



APPENDICES

ORDINARY MEETING OF COUNCIL

**To be held on
Tuesday, 19 July 2011
7.00pm
City of Albany Council Chambers**

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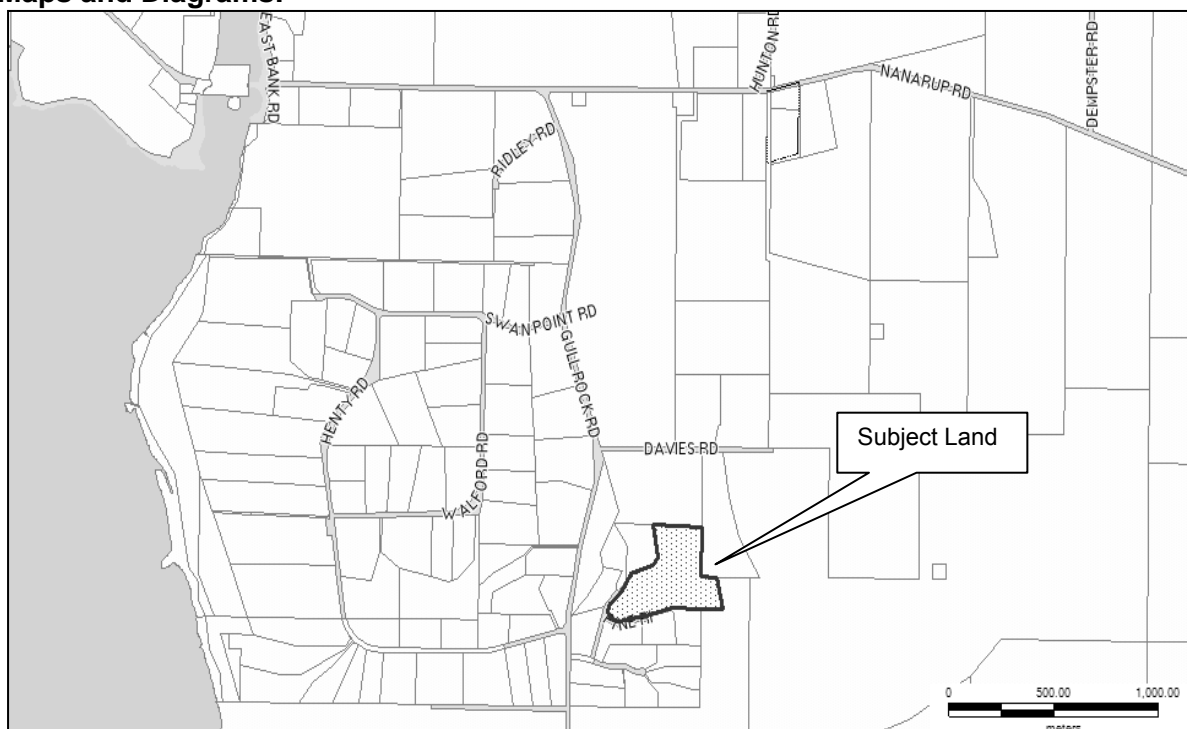
DRAFT

1.2: INITIATION OF SCHEME AMENDMENT - LOT 600 PINE RISE, KALGAN

Councillor Hammond declared a financial interest and left the Chamber at 7.54PM.

File Number (Name of Ward)	: AMD 275 (Kalgan Ward)
Land Description	: Lot 600 Pine Rise, Kalgan
Disclosure of Interest	: Nil
Proponent	: Harley Global
Owner	: P & S Liddiard
Business Entity Name	: Nil
Previous Reference	: Nil
Attachment(s)	: Subdivision Guide Plan (with recommended modifications)
Appendices	: Scheme Amendment document (AMD 275)
Consulted References	: Albany Local Planning Strategy
Reporting Officer(s)	: Assistant Planning Officer (T Gunn)
Responsible Officer	: E/Director Planning and Development Services (G Bride)

Maps and Diagrams:



IN BRIEF

- Council is requested to consider a Scheme Amendment to rezone Lot 600 Pine Rise, Kalgan from the 'Special Use' and 'Rural' zones to the 'Special Rural' zone.
- The proposal is consistent with the Albany Local Planning Strategy and it is recommended that the amendment be initiated by Council.

