

2.2: ALBANY WATERFRONT PLANNING FRAMEWORK

Land Description	: Albany Waterfront
Proponent	: Western Australian Land Authority/Landcorp
Owner	: Crown Land
Business Entity Name	: Landcorp
Attachments	: Letter from Dr Linley Lutton - Urbanix Design : Structure Plan (map only) and identified changes : Various photomontage images
Appendices	: Albany Waterfront Planning Framework Report 2 nd Edition
Councillor Workstation	: Currently approved Waterfront Planning Framework Report
Responsible Officer(s)	: E/Director Planning and Development Services (G Bride)

Maps and Diagrams:



IN BRIEF

- The City has received a revised Structure and Precinct Plan seeking modification to some parts of the adopted plans for the Albany Waterfront.
- Town Planning Scheme No. 1A requires Council approve the draft Structure and Precinct Plan for advertising purposes, prior to considering any submissions and deciding whether to adopt the plan.

RECOMMENDATION

CEO Ms Faileen James informed Council that four words required removal from the Responsible Officer Recommendation-*and Albany Entertainment Centre-* as the Entertainment Centre is not under the control of the City.

**ITEM 2.2: ALTERNATE MOTION BY COUNCILLOR D BOSTOCK
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR D BOSTOCK
SECONDED: COUNCILLOR J BOSTOCK**

That Council:

- 1) Pursuant to the provisions of the Town Planning Scheme No. 1A **ADOPT** the modified Structure and Precinct Plan titled the 'Albany Waterfront Planning Framework' for the purposes of advertising for public comment for a period of 35-days subject to the images contained within the Attachments, and an overshadowing plan being prepared to identify the extent of overshadowing that is likely to result from the 6th storey of the short stay accommodation building, being inserted into the report;
- 2) **REQUIRE** the proponents (Landcorp) undertake a manned public display in the Albany Public Library during the advertising period to assist public awareness of the proposed modifications to the plans; and
- 3) **ACCEPT** the written comments expressed by a majority of respondents as the definitive blueprint for the final precinct plan.

LOST 2-7

Record of Vote

For the Motion: Councillor J Bostock and Councillor D Bostock

Councillor's Reason:

We were elected to represent the people, not to think for them nor force our opinion on them. As a Council we have a history of ignoring the comments made following public advertising of development projects, which makes a mockery of undertaking the exercise at all.

The usual reason for not considering them seems to be that they do not include the "silent majority" although, like Father Christmas, this is merely a figment of the imagination. No one is in a position to determine the thought processes of those who fail to respond, so decisions can only be made based on the comments of those who do. Failure to act according to the clearly expressed wishes of the people will lead to a loss of confidence in the whole system and we must take them into account in the future.

Officer Report (G Bride)

- A. The Albany Entertainment Centre is not within the control of either the proponent or the City, and so to require a condition upon a proponent that may not be able to be fulfilled, despite the best efforts of the proponent, would be unfair. It is recommended that reference to the Centre be removed from the Motion if it proceeds.

Local Government is a democratic elected representative system, where Councillors represent the views, and make governance decisions on behalf, of their constituents. To abdicate that responsibility through the automatic acceptance of public submissions is contrary to good governance. The purpose of public submissions should be to assist Council Members in their decision making. However those submissions are only one element that Council Members should use to fully inform themselves in making their independent decisions.

Until Council has the opportunity to review the submissions from the community through the public advertising process it is premature to consider any resolution based on such submissions. As per the Officer Report for Item 2.2, where development is proposed between six and eight stories within 300 metres of the coast (in this case Princess Royal Harbour) the Western Australian Planning Commission's Statement of Planning Policy 2.6 specifically identifies that such building height should receive '*broad community support*' after a process of '*full consultation*'. The release of the proposal to the community will enable Council to ascertain whether such broad community support for the sixth storey component exists.

**ITEM 2.2: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

That Council:

- 1) Pursuant to the provisions of the Town Planning Scheme No. 1A **ADOPT** the modified Structure and Precinct Plan titled the 'Albany Waterfront Planning Framework' for the purposes of advertising for public comment for a period of 35-days subject to the images contained within the Attachments, and an overshadowing plan being prepared to identify the extent of overshadowing that is likely to result from the sixth storey of the short stay accommodation building, being inserted into the report; and
- 2) **REQUIRE** the proponents (Landcorp) undertake a manned public display in the Albany Public Library during the advertising period to assist public awareness of the proposed modifications to the plans.

