



ATTACHMENTS

Planning and Development Committee Meeting

08 July 2015

5.30pm

City of Albany Council Chambers

PLANNING AND DEVELOPMENT COMMITTEE
ATTACHMENTS –08/07/2015
** REFER DISCLAIMER **

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Albany Waterfront Planning Framework Report

2nd Edition



REPORT ITEM PD083 REFERS
Structure Plan Report

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Submitted by Hames Sharley on behalf of LandCorp in February 2006 and revised for incorporation into public advertising in July 2011 to include changes involving an increase in area of the hotel, short-stay and mixed-use components of the waterfront development.



INTRODUCTION

The Structure Plan prepared for the Albany Waterfront is intended to guide development in the Albany Foreshore Development Zone and is based on the Concept Plan accepted by the City in June 2005. The Concept Plan outlines the broad layout of the foreshore by identifying the size and shape of various potential uses without being prescriptive.

This Structure Plan provides more specific details and a framework for the proposed pattern of land use and development. It also guides the co-ordinated provision of infrastructure and services within the foreshore area to support the development and link with the CBD.

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The Structure Plan differs from the Concept Plan in the following ways:



- The new marina has been enlarged to allow for 130 pens
- The proposed reactivation of the civic spine providing an at grade pedestrian link across the railway tracks has been deleted (the view corridor has however been maintained) and an overpass has been included
- The site for the Albany Entertainment Centre (AEC) has been repositioned eastward to abut the central Toll Place spine
- The site for the proposed hotel and serviced apartments has been repositioned to the eastern side of the central Toll Place spine and will accommodate between 120 to 145 hotel rooms plus 80 to 90 short-stay apartments, depending on room sizes
- Surface parking for approximately 792 cars has been provided
- Parking and landscape have been provided as a buffer to Princess Royal Drive

Rev

Rev

Rev: Number of potential hotel rooms and short-stay apartments has been increased from 125 hotel rooms and 50 short-stay apartments.

Rev: Number of car parking bays has been increased from 700 to meet the requirements of the increase in hotel and short-stay apartments

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The site is one of the most outstanding in the region not only because of its stunning outlook but also due to its prominence from the CBD of Albany. From the site visitors are able to look across the picturesque expanse of Princess Royal Harbour to a horizon of undulating hills. This harbour view is at the very essence of the Albany experience and there are no other development sites in this precinct location.

An added dimension of richness is brought to the site due to its close proximity to Albany's unique collection of historical buildings and streetscapes.



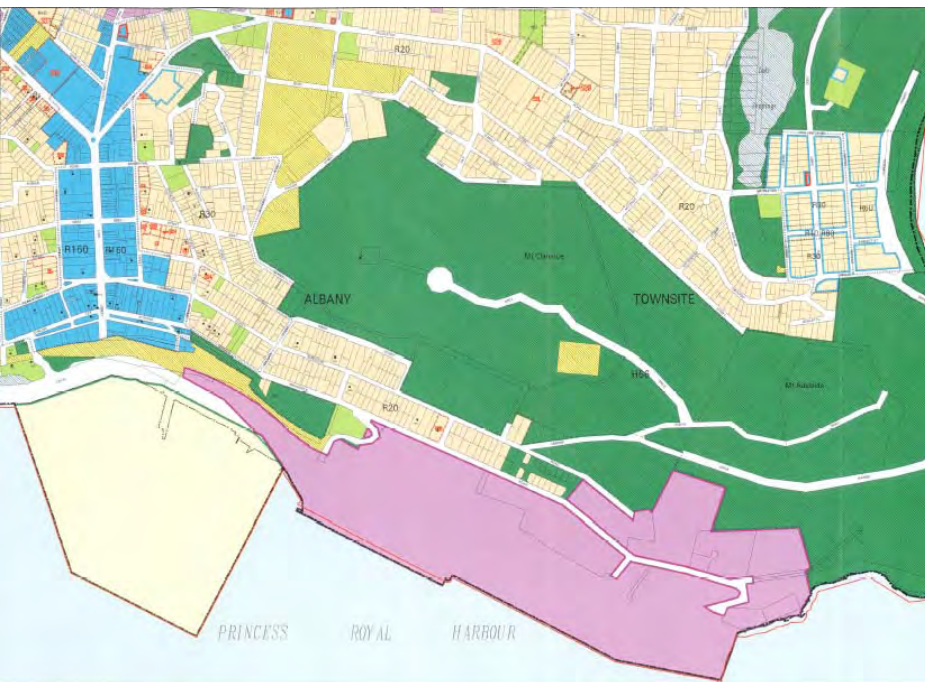
The site is very visible from the CBD and its surrounds due to the fact that Albany rises from its shore line. When the development is complete it will make a significant positive contribution to the overall townscape and act as a magnet drawing people to the foreshore area.



STATUTORY PLANNING

The site lies within the Foreshore Development Zone. The northern boundary abuts Princess Royal Drive, the western boundary abuts the new Anzac Peace Park. (While the Anzac Peace Park is shown on the Structure Plan it is not part of the plan). The eastern boundary abuts the Albany Port. The southern boundary abuts and extends into Princess Royal Harbour and Location 7601 in Princess Royal Harbour forms part of this Structure Plan.

Appropriate land uses within this zone will be determined through the Structure and Precinct Planning process. The Scheme requires that a Structure Plan show the general distribution of land uses within the plan area. It requires that a subsequent Precinct Plan show the proposed use of all land within that precinct. Once adopted by Council, the Precinct Plan will become binding on development within that precinct.



STRUCTURE PLAN

Key determinants

There are four key determinants that are reflected in the Structure Plan:

- Port access - The project area is traversed by the two primary freight access routes to the Albany Port, these being Princess Royal Drive and the railway line. The Structure Planing recognises and protects this infrastructure to ensure that freight access to the port is not obstructed or impeded
- Short stay accommodation - Residential uses is restricted to short stay tourist accommodation only. Permanent residential development is not included
- Views and vistas - Views and vistas of Princess Royal Harbour are maintained through view corridors
- Public access to the foreshore - Public access to the foreshore is maintained



Objectives

The principal planning and design objectives reflected in the Structure Plan are:

- To extend the Albany CBD to the waterfront via strong pedestrian, cycle and vehicular connections
- To create a viable mixed use development that attracts residents and visitors
- To establish an iconic focal point for the Albany Waterfront
- To provide a variety of public open spaces capable of use throughout the year
- To enable development to occur progressively and logically as demand increases
- To satisfy parking demands
- To enable local views to be maintained
- To provide an attractive new marina as the central element of the development
- To provide workable and efficient spaces for marine based activities



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Design Overview

The Structure Plan sits within a site envelope of approximately 17.3 hectares (inclusive of the marina, development sites along the new breakwater and fishing industry hard stand areas and boat trailer parking). The total building area, when fully developed will be in the order of 31,000m².

Rev

The proposed buildings shown in the Structure Plan are arranged in a linear formation along the existing sea wall edge to Princess Royal Harbour. They overlook the new 130 pen marina which reinforces the strong maritime character of the development. The buildings are set back from the sea wall edge sufficient to create a promenade linking one end of the development to the other. At the centre of the development are Toll Place and the protruding Town Jetty which acts as a central spine about which buildings can be grouped. On one side of the spine will be the new AEC. Facing it on the other side will be a hotel and serviced apartment complex.

Rev: The total building area has been increased from 23,000m² to 31,000m² due to an increase in potential area of hotel, short-stay apartments and mixed use buildings



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Preserving existing view lines has been a major determinant in the planning of the Albany Waterfront.

The York Street [1] and the Spencer Street [2] axes have been shown on this photograph. Both of these axes impact on the design because each defines a view which must not be blocked. At the base of York Street a view shed to Princess Royal Harbour occurs which begins to define the positioning of buildings on the western side of the site. Another viewing point occurs from the Rotunda in Stirling Terrace [3]. This view shed determines the maximum building heights to the western edge of the development. At the Rotunda the height difference between the foreshore and Stirling Street is approximately 6.5 metres thus limiting the height of any buildings in front of the Rotunda to two storeys. The position of the theatre fly tower, which is the highest element of the development, is shown with an orange circle.



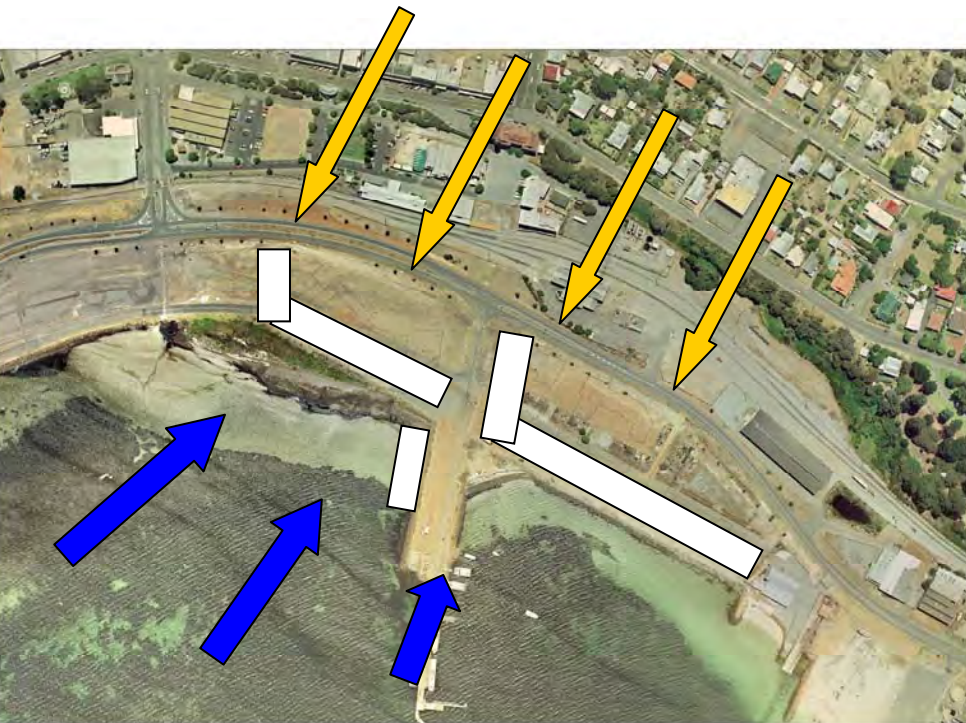
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There are a number of topographic and contextual issues driving the site planning outcomes.

- Princess Royal Drive [1] is the main vehicular access to the Port and therefore a significant buffer zone is desirable
- The existing sea wall to Princess Royal Harbour is strikingly linear which suggests it be reinforced with a linear built edge [2]
- Pedestrian flow from the CBD is to be facilitated. This will occur along York Street [3] and across the new pedestrian bridge [4]
- Pedestrian flows from tourist-bearing cruise ships are to be facilitated [5]
- The Spencer Street view corridor should be reinforced [6]
- An appropriate interface with the Anzac Peace Park is to be provided [7]

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In addition to the above landside drivers, there is a very strong climatic determinant imposing itself on the design of this development. This figure shows the site being impacted by cold sea winds blowing across Princess Royal Harbour. A logical design response is to use buildings as a wind break and thus provide protected public spaces on the leeward side. The open spaces on the protected side of the buildings will enjoy warm northern sun. This provides a unique opportunity to design buildings with glass frontages on both sides. Building users can enjoy the dramatic harbour view while at the same time they can enjoy the warmth of the northern sun.

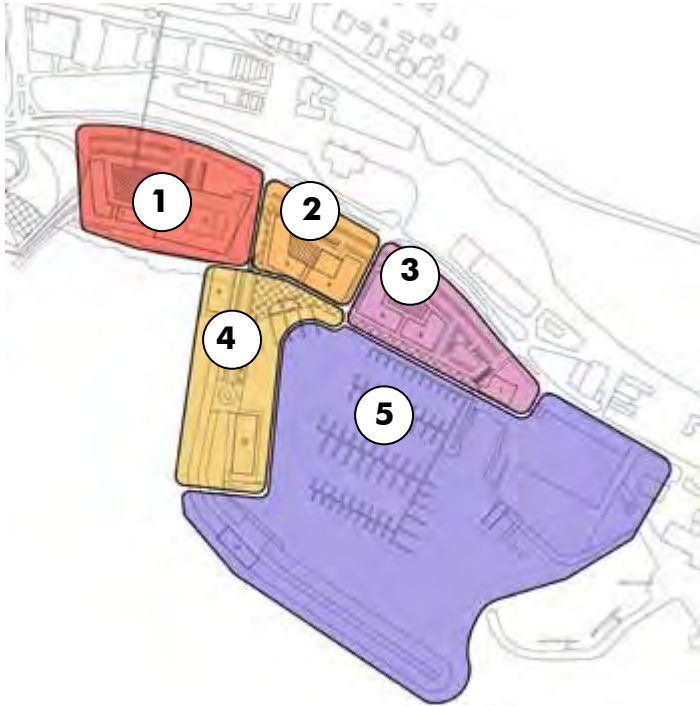
Precincts

The Structure Plan comprises the following five precincts:

- Entertainment Precinct [1] is to the western side of the Toll Place spine comprising the AEC, mixed use retail and commercial, public open space
- Accommodation Precinct [2] is to the eastern side of the Toll Place spine comprising two sites for a hotel and short stay/serviced apartments
- Commercial Precinct [3] is to the east of the Accommodation Precinct comprising maritime focussed mixed commercial and retail uses with capacity for short-stay apartments on the third floor
- Town Jetty Precinct [4] is centrally located comprising mixed use maritime, retail and commercial uses
- Harbour precinct [5] comprises maritime based light industrial uses complementing the uses of the Port and of Albany and the Town Jetty. This precinct also includes the marine, fishing industry hard stand, boat ramp and trailer parking.

Rev

Rev: Inclusion of possible short-stay apartments on level three in the Commercial Precinct



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Uses

The Structure Plan indicates approximate building footprints and areas within the five precincts as tabled below. The areas and footprints are approximations only. The intent is to demonstrate the likely built form characteristics in each precinct. The Precinct Plan will follow these approximations when developing the design guidelines.

Rev: GFAs for the hotel, short-stay apartments and mixed use buildings has been increased due to increased building heights

Rev: Short-stay apartments added as suitable use in commercial precinct

Precinct	Uses	Approximate GFAs (m2)
Entertainment Precinct	Mixed use commercial and retail	2,200
	Albany Entertainment Centre	3,300
Accommodation Precinct	Hotel	10,500
	Short stay serviced apartments	6,800
Commercial Precinct	Mixed use commercial, retail and short-stay apartments	6,750
Town Jetty Precinct	Retail (Café, restaurant, shops)	1,800
Harbour Precinct	Concession offices	200
	Duyfken Workshop	660
	Boat ramp and trailer parking	6,500
	Fishing industry hardstand	5,500
	Marina for 150 boats	
	Fishing platforms	60

Rev

Rev

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Parking

The vehicle parking standards applicable to the Foreshore Development zone will be determined as part of the Precinct Planning process. The parking standards will generally be as tabled below.

Use	Parking bays /m2 NLA
Mixed use	1 / 30m2
Retail	1 / 15m2
Serviced apartments	1 / unit
Hotel	1 / room 1 / 3m2 in bar areas 1 / 4m2 in eating areas
Entertainment Centre	1 / 4 seats the facility is designed to accommodate
Marina	1 / 5 pens

Rev: Car parking bays increased by 92 to meet the requirements of additional hotel rooms and short-stay apartments

The Structure Plan indicates area for 792 parking bays on site with additional overflow being accommodated after dark in the boat trailer car park.

Rev

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Built form

The Structure Plan shows a number of buildings in each precinct. These building footprints are approximate, their main purpose being to show the relationship between future buildings, car parking, public open space and site limitations.

Height limits have been placed on buildings within each precinct as tabled below:

Precinct	Uses	Heights
Entertainment Precinct	Mixed use commercial and retail	2 storeys with potential to use roof volume
	Albany Entertainment Centre	Variable with fly tower being limited to 7 storeys
Accommodation Precinct	Hotel	5 storeys
	Short stay serviced apartments	6 storeys
Commercial Precinct	Mixed use commercial, retail and short-stay apartments	3 storeys
Town Jetty Precinct	Retail (Café, restaurant, shops)	1 storey
	Concession offices	1 storey
Harbour Precinct		1 storey

Rev

Rev: Remove reference to potential use of roof volume and increase height of short-stay apartments to 6 storeys and mixed-use to 3 storeys

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The overall character of the buildings within the development will be diverse mainly due to the range of uses. The AEC will, because of its mass and public function, be quite different to its neighbouring buildings.



The new AEC has created a distinct landmark in the Waterfront development due to its striking roof lines. Other buildings in the development should therefore minimise the use of large, dominant roofs to ensure the primacy of the AEC. Low pitched roofs would be suitable. The use of green roofs is encouraged. On single storey buildings, low-pitched pitched roofs would be suitable.

Rev

Rev: Reference to the use of large pitched roofs has been removed and replaced with advice to reduce impact of roof forms.

An important design principle adopted in the Structure Plan has been to avoid facing the backs of buildings to Princess Royal Drive. All buildings within the development will have two frontages and design guidelines will be produced in association with the Precinct Plan which will determine the appropriate ways for buildings such as the hotel to accommodate their services areas without jeopardising the double fronted principle. This is particularly important when considering service access to the AEC.

Public spaces

The three major public open spaces in the development are:

- Entertainment forecourt [1]
- Waterside promenade [2]
- Toll Place [3]

Entertainment forecourt – this is a large open space protected from the prevailing weather and facing north. It is protected by built form edges to the south. This area also acts as the termination point for the new pedestrian bridge and therefore provides a generous movement space allowing large numbers of people to enter and leave the development.





The forecourt can have several useful functions including:

- Open space for family and social gatherings
- A large pre-performance gathering space associated with the AEC
- A potential 'market-style' area which could be used for community based markets

Waterside promenade – this is the key open space in the development as it provides the interface between the water and land-based facilities. The promenade is a linear open space with a generous width. It is envisaged that the promenade will be a highly activated part of the development facilitated mainly by the ground level retail activities associated with the various precinct buildings.

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At the water's edge the promenade will step down to enable people to be more closely related to the water. The promenade fronts the new marina which further enhances the activity and interest of the place.

Toll Place – this is the open space located between the AEC and the proposed hotel/serviced apartments. It could be seen as the principal entrance point to the development coming off Princess Royal Drive. It not only provides a main entry to the site but accommodates the pedestrian and vehicular movements associated with the main entries to the theatre and hotel. This space also reinforces the harbour vista and leads visitors to the various activities located along the new break water.



Landscape

The important landscape areas within the development are:

- Princess Royal Drive [1]
- Internal car parks [2]
- Waterside Promenade [3]
- Interface between the Waterfront and the Peace Park [4]

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Princess Royal Drive - the verge treatment to Princess Royal Drive will be landscaped to provide a softer edge and to create an appropriately scaled interface between the development and Princess Royal Drive.

Internal car parks - will be landscaped to soften the spaces and to break down the expanse of parking. Design guidelines will be prepared to ensure the selection of trees appropriate to the environment and adjacent buildings.

Waterside Promenade - will be treated with primarily hard landscape in the form of paving, artwork, bollards, lighting and edge treatments suitable to endure the marine environment while creating an exciting visual experience for visitors.

Interface between the Waterfront and the Peace Park – this is an important aspect of the development and will be detailed during the Precinct Planning process to ensure an appropriate union occurs between the two spaces.

All landscaping proposals in the following Precinct Plans will reflect the reality of the marine environment in which living landscape must grow.

Pedestrian movement and access

The two principal pedestrian patterns linking the Waterfront to the CBD are:

York Street link – this link occurs at the end of York Street where pedestrians will cross Princess Royal Drive and enter the Waterfront development where the development and the Peace Park abut. From this point pedestrians will access the promenade. One of the important features of this link is the presence of the AEC. As pedestrians arrive at the end of York Street they will be greeted by the presence of the AEC which will act as a strong attractor and draw pedestrians to the Waterfront.

Pedestrian bridge link – this link facilitates pedestrian flow from Stirling Terrace to the Waterfront. The bridge enables pedestrians to cross above the railway and Princess Royal Drive. The Stirling Terrace end of the walkway is at grade and suitably graded ramps at the Waterfront end ensure accessibility for disabled pedestrians.

In addition to the links with the CBD there are important pedestrian links within the development. These links occur between buildings in the

development and enable pedestrians to move from the car parks facing Princess Royal Drive to the waterfront promenade. Some areas of parking are located in close proximity to the promenade to provide convenient access for people with penned boats.

The promenade extends to include the existing Duyfken workshop thus ensuring that this facility and the maritime based uses beyond are conveniently linked.

Traffic

The following traffic management principles have been adopted in the Structure Plan:

- All car parking is located within the development and in close proximity to the facilities.
- The number of entry points from Princess Royal Drive have been minimised

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- The distance between entry points from Princess Royal Drive have been maximised in accordance with Option 1 in the Traffic Report titled "Albany Waterfront Traffic Assessment" by Riley Consulting, attached in Appendix 1
- Access and turning circles for large articulated vehicles servicing the AEC have been considered in the intersection designs shown in the Traffic Report

The Precinct Plan will acknowledge the detailed proposal for traffic management outlined in the Traffic Report.

Services

The following major services will be provided in the following manner:

Sewer - This development will be served via an existing 300 diameter gravity sewer in Princess Royal Drive, which is immediately adjacent to the project. This sewer discharges north along York Street to the existing pumping station north of the rail. Internal sewer will be via a gravity extension of this sewer.

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Water - Water supply for the project will come from the existing 150 diameter water main in Princess Royal Drive. Some realignment of this will be required as part of the construction.

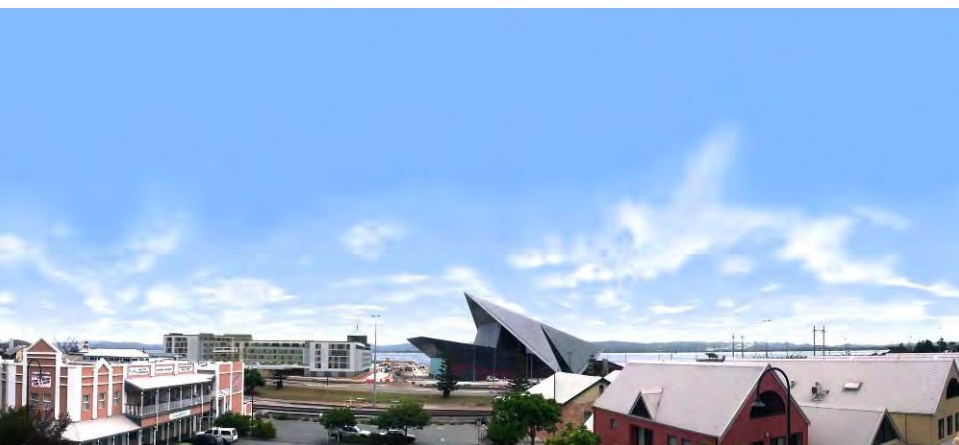
Underground Power - There is no capacity in the existing adjacent power system to handle this project. Underground Power will subsequently be arranged for the project via Western Power extensions and upgrades of the existing infrastructure some 10 km to the North. Internal distribution will be then achieved by standard practice.

Subdivision

It is proposed to subdivide the Waterfront development site. A notional subdivision layout is shown below to demonstrate the following subdivision principles:



- Establish a site area for the Albany Entertainment Centre which includes the Entertainment Forecourt and frontage to Princess Royal Drive
- Establish a number of sites for private commercial development (hotel, mixed use buildings) fronting car park along Princess Royal Drive
- Reserve an area for public access
- Establish site areas for commercial development along the Town Jetty spine (services easements and vehicle access within public use reserve)
- Establish areas for public parking



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Revised in July 2011 to include changes involving an increase in area of the hotel, short-stay and mixed-use components of the Albany Waterfront

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INTRODUCTION

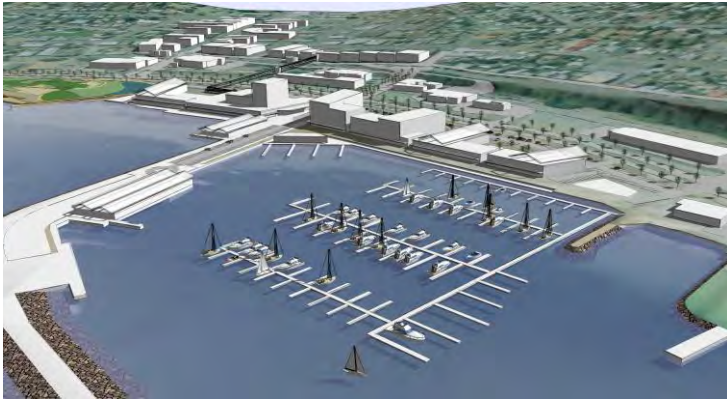
The Precinct Plan identifies five distinct precincts within the Albany Waterfront area and outlines a vision, objectives and detailed planning and design guidelines for each. The Precinct Plan represents a logical extension of the endorsed Concept Plan and Structure Plan and also takes into account the comments received during community consultation.