BACKGROUND

1. Amendment No. 275 proposes to amend Town Planning Scheme (TPS) No. 3 by rezoning Lot 600 Pine Rise, Kalgan from the 'Special Use' and 'Rural' zone to the 'Special Rural' zone. Under the proposal the subject lot will be added to adjacent Special Rural Zone No. 6, which provides for a range of development and land use controls over the area known as Swan Point.
2. The document includes a subdivision guide plan that proposes to subdivide the subject land into three lots, with all lots meeting the minimum lot size requirement of 2 hectares as per the provisions of Special Rural Area No. 6.
3. The lot is just over 12.7 hectares in area, and is located approximately 12 km north-east of the Albany City Centre. The lot is currently accessed via Nanarup and Gull Rock Roads.
4. The lot is mostly surrounded by Special Rural lots that form part of Special Rural Area No.6. The lot is also bordered by two agricultural rural lots, with the northern rural lot currently being used for a turf farm. An 'A' Class Reserve (Reserve 28690) set aside for the purposes of "*Conservation of Flora*" is also located to the east of the site.

DISCUSSION

5. The lot includes a valley with an associated watercourse which feeds a total of three dams. The land slopes upward to the north-east, gradually getting steeper as it reaches the corner of the northern and eastern boundaries.
6. The majority of the site is currently zoned 'Special Use' Area No.14, which allows for the following additional tourist uses;
 - Freshwater fish production and sale.
 - Holiday Chalets – short stay accommodation.
 - Restaurant.
 - Cultural use.
 - Private Recreation.
 - Shop and Office incidental to the primary uses.
 - Dwellings for manager and staff; and
 - Ancillary tourist facilities.
7. A dwelling stands along the south-eastern corner of the lot, with a chalet located on proposed Lot B and several other outbuildings also located on the property. The limited tourist related uses on the site have ceased; the proponent has stated that these uses are not viable or sustainable due to the lack of exposure to a main tourist route and the surrounding development and land uses.

8. The site currently has a dual zoning as there is a 1 hectare pocket of land located in the south-eastern corner of the site which is zoned rural, and the Scheme Amendment proposes to rectify this anomaly.
9. The subject site is currently connected to power and telecommunications services. Reticulated water and sewer is not available and an effluent disposal system will need to be provided on site which is similar to surrounding properties.
10. In terms of vehicular access, proposed Lot A will be accessed via a battleaxe driveway from Valley Pond Heights. Access to Lot B will be via the existing crossover that services the Valley Ponds homestead and access to Lot C will be via a new crossover at the end of the cul-de-sac of Pine Rise.
11. There are two main strips of vegetation on the site, one is the native vegetation belt which runs from south-west to north-east on the top half of the site, with the other being the introduced pine tree belt that follows the southern boundary line. There is also native vegetation loosely scattered across the site. Given the vegetation that currently exists on site and to ensure adequate fire safety measures are in place it would be a requirement that any buildings constructed on proposed Lot A would be built to the requirements of AS 3959-2009 '*Construction of Buildings in Bushfire Prone Areas*'. This has been proposed through the insertion of a new clause, being Clause 10.8 within Special Rural Area No. 6.
12. There has been some discussion in relation to the location of the strategic firebreak (SFB) which had been identified inside the adjacent reserve. This proposal would rely on the DEC and surrounding landowner to maintain fire safety measures for this development, which is not considered appropriate. In discussions with the proponent and Council's Emergency Services Coordinator a more acceptable location would be to have the SFB on the subject lot, running along the eastern and northern boundary lines and following the driveways of proposed Lots A and C through to Valley Pond Heights and Pine Rise. It is recommended that the SFB be modified as per the attachment at the rear of this report.
13. Directly to the north of the site is a rural property and the land is currently used as a turf farm. Although the ALPS designates the site for rural residential purposes in the future, there may be a land use conflict between proposed Lot A and the turf farm in terms of noise, odours, dust etc, from the farming practises (pesticides and machinery) in the interim period. It is therefore recommended that a new clause be inserted into the special provisions for Special Rural Area No. 6 requiring the placement of a Section 70A Notification on the title at the time of subdivision for the subject land to make potential purchasers of Lot A aware that they may be affected by emissions associated with the rural activity on Lot 21 Davies Road, Kalgan.
14. The area has been identified as being suitable for 'Rural Residential' development in the Albany Local Planning Strategy (ALPS). The proposal seeks to rezone the lot to create an extension to Special Rural Area No.6, in keeping with the objectives of Section 8.3.5 of the ALPS.