ITEM 2.2: RESOLUTION (Responsible Officer Recommendation)

**MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR WOLFE**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

BACKGROUND

1. The Albany Waterfront Project (AWP) is intended to deliver and integrate with the CBD, a protected boat harbour and land-backed waterfront development incorporating the entertainment/function centre, hotel/motel and short-stay serviced tourist apartments and commercial/retail/tourism spaces within the Albany foreshore between the Port to the east and the Anzac Peace Park to the west.
2. The City adopted the overall Concept Plan for the AWP in June 2005. This was followed by the adoption of the existing Structure Plan in May 2006 and subsequent Precinct Plan in September 2006. These plans provide the planning framework including land use and development controls and standards for the AWP. The Structure Plan provides the strategic background and long-term vision and objectives for the project whilst the Precinct Plan provides the detail including requirements for the individual precincts, permitted land uses and planning and design guidelines for the buildings to control private sector development within the project, inclusive of the completed Albany Entertainment Centre and marina/boat ramp facilities.

3. There are five Precinct Plans for the overall AWP as follows:

1. Entertainment Precinct	
This precinct covers the western side of the AWP and Toll Place and comprises the AEC, mixed use retail/commercial and public open space.	
Land Uses	Theatre/Entertainment Centre Market Shop Restaurant Office
Floor Area (m ² GFA)	3,300 AEC 2,200 retail/commercial
Building Height	AEC variable with fly tower being limited to seven-storeys Retail/commercial two-storeys and roof volume
2. Accommodation Precinct	
This precinct covers the eastern side of Toll Place comprises the hotel/motel and short-stay apartments.	
Land Uses	Hotel Motel Residential Building (short-stay only) Reception Centre Shop Restaurant Office
Floor Area (m ² GFA)	7,500 Hotel 4,600 Short-stay apartments
Building Height	Hotel/Motel five-storeys and roof volume Short-stay four-storeys and roof volume
3. Commercial Precinct	
This precinct covers the east section of the AWF and comprises maritime focussed mixed commercial/retail uses.	
Land Uses	Shop Restaurant Office Museum
Floor Area (m ² GFA)	4,000 Retail/commercial
Building Height	Retail/commercial two-storeys and roof volume
4. Town Jetty Precinct	
This precinct covers the central jetty and comprises maritime and commercial/retail uses.	
Land Uses	Shop Restaurant Office
Floor Area (m ² GFA)	1,800 Retail/commercial (cafe/restaurant)
Building Height	Retail/commercial one-storey and roof volume Concessions offices one-storey
5. Harbour Precinct	

This precinct covers the eastern side of the AWF and comprises maritime based light industrial uses complementing the Albany Port and includes the boat parking and launching facilities.	
Land Uses	Marina Marine Filling Station Marine Services Facility
Floor Area (m ² GFA)	200 Concessions offices 660 Duyfken Workshop 12,000 Boat/fishing uses 150-pen Marina 60 Fishing platforms
Building Height	one-storey

4. Other minor or incidental uses may be permitted by Council within each precinct.
5. The proponents (Landcorp) have advised that following a lengthy marketing and promotion of the hotel/motel and apartment component of the AWP during 2010, they have recently completed an Expression of Interest process which did not yield a positive outcome. As a result, they now seek to modify the adopted plans to improve the potential take-up of the development and construction of hotel/motel and apartments within the AWF project.

DISCUSSION

6. Council needs to determine whether the modifications sought to the Structure and Precinct Plans reflects the direction it wishes to promote for the AWP.
7. The modifications proposed include:

Structure Plan	
Existing Plan	Proposed Change
Structure Plan included 125 hotel rooms and 50 short-stay apartment units.	Increased to 120 - 145 hotel rooms and 80 - 90 short-stay apartment units
Structure Plan contains provision for 700 car parking bays.	Increase to 792 car parking bays to cater for increase in rooms/units
Structure Plan includes total building area of 23,000m ² .	Increase in total building area to 31,000m ² due to increase in hotel, short-stay apartments and mixed use buildings
Structure Plan identifies a floor area of 7,500m ² of building area for Hotel, 4,600m ² for short stay serviced apartments within Accommodation Precinct and 4,000m ² of Mixed Use commercial and retail in the Commercial Precinct.	Increase in building area to 10,500m ² for Hotel, 6,800m ² for short stay apartments and 6,750m ² for Mixed Use.
Structure Plan identified heights in the Accommodation Precinct for Hotel of five-storeys with potential to use roof volume, Short Stay serviced apartments of four-	Hotel to be five storeys without reference to roof volume. Short Stay serviced apartments to be increased to six-storeys and mixed use buildings in commercial

Structure Plan	
Existing Plan	Proposed Change
storeys with potential to use roof volume and within Commercial Precinct two-storeys with potential to use roof volume.	precinct to be increased to three-storeys.
Structure Plan did not permit short-stay apartment units within Commercial Precinct.	Inclusion of short-stay apartment units within upper floors of mixed use buildings in Commercial Precinct.
Structure Plan required large pitched roofs.	Removed requirement for large pitch roofs to ensure prominence of Albany Entertainment Centre roof form.