The preparation of a Precinct Plan for the Albany Waterfront is a vital part of the planning process for the locality. By outlining the land use, zoning and development controls that apply to each precinct, the vision and objectives for each can be realised.

Council is to have regard for the Precinct Plan when assessing applications, and in doing so, it will guide Council's decision making for development applications and infrastructure provision within the area.

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VISION

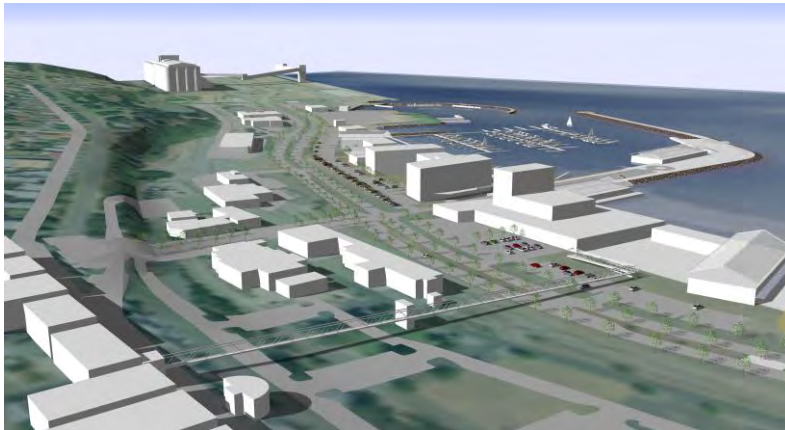
The Albany Waterfront will actively link the CBD to Princess Royal Harbour by providing a people-focused development with a strong sense of vibrancy and excitement with a unique combination of entertainment, accommodation and mixed-use buildings facing a wide waterside promenade overlooking an active public marina.



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Precinct Plan Report

OVERALL DESIGN OBJECTIVES



- Overall theme of development is to reflect its maritime context.
- Provision of unhindered port access via Princess Royal Drive.
- Provision of appropriate pedestrian flows from the CBD and within the development.
- Provision of adequate onsite parking and vehicle access.
- Provision of a safe and secure environment for all members of the community at all times of the day and night.
- Ensure building scale, materials and colours complement the Stirling Terrace interface with the Albany CBD.
- Provision of an attractive, open and consistent streetscape to Princess Royal Drive.
- Provision of an active edge to the waterside Promenade.
- Design quality that reflects the significance of this precinct as a key destination in Albany and the broader region.

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Precinct Plan Report

STATUTORY REQUIREMENTS

The requirement for producing Precinct Plans is contained in Town Planning Scheme No. 1A.

Upon adoption, all development is required to comply with the Precinct Plans and any development that is deemed not to be consistent with the intention of the Precinct Plans may be refused by Council.

In accordance with Appendix III of the Scheme all development standards applicable within this zone are to be in accordance with the adopted Structure and Precinct Plans.

In accordance with TPS 1A requirements, Appendix IV contains numerous development standards for the types of uses which may be accommodated within the Waterfront development area, including parking, minimum lot area, plot ratio, boundary setbacks and landscaping, although the development standards contained within the adopted Precinct Plan take precedence under the provisions of Clause 4.1.

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The Structure and Precinct Plans therefore contain all the relevant statutory planning requirements for the Foreshore Development area, including all use permissibility and development standards.

PLANNING AND DESIGN PRINCIPLES

A number of planning and design principles are to be adhered to in all proposed developments in the Albany Waterfront. Proponents submitting development applications to the City of Albany must demonstrate a sound understanding of these principles. The following section outlines these planning and design principles.

- | | | | |
|-----|---------------------------------|-----|--------------------------------------|
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| 2. | Setbacks | 19. | Safety and Security |
| 3. | Elevations | 20. | External Lighting |
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| 5. | Roofscape | 22. | Marina and Water's Edge |
| 6. | Active Frontages | 23. | Site Facilities |
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| 8. | Signage | 25. | Site Planning |
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| 17. | Services | | |

1.0 MATERIALS

- 1.1 Building enclosure materials will generally complement the quality of those used in the Albany CBD, in particular the buildings fronting Stirling Terrace.
- 1.2 Finishes and materials used for external walls will be of a quality sufficient to reflect the important public nature of the development.
- 1.3 Examples of suitable finishes are faced limestone or painted render. Rendered and painted concrete panel is acceptable provided its detailing, particularly at pedestrian level, is appropriately refined.
- 1.4 Face brickwork, corrugated steel and timber are suitable for feature panels to external walls however these materials should not represent more than 10% to 15% of the total elevation.
- 1.5 Corrugated steel sheeting is not a suitable wall material but is acceptable in gables and spandrels.

- 1.6 Paving materials will be of a quality usually associated with high traffic civic precincts.
- 1.7 Materials and detailing will ensure longevity in a harsh marine environment.
- 1.8 Roof tiles and unpainted or 'brilliant' white metal sheet roofing materials are not acceptable.
- 1.9 Use of highly reflective glazing will not be permitted. Samples of any reflective or tinted coatings to glazed areas will need to accompany any development application and will be to the satisfaction of the COA.

2.0 SETBACKS

- 2.1 All buildings will be set back a minimum of 25m from the Princess Royal Drive road reserve boundary.
- 2.2 Buildings fronting the Promenade may have a zero setback from the Promenade.

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2.3 The AEC and adjacent hotel building shall generally be built up to Toll Place. The actual location of these buildings in relation to Toll Place shall be determined by the spatial requirements associated with vehicle set down areas, road widths and pedestrian paths.

2.4 At the boundary between the Albany Peace Park and the Albany Waterfront Development, the buildings will be set back from the boundary sufficient to enable an unobstructed 5.0m minimum width paved pedestrian way linking the Promenade to Princess Royal Drive. The boundary treatment shall include complementary landscaping to interface harmoniously with the Albany Peace Park.

3.0 ELEVATIONS

3.1 The Albany Waterfront Development effectively has two main frontages and each must be treated appropriately.

3.2 Elevations facing Princess Royal Drive are to be regarded as main street elevations.

3.3 Elevations facing the Promenade and Toll Place are to be treated as building frontages displaying the quality of detailing appropriate for the public nature of the location.

3.4 Service access to the AEC shall be designed to prevent it appearing as 'the rear' of the AEC.

3.5 Air conditioners must not feature on any walls facing Princess Royal Drive, the Promenade or Toll Place and should be screened from the public realm to the satisfaction of COA.

3.6 Elevations of all building while being contemporary will complement the general characteristics of buildings in the CBD and adjacent environs without attempting to copy or replicate their historical architectural style.

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3.7 Suitable characteristics that could be used in combination include:

- Front facades being as continuous as possible
- Well defined and recessed (750mm minimum) front entries to all entries facing the Promenade
- Construction to lot boundaries facing the Promenade
- Provision of linear cantilevered awnings
- Creating a 'building base' or plinth using a change of material, colour or multiple horizontal banding at the ground floor level
- Verge and eaves overhangs sufficient to create strong shadow lines
- Windows, other than window walls and large shop fronts, to be taller than they are wide and well recessed
- Horizontal projected banding at logical intervals (floors, window heads, sills) to increase the continuous linearity of the façade
- Openings, windows, columns where possible to be logically and rhythmically arranged
- Windows at ground floor level along all active frontages to be at least 2.4m high.



These images of buildings in Stirling Terrace and the adjacent railway station are examples of buildings exhibiting some of the design characteristics which should be reflected in the new Albany Waterfront buildings. The simple yet strong roof forms, linearity reinforced by continuous awnings, subtle background colours, regularity of fenestration arrangement are compositional elements well used in these buildings.

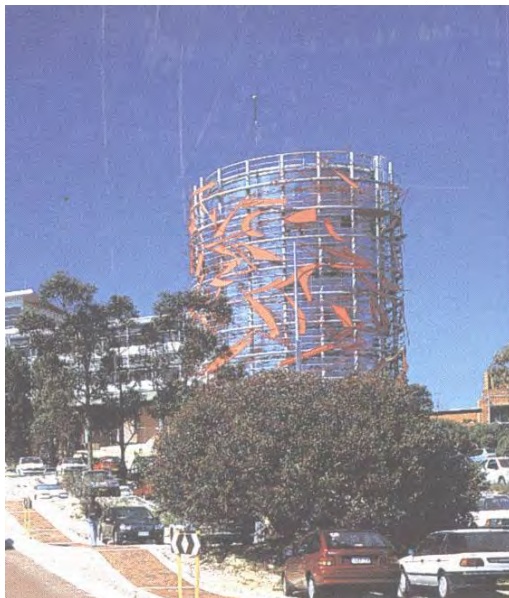


These images of buildings within the same overall precinct are examples of buildings exhibiting some of the design characteristics which should NOT be reflected in the Albany Waterfront buildings. Roof pitches are too steep, elevations are too eclectic and complex, background colours are too intense, signage is inappropriate.

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- 3.7 The fly tower associated with the AEC will be a very visible component and will provide a central focus for the development. The fly tower shape and form is derived from functional needs this element should be treated in an inspirational way. This could be achieved in a number of ways including the use of transparent cladding materials, creative illumination, sloping of the roof, attachment of creative and inspiring three dimensional art works, colour and so forth.



This image shows how a tall functional building element without windows can be creatively treated.

4.0 PARKING

- 4.1 The Albany Waterfront development when complete will generate a need for 792 car bays. The Precinct Plan indicates how these car bays are to be distributed across the development. The car parking plan for each site is to be adhered to in order to satisfy the overall parking requirements.

Rev

- 4.2 The parking requirements for specific uses shall be determined in accordance with the following table:

Use	Parking bays/m2 NLA
Mixed Use	1/30m2
Retail	1/15m2
Serviced Apartments	1/unit
Hotel	1/room 1/3m2 in bar areas 1/4m2 in eating areas
Entertainment Centre	1/4 seats the facility is designed to accommodate
Marina	1/5 pens

Rev: Increase car bay numbers from 700 to 792 to meet requirements of additional building area associated with the hotel and short-stay apartments.

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- 4.3 Reciprocal rights of access will be required for parking areas fronting Princess Royal Drive.
- 4.4 Dimensions and layout of parking areas will be in accordance with AS 2890 "Parking facilities-Off-street car parking". One parking space in every ten shall be planted with trees or shrubs and these bays will be included as parking and not landscaping.
- 4.5 Joint use of parking areas will be encouraged.
- 4.6 No basement or part basement parking is permitted.

5.0 ROOFSCAPE

- 5.1 Due to Albany's hilly terrain parts of the City centre will look down upon the Albany Waterfront. The roofscape is therefore considered to be a 'fifth elevation' and its design will be treated accordingly.
- 5.2 Simple roof forms complementing the linearity of the buildings are desirable.

- 5.3 Roofs on single storey and two storey buildings should have substantial overhangs creating strong shadow lines. Minimum 800mm to verges and 1200mm eaves is suggested.

Rev

- 5.4 Strutting of overhangs is not encouraged.

- 5.5 Low pitch roofs (<10-15°) are to be used on taller buildings such as the hotel and short-stay apartments. Consideration should be given to the use of green roofs on these buildings.

Rev

- 5.6 Roof pitches on lower buildings should not be steeper than the roof pitch on the adjacent railway station building.

Rev

- 5.7 The visual depth of roofs at all overhangs will be minimised.

Rev: Pitched roofs with eaves restricted to single and perhaps two storey buildings.
Low pitch roofs required for hotel and short-stay apartments.
Green roofs are encouraged.

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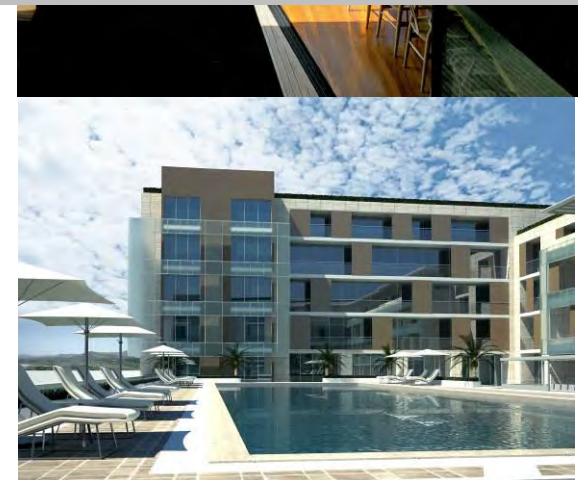
Precinct Plan Report

- 5.8 No plant and equipment associated with air conditioning will be mounted on the roof of any buildings in the development.
- 5.9 Aerials, antennas, masts, may be roof mounted provided it is satisfactorily demonstrated that they are an integral part of the design and contribute to the character and interest of the development. Mounting of large dishes on roofs is not permitted.
- 5.10 If buildings with lifts require a lift overrun then it should be satisfactorily demonstrated that the element containing the overrun does not compromise the quality of the 'fifth elevation'. It is preferable to contain any overrun within the roof space.

Rev: Low pitch, parapet roof illustration added for hotel and short-stay apartments.
Pitched roof illustration suitable for single or two storey buildings



The image above illustrates strong, simple, and 'thin' roof forms that would be suitable for single and perhaps two storey developments.



The image above illustrates the type of roof treatment expected for the hotel and short-stay apartments

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6.0 ACTIVE FRONTAGES

- 6.1 The pedestrian-level experience along the Promenade is to be stimulating and vibrant. Blank walls at this level are not permitted. The upper levels of the hotel and short-stay serviced apartments, where they face the Promenade should include functional size balconies.
- 6.2 Elevations facing the Promenade will have a minimum of 80% windows at pedestrian level.
- 6.3 All designated active frontages will be well illuminated.
- 6.4 Window sill heights along all active frontages will generally not be more than 200mm above floor level. Some areas may have small sections of higher sills provided the overall interior/exterior sight lines are not compromised.
- 6.5 Where cafes, restaurants, coffee shops and the like front the Promenade and Toll Place the capacity to open up these facilities to provide an alfresco area will be strongly encouraged.
- 6.6 In alfresco areas along the Promenade wind mitigation devices such as glass screens are to be incorporated thus preserving views to Princess Royal Harbour.
- 6.7 Unscreened air conditioning plant is not permitted at ground level along any designated active frontages.



This image shows how a glass frontage at pedestrian level can offer so many opportunities to visually link internal and external areas. Note also the strong horizontality which is a desirable characteristic of buildings in the Albany Waterfront.

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7.0 NORTHERN ORIENTATION

- 7.1 The north facing side of all buildings is protected from the prevailing southerly winds arising from Princess Royal Harbour. Designing buildings with ground floor spaces that flow into this protected northerly space is strongly encouraged.
- 7.2 The inclusion of useful north-facing balconies in buildings associated with the Accommodation Precinct is strongly encouraged.

8.0 SIGNAGE

- 8.1 Pylon signs erected by individual land owners will not be permitted. Combined signage themed to complement the development is acceptable provided it is designed as part of an entry statement located at the intersection of Princess Royal Drive and Toll Place.
- 8.2 If a building has numerous tenants, consolidated signage is preferred.

- 8.3 All building signage will be of a high standard and generally not exceed 10% of the building wall to which it is fixed, except for larger walls associated with the hotel and serviced apartments where signage will not exceed 5%.
- 8.4 Signage suspended below awnings, canopies or balconies or cantilevered will have a minimum clearance above footpath level of 2.75m.
- 8.5 Illuminated signage (not pulsating or flashing) is preferred to externally lit signs.
- 8.6 Signage will be maintained in good order for the life of the development.
- 8.7 Signage erected above rooflines will not be permitted.

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8.8 Windows facing Princess Royal Drive, the Promenade, and Toll Place shall not obscure more than 25% of their area with painted or installed signage.

9.0 PEDESTRIAN ACCESS AND BICYCLES

9.1 North-south pedestrian access points are to be permanently provided in the locations indicated on the Precinct Plan. These points provide important linkages for pedestrians to access the Promenade.

9.2 Maximising pedestrian access and circulation throughout the whole development will be a priority.

9.3 Consideration generally must be given to designing access around the Waterfront suitable for people with impaired mobility. In particular, changes in level must include provision of ramps as well as steps.

9.4 All tourist, residential, commercial, entertainment and mixed-use developments must take account of disabled access as required by the Building Code of Australia.

9.5 Clearly defined pedestrian pathways will be provided from the base of the pedestrian bridge to the Promenade.

9.6 In areas where there is a potential conflict between pedestrian and vehicular movement consideration must be given to ensuring the safety of pedestrians. Bollards and railings designed to complement the marine theme of the development are a suitable management device.

9.7 Provision should be made for secure bike parking and racks should be provided in appropriate locations within the developments.

10.0 AWNINGS, CANOPIES AND BALCONIES

10.1 Pedestrian pathways along building edges facing the Promenade, Toll Place and Princess Royal Drive will be protected by continuous cantilevered canopies. Provision and maintenance of canopies and awnings is the responsibility of the building owner.

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to prevent undue shadowing of this area and the use of support columns is to be minimised.

10.8 Canopies are to read as thin, lightweight elements.

11.0 LEVELS AND HEIGHT MANAGEMENT

11.1 In order to maximise viewing potential from Stirling Terrace, the tallest elements of all buildings will be orientated approximately north-south.

11.2 The view corridor aligning with Spencer Street must not be obstructed.

11.3 The fly tower associated with the AEC is the highest element permitted in the development and will be positioned to minimise interruption of views from Stirling Terrace. Its preferred position is shown on the Precinct Plan.

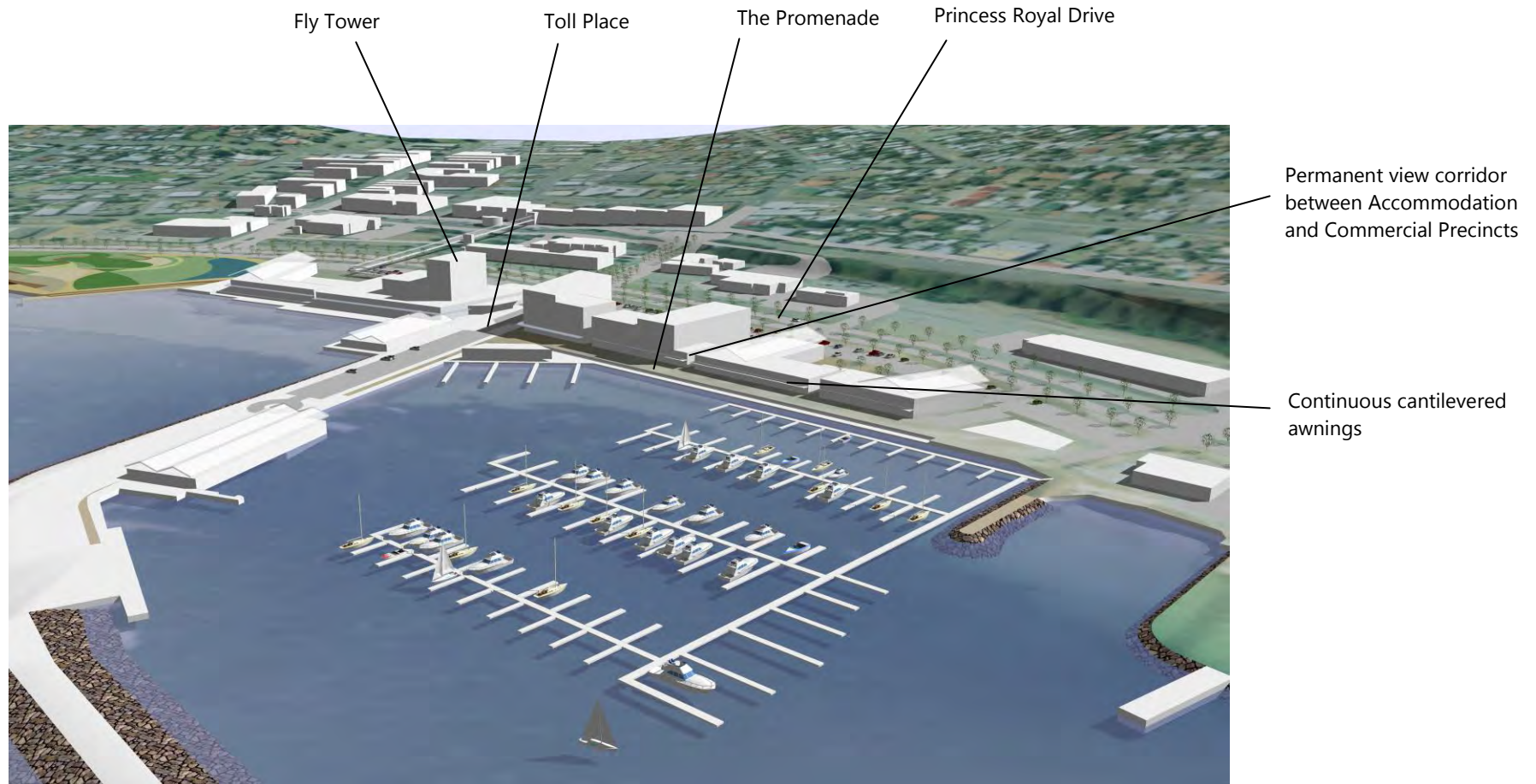
- 10.2 The use of balconies associated with the hotel and short stay serviced apartments is encouraged.
- 10.3 The minimum height for a canopy (or balcony) overhanging a public pedestrian access way will be 2.75m above the access way or footpath.
- 10.4 Where zero setbacks occur, in particular along the Promenade, cantilevered awnings and balconies may project up to 2.5m beyond the building face.
- 10.5 Balcony balustrades comprising solid materials such as brick or concrete or other obscure materials are generally not permissible and all balustrade material is to be capable of withstanding the harsh marine environment.
- 10.6 Balustrade detailing reinforcing the maritime context is encouraged.
- 10.7 Large scale canopies associated with the vehicle drop off areas adjacent to the AEC and Hotel are to be generally transparent

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- | | | | |
|------|--|------|--|
| 11.4 | Maximum permissible building heights progressively reduce both in an east and west direction away from the AEC's fly tower. | 11.8 | Finished ground floor levels for all buildings fronting the Promenade and Toll Place will be no more than 200mm above the finished level of external paving. |
| 11.5 | Ground floor ceiling heights throughout the development should generally be higher than minimum to reflect the ceiling heights associated with historical buildings in Albany. Minimum ceiling heights in the order of 3.0 to 3.5m are suggested. The AEC will have a ground level ceiling height commensurate with its public function. | 11.9 | All buildings will be constructed with a minimum ground floor level of 2.5m AHD. |
| 11.6 | Floor to floor levels, excluding the ground floor, in the Hotel and short-stay serviced apartment buildings should be limited to 3.0m. | | |
| 11.7 | Floor to floor levels, excluding the ground floor, in mixed use buildings should be limited to 3.5m. | | |

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The image above demonstrates the height management principles associated with the Albany Waterfront. Note in particular: steady reduction, in an easterly and westerly direction, of building height from the highest allowable point at Toll Place; the higher portions of buildings orientated normal to Stirling Terrace; lower sections parallel to the Promenade; the position of the AEC fly tower; breaks in buildings fronting the Promenade to provide view corridors to the marina.

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12.0 PUBLIC ART

- 12.1 Public art will be provided as part of the development of each site in the Albany Waterfront.
- 12.2 Permanent public art work should be durable and complement the maritime theme.
- 12.3 Public art will be appropriate for use in an urban public space and it should not compromise public safety.
- 12.4 Public art in the Albany Waterfront development may be freestanding objects located on the ground, on a support structure, on a wall or suspended in the air.
- 12.5 Opportunities for public art include: murals, tiles, mosaics or bas-relief to walkways and walls; unique, artistically devised elements which also have a functional role eg bollards, gates, light poles, bench seating, drinking fountains.

13.0 VEHICLE MANAGEMENT

- 13.1 Parking is to be located in the positions indicated on the Precinct Plan.
- 13.2 Provision must be made for large articulated vehicles to enter from Princess Royal Drive, service the delivery dock area associated with the AEC and return in a forward direction to Princess Royal Drive.
- 13.3 Provision must be made for coaches to enter Toll Place, unload passengers and return in a forward direction to Princess Royal Drive.
- 13.4 General vehicle access to the Promenade is not permitted however emergency vehicles, particularly fire fighting vehicles must be able to access the southern sides of all buildings fronting the Promenade.
- 13.5 The boat trailer hardstand area and the Fishing Industry Hardstand area will be designed to ensure the safe and efficient manoeuvring and parking of vehicles and trailers.