15. Overall, the proposal is considered to be consistent with State Planning Policy and the strategic planning direction set by the ALPS.

PUBLIC CONSULTATION/ENGAGEMENT

16. Should Council initiate the amendment and the Environmental Protection Authority (EPA) decides not to assess the proposal, the Amendment will be advertised to all affected and surrounding landowners.

GOVERNMENT CONSULTATION

17. Should Council initiate the Amendment and the EPA decides not to assess the proposal, the Amendment will be referred to all relevant Government agencies for comment, including the Department of Water (DOW) for a formal response.

STATUTORY IMPLICATIONS

18. All Scheme Amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.
19. Council's resolution under Section 75 of the *Planning and Development Act 2005* is required to amend the Scheme.
20. An Amendment to a Town Planning Scheme adopted by resolution of a Local Government must then be referred to the EPA for assessment.
21. Advertising of an Amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the Amendment is environmentally acceptable.
22. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

FINANCIAL IMPLICATIONS

23. There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

24. Council's decision on the Scheme Amendment should be consistent with the objectives of the Albany Local Planning Strategy (ALPS) as the principal land use planning strategy for the City.
25. Section 8.3.1 – *Strategic Settlement Direction* sets the following Strategic Objective:

“Facilitate and manage sustainable settlement growth for the urban area in the City of Albany”.

This objective is supported by a set of aims that have been devised to contain the spread of fragmented urban and rural living areas in the City. They are as follows:

- *Providing for growth in urban areas, rural townsites and rural living areas as designated in ALPS.*
- *Minimising the development footprint on the landscape to help protect biodiversity and the environment.*
- *Promoting energy conservation.*
- *Providing greater housing choice.*
- *Minimising journey length from home to work/school/services and encouraging the use of public transport, cycling and walking.*
- *Reducing government expenditure on servicing current and future populations.*

26. Section 8.3.5 – *Rural Living* sets the following Strategic Objective:

“In the long term encourage the efficient use of existing rural living areas, based on land capability to maximise their development potential.”

The ALPS expands on this by stating that: “The strategy’s objectives for Rural Living areas are to:

- *Discourage the creation of additional rural townsites for living purposes.*
- *Avoid the development of Rural Living areas on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity.*
- *Avoid the development of Rural Living areas on future and potential long-term urban areas.*
- *Provide compact growth of selected existing rural townsites in accordance with Table 5, based on land capability and available services and facilities.*
- *Minimise potential for generating land-use conflicts.*

Existing Rural Residential areas in the ALPS are mainly on the fringe of the proposed Future Urban area.

Existing Special Rural and Special Residential zones in the City’s current Town Planning Scheme are fragmented and located within or next to rural areas on the periphery of the Albany urban area, along the King and Kalgan Rivers and around Princess Royal and Oyster Harbours. These zones are at different stages of development and not required to be connected to reticulated sewerage. Some of the outer areas, such as Millbrook and most of Gull Rock, are also not connected to reticulated water”.

27. Overall, the proposal is considered to be consistent with the ALPS on the basis that:

- The proposal will not create additional rural town sites;
- The subject land is not productive agricultural land, does not have known regionally significant natural resources, and although the property is adjacent to a vegetated reserve the proponent has undertaken an analysis of the fire risk relevant to the proposal (which is acceptable as long as the future building is constructed to AS3959);
- The proposal seeks to add one additional dwelling over the subject land which will be on the higher portion of the lot where sufficient clearance from the water table has been observed;
- The proposal is designated in the ALPS as Rural Residential.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

29. Council has the following options in relation to this item, which are:
- To resolve to initiate the Scheme Amendment without modifications;
 - To resolve to initiate the Scheme Amendment with modifications; or
 - To resolve not initiate the Scheme Amendment.
30. A resolution to initiate an Amendment to a Town Planning Scheme adopted by resolution of a Local Government must be referred to the Environmental Protection Authority (EPA) for assessment.
31. Advertising of an Amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the Amendment is environmentally acceptable.