Precinct Plan	
Existing Plan	Proposed Change
Section 4.1 Precinct Plan contains provision for 700 car parking bays within AWF.	Increased to 792 car parking bays.
Section 5.3 Precinct Plan states generally that roofs will have substantial overhangs creating strong shadow lines.	Clarifies that roofs specifically on single storey and two storey buildings should have such overhangs.
Section 5.5 Precinct Plan states that low pitch roofs (<5 degrees) are generally not acceptable, however if such a roof is proposed the quality of the 'fifth elevation' should not be compromised.	Accommodates roofs of <5 degrees on taller buildings such as hotel and short-stay apartments, with serious consideration given to the use of green roofs.
Section 5.6 Precinct Plan states that roof pitches should not be steeper than the roof pitch of adjacent railway station building.	Clarifies that roof pitches on lower buildings should not be steeper than the roof pitch of adjacent railway station building.
Section 18.1 Precinct Plan states that development will be subjected to noise from traffic and railway.	Adds that the use of double glazing is recommended.
<p>Accommodation Precinct</p> <p>Building Height: Hotel five-storeys Apartments four storeys</p> <p>Plot Ratio: Max 1.5:1</p> <p>Parking: 130 bays required</p> <p>Setbacks: 2.5m eastern boundary to apartment building wall Nil to all other boundaries</p> <p>Single-storey restriction to south-east corner of apartment building.</p>	<p>Building Height for apartments is increased to six-storeys.</p> <p>Plot Ratio increased to 2.5:1.</p> <p>Parking increased to 222 bays.</p> <p>Setback to six-storey apartment building wall increased to 12m.</p> <p>Single-storey restriction removed from south-east corner of apartment building</p>
<p>Commercial Precinct</p> <p>Building Height: two-storeys</p> <p>Land Use Table did not identify short term apartment units within this precinct.</p>	<p>Building Height increased to three-storeys.</p> <p>Land Use of 'Residential Building (short-stay accommodation only)' included in Land Use Table.</p>

8. The proposal includes additional hotel/motel and short-stay apartments within the AWP. The proponents have increased the building heights of these buildings to create a larger building floor area to enable the additional units to be provided. The street-level car parking area will be covered with a roof garden that services the hotel/motel above. The plans show a view corridor being maintained between the short-stay apartment building and retail/commercial buildings to the harbour.
9. The proposed modifications represent alterations to the building heights and design within the Accommodation and Commercial Precincts from the existing plans. Given the nature of the changes and the public interest in the AWP, staff recommends the proposal be advertised for comment to enable submissions to be received. This should include referral to relevant government agencies and those associated with the AWP.
10. The proponents should be required to conduct additional public display and information sessions during the advertising period to assist public awareness of the proposed modifications to the plans.

GOVERNMENT CONSULTATION

11. The revised plans shall be referred directly to relevant state departments and agencies for comment including Environmental Protection Authority, Main Roads WA, Albany Port Authority, Westnet Rail, Department of Water, Department of Transport, Great Southern Development Commission, Department for Planning and Department of Housing.

PUBLIC CONSULTATION / ENGAGEMENT

12. Clauses 4.42 and 4.50 of Town Planning Scheme No. 1A enable Council to make modifications to the adopted Structure and Precinct Plans.
13. The Scheme requires that to amend the adopted plans, Council must firstly accept the draft plans, then advertise them for public comment and consider any submissions received from the comment period prior to finally considering whether to adopt, or not, the amended Plans.
14. The Scheme requires modifications to the Structure Plan are made available for public comment for a minimum period of 21 days. The Scheme does not set any minimum period for modifications to the Precinct Plan. Given the nature of the proposed modifications, the importance of the project and its prominent position on the Albany Waterfront and likely public interest in the matter (evident from the advertising of the original plans), it is recommended that Council set an extended comment period of 35 days to ensure there is ample awareness of the proposed changes and adequate time for comment to be received.