14.0 LANDSCAPE

14.1 Design of landscape in the Albany Waterfront will:

- Complement the function of the streets
- Reinforce desired traffic speed behaviour
- Be appropriately scaled relative to both street reserve widths and the building bulk and scale
- Take into account the image and role of the development, solar access requirements, soils, selection of appropriate species and services
- Assist where possible in micro climate management, particularly on the northern side of the development
- Enhance pedestrian comfort and safety
- Include 'water wise' strategies that assist to reduce long-term water consumption

14.2 A continuous two metre wide landscape strip will be provided between the Princess Royal Drive road reserve boundary and car parking areas facing Princess Royal Drive.

14.3 Trees planted in the car park aisles may be protected with kerbed landscape strips or tree grates and bollards.

14.4 Trees planted in the car park will be installed as mature specimens no less than three metres in height. Large trees are preferred in order to allow canopies to be managed in such a way that they are elevated and allow visibility to building facades and signage.

14.5 Materials and detailing associated with paving in important public areas such as the Promenade, the Public Open Space adjacent to the AEC and Toll Place will make strong reference to the materials used in York Street. This may be achieved through the use of stone kerbs and gutters, stone walls, and carefully detailed bollards and rails.

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15.0 RESOURCE EFFICIENCY

- 15.1 All buildings are to conform to the energy efficiency requirements of the Building Code of Australia.
- 15.2 Building envelopes and internal layouts will be designed to minimise energy consumed for heating, cooling and artificial light where:
- Window design facilitates good thermal and daylight performance
 - Building materials and insulation assist in providing comfortable thermal conditions
 - Air movement within buildings is designed to provide comfortable thermal conditions and appropriate air quality
 - Building materials, appliances and fuel sources are selected to minimise energy requirements and greenhouse gas emissions.

- 15.3 Building services are designed to minimise energy and resource use in the following way:
- Maximise use of natural light
 - Utilise energy efficient lighting control systems, fittings and appliances
 - Utilise energy efficient motors and equipment
 - Maximise use of natural ventilation
 - Utilise energy efficient air conditioning and mechanical ventilation systems and controls where appropriate
 - Minimise water use and waste
 - Utilise energy efficient hot water systems
 - Utilise water efficient taps and fittings.
- 15.4 All building services are to be designed and maintained to minimise energy use over the life of the development.
- 15.5 Building designs should maximise use of renewable energy sources and utilise fuels that minimise greenhouse gas emissions.
- 15.6 Landscape design should assist microclimate management to conserve energy and water.

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16.0 COLOURS

16.1 The Albany Waterfront is to be a harmonious grouping of buildings each with a different role and potentially a different character. A limited pallet of external colours and building materials is to be used to ensure building harmony eventuates.

16.2 The following colour-related principles and guides will apply:

- Colours of external walls and building structure are not to be dominant.
- Roof colours will closely relate to wall colours. Strong coloured roofs (red, green, blue) will not be acceptable unless the proponent can satisfy Council that it makes a positive contribution to the whole development.
- Highlighting colours are strongly encouraged to add vibrancy and contrast. These colours should be strong warm colours (red, red-orange, orange, yellow-orange) or strong cool colours (yellow-green, green, blue-green, blue, blue-violet).

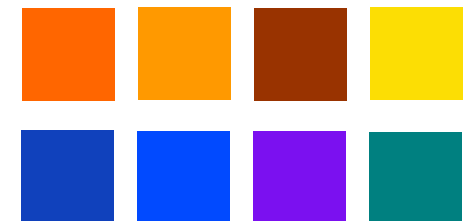
- Highlighting colours could be applied to screens, attached panels, spandrels, gables, selected integrated panels, coloured glass, and vertical support elements.



An example of neutral background colours, strong paving colour and some highlight colour for vibrancy.



Above are examples of suitable types of non dominant background colours for walls, roofs and external structure. Pure whites are not recommended background colours.



Above are examples of suitably strong and vibrant highlight colours.

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17.0 SERVICES

- 17.1 All plant and equipment associated with mechanical services will be housed either within the building or its roof space or well screened at ground level.
- 17.2 All waste storage and delivered goods will be contained within the associated buildings.
- 17.3 Doors providing access to internal waste/storage or loading dock areas will be the minimum width and height possible to serve the required loading/unloading function and be constructed of aesthetically pleasing materials.
- 17.4 Awnings or canopies associated with loading doors will be designed to complement the scale, material and style of other awnings used elsewhere on the building.

18.0 TRAFFIC NOISE

- 18.1 The development will be subjected to noise from traffic on Princess Royal Drive and the railway therefore the design of any accommodation buildings should include devices or systems to ameliorate problems arising from airborne sound. The use of double glazing is recommended.

Rev

- 18.2 All accommodation buildings are to be detailed and/or designed so that internal noise levels in bedroom areas will be in the range of 30 to 35dB.

19.0 SAFETY AND SECURITY

- 19.1 Provide appropriate lighting to all pedestrian paths, parking areas and building entries.
- 19.2 Buildings are to be designed to overlook public spaces.
- 19.3 Building entries are to be clearly visible from public spaces.

Rev: Use of double glazing recommended.

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19.4 Materials vulnerable to graffiti and vandalism are to be avoided and robust materials which are aesthetically pleasing are to be used in all public places.

19.5 In mixed-use developments a diversity of complementary uses should be provided to encourage a public presence at different times of the day and night.

19.6 Landscaping, walls and fencing will be designed to maintain clear visibility to and from doors, windows, and pedestrian ways.

20.0 EXTERNAL LIGHTING

20.1 Exterior lighting will minimise skyward light spill.

20.2 All external lighting will be robust and themed to complement the development as a whole.

21.0 ENVIRONMENT

21.1 All stormwater to be contained on site or connected to drainage points where supplied.

21.2 To minimise the nutrient run-off to Princess Royal Harbour, all private and public open spaces should be designed and maintained to minimise fertilising and excess watering.

22.0 MARINA AND WATER'S EDGE

22.1 Breakwaters will be designed to provide appropriate protection to the boat facilities and land development from the action of the ocean in Princess Royal Harbour. The breakwaters will be constructed in the conventional method used throughout Western Australia using quarried rock with large stones as armour on both the inside and outside faces. There will be a maintenance road way on the top of each breakwater. Maintenance campaigns are expected to take only a month or

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so to complete and be required about every 5 years or so. The actual timing will depend on the storm activity experienced.

- 22.2 The development includes a number of simple rock revetments and a marina edge walling used to stabilise the land / water interface. These structures will be constructed from quarried rock and reconstituted limestone blocks. Over the lifetime of these structures, there will be the need for some minor maintenance. This is expected to be needed about every 5 to 10 years and will require access for the equipment, materials and workmen.
- 22.3 The marina will include a number of floating pens for the mooring of recreational and fishing industry vessels. The pens will be held in place by a number of guide piles driven into the seabed and floating pens will rise and fall with the tide. The pen operator will need to carry out minor routine maintenance on the pens on a monthly basis and probably complete significant maintenance campaigns every 10 years. The access for these maintenance activities will be from the commercial boating areas.

- 22.4 A portion of the existing Town Jetty is to be retained within the proposed new breakwater. A building is proposed to be developed in close proximity to the jetty. An important part of the design of this building will be the inclusion of a continuous timber walkway facing the marina. This walkway is to be approximately 5m wide and tie in with the existing jetty.
- 22.5 Pedestrian access to the marina pens is to be controlled via lockable gates. These gates will be designed to complement the general aesthetics of the development.
- 22.6 Any gates and fencing to be constructed in the Town Jetty Precinct will be designed to complement the general aesthetics of the development.

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23.0 SITE FACILITIES

23.1 Garbage collection methods will comply with the general requirements of the City of Albany and will be efficient, convenient and allow for collection of recyclable material if possible.

23.2 Refuse and bin storage areas will be provided at the Boat Trailer Hard Stand area and the Fishing Industry Hardstand area. These facilities will be screened from public view using materials and forms that complement the development.

24.0 SHORT-STAY RESIDENTIAL

24.1 No permanent residential developments are permitted in the Albany Waterfront.

24.2 Short-stay serviced apartment buildings shall conform to the standards and requirements applicable to the R-IC provisions of the Residential Planning Codes.

24.3 Serviced apartments must not front the Promenade at ground level and are not generally encouraged at ground level unless it can be demonstrated that satisfactory private open space provisions can be achieved.

25.0 SITE PLANNING

25.1 The Structure and Precinct Plans provide approximate footprints for buildings on all sites. These footprints, while being only notional, are an indication of the general plan form desired for each building in the development.

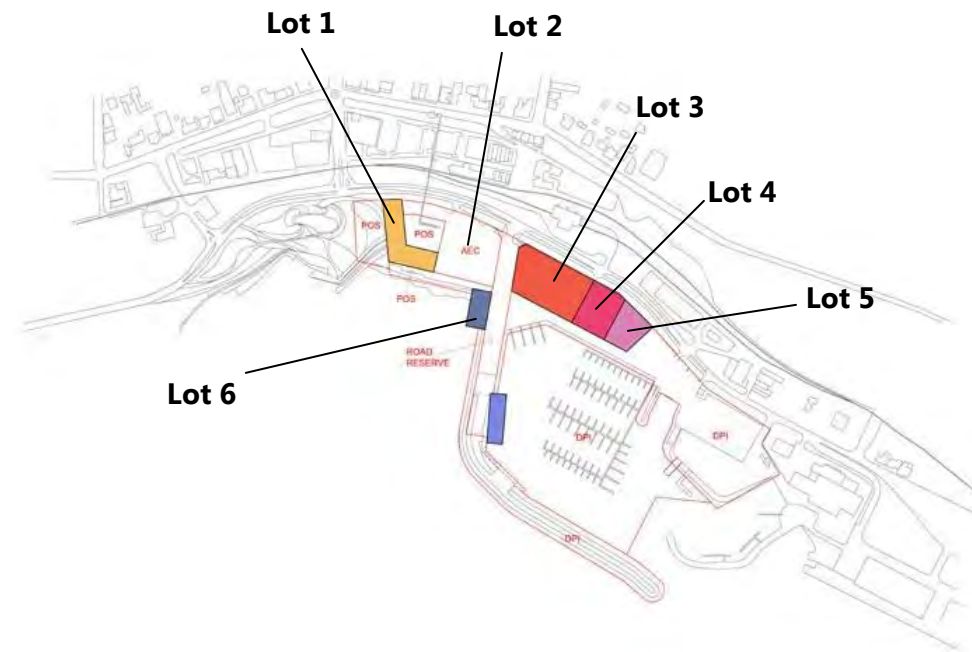
25.2 Lot 2, containing the AEC, has the potential to vary its footprint considerably depending on the final design of this facility however, the siting and design principles outlined elsewhere are to be adhered to.

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25.3 Lots 1, 3, 4 and 5 show combinations of 'L' shaped plan forms which are intended to enable buildings to address the Promenade on the south and at the same time provide wind protection for outdoor spaces on the north side.

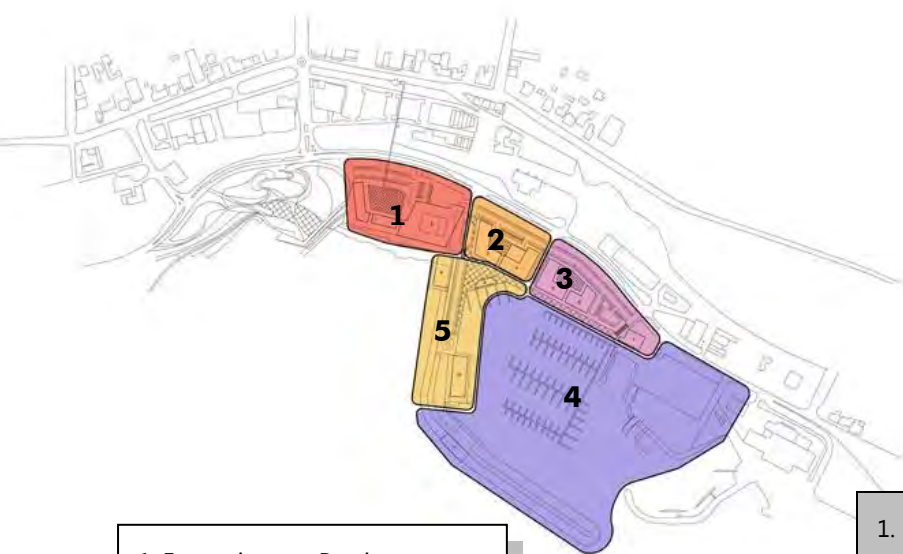
25.4 Lots 6 shows a rectangular plan forms intended to maximise frontages to the marina and Toll Place.



Precincts

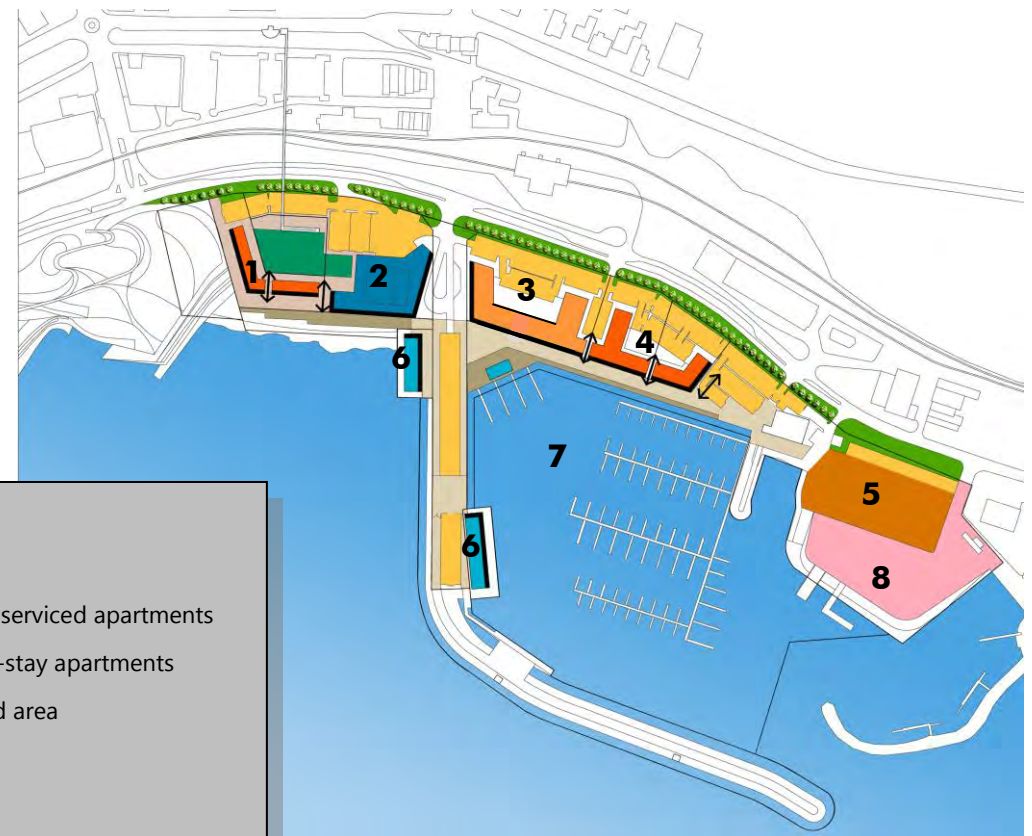
The Albany Waterfront has been broken into five precincts which are characterised primarily by different land uses. Planning provisions for each precinct are described in the following section.

Precincts



1. Entertainment Precinct
2. Accommodation Precinct
3. Commercial Precinct
4. Harbour Precinct
5. Town Jetty Precinct

Development Uses



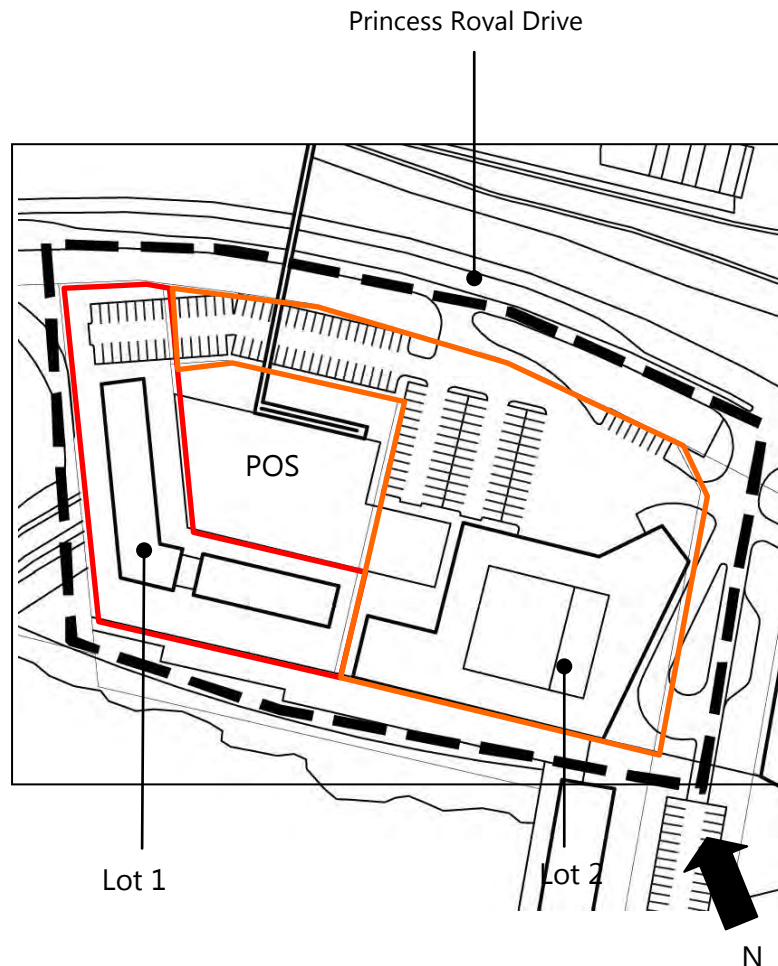
1. Mixed use
2. AEC
3. Hotel and short-stay serviced apartments
4. Mixed-use and short-stay apartments
5. Boat trailer hardstand area
6. Retail
7. Marina
8. Fishing area hardstand

Rev: Inclusion of short-stay apartments in item 4

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Precinct Plan Report

Entertainment Precinct



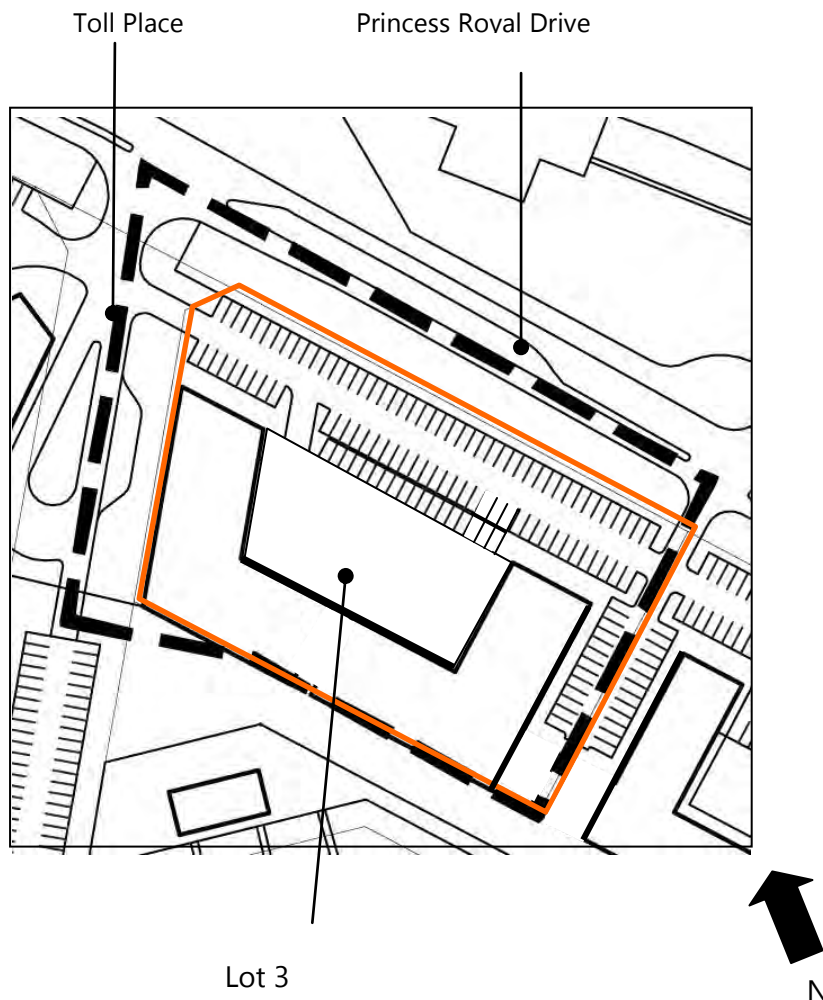
Note: "Potential to use roof volume" means using the available roof volume to provide the spaces below with mezzanine floors or loft spaces.

Building height	On Lot 1 to be 2 storeys with potential to use roof volume. Albany Entertainment Centre will have variable heights determined according to the function of particular zones within the centre. The fly tower is the tallest component at 37m.
Plot ratio	Plot ratio shall be a maximum of 0.5 for all lots in the precinct
Parking	15 car bays shall be provided on Lot 1 130 car bays shall be provided on Lot 2
Setbacks	<p>Lot 1:</p> <p>25m minimum from Princess Royal Drive. 5m minimum from western boundary. 5m minimum from the Promenade. 4m minimum from POS boundaries. 4m minimum from eastern boundary.</p> <p>Lot 2:</p> <p>25m minimum from Princess Royal Drive. 4m minimum from POS. 4m minimum from western boundary. Nil setbacks from all other boundaries.</p>

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Precinct Plan Report

Accommodation Precinct



Building height	<p>The hotel building facing Toll Place to be 5 storeys.</p> <p>The adjacent serviced apartment building to be 6 storeys.</p> <p>A building element used to signify the entry points may project beyond the roof to a maximum of 3 metres.</p>	Rev
Plot ratio	Plot ratio shall be a maximum of 2.5:1 for all lots in the precinct.	
Parking	<p>A minimum of 222 car bays to be provided on Lot 3.</p> <p>This comprises approximately 83 open bays and a minimum of 139 undercover bays.</p>	
Setbacks	<p>25m minimum from Princess Royal Road.</p> <p>12m minimum from eastern boundary to 6 storey wall of serviced apartment building.</p> <p>Nil setbacks from all other boundaries.</p>	

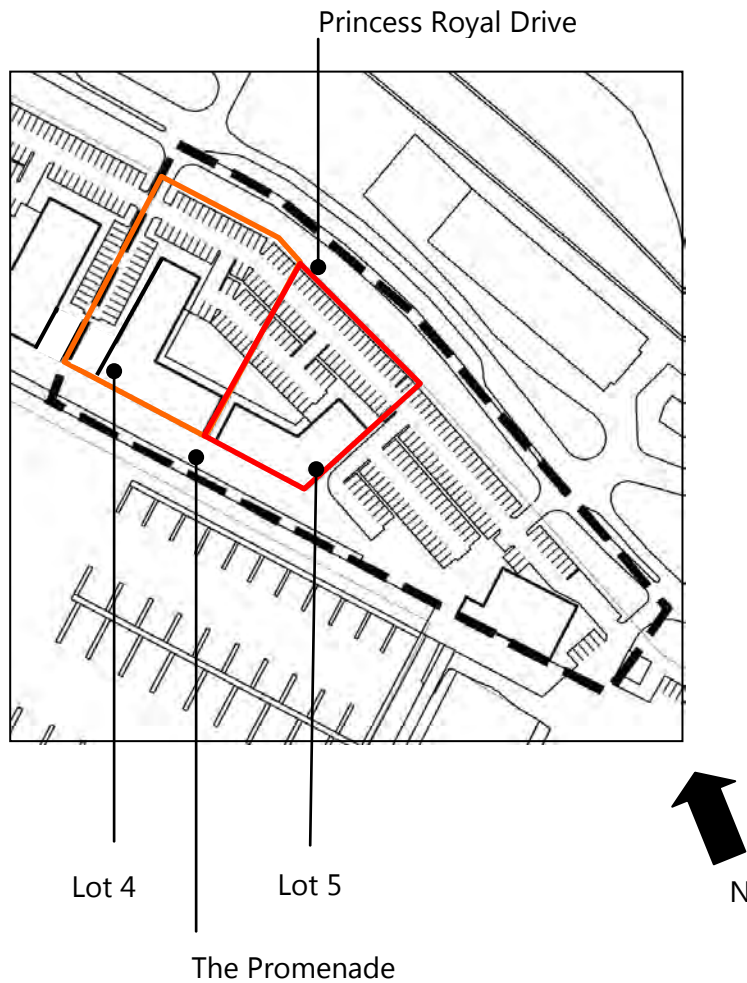
Rev:

- Increase in plot ratio and car parking requirements.
- Deleted reference to use of roof spaces.
- Increase in permitted building height.
- Plan updated to show undercover parking area on northern side.
- Deleted required break in building edge facing promenade.
- Deleted single storey portion on south east corner.