SUMMARY CONCLUSION

32. The proposal seeks to rezone the lot from the 'Special Use' and 'Rural' zone to the 'Special Rural' zone which will be a small addition to existing Special Rural Area No. 6. It is considered that this would remove uses of the land that are poorly planned and undefined in the Scheme, and will allow the consolidation of existing Special Rural development in the area, which is considered to be in keeping with the objectives of Section 8.3.5 of the ALPS.
33. Staff recommend that the Scheme Amendment be initiated subject to the following modifications:
- A. The realignment of the strategic firebreak as shown on the attachment to the rear of this report.

- B. A new clause being added into Special Rural Area No. 6 requiring the lodgement of a Section 70A notification at the time of subdivision advising potential purchasers of Lot A that they may be affected by emissions associated with the rural activity on Lot 21 Davies Road, Kalgan.

ITEM 1.2: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council in pursuance of Section 75 of the *Planning and Development Act 2005* and *Regulation 25(1)(c)* of the *Town Planning Regulations 1967* resolves to INITIATE Amendment No. 275 to Town Planning Scheme No. 3, subject to the modifications as detailed in Paragraph 33 of the above report, for the purposes of:

- 1) Rezoning Lot 600 Pine Rise, Kalgan from the 'Special Use' and 'Rural' zones to the 'Special Rural' zone;
- 2) Remove 'Special Use Zone No.14' from Schedule III of the Scheme Text;
- 3) Modifying Schedule I – Special Rural Zones – to include reference to Lot 600 Pine Rise, Kalgan in 'Special Rural' Area No. 6; and
- 4) Amending the Scheme Maps accordingly.

ITEM 1.2: RESOLUTION (Responsible Officer Recommendation)

MOVED: COUNCILLOR LEAVESLEY
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-0

Councillor Hammond left the chamber and did not participate in the discussion or vote, having declared a financial interest.

Councillor Hammond returned to the chamber at 7.55PM.