STATUTORY IMPLICATIONS

15. The subject land is in the Foreshore Development Zone under Town Planning Scheme No. 1A.
16. The Scheme contains the following requirements for land in the Foreshore Development Zone:

STRUCTURE PLAN

- 4.40 *For the purposes of guiding the development of land within the Foreshore Development Zone, the Council has adopted a Structure Plan for the whole of the area contained within the zone.*
- 4.41 *The Structure Plan shows the intended general distribution of land uses, open spaces and major reserves within the Foreshore Development Zone, but does not precisely locate or dimension and land use or land parcel, nor does it reserve, or purport to reserve, land for any purpose.*
- 4.42 *The Structure Plan may be elaborated, amended or another plan substituted for it in the same manner as prescribed for modifications to the Central Area Policy Plan in Clause 4.29 of the Scheme Text.*
- 4.43 *The Foreshore Development Zone is divided into Precincts and the location and boundaries of the Precincts are also shown on the Structure Plan.*

PRECINCT PLANS

- 4.44 *No person shall carry out any development within the Foreshore Development Zone unless such development is in accordance with a Precinct Plan which has first been adopted by the Council.*
- 4.45 *A Precinct Plan may be prepared by the Council, or by any other person who may then submit the Precinct Plan to the Council for its approval and adoption.*
- 4.46 *The Council shall neither approve nor adopt a Precinct Plan unless it complies with, or is substantially in accordance with, the Structure Plan.*
- 4.47 *The Council shall neither approve nor adopt a Precinct Plan unless the Precinct Plan shows or otherwise clearly describes the following:*
 - (a) *the proposed use of all land within the Precinct, including both public and privately owned land;*
 - (b) *the location and dimensions of any roads, pedestrian and cycle paths, car parking areas, public open spaces and other reserves;*
 - (c) *the number of cars which any car parking areas are designed to accommodate;*
 - (d) *the boundaries and approximate dimensions of any lots to be created through the subdivision of land within the Precinct; and*
 - (e) *the planned disposition of buildings in terms of height and setbacks from lot or reserve boundaries.*
- 4.48 *The Council may also require that a Precinct Plan show or otherwise described the following:*
 - (a) *the type and colour of the paving materials which are proposed to be used in the construction of roads, paths and public open spaces;*

- (b) *indicative designs of any buildings to be constructed;*
 - (c) *the location and form of outdoor furniture or any other artefact proposed to be placed within any public space;*
 - (d) *the location, quantities and species of any plants which are to be used for landscaping the Precinct; and*
 - (e) *any other detail which the Council, at its discretion, considers necessary or desirable for the Precinct Plan to show or describe.*
- 4.49 *The Council shall not adopt a Precinct Plan until after the following procedures have been completed:*
- (a) *The Council, having first approved the Precinct Plan, shall publish a notification once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the Precinct Plan may be inspected, and in what form and during what period submissions may be made.*
 - (b) *The Council shall review the Precinct Plan in the light of any submissions received and shall then resolve either to formally adopt the Precinct Plan with or without modification, or not to adopt the Precinct Plan.*
 - (c) *Following final adoption of a Precinct Plan, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.*
- 4.50 *A Precinct Plan may be amended or another plan substituted for it in the same manner as provided for the approval and adoption of a Precinct Plan in Clause 4.48 and the provisions of that clause shall apply with the necessary changes to an amendment or substitution.*
- 4.51 *Where, in the opinion of the Council, an amendment to a Precinct Plan is minor and of little coincidence, the Council may approve the amendment without first carrying out the requirements of Clause 4.49.*
17. The proposed modifications affect components of both the existing Structure Plan and Precinct Plan for the Albany Waterfront project.
18. Statement of Planning Policy 2.6 (State Coastal Planning Policy) also identifies that within 300 metres of the coast buildings should not be higher than eight storeys, but for development between five and eight storeys the following criteria should be addressed:
- (a) There is broad community support for higher buildings following a process of full consultation;
 - (b) The proposed development(s) is suitable for the location taking into account the built form, topography and landscape character of the surrounding area;
 - (c) The location is part of a major tourist or activity node;
 - (d) The amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore; and
 - (e) There is visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.
19. In relation to the above the proposed revisions to the structure plan and precinct plan, involving the increase in height to the short stay accommodation building to 6 stories will:

- (a) Be advertised to the community to ascertain support or otherwise for the sixth storey component associated with the short-stay accommodation building;
- (b) Be located on flat ground and at a level within the broader landscape that is significantly lower than the residential and commercial buildings located to the north;
- (c) Be part of a significant tourist and activity node as identified within Council's adopted Tourist Accommodation Planning Strategy;
- (d) Involve only a marginal increase in overshadowing between a five storey and six storey building with the building being opposite the marina (this can be further demonstrated through an overshadowing plan being included within the report prior to advertising). The future building site is also part of an integrated waterfront development as set out in the Albany Waterfront Planning Framework.
- (e) As per the photomontage images taken from various vantage points there are breaks in the building mass between the AEC and the hotel (via Toll Place) and between the short stay accommodation building and the commercial precinct to promote visual permeability.

