking of the beach and bathing area the provisions of clause 1 shall prevail.***
- 4. Alterations to natural landforms (eg. Cutting, filling, grading, excavating) shall be minimised during development and the site restored to it's former appearance or as near as practical.***
- 5. This policy may preclude the construction of a building to the maximum height otherwise allowed under the operative Town Planning Scheme or another policy of Council.”***

**ITEM 1.1: RESPONSIBLE OFFICER RECOMMENDATION 9**

THAT Council **RESCINDS** the following policies pursuant to Clause 7.21 of Town Planning Scheme No. 1A and 6.9 of Town Planning Scheme No. 3:

- Detailed Area Plans Policy (incorporated into manual);
- Outbuildings Policy (incorporated into manual);
- Public Open Space Contribution Policy (incorporated into manual);
- Residential Density Code Policy (split into different policies and incorporated into manual);
- Sea Containers/Relocatable Storage Units (incorporated into manual);
- Signs, Hoardings & Bill Posting (incorporated into manual);
- Sloping Land Policy (incorporated into manual);
- Development Guidelines – Scheme 1A (incorporated into manual);
- Development Guidelines – Scheme 3 (incorporated into manual);
- Coastal Lot Privacy Policy (Not required R-Codes have introduced privacy criteria);
- Off-Site Verge Cash-in-Lieu Parking Policy (incorporated into manual under Albany Town Centre Policy);

**ITEM 1.1: RESPONSIBLE OFFICER RECOMMENDATION 9 (continued)**

- **Masts, Aerials and Flagpoles (Not required, refers to old technology – to be reviewed in future);**
- **Extractive Industry Guidelines (incorporated into manual);**
- **Down Road Noise and Hazard Policy (incorporated into manual);**
- **Albany Historic Town Design Policy (split into two policies and incorporated into manual);**
- **RAAFA Aged Persons Village Design Guidelines (Not required – project developed);**
- **Albany Airport (ANEF) Noise Buffer Policy (incorporated into manual);**
- **Development Guide Plan for Lot 1274 Albany Highway (Not required – project developed);**
- **Lake Seppings Drive, Loftie Street and Wright Street (incorporated into manual);**
- **Special Rural Area 1C – Special Provisions (incorporated into manual);**
- **Gull Rock Road (Alternative Subdivision Guide Plan) (incorporated into manual);**
- **Lot 5 Rufus Street, Milpara (Not required – original Guide Plan within Scheme to be used);**
- **Masonic Hall Design Guidelines (incorporated into manual);**
- **La Perouse Court (Alternative Subdivision Guide Plan) (incorporated into manual);**
- **Reflective Building Materials in Goode Beach (incorporated into manual);**
- **Richard Street Industrial Policy (incorporated into manual);**
- **Seppings Street Design Guidelines Policy (Not required – development complete);**
- **Speedway Noise Buffer Policy Area (incorporated into manual);**
- **Albany Design Guidelines (Not required - provisions inserted into Albany Historic Town Design Policy and aspects relating to restoration of heritage buildings placed in new information sheet);**
- **The Outlook (incorporated into manual);**
- **Thomas Street (Old Surrey Guidelines) (incorporated into manual);**
- **Barker Road Industrial Policy (incorporated into manual);**
- **Melville Drive View Policy (incorporated into manual);**
- **Woodrise Estate Design Guidelines (incorporated into manual);**
- **Lot 201 and 202 Pony Club Road (Alternative Subdivision Guide Plan) (incorporated into manual);**
- **Lots 104 and 105 Willyung Road (Alternative Subdivision Guide Plan) (incorporated into manual); and**
- **Subdivision and Development – Frenchman Bay Road (incorporated into manual).**

**ITEM 1.1: RESPONSIBLE OFFICER RECOMMENDATION 10**

THAT Council **ADVERTISES** by way of public notification the adoption of the Local Planning Policy Manual and the rescission of the above policies pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3.

**ITEM 1.1: RESPONSIBLE OFFICER RECOMMENDATION 11**

THAT Council in relation to Policy 2G (Significant Tourist Development Sites), **AGREES** to amend its Tourist Accommodation Planning Strategy by:

- a) **Amending the site evaluation map for Site 6 Barry Court consistent with the site evaluation map within the policy document, reflecting the recent State Administrative Tribunal decision to allow six survey strata lots for permanent residential purposes on the western portion of Lot 150;**
- b) **Amending the Strategic Action (on page 66) for this Site to:**

**“Strategic Action: Site is a “Prime Tourism Site” for boutique hotel and apartment developments. 19 residential lots were provided at the eastern end of Barry Court for residential purposes and the site zoning for the remainder of Barry Court, with the exception of the western portion of Lot 150 as per the site evaluation map, should be altered to Hotel/Motel to preclude further residential development of lots.**

**ITEM 1.1: RESPONSIBLE OFFICER RECOMMENDATION 12**

**THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3, resolves to ADOPT policy LPP 7(I) Albany Town Centre within the Local Planning Policy Manual (April 2011) subject to the modifications as shown attached, which removes references to a density bonus in excess of that prescribed by the Residential Design Codes for Single Bedroom Dwellings.**

**ITEM 1.1: RESPONSIBLE OFFICER RECOMMENDATION 13**

THAT Council **NOTES** that the Catalina Central Planning Framework, the Albany Waterfront Precinct Plan and Structure Plan, the Station, Western and Mount Lockyer Precinct Heritage Guidelines and the Stirling Terrace Conservation Plan, as previously adopted, will be retained as individual policies in their own right.

**Staff Reason (G Bride):**

This amended recommendation separates out the policies that received substantial comment thereby allowing for debate and amendments where required on those policies.

Staff have recommended a modification to the Significant Tourist Accommodation Sites (Policy 2G) at performance criteria point (e) to provide further clarity to the intent, which is to ensure that the tourist accommodation and supporting non-residential uses commence construction prior to the permanent residential development and prior to any titles being issued.

ORDINARY COUNCIL MEETING AGENDA – 19/04/2010  
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Staff have also recommended a modification to the Middleton Beach Tourist Precinct policy (7M) which carries through the policy provision of the former Coastal Development – Building Height Restrictions Policy which applied to the caravan park from the mid 1990's through to 2007 when this was rescinded.

Recommendation 11 includes more specific guidance about what specific modifications to the Strategy are to be made.

Recommendation 12 ensures the policy provisions for single bedroom dwellings in the Albany CBD (town centre) did not exceed the one third density bonus.