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Precinct Plan Report

Commercial Precinct



Building height	3 storeys, provided the third floor is used exclusively for short-stay accommodation, otherwise height is limited to 2 storeys.	Rev
Plot ratio	Plot ratio shall be a maximum of 0.5 for all lots in the precinct.	
Parking	65 car bays to be provided on Lot 4. 65 car bays to be provided on Lot 5. 105 car bays to eastern side of Lot 5.	
Setbacks	<p>Lot 4:</p> <p>25m minimum from Princess Royal Road. 12m minimum from western boundary wall. Nil setback from the Promenade.</p> <p>Lot 5:</p> <p>25m minimum from Princess Royal Road. 2.5m minimum from western boundary. Nil setback from all other boundaries.</p>	

Rev: Building height increased to 3 storeys provided third floor is exclusively used for short-stay accommodation.

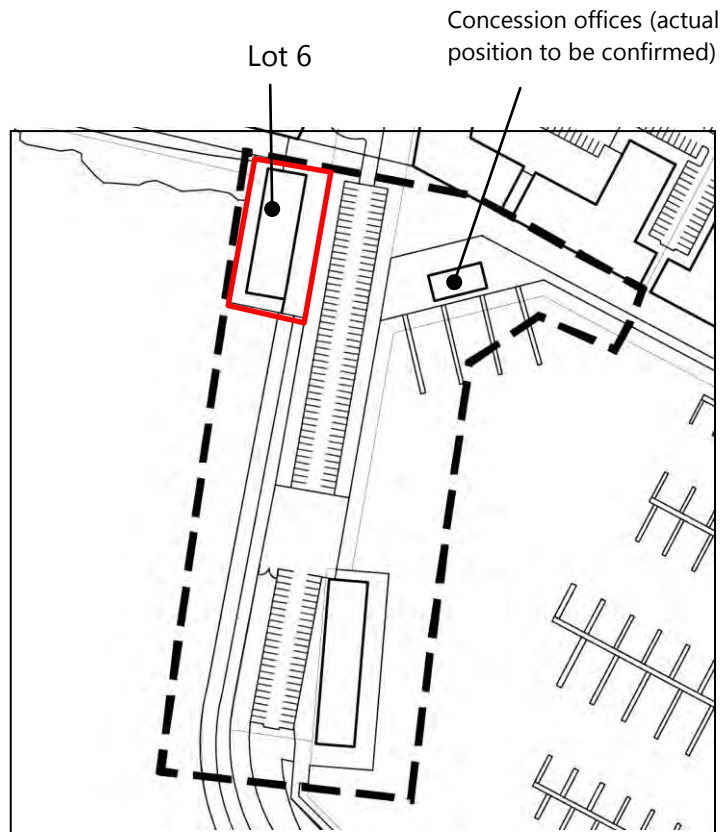
Deleted reference to use of roof spaces.

Rev: Delete reference to setback from single storey wall on western boundary of Lot 4

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Town Jetty Precinct



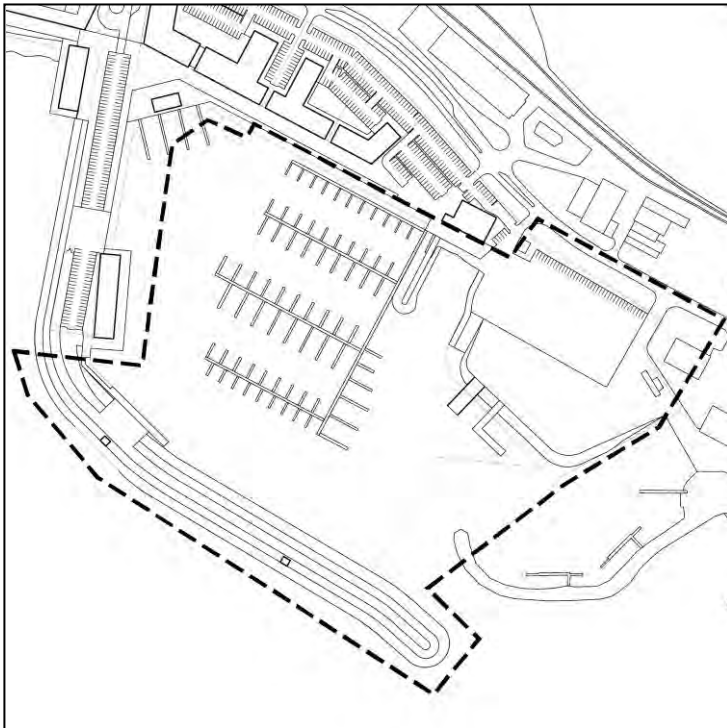
Building height	Lot 6 is to be single storey. Concession offices associated with charter boats to be single storey.
Plot ratio	Plot ratio to lot 6 shall be a maximum of 0.35.
Parking	145 cars to be provided along the old Town Jetty.
Setbacks	No required setbacks.



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Harbour Precinct



Building height	Any buildings in this precinct to be single storey.
Plot ratio	Not applicable.
Parking	45 permanent car bays to boat trailer hard stand area.
Setbacks	Minimum set backs for any new buildings in the fishing industry hardstand area will be 2.5m from eastern boundaries. If buildings are used to store hazardous materials then the setbacks will be determined according to safety requirements.



Land Use Tables

Entertainment Precinct

Land Table	Use	Use Class	Definition	Permissibility
Refer to Clause 3.4 of TPS1A for the meaning of the symbols		Theatre/Entertainment Centre (on Lot 2 only)	being premises used by the public to view a theatrical or similar productions or for the display, or display and sale, of materials of an artistic, cultural or historic nature	P
		Market	See TPS1A	AA
		Shop	See TPS1A	P
		Restaurant	See TPS1A	P
		Office	See TPS1A	AA
		Other minor or incidental uses within the precinct may be permitted at the discretion of Council	n/a	SA

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Accommodation Precinct

Land Use Table	Use Class	Definition	Permissibility
Refer to Clause 3.4 of TPS1A for the meaning of the symbols	Hotel	See TPS1A	P
	Motel	See TPS1A	P
	Residential Building (short-stay accommodation only)	See TPS1A	AA
	Reception Centre	being premises used for functions on formal or ceremonial occasions but not for un-hosted use for general entertainment purposes	IP
	Shop	See TPS1A	IP
	Restaurant	See TPS1A	IP
	Office	See TPS1A	IP
	Other minor or incidental uses within the precinct may be permitted at the discretion of Council	n/a	SA

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Precinct Plan Report

Commercial Precinct

Land Use Table	Use Class	Definition	Permissibility
Refer to Clause 3.4 of TPS1A for the meaning of the symbols	Shop	See TPS1A	P
	Office	See TPS1A	AA
	Restaurant	See TPS1A	AA
	Museum	See TPS1A	AA
	Residential Building (short-stay accommodation only)	See TPS1A	AA
	Other minor or incidental uses within the precinct may be permitted at the discretion of Council	n/a	SA

Rev: Addition of residential use

Town Jetty Precinct

Land Use Table	Use Class	Definition	Permissibility
Refer to Clause 3.4 of TPS1A for the meaning of the symbols	Restaurant	See TPS1A	P
	Shop	See TPS1A	P
	Office	See TPS1A	IP
	Other minor or incidental uses within the precinct may be permitted at the discretion of Council	n/a	SA

Harbour Precinct

Land Use Table	Use Class	Definition	Permissibility
Refer to Clause 3.4 of TPS1A for the meaning of the symbols	Marina	See TPS1A	P
	Marine Filling Station	See TPS1A	P
	Marine Services Facilities	See TPS1A	P
	Other minor or incidental uses within the precinct may be permitted at the discretion of Council	n/a	SA

Rev

Rev: Marine Services Facilities added as a permissible use

Implementation

Structure Plan

The Structure Plan upon which this Precinct Plan is based was adopted by Council on the 16th May 2006.

The Precinct Plan complies with and is substantially in accordance with the Structure Plan.

Commitments

- 1)

The landowner lodged applications for subdivision and development and commenced development of the site in late September 2006.

Rev
- 2) The preliminary subdivision plan showing all boundaries and dimensions of all lots to be created is submitted with this Precinct Plan.

- 3) Development is anticipated to be staged in accordance with a program to be lodged with future development applications.

- 4)

A detailed Landscape Master Plan has been completed.

Rev

- 5)

Princess Royal Drive has been modified during the development process in accordance with the Albany Waterfront Traffic Assessment report prepared by Riley Consulting and included in the Structure Plan.

Rev

- 6)

Details describing type and colour of paving materials proposed for construction of roads, paths and public open spaces have been submitted and approved.

Rev

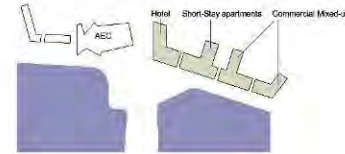
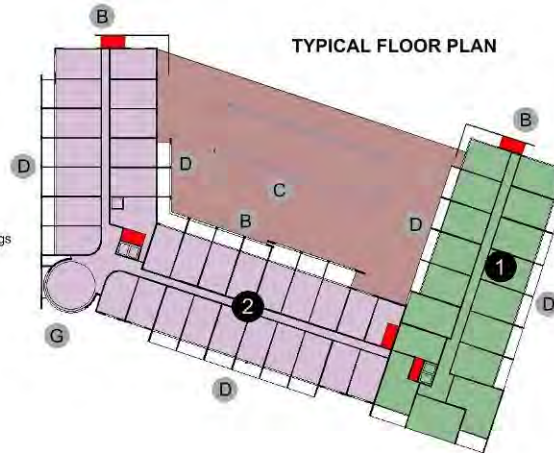
Rev: Updated to reflect status of commitments

Addendum 1

Supporting information associated with proposed amendments to structure and precinct plans initiated by Landcorp in 2011.

- Hotel Lobby
- Amenity area on covered parking
- Meeting rooms Approximately 400m² shown
- Apartment lobby
- Back of house
- Short-stay apartments on five floors (60m² average apartment size shown)
- Hotel rooms on four floors 55m² average room size shown
- Covered parking
- Egress points
- Tavern, bar, restaurant Approximately 500m² shown
- Short-stay apartments above commercial mixed-use buildings

TYPICAL FLOOR PLAN



DEVELOPMENT GUIDELINES

- A** All building frontages to maximize glazing and allow for visual permeability and where appropriate should flow out to encourage public activity at promenade level
- B** All building ends facing Stirling Terrace are to maximize glazing and use of balconies in order to articulate and 'enliven' these building faces
- C** Maximize vegetation on deck over parking area to soften view from Stirling Terrace and to reduce heat sink effects. Vegetation is to be in the form of ground cover rather than scattered trees in planters in order to cover as much of the paved surface as possible
- E** All delivery points to service back of house facilities must not be within sight of Stirling Terrace
- D** All apartments must include balconies in order to modulate building facades and ensure buildings reflect human scale
- F** Consideration should be given to using 'green roofs' on these buildings as they could be viewed from some portions of Stirling Terrace
- G** Entrances to these buildings must be well defined and in keeping with the very public nature of the Promenade

SUMMARY

Buildings within the Accommodation and Commercial Precincts of the Albany Waterfront Development are proposed to be increased to enable a higher development yield to occur. This is in response to feedback from potential operators/owners who advise the current capacity of these buildings is too low for viable operation.

The following increases to the Hotel, Short-stay Apartments and the Commercial Mixed-use buildings are proposed:

- Increase Short-stay Apartments from four to six floors
- Increase Commercial Mixed-use buildings from two to three floors

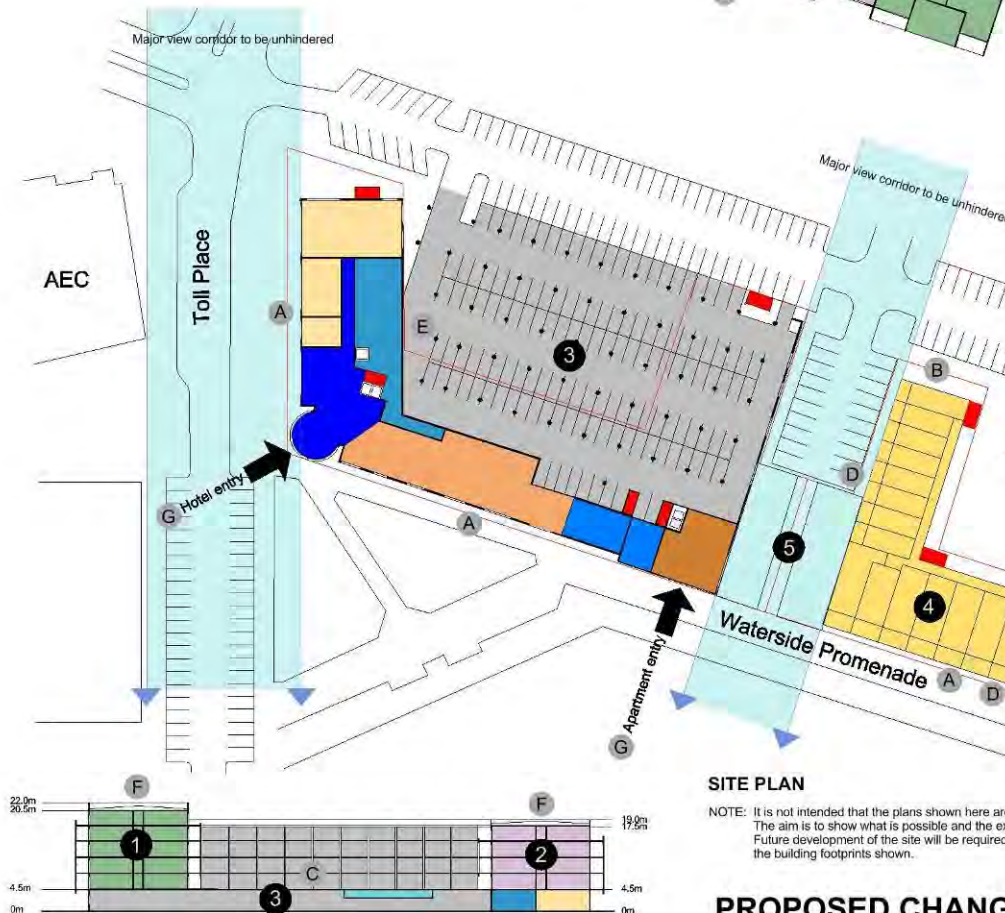
These height increases result in the following:

120 to 145 hotel rooms
134 to 144 short-stay apartments
A GFA increase from 16,600m² to 24,050m²

	Current	Proposed
Hotel building	7,500m ² GFA	10,500m ² GFA
Short-stay apartment building	4,600m ² GFA	6,800m ² GFA
Commercial Mixed-use building	4,000m ² GFA	6,750m ² GFA
Car parking	700 bays	792 bays

PROPOSED CHANGES TO STRUCTURE PLAN

- 1** The short-stay apartments in the accommodation precinct increased from four to six floors. This increase will take the GFA from 4,600m² as noted in the Structure Plan to 6,800m². The configuration shown here is capable of providing 80 to 90 short-stay apartments depending on mix of apartment sizes.
- 2** The hotel portion of the accommodation precinct is shown here as a continuous building adjoining the short-stay apartments. The footprint shown produces a hotel with a GFA of 10,500m² which is 3,000m² larger than the estimated hotel area noted in the Structure Plan. The hotel in this configuration is capable of providing 120 to 145 rooms depending on the mix of room sizes.
- 3** Covered parking for 130 cars can be provided on this site. There are presently 38 car bays in this area which have reciprocal use arrangements and must maintain this status. The additional 92 bays will be for the exclusive use of hotel and short-stay apartment guests.
- 4** These two buildings in the commercial precinct are increased from two to three floors provided the top floor is used as short-stay accommodation. These buildings are designated mixed-use in the Structure Plan. Their approximate GFA is currently 4,500m² which will increase to 6,750m² with an additional floor. As a mixed-use development the current building would require 150 car bays. If the development became mixed-use at ground level and short-stay apartments above the car bays required would reduce to approximately 130 bays, depending on the number of apartments (54 apartments are shown as only a suggestion of potential numbers).
- 5** Mixed-use at ground level may be concentrated to the waterside promenade and the rear portions can be ancillary to the short-stay apartments. No apartments are to be at ground level.
- 5** The area between these 2 buildings is to be used for public purposes and cannot be built upon



SITE PLAN

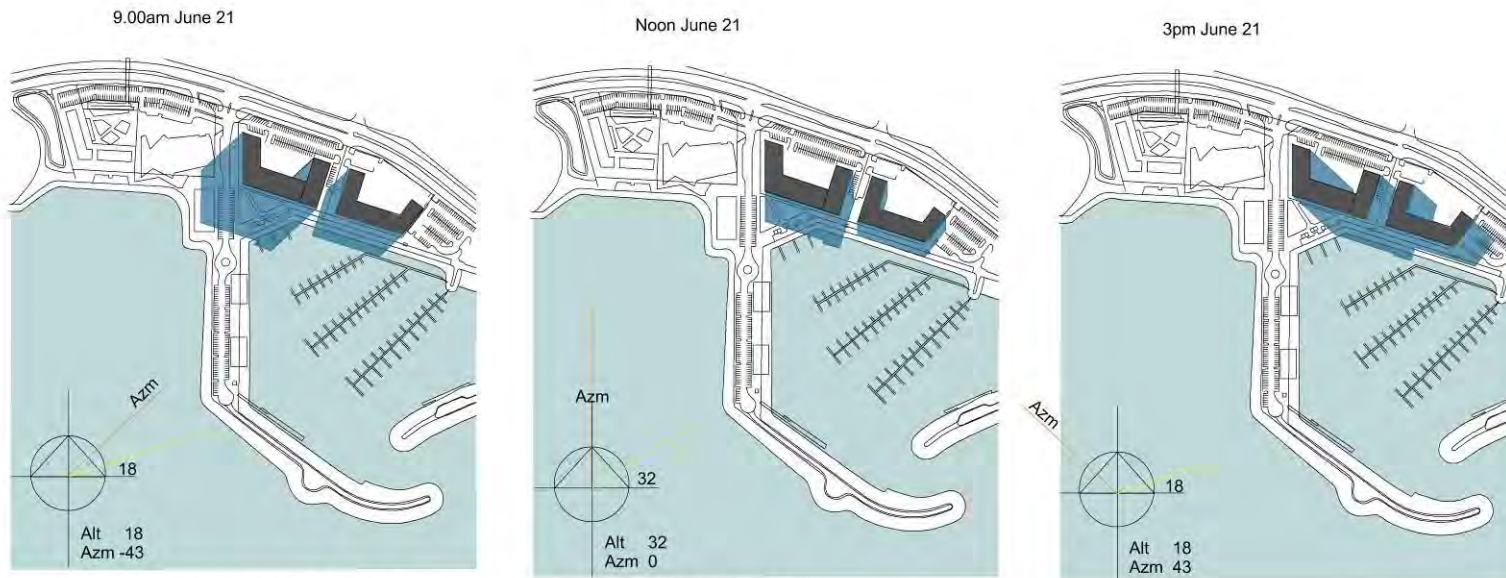
NOTE: It is not intended that the plans shown here are to be replicated by a future owner/operator. The aim is to show what is possible and the extent of changes being proposed to the Structure Plan. Future development of the site will be required to follow these guidelines and maintain, approximately, the building footprints shown.

PROPOSED CHANGES TO THE ALBANY WATERFRONT STRUCTURE PLAN

0m 50m 100m
July 22 2011 Revision D



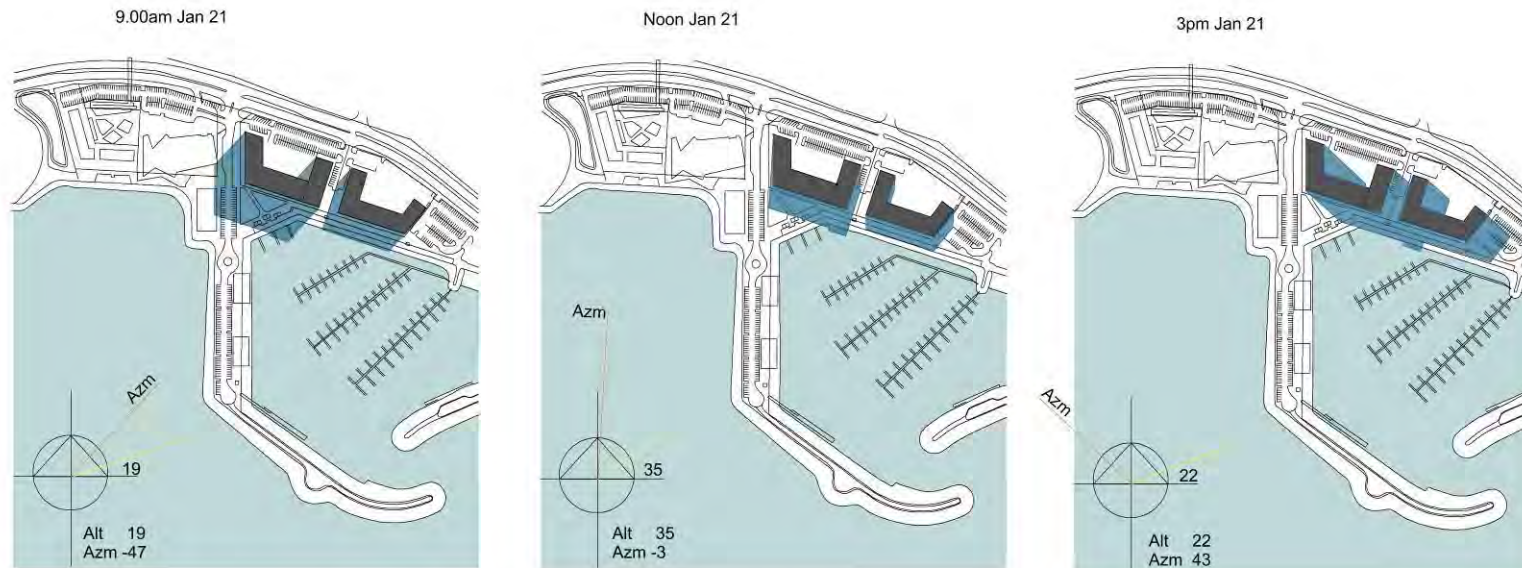
LANDCORP



This shadow study produced at the request of the City of Albany. The diagrams show that shadows cast during summer and winter have a negligible impact on the shoreline.

At 35deg South the sun's path differs little between summer and winter.

Albany Waterfront 35 deg South Mid Winter



SHAPING OUR HABITAT



urbanixdesign.com.au

Albany Waterfront 35 deg South Mid Summer

REPORT ITEM PD083 REFERS
Precinct Plan Report

VIEW FROM PEDESTRIAN BRIDGE



Above - Possible development scale currently achievable



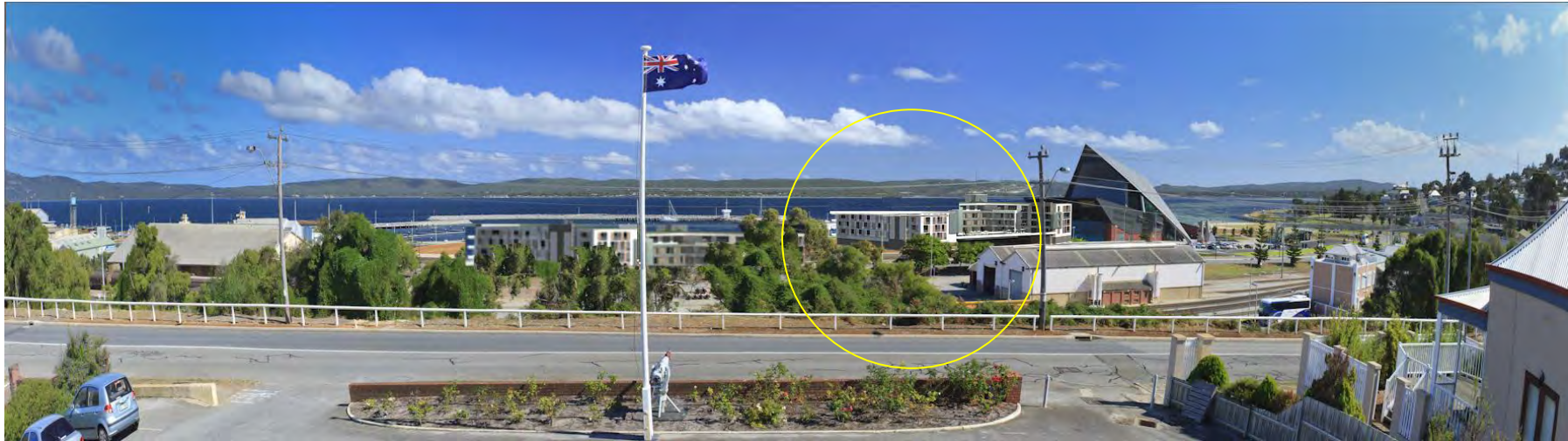
Above - Possible development scale under proposed amendments

The following series of images show the mass and scale of buildings achievable under the current approved development framework compared with the mass and scale achievable under the proposed changes. Please note that the purpose of these images is not to convey building design. The actual appearance of these buildings will ultimately depend on the individual developers who will be required to develop buildings in accordance with the Precinct Plan design guidelines.

