

**2.5: ADOPTION OF LOCAL PLANNING POLICY – FRENCHMAN BAY
TOURIST DEVELOPMENT SITE**

Proponent	: City of Albany
Attachments	: Draft Local Planning Policy – Frenchman Bay Tourist Development Site
Appendices	: Letter from Frenchman Bay Association
Councillor Workstation	: N/A
Responsible Officer	: E/Director Planning & Development Services (G Bride)

IN BRIEF

- Consider the adoption of the draft local planning policy titled ‘Frenchman Bay Tourist Development Site’.

ITEM 2.5: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

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 Local Planning Policy LPP 7P – Frenchman Bay Tourist Development Site and incorporate the Policy within its consolidated Local Planning Policy Manual, subject to the following modifications:

1. Paragraph 2 of P1.3 (Setbacks) being modified to state:

All development on the Land is to be set back a minimum of 75 metres from the high water mark (as per Appendix A attached). A greater setback may be required if recommended by any relevant public authority or in an applicable policy.

ITEM 2.5: RESOLUTION (Responsible Officer Recommendation)

MOVED: COUNCILLOR MATLA

SECONDED: COUNCILLOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-2

Record of Vote

Against the Motion: Councillors D Bostock and M Leavesley

BACKGROUND

1. At its meeting dated 19 April 2011 Council resolved to delete Local Planning Policy 7N 'Frenchman Bay Tourist Development Site' from the list of policies to be adopted for final approval.

"THAT Responsible Officer Recommendation 2 Lay on the Table, and Point 7N of Responsible Officer Recommendation 1 be DELETED."

2. This Local Planning Policy is now presented to Council for reconsideration as to whether it should be adopted with modifications, adopted without modifications or not adopted.
3. Since the April 2011 Council Meeting a letter has been received from the Frenchman Bay Association providing comments on the Policy (refer Appendices Booklet). Although this submission was not received within the public submission period, when the original consolidated Local Planning Policy Manual was advertised, the contents of the letter have been considered.

DISCUSSION

4. The policy proposes to introduce the following development controls to the site:
 - Building Heights (ranging from 1 to 3 stories);
 - Bulk and Scale;
 - Development Setbacks (including setbacks from the springs and coast);
 - Land uses (reinforcement of the site for holiday accommodation uses);
 - Materials and Colours; and
 - Application requirements relating to the visual representation of the development.
5. Since the policy was last presented to Council, Staff have reviewed the content of the Policy taking into account the approved development for the site (as issued by Council in October 2009) and the final adoption of Amendment No. 295 to Town Planning Scheme No. 3 (November 2010).
6. Amendment No. 295 introduced specific development controls over the site relating to coastal setbacks, building heights over the eastern portion of the site and setbacks from Vancouver Spring.
7. Staff have made several minor modifications (as identified in red in the attached policy document) to reflect the scheme provisions within Amendment No. 295 and the approved development application over the site. The main changes to the policy to that presented to Council in April include:
 - The delineation of the 75m coastal setback from the high water mark;
 - The delineation of the Vancouver Spring catchment area;
 - The reduction in the building footprint (not lot area) that can be considered for 3 storey development from 50% to 25%;

- The imposition of specific building heights over the eastern portion of the site, which is the most visually exposed; and
 - The attachment of the constraints plan that was included in Amendment No. 295.
8. There has been a change in the Western Australian Planning Commission's position on sea level rise since the 75m setback for coastal processes was determined for the subject land, which was supported by Council and the Department of Planning (Coastal Branch). For this reason there may be the need for a larger coastal setback which will need to be determined at the time of development. The wording identified in the amended officer recommendation acknowledges this scenario and is consistent with the wording that was supported by Council as part of the final adoption of Amendment No. 295, at its November 2010 Ordinary Council Meeting.

GOVERNMENT CONSULTATION

9. No submissions from government agencies were received.

PUBLIC CONSULTATION / ENGAGEMENT

10. No submissions were received during the advertising period on this specific policy as part of the advertising of the Local Planning Policy Manual; however a letter has since been received by the Frenchman Bay Association.

STATUTORY IMPLICATIONS

11. Clauses 6.9 of the City of Albany Town Planning Scheme No. 3 and 7.21 of Town Planning Scheme No. 1A set out the processes to adopt local planning policies.

STRATEGIC IMPLICATIONS

12. Within the Albany Local Planning Strategy, under Section 5.4, the proposal is considered to be consistent with the following principle:

“Albany will remain the premier tourism destination on the South Coast and will provide a complete tourism experience.”

13. Council's Tourist Accommodation Planning Strategy identifies the subject site as a 'Local Strategic Site', which is the highest rating in Council's strategy. The Strategy identifies that the site should be retained for tourist uses only.

POLICY IMPLICATIONS

14. Should the draft policy be adopted by Council it will be incorporated into Council’s recently adopted Local Planning Policy Manual.
15. The policy should be read in conjunction with Policy 2F – Significant Tourist Accommodation Sites.

RISK IDENTIFICATION & MITIGATION

The risk identification and categorisation relies on the City’s Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Local Planning Policy is not adopted and there is no specific policy direction for development on this site.</i>	<i>Possible</i>	<i>Low</i>	<i>Minor</i>	<i>Mitigation entirely dependent on Council.</i>

FINANCIAL IMPLICATIONS

16. The Local Planning Policy has been prepared internally by staff within existing budget lines.

LEGAL IMPLICATIONS

17. There are no legal implications related to this item.

ALTERNATE OPTIONS

18. Council has the option of not adopting the draft local planning policy.

SUMMARY CONCLUSION

19. It is important that Council adopts the Local Planning Policy 7P ‘Frenchman Bay Tourist Development Site’ to provide direction on the future development of the site.

Land Description	N/A
Owner	N/A
Business Entity Name	N/A
Consulted References	Town Planning Scheme No. 1A and 3
File Number (Name of Ward)	STR 047 (All Wards)
Previous Reference	OCM 16/03/10 – Item 13.5.1 OCM 14/12/10 – Item 1.6 OCM 19/04/11 – Item 1.1