Albany Waterfront Planning Framework Report

2nd Edition

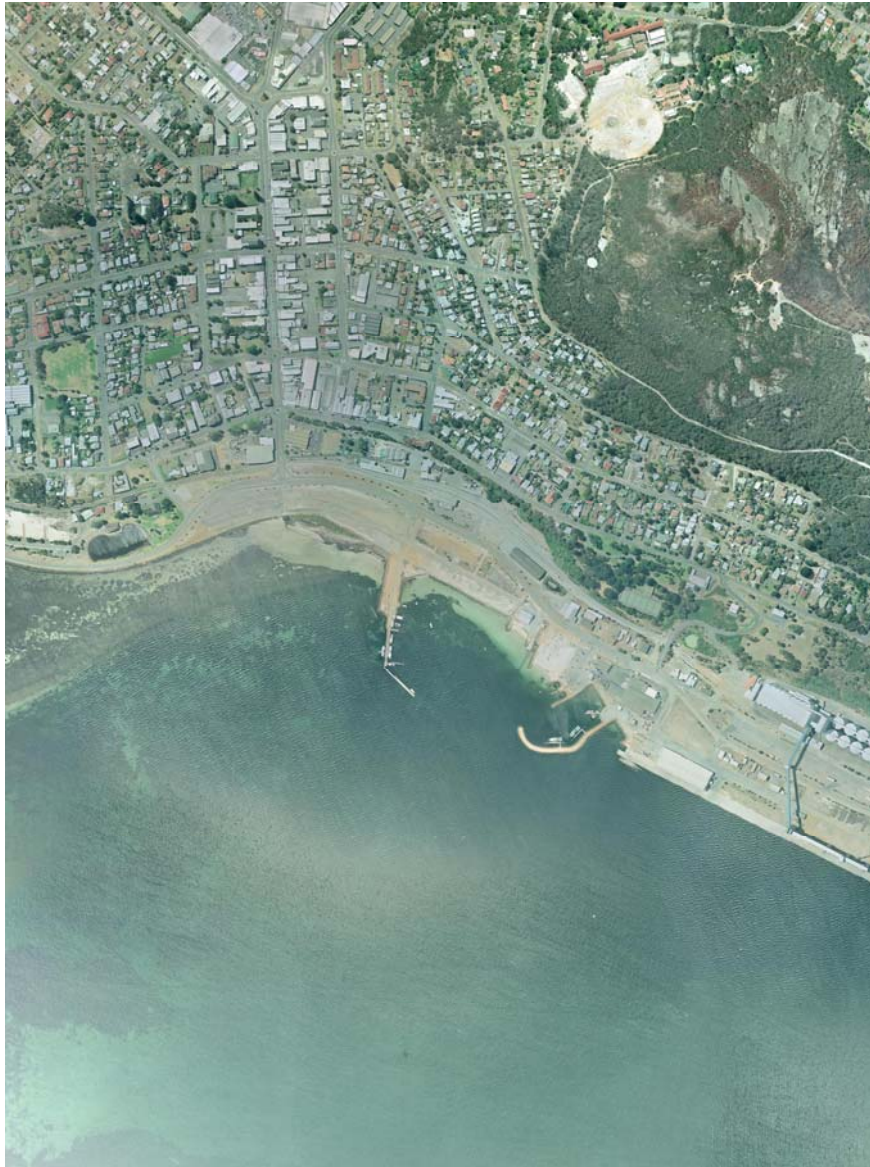


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Submitted by Hames Sharley on behalf of LandCorp in February 2006 and revised in March 2011 to include changes involving an increase in area of the hotel, short-stay and mixed-use components of the waterfront development.



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.

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



- The new marina has been enlarged to allow for 150 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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Structure Plan Report



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 dress circle 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.



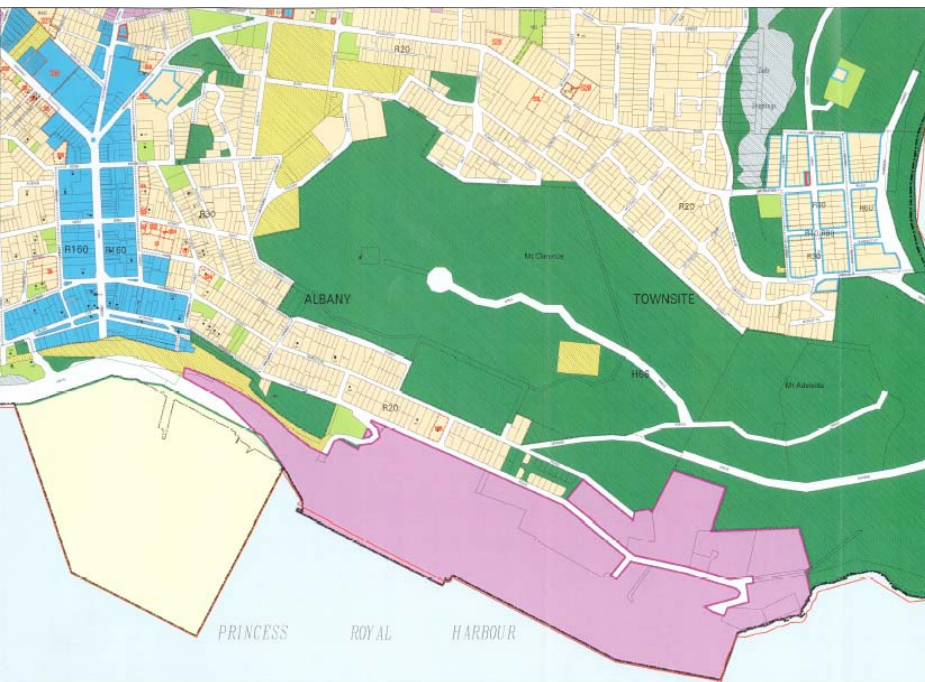
The site is very visible from the CBD and its surrounds due to the fact that Albany rises from its shore line. When the development is complete it will make a significant positive contribution to the overall townscape and act as a magnet drawing people to the foreshore area.