REPORT ITEM PD083 REFERS
Precinct Plan Report

VIEW FROM STIRLING TERRACE

Below - Possible development scale currently achievable



Above - Possible development scale under proposed amendments

REPORT ITEM PD083 REFERS
Precinct Plan Report

VIEW FROM STIRLING TERRACE

Below - Possible development scale currently achievable



Above - Possible development scale under proposed amendments

VIEW ALONG THE SPENCER STREET VIEW CORRIDOR

Below - Possible development scale currently achievable



Above - Possible development scale under proposed amendments

REPORT ITEM PD083 REFERS
Precinct Plan Report



The use of green roofs is encouraged if suited to future proposed developments. These images show how green roofs provide softening to large roof areas.

CITY OF ALBANY

TOWN PLANNING SCHEME NO. 1

GAZETTED 28 APRIL 2014

Excerpt

SU15	Albany Royal Foreshore	Princess Harbour	<p>Entertainment Precinct</p> <p>Within the Entertainment Precinct (1) shown on the Guide Plan adopted for the zone the following land uses and permissibility apply:</p> <table><tr><td>Entertainment Centre</td><td>‘P’</td></tr><tr><td>Market</td><td>‘D’</td></tr><tr><td>Restaurant</td><td>‘P’</td></tr><tr><td>Shop</td><td>‘P’</td></tr><tr><td>Office</td><td>‘A’</td></tr></table> <p>Accommodation Precinct</p> <p>Within the Accommodation Precinct (2) shown on the Guide Plan adopted for the zone the following land uses and permissibility apply:</p> <table><tr><td>Motel</td><td>‘P’</td></tr><tr><td>Shop</td><td>‘D’</td></tr><tr><td>Office</td><td>‘A’</td></tr><tr><td>Restaurant</td><td>‘D’</td></tr></table> <p>Commercial Precinct</p> <p>Within the Commercial Precinct</p>	Entertainment Centre	‘P’	Market	‘D’	Restaurant	‘P’	Shop	‘P’	Office	‘A’	Motel	‘P’	Shop	‘D’	Office	‘A’	Restaurant	‘D’	<p>1. Purpose</p> <p>The purpose of the Albany Princess Royal Harbour Foreshore Special Use Zone is to manage the development and use of the area in such a way that the surrounding marine environment and port and transport land uses is not impacted upon.</p> <p>2. Development Objectives</p> <p>All development within the zone is to:</p> <ul style="list-style-type: none">(a) Reflect a maritime context;(b) Cater for pedestrian flow;(c) Provide adequate onsite parking and vehicle access;(d) Provide a safe and secure environment for all members of the community;(e) Ensure building scale, materials, and colours which complement the existing CBD building stock;(f) Use materials that ensure longevity in a harsh marine environment;(g) Not use roof tiles;(h) Not use low pitch roofs concealed by parapet walls;(i) House mechanical services within the building or roof space;(j) Mitigate traffic noise in accommodation buildings;
Entertainment Centre	‘P’																					
Market	‘D’																					
Restaurant	‘P’																					
Shop	‘P’																					
Office	‘A’																					
Motel	‘P’																					
Shop	‘D’																					
Office	‘A’																					
Restaurant	‘D’																					

		<p>(3) shown on the Guide Plan adopted for the zone the following land uses and permissibility apply:</p> <p>Shop 'P'</p> <p>Office 'D'</p> <p>Restaurant 'D'</p> <p>Museum 'D'</p> <p>Harbour Precinct</p> <p>Within the Harbour Precinct (4) shown on the Guide Plan adopted for the zone the following land uses and permissibility apply:</p> <p>Marina 'P'</p> <p>Harbour Installations 'P'</p> <p>Marine Filling Station 'D'</p> <p>Town Jetty</p> <p>Within the Town Jetty (5) shown on the Guide Plan adopted for the zone the following land uses and permissibility apply:</p> <p>Restaurant 'D'</p> <p>Shop 'D'</p> <p>Office 'A'</p>	<p>(k) Be set back a minimum of 25 metres from princess royal drive;</p> <p>(l) Contain all waste storage and delivered goods within the associated buildings;</p> <p>(m) Position car parking on the northern side;</p> <p>(n) Not utilise basement parking;</p> <p>(o) Provide disability access; and</p> <p>(p) Provide public art to complement the maritime theme.</p> <p>3. Individual Precinct Requirements</p> <p>Within the individual precincts contained on the Guide Plan adopted for the zone, the following requirements and standards shall apply:</p> <p>(a) Entertainment Precinct (1)</p> <p>(i) Building Height</p> <p>1. The Entertainment Centre is located on the eastern half of Precinct 1. The fly tower is the tallest component of the Entertainment centre and is not to exceed 24 metres.</p> <p>2. Development on the western half of this precinct (Lot 2) is not to exceed two storeys.</p> <p>(ii) Plot Ratio</p> <p>Maximum plot ratio shall be 0.5.</p> <p>(iii) Car Parking</p> <p>Fifteen car bays shall be provided on Lot 1 and 130 car bays shall be provided on Lot 2.</p> <p>(iv) Setbacks (Lot 1)</p> <p>The following minimum setbacks apply:</p> <ul style="list-style-type: none"> • 25 metres from Princess Royal Drive; • 5 metres from western boundary; • 5 metres from promenade; • 4 metres from POS boundaries; and • 4 metres from eastern boundary. <p>(v) Setbacks (Lot 2)</p> <p>The following minimum setbacks apply:</p> <ul style="list-style-type: none"> • 25 metres from Princess Royal Drive; • 4 metres from POS boundaries; • 4 metres from western boundary; and • Nil setbacks from all other boundaries. <p>(b) Accommodation Precinct</p> <p>(i) Land Use</p>
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REPORT ITEM PD083 REFERS

			<p>Despite anything contained in the Zoning Table, Shop, Office and Restaurant may only be permitted by the Local Government subject to that land use being incidental to an approved Motel use.</p> <p>(ii) Building Height</p> <p>Buildings are to be at a maximum height of 5 metres.</p> <p>(iii) Plot Ratio</p> <p>Maximum plot ratio shall be 1.5.</p> <p>(iv) Car Parking</p> <p>Car parking is to be provided at the following ratio:</p> <ul style="list-style-type: none"> • One per employee +; • One per 3m² bar area +; • One per 4 seats in dining area +; • One per bedroom +; • One per 4m² other public areas; and • One bicycle parking facility for every 10 car bays. <p>(v) Setbacks</p> <p>The following minimum setbacks apply:</p> <ul style="list-style-type: none"> • 25 metres from Princess Royal Drive; • 12 metres from eastern boundary; and • Nil setbacks from all other boundaries. <p>(c) Commercial Precinct</p> <p>(i) Building Height</p> <p>Buildings are to be a maximum height of two storeys.</p> <p>(ii) Plot Ratio</p> <p>Maximum plot ratio shall be 0.5.</p> <p>(iii) Car Parking</p> <p>Car parking is to be provided at the ratio of one bay per 20m² gross floor area.</p> <p>(iv) Setbacks</p> <p>The following minimum setbacks apply:</p> <ul style="list-style-type: none"> • 25 metres from Princess Royal Drive; • 12 metres from eastern boundary; • 2.5 metres from western boundary; and • Nil setbacks from all other boundaries. <p>(d) Harbour Precinct</p> <p>(i) Building Height</p>
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REPORT ITEM PD083 REFERS

			<p>Buildings are to be a maximum height of one storey.</p> <p>(ii) Car Parking</p> <p>Car parking shall incorporate 45 permanent car bays to boat trailer hard stand area.</p> <p>(iii) Setbacks</p> <p>The following minimum setbacks apply:</p> <ul style="list-style-type: none"> • 2.5 metres from eastern boundary. <p>(e) Town Jetty Precinct</p> <p>(i) Land Use</p> <p>Despite anything contained in the Zoning Table, Office may only be permitted subject to that land use being incidental to an approved Shop or Restaurant use.</p> <p>(ii) Building Height</p> <p>Buildings are to be a maximum height of one storey.</p> <p>(iii) Plot Ratio</p> <p>Maximum plot ratio shall be 0.35.</p> <p>(iv) Car Parking</p> <p>Car parking shall incorporate 145 car parking bays to be provided along the old Town Jetty.</p> <div> <p><i>Note: The Minister for the Environment has placed ministerial conditions that apply to this area and any future development is required to comply with those conditions (Minister of Environment Statement 787 - issued 19 February 2009).</i></p> </div>
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ALBANY WATERFRONT

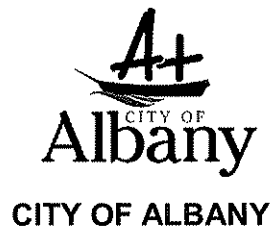
MEMORANDUM OF AGREEMENT

September 2007



STATE OF WESTERN AUSTRALIA

And



Department of Housing and Works
Government of Western Australia



Department for
Planning and Infrastructure

CONTENTS

1. PURPOSE
 2. BACKGROUND – KEY MILESTONES
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 4. PROJECT OBJECTIVES
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 7. ASSOCIATED LAND TRANSACTIONS
 8. ROLES & RESPONSIBILITIES
 9. FINANCING
 10. PROGRAM
 11. FUTURE AGREEMENTS
- THE AGREEMENT

ALBANY WATERFRONT MEMORANDUM OF AGREEMENT

1. PURPOSE

This document represents an agreement between the State of Western Australia and City of Albany in planning, funding, constructing and managing the Albany Waterfront Project.

The key stakeholders involved in the implementation of the project are:

- LandCorp
- City of Albany
- Great Southern Development Commission (GSDC)
- Department for Planning & Infrastructure (DPI)
- Department of Housing and Works

The Albany Waterfront has the approval of State Cabinet and the City of Albany, and has the support of the key stakeholder agencies.

The project also carries strong and well-demonstrated support from the community at large.

This document replaces the previous memoranda of agreement relating to the waterfront executed in December 2002 and September 2005 respectively and serves to confirm and identify the strategic alliance that exists between the key stakeholders and the roles and responsibilities each organisation has in bringing the project to fruition. It introduces the Department of Housing & Works as project manager for the Albany Entertainment Centre.

This Memorandum of Agreement is intended to be a high level document and not to resolve all project details. It is anticipated that as the project progresses, further supplementary agreements will be entered into serving the intent of this agreement.

2. BACKGROUND – KEY MILESTONES

- The Albany Waterfront project dates back to 1983 with early planning driven by the Great Southern Development Commission and the then Town of Albany.
- In April 2001 the State Government approved in principle a marina based waterfront precinct known as the Albany Boat Harbour Project and allocated \$12.7 million in funding.
- In August 2002 a Management Steering Committee was formed consisting of the GSDC, DPI and the City of Albany which developed a design concept that was subsequently approved by the City of Albany in March 2004.

ALBANY WATERFRONT MEMORANDUM OF AGREEMENT

- In September 2004 the Minister for Planning and Infrastructure advised that LandCorp would work with the other stakeholders to review the design concept to give greater focus to the land development.
- In February 2005 the State Government announced a \$14.9m funding contribution towards the proposed Albany Entertainment Centre (AEC) planned for construction in York Street next to the Albany Town Hall Theatre.
- In March 2005 the Member for Albany and the Minister for Planning and Infrastructure proposed that consideration be given to co-locating the AEC with the Waterfront Development.
- In May 2005 the City of Albany appointed 7 Councillors to the newly constituted Albany Waterfront Development Committee to work with LandCorp officers and City staff in recommending preferred design options and concepts to the City Council.
- On 21 June 2005 the City of Albany gave approval to a concept plan which incorporated the relocation of the AEC from the York St Civic precinct to the western portion of the waterfront development site.
- On 19 July 2005 the State Government announced the allocation of additional funding for the Albany Waterfront bringing the total allocation to \$27.8m including a \$1m contribution from the City of Albany.
- On 16 May 2006 the City of Albany approved the structure plan for the development.
- On the 19 September 2006 the City of Albany adopted the precinct plan that will be used to guide and facilitate development at the Albany Waterfront.
- On the 11 October 2006 the Premier of Western Australia announced funding for up to a further \$19.95 million for the Albany Entertainment Centre project with a total project cost of \$37.55 million. *Includes \$1.2m commitment from the City of Albany and \$1.5m funding being sought by the City of Albany from the Australian Government's Regional Partnerships program of the Department of Transport and Regional Services. (Funding unconfirmed at time of Agreement).*
- The Department of Housing and Works was also appointed as project managers and coordinators for the development of the Albany Entertainment Centre. In December 2007, the Department of Housing and Works appoint Cox, Howlett Bailey Woodland to undertake the detailed design of the Albany Entertainment Centre.
- On 25 July 2007, the Premier of Western Australia announced additional \$10.5 million funding, taking the total project cost to \$49 million. The additional allocation was to cater for increased building

ALBANY WATERFRONT MEMORANDUM OF AGREEMENT

costs and the costs associated with the crystalline concept design, a design in keeping with the iconic location.

- On 14 August 2007 the City of Albany endorsed the concept design.

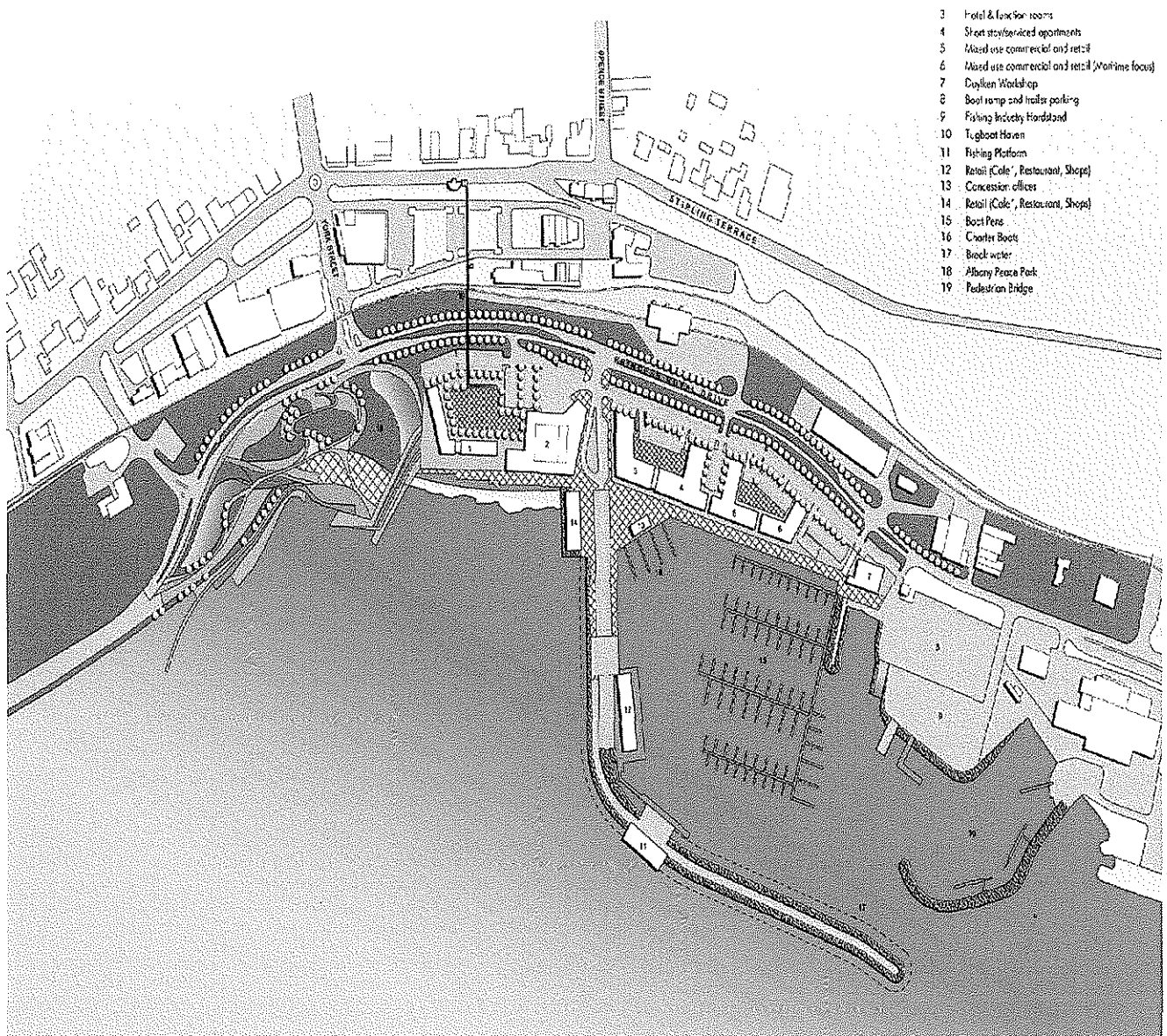


Fig1 Structure Plan – approved by City of Albany in May 2006

3. PROJECT VISION

The vision is to create a sustainable, attractive and exciting world-class waterfront precinct for the Albany community, the Great Southern Region, and visitors to the region.

ALBANY WATERFRONT MEMORANDUM OF AGREEMENT

The Albany Waterfront will provide a protected boat harbour serving the recreational, fishing and tourism industries together with land-based development adjacent to the town jetty providing a range of tourist accommodation, maritime servicing, entertainment, recreational and community based facilities.

4. PROJECT OBJECTIVES

- Extend the Town to the Waterfront
- Create a New Focus for the Town by creating a tourism and entertainment precinct
- Capitalise on the location and its surrounds:
Port – Harbour – Anzac Park – Town – Tourism
- Create New Maritime Facilities:
Recreation – Fishing – Charter – Support Industries
- Build a New Entertainment Centre in keeping with the Waterfront Development and iconic nature of Princess Royal Harbour.
- Create a vibrant Activity Mix
Tourism – Retail – Commercial – Maritime – Entertainment-
Public Facilities
- Respect Port Access

5. COMMITMENTS TO THE COMMUNITY

The State of Western Australia and the City of Albany are committed to the following underlying principles regarding the development and ongoing operation of the Albany Waterfront:

- Acknowledgement and respect of 24 hour a day, 7 day a week heavy haulage access to the Port of Albany.
- Prohibition of permanent residential activity.
- Unfettered community access to the foreshore.
- Maintenance of the iconic Princess Royal Harbour vista as seen from the York Street Commercial Precinct.

6. PROJECT SCOPE

This agreement consists of the following components (refer figure 2 & 3):

6.1 Albany Waterfront, Boat Harbour & Pedestrian Bridge

- Albany Waterfront - The appropriate remediation and development of approximately 5.5 hectares of waterfront land

ALBANY WATERFRONT MEMORANDUM OF AGREEMENT

into subdivided lots and civic space to accommodate and service the Albany Entertainment Centre, tourism accommodation, retail, commercial, maritime, parking and public facilities.

- Boat Harbour - The development of a marina immediately to the east of the Jetty for approximately 70-80 vessels.
- Pedestrian Bridge - The construction of a pedestrian bridge linking the Albany Waterfront Project to Stirling Terrace and the Albany Railway Station Precinct has been completed.

6.2 Purchase of Waterfront Land

- The provision of \$1 million in revenue to the waterfront project from the City of Albany for the purchase of land to accommodate the Albany Entertainment Centre.

6.3 Albany Entertainment Centre

- Construction of a 620 seat Albany Entertainment Centre, architecturally compatible with, and complementary to, the future development of contiguously located hotel and convention/function facilities.
- The City of Albany will work to facilitate, in conjunction with LandCorp, an appropriately scaled and sufficient standard of convention/function facilities in the proposed hotel development which can link to and synergise with the Albany Entertainment Centre.

6.4 Anzac Peace Park

- The appropriate remediation and development of the 1.4Ha waterfront land approximately west of York St for public parkland purposes.

6.5 Emu Point Land Development

- The development of lots 1512 and 1523 at Emu point with associated funding linkages to the Waterfront project (refer fig 3).

7. ASSOCIATED LAND TRANSACTIONS

- The transfer in freehold to the City of Albany a parcel of land excised from the Albany Waterfront project site sufficient in area to construct the Albany Entertainment Centre and curtilage.

ALBANY WATERFRONT MEMORANDUM OF AGREEMENT

- The City of Albany has relinquished the Management Order over Lot 1512 Emu Point. (refer fig 3).

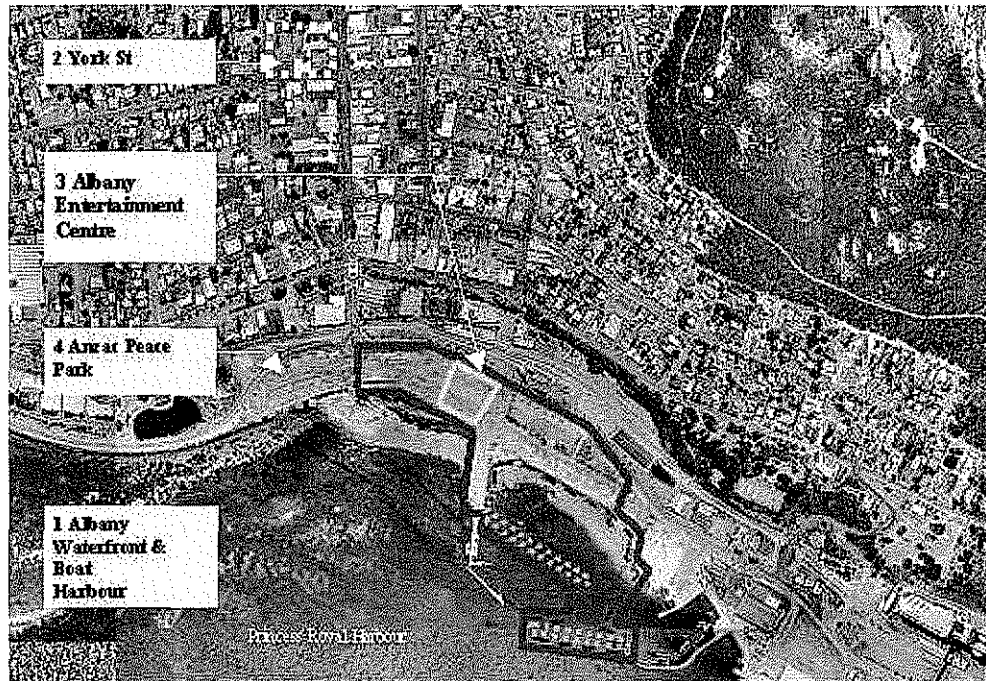


Fig2 Location Plan

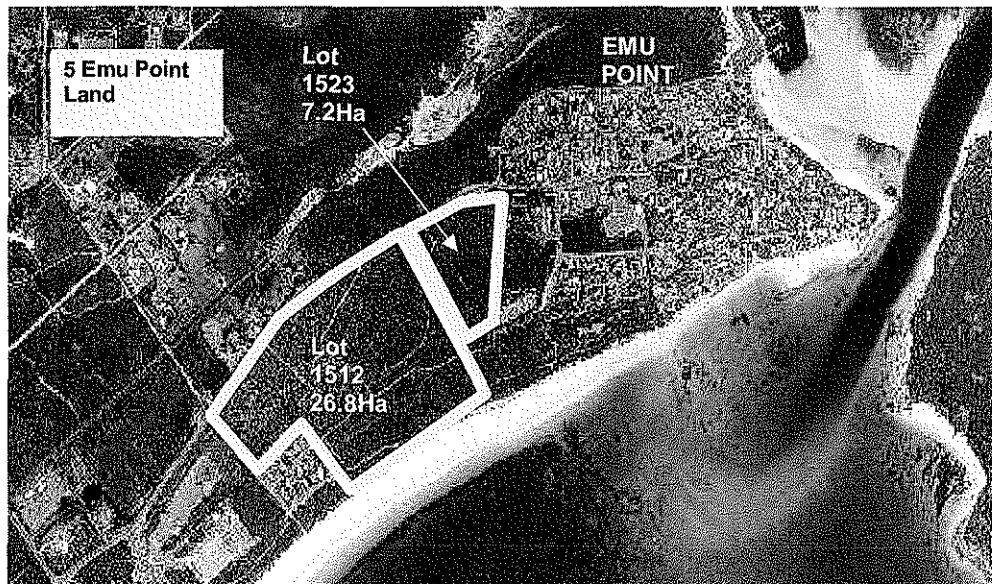


Fig3 Emu Point Land

8. ROLES & RESPONSIBILITIES

8.1 Overall Co-ordination - Stakeholder Reference Group

A group consisting of representatives of the key stakeholders will meet at least bi-annually to facilitate coordination and timely delivery of the project components at an operational level. This group will consist of:

- Member for Albany (Chairman)
- LandCorp
- City of Albany
- Great Southern Development Commission (GSDC)
- Department of Planning & Infrastructure
- Department of Housing and Works

The group will be advisory in nature and will not hold any specific decision-making powers. The Stakeholder Reference Group will be chaired by the Member for Albany or his representative.

