

1.1: ADOPTION OF DRAFT LOCAL PLANNING POLICY MANUAL

ALTERNATE MOTION BY COUNCILLOR PAVER

DATE & TIME RECEIVED: 12.00PM ON WEDNESDAY 6 APRIL 2001

ITEM 1.1: RECOMMENDATION 3 - ALTERNATE MOTION BY COUNCILLOR PAVER

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 to be retained as per the recommendation of the Tourist Accommodation Planning Strategy as follows:

“Site 1: Policy Statement

Area where permanent residential development is permitted as of right is identified in blue above (ie. 65% tourist accommodation and 35% permanent residential).”

Councillor Reason:

The percentages above are consistent with the recently adopted Tourist Accommodation Planning Strategy which provides a good balance between allowing some residential at the rear of the site, whilst reinforcing that the site is primarily a tourist development site of significance. Any reduction in the percentages of tourist development across this strategic site should be discouraged.

OFFICERS REPORT (G Bride)

STATUTORY IMPLICATIONS

1. No change.

POLICY IMPLICATIONS

2. No change.

FINANCIAL IMPLICATIONS

3. No change.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

4. As stated within the report (at Paragraph 16) the Tourist Accommodation Planning Strategy has identified a ratio of 65% for tourist development and 35% for permanent residential development and recommends that the proposed future zoning solution in Council's draft Local Planning Scheme No. 1 recognise this ratio (ie. 35% of the site is zoned 'Tourist Residential' and 65% of the site is zoned 'Hotel/Motel').
5. This ratio was not based on any specific site analysis but was consistent with the planning consent that was issued for the hotel and multiple dwellings in 2007.
6. It is important to note that the proposed local planning policy would apply to the current zoning of the site, being "Tourist Residential" and provides a statutory mechanism to ensure the entire site is not lost to residential development in the interim period pending the introduction of the new Planning Scheme, which is likely to take 12 to 18 months before implementation (gazettal).
7. The Policy is consistent with the Strategy to the extent that it has applied the strategy position as an 'accepted' or default position without further analysis. The detailed policy statement, through the provision of performance criteria accepts that a range of different development options could be possible on the site which could achieve the overall objectives of the Strategy and reinforce its strategic importance. The policy statement requires the landowner to demonstrate the suitability of such options and ensures the tourist development is constructed first and foremost.
8. Council can review its Tourist Accommodation Planning Strategy at any time. In this case, unless sufficient justification for a revised ratio in accordance with the specified performance criteria has been provided and Council has granted planning scheme consent under the existing zoning and proposed policy framework (inclusive of meeting the performance criteria) the strategy position for the future Scheme could remain in situ as below:

"Strategic Action: Site is a "Local Strategic" tourist site. Rezone site by applying a dual zoning of Hotel/Motel zone and Tourist Residential zone in the City's Community Planning Scheme, consistent with the site evaluation map above. The portion zoned Hotel/Motel zone will be protected from indiscriminate subdivision or from any non-tourism development, whilst that portion zoned Tourist Residential could accommodate permanent residential development."
9. The draft Scheme would be subject to Council consideration and public consultation and amendments to the ultimate zoning solution for the site could be considered at that stage.
10. On the gazettal of the new Scheme existing policies will need to reviewed and re-adopted under the new Scheme. The policy position could not contradict whatever zoning was applied to the site on gazettal of the new Scheme.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

11. Council has another option which is to not include Policy 2G within the policy manual at this stage (ie. defer final adoption of this particular policy) to allow for an additional briefing or workshop to consider an alternative policy position or review the policy position proposed for the site. This will still mean the rest of the policies can be adopted within the manual, and the final adoption of Policy 2G is considered at a future Council meeting. If Councillors would like more information on this item, a workshop can be accommodated by Staff.

COMMENT:

12. It is important to note that staff's recommendation does not guarantee an increase above the 65% tourist development designation which remains the default position (as identified in the Tourist Accommodation Planning Strategy). Given the lack of development opportunities proposed for the site (and its blighted appearance) some flexibility is recommended to encourage development which delivers a substantial tourist accommodation development, which subject to appropriate justification, could be delivered over a smaller site area. This would need to be on the basis of any proposed development complying with building height and parking parameters of the Town Planning Scheme and the Middleton Beach Tourist Precinct, in addition to achieving the various other performance criteria listed in the officer recommendation. Council will ultimately need to consider whether a variation to the 'acceptable criteria' (default position) is appropriate. The proposal would also be advertised to the local community.
13. Should the alternate motion by Councillor Paver be supported (ie. 35% permanent residential and 65% tourist accommodation), a future developer could still apply to Council to seek a variation of this ratio through the lodgement of a planning scheme consent application, whilst the current zone remains in place (ie. Tourist Residential). This zone is likely to be in place for another 12 to 18 months prior to the gazettal of the new Scheme.