STRATEGIC IMPLICATIONS

20. Albany Insight Corporate Plan 2008-2012

The vision for Albany is:

"By 2025 Albany will be ... Historic Albany – Home to a vibrant, resourceful and culturally diverse community driven by a spirit of generosity and opportunity, nestled around a spectacular natural harbour in a region of unique beauty."

The major goals/themes from the Plan (to 2025) that relate to this item include:

1. Lifestyle & Environment

Albany will be Western Australia's regional City of first choice offering a diverse range of healthy and active lifestyle opportunities, with energy efficient housing and development that respects our environment.

2. Economic Development

Albany will be Western Australia's first choice for regional investment offering a wide range of development, employment and learning opportunities within a robust economy.

3. City Centre

Albany's City Centre will be the most vibrant, safe, accessible and liveable in regional WA.

21. The initiatives under each goal/theme that relate to this item (to be implemented over the next 4 years) include:

1. Lifestyle & Environment	
Albany will be a City where ...	<p>1.5 Development ...</p> <ul style="list-style-type: none"> • <i>responds to our unique historical and environmental values;</i> • <i>embraces environmentally responsible approaches to energy and water consumption; and</i> • <i>incorporates healthy lifestyle activities and access to green space.</i>
2. Economic Development	
Albany will be a City where ...	<p>2.2 Investment is complementary to Albany's sense of place and occurs within an up to date and effective planning framework.</p> <p>2.5 Our unique cultural heritage attractions deliver world class tourism experiences.</p>
3. City Centre	
Albany will be a City where ...	<p>3.1 Family and pedestrian friendly.</p> <p>3.2 A vibrant cultural hub stimulated by attractive inner city residential and tourism accommodation.</p> <p>3.3 A unique and accessible retail experience.</p>

22. The AWP is included within the WA Planning Commission's Lower Great Southern Strategy and Albany Local Planning Strategy as a strategic project for Albany.
23. The City's Tourist Accommodation Planning Strategy identifies the site as a 'Local Strategic Site'. The proposed modifications identified in the Albany Waterfront Planning Framework reinforce the intention to construct a significant Hotel and Short Stay Apartments on the site and respond to market expectations and needs.

POLICY IMPLICATIONS

24. There are no policy implications related to this item.

RISK IDENTIFICATION & MITIGATION

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><i>Modified Structure and Precinct Plans not adopted by Council.</i></p> <p><i>The completed Tourist Accommodation Planning Strategy (adopted by Council in July 2010) identified the AWF as a Local Strategic tourist site for development of a hotel and apartments for tourist accommodation purposes.</i></p> <p><i>An important outcome of the Tourist Strategy was the need to protect these sites for tourism development and ensure that the strategy reflects changing market expectations.</i></p> <p><i>If the current plans do not allow buildings that can meet market expectations/needs, it is unlikely that a tourism development will be constructed on the site.</i></p>	<i>Likely</i>	<i>Significant</i>	<i>High</i>	<i>Mitigation entirely dependent on Council.</i>
<p><i>Lack of community engagement and/or opposition to the proposed modified Structure and Precinct Plans.</i></p>	<i>Possible</i>	<i>Insignificant</i>	<i>Low</i>	<i>Extended advertising period and manned display by proponents undertaken.</i>

FINANCIAL IMPLICATIONS

25. The AWP is being developed by the State Government.

LEGAL IMPLICATIONS

26. There are no specific legal implications related to this item.

ALTERNATE OPTIONS

27. Council has the option of not adopting the proposed modifications which would leave in place the existing adopted Structure and Precinct Plan (from May/September 2006).

28. Council may also require changes to the draft plans prior to advertising or defer the request and seek additional information if deemed necessary.

SUMMARY CONCLUSION

29. It is recommended that Council accept the draft Structure and Precinct Plans for the purpose of advertising for public comment for 35 days and require the proponents to conduct additional public display and information sessions during the advertising period to assist public awareness of the proposed modifications to the plans.

Consulted References	Town Planning Scheme No. 1A Albany Waterfront Planning Framework Report (including Structure Plan Report & Precinct Plan Report) Albany Waterfront Memorandum of Agreement (September 2007)
File Number (Name of Ward)	ED.PJT.4 (Frederickstown Ward)
Previous Reference	OCM 19/09/06 - Item 11.1.2 OCM 20/06/06 - Item 11.1.1 OCM 16/05/06 - Item 11.3.1 OCM 21/03/06 - Item 11.3.2