If appropriate the Stakeholder Reference Group may invite other agencies or parties to participate in meetings on matters of common interest.

8.2 Project Roles and Responsibilities

Roles and responsibilities for the delivery of the various project outcomes are as follows:

8.2.1 The Albany Waterfront, Boat Harbour & Pedestrian Bridge

- *LandCorp* will be principally responsible for and project manage the urban design, statutory approvals process, construction of infrastructure, and subdivision and release of land.
- *The City of Albany* will be responsible for the care and management of all road reserves, the pedestrian bridge, civic spaces, waterfront promenades and all fixtures and improvements coming into its control as a result of the subdivision process.
- *The Department of Planning and Infrastructure* will be responsible for the management of the Marina and the care and management of maritime infrastructure and any leasehold land coming into its control as a result of the subdivision process.

8.2.2 The Albany Entertainment Centre

The Department of Housing and Works will be responsible for constructing the Albany Entertainment Centre including the project management, design, statutory approval processes, construction and commissioning.

The Great Southern Development Commission will oversee and administer the project capital works budget.

The Department of Housing and Works and the *Great Southern Development Commission* will provide the *City of Albany* with the opportunity to contribute to the design and selection of fitout for the facility and the endorsement of the selection of the architect and the final design and statutory approval (as necessary).

The Department of Housing and Works, Great Southern Development Commission and *City of Albany* will establish a Project Control Group (PCG) to provide strategic leadership and direction to the project.

The PCG will establish, as required, reference groups to input into the project, for example

- a design review committee to oversee the design phase of the project,
- a local reference group comprising of appropriately qualified *City* personnel to liaise with the project architect on matters relating to interior fitout, landscaping and public art

The City of Albany will own and operate the Albany Entertainment Centre and be responsible for the ongoing, care, control and management of the facility which includes any annual operating deficit.

The City of Albany will work to facilitate, in conjunction with LandCorp, an appropriately scaled and sufficient standard of convention/function facilities in the proposed hotel development which can link to and synergise with the Albany Entertainment Centre.

8.2.3 Anzac Peace Park

The City of Albany will be principally responsible for and project manage the design, statutory approvals process,

development, commissioning and ongoing care, control and management of the facility.

The City of Albany will collaborate with *LandCorp* in undertaking coordinated environmental investigations of the Anzac Peace Park site and Albany Waterfront site. *The City of Albany* will be the proponent for the environmental assessment and any resulting conditions pertaining to the development of the Anzac Peace Park.

The City of Albany will use best endeavours to construct the Anzac Peace Park project in the same timeframe as the Albany Waterfront project.

8.2.4 Emu Point

LandCorp will seek approvals to develop of lots 1512 and 1523 at Emu point these lots primarily for residential purposes with development proceeds to be allocated to the waterfront project and any surplus development profits are to be returned to the State Government.

8.2.5 Associated Land Transactions

LandCorp will transfer land excised from the Albany Waterfront project site sufficient in area to construct the Albany Entertainment Centre and curtilage to the City of Albany upon the creation of the new lot. *LandCorp* may consider a development lease to the City of Albany to allow construction of the Albany Entertainment Centre Facility to commence prior to the creation of the new lot.

The City of Albany has advised the Department of Land Administration that it has relinquished the Management Order over Lot 1512 Emu Point.

9. FINANCING

- 9.1** The State of Western Australia will contribute \$38 million to the Albany Waterfront Project.
- 9.2** The State of Western Australia will contribute a maximum of \$46.3 million to the Albany Entertainment Centre Project.
- 9.3** The City of Albany will contribute \$1.0 million to the Albany Waterfront project in the 2007-08 financial year as payment for the land necessary to accommodate the Albany Entertainment Centre Project.

REPORT ITEM PD083 REFERS

ALBANY WATERFRONT MEMORANDUM OF AGREEMENT

- 9.4** The City of Albany will contribute \$1.2 million plus any Federal grant monies obtained in the order of \$1.5million to the Albany Entertainment Centre Project.
- 9.5** The City of Albany is responsible for financing and obtaining further funding for the design and development of Anzac Peace Park.
- 9.6** The City of Albany acknowledges that the proceeds of the development of Lots 1512 and 1523 Emu Point are to be applied by the State Government to the Albany Waterfront Project.
- 9.7** Project Cash Flow table: – Albany Waterfront, Albany Entertainment Centre and Anzac Park.

FORECAST CASHFLOW (\$million)	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	TOTAL
ALBANY WATERFRONT (PROJECT)							
State of Western Australia							
Capital works allocation and land sales from the Waterfront and Emu Point	5.4	5.2	7.0	1.7	18.7		38.0
City of Albany							
City of Albany Contribution from development of the York St site			1.0				1.0
TOTAL	5.4	5.2	8.0	1.7	18.7		39.0
ALBANY ENTERTAINMENT CENTRE							
City of Albany Contribution			0.4	0.8			1.2
State Government through GSDC		0.68	0.42	25.46	15.44	4.3	46.3
Australian Government (unconfirmed)			1.5				1.5
TOTAL		0.68	2.32	26.26	15.44	4.3	49
ANZAC PEACE PARK (Notional In Negotiation)							
Australian Government Veterans Affairs			0.45				0.45
Australian Government DoTARS			0.44				0.44
City of Albany			0.68				0.68
Lotterywest			0.72				0.72
Premier and Cabinet (175 th Anniversary Fund)			0.25				0.25
TOTAL			2.54				2.54

ALBANY WATERFRONT MEMORANDUM OF AGREEMENT

10. PROGRAM

The following timeframes are estimates only and subject to statutory approvals and more detailed planning.

Albany Entertainment Centre Program

ID	Task Name	2007				2008				2009				2010			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
1	Schematic Drawing	Schematic Drawing															
2	Design Detail					Design Detail											
3	Construction									Construction							
4	Completion													Completion			

Albany Waterfront Program

ID	Task Name	2007				2008				2009				2010	
		Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1
1	Structure Plan Approval by WAPC														
2	Subdivision Approval														
3	Design Detail - Stage 1														
4	Tender Stage 1														
5	Award and Constuction - Stage 1														
6	Environmental Approval - Stage 1 and 2														
7	Design - Stage 2														
8	Tender - Stage 2														
9	Award and Construction - Stage 2														
10	Completion and Opening														

11. FUTURE AGREEMENTS

It is anticipated that as the project progresses, further supplementary agreements, partnerships, contracts and leases will emerge between project stakeholders and other parties serving the intent of this document.

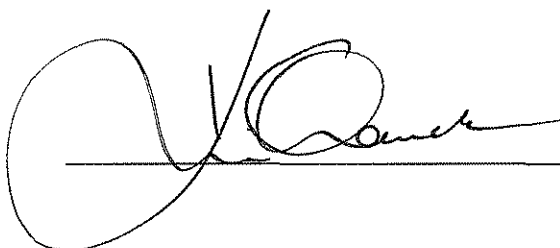
ALBANY WATERFRONT MEMORANDUM OF AGREEMENT

THE AGREEMENT

THE PARTIES HERETO AGREE TO THE FORMATION OF THIS
PARTNERSHIP TO GUIDE THE PLANNING AND DELIVERY OF THE
ALBANY WATERFRONT PROJECT AS EXPRESSED ABOVE.

Executed on behalf of the State of Western Australia

KIM CHANCE MLC
MINISTER FOR THE GREAT SOUTHERN

A handwritten signature in black ink, appearing to read 'Kim Chance', written over a horizontal line.

25, 09, 2007

ALANNAH MACTIERNAN MLA
MINISTER FOR PLANNING AND INFRASTRUCTURE

A handwritten signature in black ink, appearing to read 'Alannah Mactiernan', written over a horizontal line.

24, 09, 07

Executed on behalf of the City of Albany

HER WORSHIP THE MAYOR ALISON GOODE

A handwritten signature in black ink, appearing to read 'Alison Goode', written over a horizontal line.

8, 10, 07

CITY OF ALBANY LOCAL PLANNING SCHEME No. 1

AMENDMENT No. 13

SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
1	Environmental Protection Authority Locked Bag 33 Cloisters Square PERTH WA 6850	The Environmental Protection Authority (EPA) considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the <i>Environmental Protection Act 1986</i> (EP Act) and that it is not necessary to provide any advice or recommendations.	Nil.	The submission is noted.
2	Telstra Forecasting/Area Planning – South Western Access Network & Technology Locked Bag 2525 PERTH WA 6001	A network extension may be required for any development within the area concerned. The owner/developer will have to submit an application before construction is due to start to NBN Co. (for greater than 100 lots or living units in a 3 year period) or Telstra (less than 100 lots or living units). Developers are now responsible for telecommunications infrastructure, i.e. conduits and pits. At present NBN or Telstra will provide the cable.	The advice provided will be useful in guiding development in future, but has no bearing on the proposed zoning changes.	The submission is noted.
3	Water Corporation PO Box 100 LEEDERVILLE WA 6902	The Corporation has no objection to the amendment. Alterations are either already served or are able to be served.	Nil.	The submission is noted.
4	Western Power Locked Bag 2520 PERTH WA 6001	Western Power has considered Scheme Amendment No. 13 and notes that a number of zoning amendments are proposed on the Scheme Maps, which have the potential, as residential and commercial development progresses, to impact on the electricity network. Accordingly, subdivision	The subdivision and development advice provided will be useful in guiding development in future, but has no bearing on the proposed zoning changes.	The submission is noted.

CITY OF ALBANY LOCAL PLANNING SCHEME No. 1 REPORT ITEM PD084 REFERS
AMENDMENT No. 13
SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		and development advice is provided and, in acknowledging R-Code setbacks can conflict with recognised safety distances from power lines, I would draw your attention to the easement and restriction zones.		
5	Department of Water PO Box 525 ALBANY WA 6331	<p>The Department of Water has no objections to the proposed amendments to the scheme text and maps contained within the omnibus amendment.</p> <p>The DoW is pleased to see that the amendment to the Angove Creek Public Drinking Water Source Area boundary in the LPS that will reflect the current boundary.</p>	Nil.	The submission is noted.
6	Team Leader – Planning and Building Information Services City of Albany 102 North Road YAKAMIA WA 6331	Table 1: Zoning Table would benefit from a notation to highlight that a ‘Shop’ as a ‘D’ (discretionary) use in the Regional Centre Mixed Business zone only applies to those that fall within the ‘PLUC 6’ category, as stated in Clause 5.5.7.1 Development of Shops. This clause is often overlooked by staff and members of the public and has proven to be a source of confusion.	The issues arising from the distinction made in Clause 5.5.7.1 is acknowledged and could be easily clarified by the inclusion of an appropriate notation on Table 1: Zoning Table.	<p>The submission is upheld.</p> <p><u>Modifications required:</u></p> <ol style="list-style-type: none"> 1. An additional alteration to the Scheme Text is inserted into the amendment document at no. 15, to read as follows: <p><i>“Insertion of ⁴ after the ‘D’ in the “Shop” row and “Regional Centre Mixed Business” column in Table 1: Zoning Table and insertion of an additional note at the end of</i></p>

CITY OF ALBANY LOCAL PLANNING SCHEME No. 1 REPORT ITEM PD084 REFERS

AMENDMENT No. 13

SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
				<p><i>the "Table Notes" at the bottom of the Zoning Table as follows:</i></p> <p><i>⁴ Development of a Shop on land zoned 'Regional Centre Mixed Business' shall be subject to clause 5.5.7.1 of the Scheme.'</i></p> <p><i>This note is to be added to the Scheme in the interests of clarity, to ensure that the use class is cross-referenced with clause 5.5.7.1, which sets out the requirements for the development of a 'Shop' in the Regional Centre Mixed Business zone".</i></p> <p>2. Proposed Scheme Text alteration no's 15 – 54 in the amendment document are subsequently renumbered 16 – 55.</p> <p>3. An additional alteration to the Scheme Text is inserted into the amendment resolution at no. 15, to read as follows:</p> <p><i>"Table 1: Zoning Table – Insert ⁴ after the 'D' in the "Shop" row and "Regional Centre</i></p>

CITY OF ALBANY LOCAL PLANNING SCHEME No. 1 **REPORT ITEM PD084 REFERS**
AMENDMENT No. 13
SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
				<p><i>Mixed Business” column and insert an additional note at the end of the “Table Notes” at the bottom of the Zoning Table as follows:</i></p> <p><i>“⁴ Development of a Shop on land zoned ‘Regional Centre Mixed Business’ shall be subject to clause 5.5.7.1 of the Scheme.”</i></p> <p>4. Proposed Scheme Text alteration no’s 15 – 54 in the amendment resolution are subsequently renumbered 16 – 55.</p>
7	D T & E L Hepworth 65 Bushby Road LOWER KING WA 6330	<p>After receiving your letter regarding the rezoning, we attended the Council office and spoke with you regarding alterations to the Scheme.</p> <p>You advised that none of our waterfront block would be reclaimed unless we subdivided.</p> <p>We are satisfied with the decision, but would appreciate it if we could receive this in writing.</p>	Staff have written to Mr. & Mrs. Hepworth to confirm that the return of a portion of Lot 12, 65 Bushby Road, Lower King to the Parks and Recreation local scheme reserve will not affect the tenure of the land, and that they would only be asked to cede the affected portion to the Crown at the time of any future subdivision.	The submission is noted.
8	K F Hazel 59 Shell Bay Road	In 1973 I bought this block, consisting of 2 acres, 3rds and 8 perches of which I	Staff have met with Mr. Hazel and explained that the return of a portion	The submission is dismissed.

CITY OF ALBANY LOCAL PLANNING SCHEME No. 1 REPORT ITEM PD084 REFERS
AMENDMENT No. 13
SCHEDULE OF SUBMISSIONS

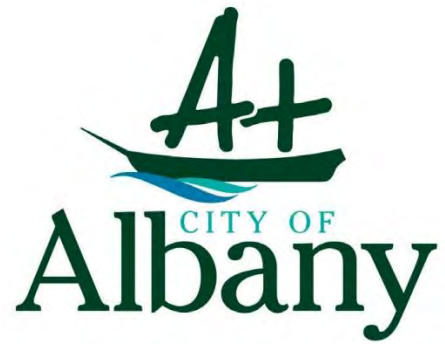
No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
	LOWER KING WA 6330	<p>believe to be just under a hectare.</p> <p>The block next door, which was Lot 22 is 6 acres, 3rd and 3 perches. Some time ago, one of the owners decided to subdivide and as we have always known, if you did this you would lose two chain or 39 metres off your boundary to parks and public space.</p> <p>We and three other owners on the bottom side (south) have not subdivided. Therefore, I don't see why we should have our properties rezoned because the city council wish to join up the dots.</p> <p>I personally would be happy to have the tree line below my survey pegs rezoned as Parks and Recreation as this is land that should never be cleared.</p> <p>The Council has given us no information as to what we can actually do with the land that has been rezoned. They have not given us any setbacks or measurements.</p> <p>As to the boundary of the rezoning, a line on a map means nothing to me.</p> <p>I therefore protest loudly to this rezoning.</p>	<p>of Lot 23, 59 Shell Bay Road, Lower King is a correction of a mapping error made during the preparation of Local Planning Scheme No. 1, approximately 18 months ago.</p> <p>Staff advised that the designation of a portion of the lot as Parks and Recreation local scheme reserve does not affect the tenure of the land, leaving it in private ownership, and that it would only be at the time of any future subdivision that a foreshore reserve would have to be ceded to the Crown.</p> <p>It was also highlighted that the previous Town Planning Scheme No. 3, which was published in the Government Gazette on 15 February 1980, included a portion of the lot within the Parks and Recreation local scheme. Our records indicate that this was the case for the entire life of the Scheme, meaning that the Parks and Recreation local scheme reserve was in place for approximately 34 years.</p> <p>However, Mr. Hazel contends that this was not the case when he purchased the lot in 1973 and was not advised of any subsequent change.</p>	Reasons detailed in Officers Comments

CITY OF ALBANY LOCAL PLANNING SCHEME No. 1 REPORT ITEM PD084 REFERS
AMENDMENT No. 13
SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
			<p>Unfortunately, Staff have not been able to ascertain what the situation was in 1973, or the extent to which Town Planning Scheme No. 3 was publicly advertised, although it would have been advertised in accordance with the requirements of the <i>Town Planning Regulations 1967</i>.</p> <p>Staff have advised Mr. Hazel that any development within the Parks and Recreation local scheme reserve would require Planning Scheme Consent, and while the development should be consistent with the purpose of the reserve, the City would take a pragmatic approach and may permit minor development on the existing cleared land that falls within the local scheme reserve.</p> <p>Staff have not been able to advise Mr. Hazel of the relationship between the local scheme reserve boundary and the survey pegs that he refers to, as their location is unknown to us. However, Staff have indicated that the local scheme reserve boundary would lie approximately 20m to the east of the existing house on the lot. Staff have also shown Mr. Hazel an aerial photograph of his lot and indicated where the local scheme reserve would</p>	

CITY OF ALBANY LOCAL PLANNING SCHEME No. 1 REPORT ITEM PD084 REFERS
AMENDMENT No. 13
SCHEDULE OF SUBMISSIONS

No.	Name/Address Submitter	of	Summary of Submission	Officer Comment	Staff Recommendation
				<p>extend to.</p> <p>The width of the proposed local scheme reserve is consistent with its dimensions in former Town Planning Scheme No. 3. Staff have attempted to ascertain what the reasoning was behind the reserve width and sought advice from the Department of Water. However, the Staff at the Department of Water were not able to source any records that pertain specifically to this local scheme reserve. It is likely that the reserve boundary was based on a setback distance prescribed in policy or guidelines at the time that Town Planning Scheme No. 3 was prepared, or was based on the physical characteristics of the land at the time.</p> <p>Overall, Staff consider this to be a minor modification to Scheme. It seeks to correct a mapping error by reinstating a local scheme reserve that had existed for approximately 34 years, for the protection of the King River foreshore.</p>	



Local Planning Scheme No. 1
Amendment No. 13
First Omnibus Amendment

Development Services

Document Approval			
Document Development Officer:		Document Owner:	
Planning Officer		Executive Director Planning and Development Services	
Document Control			
File Number - Document Type:	LAMD13 – Local Planning Scheme Amendment		
Synergy Reference Number:	PSA1543912		
Meta Data: Key Search Terms	Local Planning; All; Whole; Scheme Amendment		
Status of Document:	Council decision: Adopted		
Document file details:	Location of Document: N:\DEVEL.SERVICE\DEVELOPMENT\Planning\Town_Planning_Schemes\Amendments\LPS1\LAMD13		
Quality Assurance:	Executive Management Team; Planning and Development Committee; Council		
Distribution:	Public Document.		
Document Revision History			
Version	Author	Version Description	Date Completed
1.0	Planning Officer	<i>Adopted by Council for the purpose of referral to the Environmental Protection Authority and Department of Planning for consent to advertise for public comment on 24/02/2015 Report Item PD069. Adopted by Planning and Development Committee on 04/02/2015. Approved by Executive on 21/01/2015.</i>	24/02/2015
1.1	Planning Officer	<i>Updated cover page added on 30/06/2015.</i>	30/06/2015

**CITY OF ALBANY
LOCAL PLANNING SCHEME NO. 1
AMENDMENT NO. 13
CONTENTS**

- 1. RESOLUTION**
- 2. SCHEME AMENDMENT REPORT**
- 3. ADOPTION**
- 4. APPENDIX 1**

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
CITY OF ALBANY
LOCAL PLANNING SCHEME NO. 1
AMENDMENT NO. 13

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above local planning scheme by:

Altering various parts of the Scheme Text to correct identified anomalies and errors; improve the functionality of some clauses, sub-clauses and provisions; and to bring about greater consistency with model provisions; and

Altering various parts of the Scheme Maps to correct identified anomalies and errors, and to rezone some portions of land to reflect recent changes in cadastral boundaries and associated land use.

Dated this _____ day of _____ 2015

CHIEF EXECUTIVE OFFICER

CITY OF ALBANY
TOWN PLANNING SCHEME No. 1
AMENDMENT No. 13
SCHEME AMENDMENT REPORT

1. Introduction

This amendment seeks to alter various parts of the Local Planning Scheme No. 1 text to correct identified anomalies and errors; improve the functionality of some clauses, sub-clauses and provisions; and to bring about greater consistency with model provisions. It also seeks to alter various parts of the Scheme Maps to correct identified anomalies and errors, and to rezone some portions of land to reflect recent changes in cadastral boundaries and associated land use.

2. Background

Since its gazettal on 28 April 2014, various errors and anomalies have been documented in Local Planning Scheme No. 1. While many of these are simple typographical errors, some have more significant implications, such as land use classes missing from particular zones, inconsistencies in fire management provisions, or zoning changes that have reduced development potential for some landowners.

3. Proposal

It is proposed to make the following alterations to the Scheme for the reasons outlined. Each part corresponds to the individual part of the amending text.

Proposed alterations to the Scheme Text:

1. Replacement of “ADVERTISEMENTS” with ‘ADVERTISEMENTS’ in Part 11 of the Table of Contents to correct a typographical error.
2. Insertion of a new section in the Table of Contents after the section headed “SCHEDULES” to read as follows:

‘TABLES

Table 1 – Zoning Table

Table 2 – Floorspace Limits for Neighbourhood Centres

Table 3 – Floorspace Limits for Local Centres

Table 4 – R1 Density Code Provisions

Table 5 – Car and Bicycle Parking Requirements

Table 6 – Construction Standards for Car Parking Bays

Table 7 – Site Requirements

Table 8 – Landscaping Requirements’

This section is being added to improve the user friendliness of the scheme and will incorporate page numbers once these are finalised.

3. Replacement of “developed for the desirable ultimate long term use” with ‘fully-serviced urban development’ in Clause 4.2.3(a) for clarity and to improve the wording of the Scheme.

4. Replacement of “X” with ‘D’ in Table 1: Zoning Table to allow ‘Animal Establishment’ to be considered in the Priority Agriculture zone.

It has been found that the omission of ‘Animal Establishment’ from the Priority Agriculture zone would preclude certain types of land use, such as the breeding of working dogs. It is proposed to introduce the use class into the zone for this reason.

5. Replacement of “D” with ‘X’ in Table 1: Zoning Table to exclude the ‘Bed and Breakfast/Farmstay’ use in the Hotel/Motel zone.

This land use class has been included in error and cannot be supported in the zone, as a ‘Single House’ is a prohibited use and a Bed and Breakfast/Farmstay is defined as “*a dwelling, used by a resident of the dwelling, to provide accommodation for no more than six guests away from their normal place of residence on a short-term commercial basis within the dwelling and may include the provision of meals*”.

6. Replacement of “X” with ‘A’ in Table 1: Zoning Table to allow ‘Exhibition Centre’ to be considered in the General Agriculture and Priority Agriculture zones.

The City wishes to foster agricultural diversification and economic development by allowing tourist-orientated developments in the rural hinterland around Albany. The ‘Exhibition Centre’ land use, which includes art galleries and museums, is currently prohibited by the Local Planning Scheme. It is proposed to introduce it as a use that may be considered, subject to public advertising. In order to guide the development of such uses, the City also proposes to draft a Local Planning Policy, with the intention of having it adopted prior to the finalisation of this amendment. This policy will set objectives for such developments and put in place a number of provisions against which they will be assessed. These will include but not be limited to:

- Relationship to agriculture/primary production;
- Location;
- Visual impact/amenity;
- Roads/access;
- Parking requirements; and
- Fire protection.

7. Insertion of a new row between “Holiday Accommodation” and “Home Business” in Table 1: Zoning Table, with ‘Holiday House’ in the Land Use column; a ‘P’ in the Tourist Residential zone; a ‘D’ in the Residential, Regional Centre, Rural Small Holding and Rural Village zones; an ‘A’ in the Yakamia Creek, Regional Centre Mixed Use, General Agriculture and Priority Agriculture zones; and an ‘X’ in all other zones.

It has been determined that ‘Holiday House’ is a more appropriate designation for the use of a Single House for short-stay accommodation than “Holiday Accommodation” and should therefore be included in the Scheme. ‘Holiday House’ is also consistent with the proposed *Planning and Development (Local Planning Schemes) Regulations 2014*.

8. Insertion of 'see note 3' after the "Grouped Dwelling" use in Table 1: Zoning Table and insertion of an additional note at the end of the "Table Notes" at the bottom of the Zoning Table as follows:

³ Grouped dwellings will require the planning approval of the Local Government on land zoned General Agriculture or Priority Agriculture subject to clause 5.5.16.1 of the Scheme.'

This note is to be added to the Scheme as a component of reintroducing the use class 'Grouped Dwelling' into the General Agriculture and Priority Agriculture zones; a potential development right that existed in former *Town Planning Scheme No. 3*. It is necessary to ensure that the use class is cross-referenced with clause 5.5.16.1 which sets out the requirement for a lot to be equal to, or in excess of 20 hectares in area before a second dwelling may be approved on land zoned General Agriculture or Priority Agriculture.

9. Replacement of "X" with 'D' in Table 1: Zoning Table to allow 'Grouped Dwelling' to be considered in the General Agriculture and Priority Agriculture zones.

As described above, the provision to construct a second 'Grouped Dwelling' in the General Agriculture and Priority Agriculture zones was a potential development right that existed in former *Town Planning Scheme No. 3*.

Although staff at the Department of Planning Great Southern Regional Office have indicated that they do not consider 'Grouped Dwelling' an appropriate descriptor for a second dwelling on General Agriculture or Priority Agriculture zoned land, clause 4.4.1 of the Scheme states that *"Where a specific land use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use."*

Furthermore, clause 4.4.2 of the Scheme states that *"If a person proposes to carry out on land any use that is not specifically listed in the Zoning Table and **cannot reasonably be determined as falling within the type, class or genus of activity of any other use category**, the Local Government may:*

- (a) *Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- (b) *Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or*
- (c) *Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted."*

The City of Albany would hold that a second dwelling on a lot zoned General Agriculture or Priority Agriculture would be consistent with the definition given to 'Grouped Dwellings' in the Residential Design Codes of WA and referenced in Schedule 1, Part 2 – Land Use Definitions within the Scheme.

10. Replacement of "D" with 'X' in Table 1: Zoning Table to exclude the 'Multiple Dwelling' use in the Caravan and Camping zone.

This land use class has been included in error and is at odds with objective 4.2.6(c) of the zone, which is to:

"Prevent the conversion of the land to permanent structures and permanent residential occupation except where the land or part of the land is approved for Park Home park development."

11. Replacement of “X” with ‘A’ in Table 1: Zoning Table to allow the consideration of ‘Place of Worship’ in the Light Industry and Local Centre zones.

It has been recognised that ‘Place of Worship’ could have been considered in these zones in former *Town Planning Scheme No. 1A* and it is proposed to restore these potential development rights.

12. Replacement of “X” with ‘A’ in Table 1: Zoning Table to allow ‘Reception Centre’ to be considered in the General Agriculture and Priority Agriculture zones.

The City wishes to foster agricultural diversification and economic development by allowing tourist-orientated developments in the rural hinterland around Albany. The ‘Reception Centre’ land use is currently prohibited by the Local Planning Scheme. It is proposed to introduce it as a use that may be considered, subject to public advertising. In order to guide the development of such uses, the City also proposes to draft a Local Planning Policy, as outlined in proposed alteration 6 above.

13. Replacement of “X” with ‘A’ in Table 1: Zoning Table to allow ‘Residential Building’ to be considered in the Regional Centre Mixed Use zone.

The Regional Centre Mixed Use zone is intended to “provide and promote the co-location and integration of land use activities such as residential, offices, administrative and government services within the zone.” As these will be areas of high-amenity inner city development, the City considers that they would be appropriate for the location of Residential Buildings.

14. Replacement of “X” with ‘A’ in Table 1: Zoning Table to allow ‘Restaurant’ to be considered in the General Agriculture and Priority Agriculture zones

The City wishes to foster agricultural diversification and economic development by allowing tourist-orientated developments in the rural hinterland around Albany. The ‘Restaurant’ land use is currently prohibited by the Local Planning Scheme. It is proposed to introduce it as a use that may be considered, subject to public advertising. In order to guide the development of such uses, the City also proposes to draft a Local Planning Policy, concurrently with this amendment, as outlined in proposed alteration 6 above.

15. Insertion of a new row between “Single House” and “Storage” in Table 1: Zoning Table, with ‘Small Bar’ in the Land Use column; a ‘D’ in the Regional Centre and Regional Centre Mixed Use zones; an ‘A’ in the Tourist Residential, Hotel/Motel, Clubs & Institutions, Neighbourhood Centre, Local Centre, General Agriculture and Priority Agriculture zones; and an ‘X’ in all other zones.

The use of the Small Bar licence class is becoming ever more prevalent and is more suited to areas where traditional licensed venues such as Hotels and Taverns may have adverse impacts on amenity. The inclusion of a ‘Small Bar’ use is also consistent with the proposed *Planning and Development (Local Planning Schemes) Regulations 2014*.

16. Replacement of “X” with ‘A’ in Table 1: Zoning Table to allow ‘Tavern’ to be considered in the General Agriculture and Priority Agriculture zones

The City wishes to foster agricultural diversification and economic development by allowing tourist-orientated developments in the rural hinterland around Albany. The ‘Tavern’ land use is currently prohibited by the Local Planning Scheme. It is proposed

to introduce it as a use that may be considered, subject to public advertising. In order to guide the development of such uses, the City also proposes to draft a Local Planning Policy, as outlined in proposed alteration 6 above.

17. Replacement of

“The Local Government’s objectives in implementing fire protection and bush fire control measures are to:

- a) Identify areas within the City where bush fires pose a threat to life and property;
- b) Require that all land use and development proposals incorporate appropriate fire protection requirements; and
- c) Implement the relevant Western Australian Planning Commission Bushfire Protection policies and guidance.”

with

‘The Local Government’s objectives in implementing fire protection and bush fire control measures are to:

- a) Identify areas within the City where bush fires pose a threat to life and property;
- b) Where bush fire risk is moderate, require that all land use and development proposals incorporate appropriate fire protection requirements;
- c) Implement the relevant Western Australian Planning Commission Bushfire Protection policies and guidance;
- d) Prevent development in areas of extreme bushfire risk, unless that development is unavoidable; and
- e) Limit clearing of native vegetation where it would be necessary to manage or reduce bushfire risk.’

in clause 5.4.1.1, as requested by the Office of the Minister for Planning, for consistency with the equivalent provisions in the *Shire of Mundaring Local Planning Scheme No. 4*.

18. Renumbering existing clauses 5.5.3.1 and 5.5.3.2 as 5.5.3.2 and 5.5.3.3 respectively and the insertion new clause 5.5.3.1, to read as follows:

‘Subject to clause 5.5.3.2, any lot within the Future Urban zone shall not be developed, used or subdivided, other than in accordance with a Structure Plan adopted under clause 5.9.1.5 of the Scheme.’

It has been determined that the above clause should be included in the Scheme to prohibit subdivision of Future Urban zoned land until an appropriate Structure Plan is adopted.

19. Replacement of “Shopping Centre Name” with ‘Locality’; “Albany Centro” with ‘Lange (Brooks Garden)’; and “North Road” with ‘Yakamia (North Road)’ in the first column of Table 2: Floorspace Limits for Neighbourhood Centres and the deletion of “1003, 1004 and 1005” from the “Description of Affected” Land column.

These changes are required to update the table and ensure consistency across the descriptions of the various shopping centres, and to correct an error in the “Description of Affected Land” column, as only lots 1001 and 1007 Chester Pass Road are zoned Neighbourhood Centre.

20. Insertion of a comma following the word “panel” in clause 5.5.12.6 to correct a typographical error.

21. Replacement of “form” with ‘from’ in sub-clause 5.5.13.2.1(a) to correct a typographical error.
22. Replacement of “20” with ‘15’ in bullet point two of sub-clause 5.5.13.2.2(c) to correct a typographical error.
23. Insertion of a new sub-clause under clause 5.5.13.2.2 Fire Protection, as follows:
‘(f) Water for fire fighting purposes shall be made available as follows:
(i) The installation of fire hydrants (connected to the Water Corporation reticulated water supply); or
(ii) 50,000 litre water tanks with hydrants or standpipes provided at a rate of one per 25 lots, which are designed and constructed to the satisfaction of the Local Government; have a procedure in place to ensure that they are maintained at full capacity at all times; use galvanised or copper pipe above ground or PVC if buried at least 300 millimetres deep; and have a hardstand and turning area suitable for a 3.4 fire appliance adjacent to the hydrant/standpipe; or
(iii) Where individual 92,000 litre water supplies are provided on lots, in accordance with clause 5.6.9 of the Scheme, landowners shall ensure that tanks are designed so that the lower 32,000 litres are set aside for firefighting purposes by means of a dual tap system to the specification and satisfaction of the Local Government.’

This sub-clause is required to ensure that an adequate fire-fighting water supply is provided to each lot and/or dwelling, whether a reticulated water supply is available or not, in accordance with the *Planning for Bush Fire Protection Guidelines*.

24. Insertion of ‘(a)’ at the start of the existing clause 5.5.13.2.10 *Water Supply*, replacement of the full stop at the end with ‘; or’ and insertion of a new sub-clause as follows:
‘(b) Where it is demonstrated that a reticulated water supply from a licensed water service provider cannot be provided to each lot, a potable water supply is required to each dwelling and shall be the responsibility of the landowner in accordance with clause 5.6.9 of the Scheme.’

This sub-clause is required to ensure that the requirement to provide a water supply to each lot and/or dwelling is clearly specified.

25. Insertion of a new clause in Section 5.5.13 Rural Residential Zone as follows:

‘5.5.13.4 Subdivision

Prior to supporting the subdivision of areas within the Rural Residential zone that are not already the subject of an endorsed subdivision guide plan, the Local Government shall require a land capability assessment to be undertaken and an overall subdivision guide plan to be prepared for adoption by the Local Government in accordance with Part 2 of the Scheme and endorsement of the Western Australian Planning Commission.’

This clause is required to ensure that land capability assessment is undertaken and subdivision guide plans are created and endorsed for those areas of Rural Residential zoned land that are currently without a guide plan.

26. Replacement of “20” with ‘15’ in bullet point two of sub-clause 5.5.15.2.3(b) to correct a typographical error.

27. Insertion of a new sub-clause under clause 5.5.15.2.3 Fire Protection, as follows:

‘(f) Water for fire fighting purposes shall be made available as follows:

- (i) 50,000 litre water tanks with hydrants or standpipes provided at a rate of one per 25 lots, which are designed and constructed to the satisfaction of the Local Government; have a procedure in place to ensure that they are maintained at full capacity at all times; use galvanised or copper pipe above ground or PVC if buried at least 300 millimetres deep; and have a hardstand and turning area suitable for a 3.4 fire appliance adjacent to the hydrant/standpipe; or
- (ii) Where individual 92,000 litre water supplies are provided on lots, in accordance with clause 5.6.9 of the Scheme, landowners shall ensure that tanks are designed so that the lower 32,000 litres are set aside for firefighting purposes by means of a dual tap system to the specification and satisfaction of the Local Government.’

This sub-clause is required to ensure that an adequate fire-fighting water supply is provided to each lot and/or dwelling, whether a reticulated water supply is available or not, in accordance with the *Planning for Bush Fire Protection Guidelines*.

28. Replacement of “Single Houses” with ‘Grouped Dwellings’ in clause 5.5.16.1 to correct a wording error.

The Local Planning Scheme gives “Single House” the same definition as in the *Residential Design Codes of WA*, which is “*a dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property*”. The term “Single House” therefore cannot be used in the plural form. The Scheme also uses the definition from the *R-Codes* for Grouped Dwellings; “*A group of two or more dwellings (in this instance a maximum of two) on the same lot, such that no dwelling is placed wholly or partly above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property*”.

Although staff at the Department of Planning Great Southern Regional Office have indicated that they do not consider ‘Grouped Dwelling’ an appropriate descriptor for a second dwelling on General Agriculture or Priority Agriculture zoned land, clause 4.4.1 of the Scheme states that “*Where a specific land use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.*”

Furthermore, clause 4.4.2 of the Scheme states that “*If a person proposes to carry out on land any use that is not specifically listed in the Zoning Table and **cannot reasonably be determined as falling within the type, class or genus of activity of any other use category**, the Local Government may:*

- (a) *Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- (b) *Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or*
- (c) *Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”*

The City of Albany would hold that a second dwelling on a lot zoned General Agriculture or Priority Agriculture would be consistent with the definition given to 'Grouped Dwellings' in the Residential Design Codes of WA and referenced in Schedule 1, Part 2 – Land Use Definitions within the Scheme.

29. Replacement of

"complies with an endorsed Local Planning Strategy prepared in accordance with Statement of Planning Policy 2.5 – Agriculture and Rural Land Use Planning."

with

'is in accordance with one of the exceptional circumstances outlined in the Western Australian Planning Commission's *Development Control Policy 3.4 – Subdivision of Rural Land*.'

in clause 5.5.16.4, as the wording of the existing clause implies that land may be subdivided in accordance with the *Albany Local Planning Strategy* without being rezoned first, which is not the case. The proposed change will also ensure that subdivision proposals are correctly assessed against the provisions of *Development Control Policy 3.4*.

30. Replacement of "20" with '15' in bullet point two of sub-clause 5.5.18.2.2(b) to correct a typographical error.

31. Replacement of sub-clauses '(i)' and '(j)' under clause 5.5.18.2.2 with the following:

'(i) Water for fire fighting purposes shall be made available by the installation of fire hydrants connected to the Water Corporation reticulated water supply.'

This sub-clause is required to ensure that an adequate fire-fighting water supply is provided in accordance with the *Planning for Bush Fire Protection Guidelines*.

32. Replacement of "Rural Residential" with 'Special Residential' in clause 5.5.18.2.14(a) to correct a cross-referencing error. Clause 5.5.18.2.14(a) pertains to the Special Residential zone, not the Rural Residential zone.

33. Replacement of "Schedule 16" with 'Schedule 15' in sub-clause 5.5.18.2.14(a)(ii) to correct a cross-referencing error. Schedule 16 does not exist; the sub-clause should refer to Schedule 15, which pertains to the Special Residential zone.

34. Insertion of a new clause in Section 5.5.18 Special Residential Zone as follows:

'5.5.18.4 Subdivision

Prior to supporting the subdivision of areas within the Special Residential zone, not already the subject of an endorsed subdivision guide plan, the Local Government shall require a land capability assessment to be undertaken and an overall subdivision guide plan to be prepared for adoption by the Local Government in accordance with Part 2 of the Scheme and endorsement of the Western Australian Planning Commission.'

This clause is required to ensure that land capability assessment is undertaken and subdivision guide plans are created and endorsed for those areas of Special Residential zoned land that are currently without a guide plan.

35. Insertion of a new row between “Caravan Park” and “Regional Centre” in Table 7: Site Requirements, with ‘Clubs and Institutions’ in the Zone column; ‘0.5’ in the Max. Plot Ratio column; ‘11’ in the Min. Setbacks (metres) – Front column; ‘7.5’ in the Min. Setbacks (metres) – Rear column; and ‘3’ in the Min. Setbacks (metres) – Side column.

Table 7 does not presently include provisions for the Clubs and Institutions zone. It has been determined that the values from former Town Planning Scheme No. 1A should be carried over into *Local Planning Scheme No. 1*, with the exception of the value for side setbacks, which was set at “2 per storey” in former *Town Planning Scheme No. 1A*. For ease of use, it has been determined that a single value of 3 would be appropriate.

36. Insertion of a new row between “Caravan Park” and “Regional Centre” in Table 8: Landscaping Requirements, with ‘Clubs and Institutions’ in the Zone column and ‘10’ in the Landscaping Area (% of site) column.

Table 8 does not presently include provisions for the Clubs and Institutions zone. It has been determined that the value for the percentage of the site to be landscaped, which was set at 25% in former *Town Planning Scheme No. 1A* was excessive and a value of 10% would be appropriate, as it is consistent with most other zones.

37. Insertion of the word ‘of’ following the word “preparation” in clause 5.9.1.3 to correct a typographical error.

38. Replacement of

“The local government requires a Structure Plan for a Structure Plan Area, or for any particular part or parts of a Structure Plan Area, before recommending subdivision or approving development of land within the Structure Plan Area.”

with

‘Subject to clause 5.5.3.2, as it applies to Future Urban zoned land, the Local Government shall not recommend subdivision or approve development of land within a Structure Plan Area, prior to the adoption of a Structure Plan under clause 5.9.1.5 of the Scheme for that Structure Plan Area, or any particular part or parts of that Structure Plan Area.’

in clause 5.9.1.3.1, in order to strengthen the clause to prohibit subdivision or development of land within a Structure Plan Area until an appropriate Structure Plan is adopted.

39. Replacement of “Note” with ‘Notes’ at the end of clause 8.2; insertion of ‘1.’ before “Development carried out in accordance with a subdivision approval granted by the Commission is exempt under the Planning and Development Act 2005”; and insertion of a new note as follows:

‘2. Prior to lodging a formal application for planning approval, details of any proposed minor works shall be submitted in writing to the Local Government, so that it may be determined if they are exempt from requiring the formal planning approval of the Local Government.’

The *Heritage of Western Australia Amendment Regulations 2012* have resulted in the owners of State Registered places no longer being required by law to seek the advice of the State Heritage Office on maintenance and minor works to their properties. It has been determined that a formal pre-assessment process would be the most suitable

way of determining whether works are exempt from requiring referral to the State Heritage Office and by extension, the planning approval of the Local Government.

40. Insertion of 'the' following the words "Part 6 of" in sub-clause 8.2(d), part (ii); deletion of the word "or" from the end of part (iii); replacement of the full stop at the end of part (iv) with '; or'; and insertion of a new part as follows:

'(v) The subject of sub-clause 5.6.2(d)(ii)(e) of the Scheme.'

These changes are proposed to correct a typographical error and to clearly cross-reference sub-clause 5.6.2(d)(ii)(e), which requires that the demolition of some buildings would require the planning approval of the Local Government, even though they are not located in a place that has been entered in the *Register of Places* under the *Heritage of Western Australia Act 1990*; the subject of an Order under Part 6 of the *Heritage of Western Australia Act 1990*; included on the Heritage List under clause 7.1 of the Scheme; or located within a Heritage Area designated under the Scheme.

41. Insertion of a new land use definition between "**holiday accommodation**" and "**home business**" in Schedule 1, Part 2 – Land Use Definitions, as follows:

'**holiday house** means a single dwelling on one lot used to provide short-term accommodation for not more than 6 persons but does not include a bed and breakfast/farmstay, a boarding/guest/lodging house, a chalet/cottage unit, or holiday accommodation.'

It has been determined that the Holiday House use is a more appropriate description for the use of a Single House for short-stay accommodation than 'Holiday Accommodation' and is consistent with the City of Albany's *Holiday Homes Local Planning Policy*. The inclusion of a Holiday House use is broadly consistent with the proposed *Planning and Development (Local Planning Schemes) Regulations 2014* and the other land use classifications contained in *Local Planning Scheme No. 1*.

42. Insertion of 'not' into part (v) of the definition of "**home occupation**" in Schedule 1, Part 2 – Land Use Definitions to correct a typographical error and for consistency with the *Town Planning Regulations 1967 Model Scheme Text* definition and proposed *Planning and Development (Local Planning Schemes) Regulations 2014 Model Scheme Text* definition.

43. Replacement of the words "hires" and "provides" with 'hire' and 'provide' in the definition of "**shop**" in Schedule 1, Part 2 – Land Use Definitions to correct a typographical error and for consistency with the *Town Planning Regulations 1967 Model Scheme Text* definition and proposed *Planning and Development (Local Planning Schemes) Regulations 2014 Model Scheme Text* definition.

44. Insertion of a new land use definition between "**single house**" and "**storage**" in Schedule 1, Part 2 – Land Use Definitions, as follows:

'**small bar** means premises the subject of a small bar licence granted under the Liquor Control Act 1988.'

The use of the Small Bar licence class is becoming ever more prevalent and is more suited to areas where traditional licensed venues such as Hotels and Taverns may have adverse impacts on amenity. The inclusion of a Small Bar use is also consistent with the proposed *Planning and Development (Local Planning Schemes) Regulations 2014*.

45. Replacement of "Portion Lot 30 Nanarup Road, Kalgan" with 'Lot 32 Nanarup Road, Kalgan' in the Description of Land column in Schedule 2 – Additional Uses, No. AU8 to provide the correct description of the land following subdivision.

46. Insertion of 'Tavern 'D'' and 'Small Bar 'D'' into the "Special Use" column under "Entertainment Precinct"; 'Holiday Accommodation 'D'', 'Hotel 'D'', 'Small Bar 'D'' and 'Tavern 'A'' into the "Special Use" column under "Accommodation Precinct"; 'Holiday Accommodation 'D'', 'Small Bar 'D'' and 'Tavern 'A'' into the "Special Use" column under "Commercial Precinct"; and 'Small Bar 'D'' and 'Tavern 'A'' into the "Special Use" column under "Town Jetty" in Schedule 4 – Special Use Zones, No. SU15.

"Hotel" is included in the *Albany Waterfront Structure Plan* within the "Accommodation Precinct", but has not been included in *Local Planning Scheme No. 1*. Although 'Motel' is typically a more appropriate definition of the land use, it has been determined that 'Hotel' should be added for consistency of terminology and for flexibility, in terms of the land use definition according with the liquor licence class that may be issued for any licensed premises by the Department of Racing, Gaming and Liquor. It is also considered that with its proposed inclusion in the Scheme, 'Small Bar' should be added to the land use classes listed under the above precincts, as it will allow flexibility, both in terms of land use definitions and liquor licence classes.

"Short-stay Apartments" are listed under the "Accommodation Precinct" and "Commercial Precinct" in the Structure Plan and while this is not a use listed in the Scheme, 'Holiday Accommodation' is listed in the Scheme and is the most approximate use to "Short-stay Apartments". It has been determined that 'Holiday Accommodation' should be listed under the "Accommodation Precinct" and "Commercial Precinct" to facilitate development of self-contained short-stay apartments.

'Tavern' should be included for the same reasons as 'Small Bar'.

47. Insertion of a bullet point before "Caretaker's Accommodation" at the beginning of the second paragraph of Schedule 12 – Conservation Zone Provisions, No. CZ1, provision 3.1 and replacement of the bullet points before the subsequent sub-provisions with letters (a-f) to correct a typographical error and provide a consistent format.

48. Replacement of "as as an archaeological assessment" with 'and an archaeological assessment' and replacement of

"Should such species or sites be identified, the Local Government shall require the selection of an alternative species or sites be identified. The Local Government shall require the selection of an alternative Development Area or the modification of the Development Area so as to protect said sites or rare, endangered and/or threatened species."

with

"Should such species or sites be identified, the Local Government shall require the selection of an alternative Development Area or the modification of the Development Area so as to protect said sites or rare, endangered and/or threatened species."

in Schedule 12 – Conservation Zone Provisions, No. CZ1, provision 4.5 to correct a typographical error and provide clarity.

49. Replacement of “approval of a development” with ‘approval for the development of a dwelling’ in Schedule 12 – Conservation Zone Provisions, no. CZ1, sub-provision 5.6(ii) to improve the wording of the clause and provide clarity.
50. Replacement of “40 metres from any front boundary” with ‘40m from Roberts Road’ in Schedule 14 – Rural Residential Zone No. RR29, sub-provision 5(a) to correct a typographical error. Former *Town Planning Scheme No. 3* prescribed a 40m setback from Roberts Road only.
51. Relocation of existing provision 8 between provisions 5 and 6; renumbering provision 8 as provision 6; and renumbering existing provisions 6 and 7 as provisions 7 and 8 respectively, in Schedule 14 – Rural Residential Zone No. RR29.

The reordering and renumbering of these provisions is required in the interests of clarity; existing provisions 5 and 8 are better to be read in conjunction, as they both relate to setbacks in relation to lot boundaries and the Well Head Protection Zone Buffers.
52. Replacement of “the provisions under “4.0” below” with ‘the provisions of clause 5.5.13.2.8 of the Scheme’ and replacement “Clause 5.1” with ‘provision 6(a) below’ in Schedule 14 – Rural Residential Zone No. RR30, provision 4, bullet point 5 to correct a cross-referencing error.
53. Replacement of “Lot 410” with ‘Lot 401’ in Schedule 14 – Rural Residential Zone No. RR35, sub-provision 6(c) to correct a typographical error.
54. Insertion of a new bullet point with ‘Holiday House’ under “The following land uses are ‘D’ discretionary uses” in Schedule 15 – Special Residential Zone No. SR8, provision 4.

Council had agreed to include ‘Holiday Accommodation’ as a permissible land use in Special Residential zone No. SR8 in response to submission V36 on draft Local Planning Scheme No. 1; however, the inclusion of this land use class was not considered appropriate by the Minister’s Office. It has been determined that the land use class ‘Holiday House’ would be more appropriate.

Altering various parts of the Scheme Maps to correct identified anomalies and errors, and to rezone some portions of land to reflect recent changes in cadastral boundaries and associated land use as follows:

1. Returning a portion of Lot 200 Kitson Street and Reserve 30599 Roundhay Road, Gledhow from the Parks and Recreation local scheme reserve to the General Industry zone and a portion of adjoining Lot 0 from the Parks and Recreation local scheme reserve to the Local Roads local scheme reserve on Map 4 to correct a mapping error.

Lot 200 Kitson Street is privately owned and Reserve 30599 is owned by the City of Albany. Both lots were zoned General Industry under former *Town Planning Scheme No. 3* and were designated as Parks and Recreation local scheme reserves in *Local Planning Scheme No. 1*, in error. Due to the private ownership of Lot 200 Kitson Street, and the condition and location of Reserve 30599, it has been determined that the Parks and Recreation local scheme reserve is as inappropriate designation and that the land should be returned to the General Industry zone. A portion of adjoining Lot 0 forms part of a road reserve and was also designated as a Parks and Recreation local

scheme reserve in *Local Planning Scheme No. 1*, in error. It has been determined that as part of these changes, the affected portion of this lot should be returned to the Local Roads local scheme reserve.

2. Rezoning Reserve 25385 Drummond Street, Lockyer from the Parks and Recreation local scheme reserve to the Clubs and Institutions zone on Map 5.

Reserve 25385 serves the function of a small local neighbourhood park; however, it is not of a sufficient size or shape to justify significant expenditure by the City of Albany. It also adjoins a well developed regional park (Weelara Park).

Parklands School requires additional land for its future requirements. The ability to use Reserve 25385 would allow for reconfiguration of the school, providing a more formal entry to Drummond Street and a greater area for recreational use.

The Department of Regional Development and Lands disposed of the land to the City of Albany, which now owns it in freehold. The City has subsequently entered into a lease and license agreement with Parklands School, whereby 1200m² of the land is leased for the purpose of an Educational Establishment. The remaining 3543m² is licensed to Parklands School for the purpose of Public Open Space and is managed and maintained by the school to the satisfaction of the City. The lease and license were determined by Council at its Ordinary Meetings on 19 March 2013 and 16 July 2013 (see Appendix 1).

It is therefore proposed to transfer this land from the Parks and Recreation local scheme reserve to the Clubs and Institutions zone to reflect the changes in tenure and land use.

3. Transferring Lot 49 Stead Road, Centennial Park from the Local Road local scheme reserve to the Regional Centre Mixed Business zone on Map 5 to correct a mapping error.

Lot 49 Stead Road is privately owned and was zoned Industry under former *Town Planning Scheme No. 1A*. The surrounding area, which had also been zoned Industry, passed to the Regional Centre Mixed Business zone with the introduction of *Local Planning Scheme No. 1*. Lot 49 was designated as a Local Roads local scheme reserve in error and it has been determined that it should be transferred to the Regional Centre Mixed Business zone for consistency with the surrounding land.

4. Including the designation 'IA1' on Lot 392 Chester Pass Road, Walmsley (Ardess Industrial Estate) on Map 8 to correct a mapping error and to correspond with the Scheme text.

5. Replacing the designation "RR1" on the Millbrook Rural Residential area with 'RR3B' on Map 12 to correct a mapping error and to correspond with the Scheme text.

6. Transferring Lot 4440 Pony Club Road, Willyung from the Parks and Recreation local scheme reserve to the Special Residential zone on Map 12 to correct a mapping error.

Lot 4440 is privately owned and was formerly included in the Clubs and Institutions zone, along with the adjacent Reserve 1189 Pony Club Road, which accommodates the King River Pony Club. The lot was designated as a Parks and Recreation local scheme reserve in *Local Planning Scheme No. 1*, in error. However, given the physical separation of Lot 4440 from Reserve 1189 by Willyung Creek, it has been determined more appropriate to transfer Lot 4440 to the adjacent Special Residential zone.

7. Returning portions of Lot 12 Bushby Road and Lots 21, 23, 24 and 25 Shell Bay Road, Lower King from the Residential zone to the Parks and Recreation local scheme reserve on Map 13 to correct a mapping error.

Portions of these lots were designated as Parks and Recreation local scheme reserves under former *Town Planning Scheme No. 3*, but were transferred into the Residential zone in *Local Planning Scheme No. 1*, in error. It has been determined that the land should be returned to the Parks and Recreation local scheme reserve for the protection of the King River foreshore.

8. Rezoning a portion of Lot 33 Nanarup Road, Kalgan from the General Agriculture zone and Additional Use Site No. AU8 to the Rural Residential zone and a portion of Lot 32 Nanarup Road, Kalgan from the Rural Residential zone to the General Agriculture zone and Additional Use Site No. AU8 on Map 14.

This land was rezoned in former Town Planning Scheme No. 3 and subsequently subdivided. However, the new cadastral boundary that resulted from the subdivision does not align with the zoning boundary. It is proposed to correct this anomaly by realigning the zoning boundary to match the cadastral boundary between Lots 32 and 33.

9. Rezoning Lot 2 Station Street, Youngs Siding from the Residential zone to the Local Centre zone on Map 20 to correct a mapping error.

Lot 2 was zoned Service Station under former *Town Planning Scheme No. 3* and was rezoned Residential in *Local Planning Scheme No. 1* in error. As this change has removed potential commercial development rights, it has been determined that a commercial zoning should be reinstated. Given that the former Service Station zone has been replaced at Youngs Siding by the Local Centre zone, it is proposed to rezone Lot 2 to the Local Centre zone as well.

10. Replacing the designation "1C" on the Cape Riche Rural Residential area with 'RR1C' on Map 30 to correct a mapping error and to correspond with the Scheme text.

11. Transferring a portion of Lot 214 Parker Brook Road, Drome from the General Agriculture zone to the Public Use local scheme reserve on Map 36.

The boundary of Lot 214 was recently realigned to encompass a portion of General Agriculture zoned land to the north, for the purpose of extending the runway at Albany Regional Airport. It is proposed to correct the resultant zoning anomaly by transferring this portion of Lot 214 to the Public Use local scheme reserve.

12. Including a Public Drinking Water Sources Special Control Area boundary around the Angove Creek Public Drinking Water Source Area on Maps 37, 40 and 41.

Council had agreed to include a Public Drinking Water Sources Special Control Area boundary around the Angove Creek Public Drinking Water Source Area in response to submission GA15 on draft *Local Planning Scheme No. 1*; however, the inclusion of this Special Control Area would have constituted a major modification to the draft Local Planning Scheme and would have required it to be re-advertised. Furthermore, the Angove Creek Public Drinking Water Source Area had not been finalised and gazetted at the time. Since finalization of the Scheme, the Public Drinking Water Source Area

has been gazetted and it is now proposed to include a Public Drinking Water Sources Special Control Area boundary around it on the Scheme Maps.

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
CITY OF ALBANY
LOCAL PLANNING SCHEME No. 1
AMENDMENT No. 13

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above local planning scheme by:

Altering various parts of the Scheme Text to correct identified anomalies and errors; improve the functionality of some clauses, sub-clauses and provisions; and to bring about greater consistency with model provisions as follows:

1. Table of Contents, Part 11 – replace “ADVERTISEMENTS” with ‘ADVERTISEMENTS’.
2. Table of Contents – after the section headed “SCHEDULES”, insert a new section as follows:

‘TABLES

Table 1 – Zoning Table

Table 2 – Floorspace Limits for Neighbourhood Centres

Table 3 – Floorspace Limits for Local Centres

Table 4 – R1 Density Code Provisions

Table 5 – Car and Bicycle Parking Requirements

Table 6 – Construction Standards for Car Parking Bays

Table 7 – Site Requirements

Table 8 – Landscaping Requirements’

3. Clause 4.2.3(a) – replace “developed for the desirable ultimate long term use” with ‘fully-serviced urban development’.
4. Table 1: Zoning Table – Animal Establishment – replace “X” with ‘D’ in the Priority Agriculture zone.
5. Table 1: Zoning Table – Bed and Breakfast/Farmstay – replace “D” with ‘X’ in the Hotel/Motel zone.
6. Table 1: Zoning Table – Exhibition Centre – replace “X” with ‘A’ in the General Agriculture and Priority Agriculture zones.
7. Table 1: Zoning Table – insert a new row between “Holiday Accommodation” and “Home Business” with ‘Holiday House’ in the Land Use column; a ‘P’ in the Tourist Residential zone; a ‘D’ in the Residential, Regional Centre, Rural Small Holding and Rural Village zones; an ‘A’ in the Yakamia Creek, Regional Centre Mixed Use, General Agriculture and Priority Agriculture zones; and an ‘X’ in all other zones.

8. Table 1: Zoning Table - Insert 'see note 3' after the "Grouped Dwelling" use and insert an additional note at the end of the "Table Notes" at the bottom of the Zoning Table as follows:

³ Grouped dwellings will require the planning approval of the Local Government on land zoned General Agriculture or Priority Agriculture subject to clause 5.5.16.1 of the Scheme.'

9. Table 1: Zoning Table – Grouped Dwelling – replace "X" with 'D' in the General Agriculture and Priority Agriculture zones.
10. Table 1: Zoning Table – Multiple Dwelling – replace "D" with 'X' in the Caravan and Camping zone.
11. Table 1: Zoning Table – Place of Worship – replace "X" with 'A' in the Light Industry and Local Centre zones.
12. Table 1: Zoning Table – Reception Centre – replace "X" with 'A' in the General Agriculture and Priority Agriculture zones.
13. Table 1: Zoning Table – Residential Building – replace "X" with 'A' in the Regional Centre Mixed Use zone.
14. Table 1: Zoning Table – Restaurant – replace "X" with 'A' in the General Agriculture and Priority Agriculture zones.
15. Table 1: Zoning Table – Insert a new row between "Single House" and "Storage" with 'Small Bar' in the Land Use column; a 'D' in the Regional Centre and Regional Centre Mixed Use zones; an 'A' in the Tourist Residential, Hotel/Motel, Clubs & Institutions, Neighbourhood Centre, Local Centre, General Agriculture and Priority Agriculture zones; and an 'X' in all other zones.
16. Table 1: Zoning Table – Tavern – replace "X" with 'A' in the General Agriculture and Priority Agriculture zones.
17. Clause 5.4.1.1 – replace

"The Local Government's objectives in implementing fire protection and bush fire control measures are to:

- d) Identify areas within the City where bush fires pose a threat to life and property;
- e) Require that all land use and development proposals incorporate appropriate fire protection requirements; and
- f) Implement the relevant Western Australian Planning Commission Bushfire Protection policies and guidance."

with

'The Local Government's objectives in implementing fire protection and bush fire control measures are to:

- f) Identify areas within the City where bush fires pose a threat to life and property;
- g) Where bush fire risk is moderate, require that all land use and development proposals incorporate appropriate fire protection requirements;
- h) Implement the relevant Western Australian Planning Commission Bushfire Protection policies and guidance;

- i) Prevent development in areas of extreme bushfire risk, unless that development is unavoidable; and
 - j) Limit clearing of native vegetation where it would be necessary to manage or reduce bushfire risk.'
18. Clause 5.5.3.1 – renumber existing clauses 5.5.3.1 and 5.5.3.2 as 5.5.3.2 and 5.5.3.3 respectively and insert new clause 5.5.3.1, to read as follows:
- 'Subject to clause 5.5.3.2, any lot within the Future Urban zone shall not be developed, used or subdivided, other than in accordance with a Structure Plan adopted under clause 5.9.1.5 of the Scheme.'
19. Table 2: Floorspace Limits for Neighbourhood Centres – replace "Shopping Centre Name" with 'Locality'; "Albany Centro" with 'Lange (Brooks Garden)'; and "North Road" with 'Yakamia (North Road)' in the first column and delete "1003, 1004 and 1005" from the "Description of Affected" Land column.
20. Clause 5.5.12.6 – insert a comma following the word "panel".
21. Sub-clause 5.5.13.2.1(a) – replace "form" with 'from'.
22. Subclause 5.5.13.2.2(c) – replace "20" with '15' in bullet point two.
23. Clause 5.5.13.2.2 Fire Protection – insert a new sub-clause as follows:
- '(f) Water for fire fighting purposes shall be made available as follows:
 - (iv) The installation of fire hydrants (connected to the Water Corporation reticulated water supply); or
 - (v) 50,000 litre water tanks with hydrants or standpipes provided at a rate of one per 25 lots, which are designed and constructed to the satisfaction of the Local Government; have a procedure in place to ensure that they are maintained at full capacity at all times; use galvanised or copper pipe above ground or PVC if buried at least 300 millimetres deep; and have a hardstand and turning area suitable for a 3.4 fire appliance adjacent to the hydrant/standpipe; or
 - (vi) Where individual 92,000 litre water supplies are provided on lots, in accordance with clause 5.6.9 of the Scheme, landowners shall ensure that tanks are designed so that the lower 32,000 litres are set aside for firefighting purposes by means of a dual tap system to the specification and satisfaction of the Local Government.'
24. Clause 5.5.13.2.10 Water Supply – insert '(a)' at the start of the existing clause and replace the full stop at the end with '; or' and insert a new sub-clause as follows:
- '(b) Where it is demonstrated that a reticulated water supply from a licensed water service provider cannot be provided to each lot, a potable water supply is required to each dwelling and shall be the responsibility of the landowner in accordance with clause 5.6.9 of the Scheme.'
25. Section 5.5.13 Rural Residential Zone – insert a new clause as follows:
- '5.5.13.4 Subdivision
- Prior to supporting the subdivision of areas within the Rural Residential zone that are not already the subject of an endorsed subdivision guide plan, the Local Government shall require a land capability assessment to be undertaken and an overall subdivision

guide plan to be prepared for adoption by the Local Government in accordance with Part 2 of the Scheme and endorsement of the Western Australian Planning Commission.'

26. Sub-clause 5.5.15.2.3(b) – replace “20” with ‘15’ in bullet point two.

27. Clause 5.5.15.2.3 Fire Protection – insert a new sub-clause as follows:

‘(f) Water for fire fighting purposes shall be made available as follows:

(iii) 50,000 litre water tanks with hydrants or standpipes provided at a rate of one per 25 lots, which are designed and constructed to the satisfaction of the Local Government; have a procedure in place to ensure that they are maintained at full capacity at all times; use galvanised or copper pipe above ground or PVC if buried at least 300 millimetres deep; and have a hardstand and turning area suitable for a 3.4 fire appliance adjacent to the hydrant/standpipe; or

(iv) Where individual 92,000 litre water supplies are provided on lots, in accordance with clause 5.6.9 of the Scheme, landowners shall ensure that tanks are designed so that the lower 32,000 litres are set aside for firefighting purposes by means of a dual tap system to the specification and satisfaction of the Local Government.'

28. Clause 5.5.16.1 – replace “Single Houses” with ‘Grouped Dwellings’.

29. Clause 5.5.16.4 – replace “complies with an endorsed Local Planning Strategy prepared in accordance with Statement of Planning Policy 2.5 – Agriculture and Rural Land Use Planning.”

with

‘is in accordance with one of the exceptional circumstances outlined in the Western Australian Planning Commission’s *Development Control Policy 3.4 – Subdivision of Rural Land*.’

30. Sub-clause 5.5.18.2.2(b) – replace “20” with ‘15’ in bullet point two.

31. Clause 5.5.18.2.2 – replace sub-clauses ‘(i)’ and ‘(j)’ with the following:

‘(i) Water for fire fighting purposes shall be made available by the installation of fire hydrants connected to the Water Corporation reticulated water supply.’

32. Clause 5.5.18.2.14(a) – replace “Rural Residential” with ‘Special Residential’.

33. Sub-clause 5.5.18.2.14(a)(ii) – replace “Schedule 16” with ‘Schedule 15’.

34. Section 5.5.13 Special Residential Zone – insert new clause as follows:

‘5.5.18.4 Subdivision

Prior to supporting the subdivision of areas within the Special Residential zone, not already the subject of an endorsed subdivision guide plan, the Local Government shall require a land capability assessment to be undertaken and an overall subdivision guide plan to be prepared for adoption by the Local Government in accordance with Part 2 of the Scheme and endorsement of the Western Australian Planning Commission.’

35. Table 7: Site Requirements – insert a new row between “Caravan Park” and “Regional Centre” with ‘Clubs and Institutions’ in the Zone column; ‘0.5’ in the Max. Plot Ratio column; ‘11’ in the Min. Setbacks (metres) – Front column; ‘7.5’ in the Min. Setbacks (metres) – Rear column; and ‘3’ in the Min. Setbacks (metres) – Side column.
36. Table 8: Landscaping Requirements – insert a new row between “Caravan Park” and “Regional Centre” with ‘Clubs and Institutions’ in the Zone column and ‘10’ in the Landscaping Area (% of site) column.
37. Clause 5.9.1.3 – insert the word ‘of’ following the word “preparation”.
38. Clause 5.9.1.3.1 – replace
“The local government requires a Structure Plan for a Structure Plan Area, or for any particular part or parts of a Structure Plan Area, before recommending subdivision or approving development of land within the Structure Plan Area.”
with
‘Subject to clause 5.5.3.2, as it applies to Future Urban zoned land, the Local Government shall not recommend subdivision or approve development of land within a Structure Plan Area, prior to the adoption of a Structure Plan under clause 5.9.1.5 of the Scheme for that Structure Plan Area, or any particular part or parts of that Structure Plan Area.’
39. Sub-clause 8.2(b) – replace “Note” with ‘Notes’ at the end of clause 8.2; insert ‘1.’ Before “Development carried out in accordance with a subdivision approval granted by the Commission is exempt under the Planning and Development Act 2005”; and insert a new note as follows:

‘2. Prior to lodging a formal application for planning approval, details of any proposed minor works shall be submitted in writing to the Local Government, so that it may be determined if they are exempt from requiring the formal planning approval of the Local Government.’
40. Sub-clause 8.2(d) – insert ‘the’ following the words “Part 6 of” in part (ii); delete the word “or” from the end of part (iii); replace the full stop at the end of part (iv) with ‘; or’; and insert a new part as follows:

‘(v) The subject of sub-clause 5.6.2(d)(ii)(e) of the Scheme.’
41. Schedule 1, Part 2 – Land Use Definitions – insert a new land use definition between “**holiday accommodation**” and “**home business**” as follows:

‘**holiday house** means a single dwelling on one lot used to provide short-term accommodation for not more than 6 persons but does not include a bed and breakfast/farmstay, a boarding/guest/lodging house, a chalet/cottage unit, or holiday accommodation.’
42. Schedule 1, Part 2 – Land Use Definitions – insert ‘not’ into part (v) of the definition of “**home occupation**”.
43. Schedule 1, Part 2 – Land Use Definitions – replace the words “hires” and “provides” with ‘hire’ and ‘provide’ in the definition of “**shop**”.
44. Schedule 1, Part 2 – Land Use Definitions – insert a new land use definition between “**single house**” and “**storage**” as follows:

‘small bar means premises the subject of a small bar licence granted under the Liquor Control Act 1988.’

45. Schedule 2 – Additional Uses, No. AU8 – replace “Portion Lot 30 Nanarup Road, Kalgan” in the Description of Land column with ‘Lot 32 Nanarup Road, Kalgan’.
46. Schedule 4 – Special Use Zones, No. SU15 – insert ‘Tavern ‘D’ and ‘Small Bar ‘D’ into the “Special Use” column under “Entertainment Precinct”; ‘Holiday Accommodation ‘D’’, ‘Hotel ‘D’’, ‘Small Bar ‘D’ and ‘Tavern ‘A’ into the “Special Use” column under “Accommodation Precinct”; ‘Holiday Accommodation ‘D’’, ‘Small Bar ‘D’ and ‘Tavern ‘A’ into the “Special Use” column under “Commercial Precinct”; and ‘Small Bar ‘D’ and ‘Tavern ‘A’ into the “Special Use” column under “Town Jetty”.
47. Schedule 12 – Conservation Zone Provisions, No. CZ1, provision 3.1 – bullet point “Caretaker’s Accommodation” at the beginning of the second paragraph and replace the bullet points before the subsequent sub-provisions under with letters (a-f).
48. Schedule 12 – Conservation Zone Provisions, No. CZ1, provision 4.5 – replace “as as an archaeological assessment” with ‘and an archaeological assessment’ and replace

“Should such species or sites be identified, the Local Government shall require the selection of an alternative species or sites be identified. The Local Government shall require the selection of an alternative Development Area or the modification of the Development Area so as to protect said sites or rare, endangered and/or threatened species.”

with

“Should such species or sites be identified, the Local Government shall require the selection of an alternative Development Area or the modification of the Development Area so as to protect said sites or rare, endangered and/or threatened species.”
49. Schedule 12 – Conservation Zone Provisions, no. CZ1, sub-provision 5.6(ii) – replace “approval of a development” with ‘approval for the development of a dwelling’.
50. Schedule 14 – Rural Residential Zone No. RR29, sub-provision 5(a) – replace “40 metres from any front boundary” with ‘40m from Roberts Road’.
51. Schedule 14 – Rural Residential Zone No. RR29, provision 8 – relocate existing provision 8 under provision 5 and renumber as provision 6; renumber existing provisions 6 and 7 as provisions 7 and 8 respectively.
52. Schedule 14 – Rural Residential Zone No. RR30, provision 4, bullet point 5 – replace “the provisions under “4.0” below” with ‘the provisions of clause 5.5.13.2.8 of the Scheme’ and replace “Clause 5.1” with ‘provision 6(a) below’.
53. Schedule 14 – Rural Residential Zone No. RR35, sub-provision 6(c) – replace “Lot 410” with ‘Lot 401’.
54. Schedule 15 – Special Residential Zone No. SR8, provision 4 – insert a new bullet point and ‘Holiday House’ under “The following land uses are ‘D’ discretionary uses”.

Altering various parts of the Scheme Maps to correct identified anomalies and errors, and to rezone some portions of land to reflect recent changes in cadastral boundaries and associated land use as follows:

1. Map 4 – return a portion of Lot 200 Kitson Street and Reserve 30599 Roundhay Road, Gledhow from the Parks Recreation local scheme reserve to the General Industry zone and a portion of adjoining Lot 0 from the Parks and Recreation local scheme reserve to the Local Roads local scheme reserve.

2. Map 5 – transfer Reserve 25385 Drummond Street, Lockyer from the Parks and Recreation local scheme reserve to the Clubs and Institutions zone.
3. Map 5 – transfer Lot 49 Stead Road, Centennial Park from the Local Road local scheme reserve to the Regional Centre Mixed Business zone.
4. Map 8 – include the designation ‘IA1’ on Lot 392 Chester Pass Road, Walmsley (Ardess Industrial Estate).
5. Map 12 – replace the designation “RR1” on the Millbrook Rural Residential area with ‘RR3B’.
6. Map 12 – transfer Lot 4440 Pony Club Road, Willyung from the Parks and Recreation local scheme reserve to the Special Residential zone.
7. Map 13 – return portions of Lot 12 Bushby Road and Lots 21, 23, 24 and 25 Shell Bay Road, Lower King from the Residential zone to the Parks and Recreation local scheme reserve.
8. Map 14 – rezone a portion of Lot 33 Nanarup Road, Kalgan from the General Agriculture zone and Additional Use Site No. AU8 to the Rural Residential zone and a portion of Lot 32 Nanarup Road, Kalgan from the Rural Residential zone to the General Agriculture zone and Additional Use Site No. AU8.
9. Map 20 – rezone Lot 2 Station Street, Youngs Siding from the Residential zone to the Local Centre zone.
10. Map 30 – replace the designation “1C” on the Cape Riche Rural Residential area with ‘RR1C’.
11. Map 36 – transfer a portion of Lot 214 Parker Brook Road, Drome from the General Agriculture zone to the Public Use local scheme reserve.
12. Maps 37, 40 and 41 – include a Public Drinking Water Sources Special Control Area boundary around the Angove Creek Public Drinking Water Source Area.

PLANNING AND DEVELOPMENT ACT 2005
CITY OF ALBANY
LOCAL PLANNING SCHEME No. 1
AMENDMENT No. 13
ADOPTION

Adopted by resolution of the City of Albany at the meeting of the Council held on the _____ day of _____ 2015

Mayor

Chief Executive Officer

FINAL APPROVAL

Adopted for final approval by resolution of the City of Albany at the Meeting of the Council held on the _____ day of _____ 20__ and the Common Seal of the City of Albany was hereunto affixed by the authority of a resolution of the Council in the presence of:

Mayor

Chief Executive Officer

Recommended/Submitted for Final Approval

Delegated Under S.16
of the PD Act 2005

Date

Final Approval Granted

Minister for Planning

Date

APPENDIX 1

MINUTE OF ORDINARY MEETING OF COUNCIL 19 MARCH 2013 – ITEM 4.5

MINUTE OF ORDINARY MEETING OF COUNCIL 16 JULY 2013 – ITEM 4.5