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



Design Overview

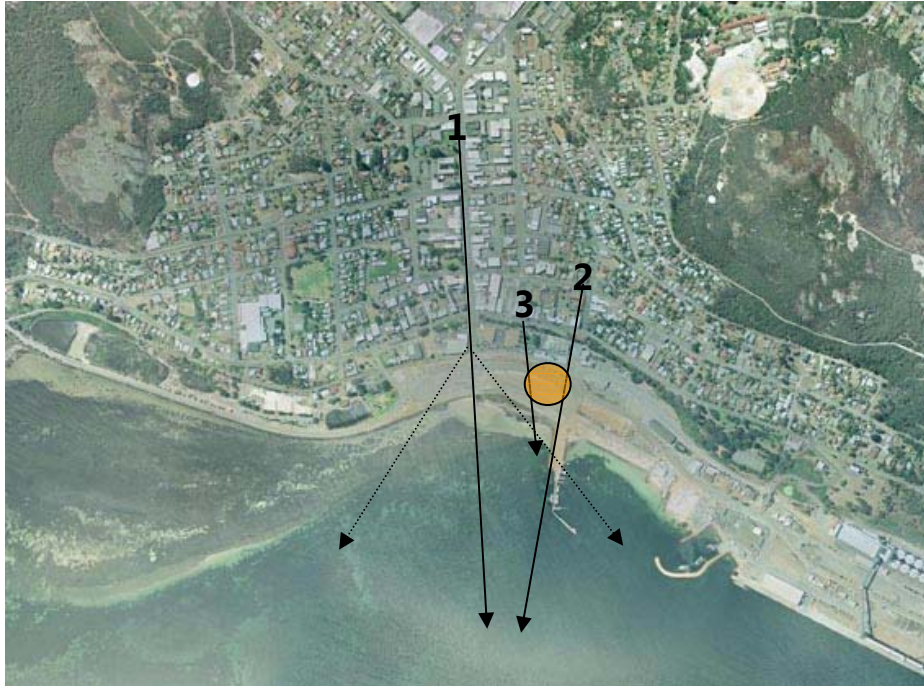
The Structure Plan sits within a site envelope of approximately 6.7hecatres (inclusive of development sites along the new breakwater and fishing industry hard stand areas and boat trailer parking). The total building area, when fully developed will be in the order of 31,000m². Approximately 12,000m² is devoted to public spaces (promenade, park, protected courtyards).

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 150 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

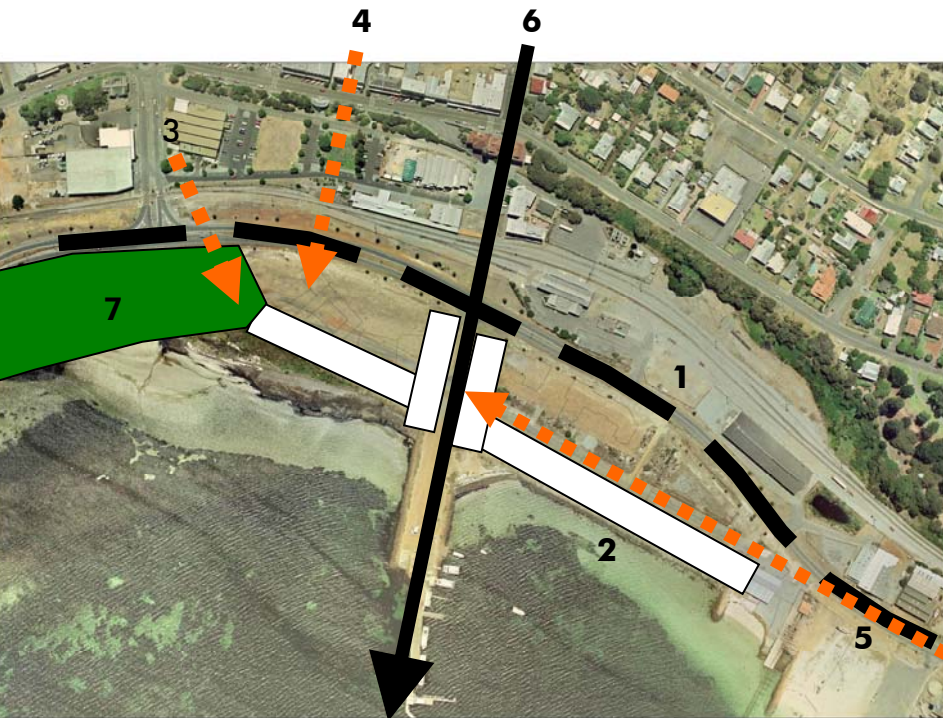




Preserving existing view lines has been a major determinant in the planning of the Albany Waterfront.

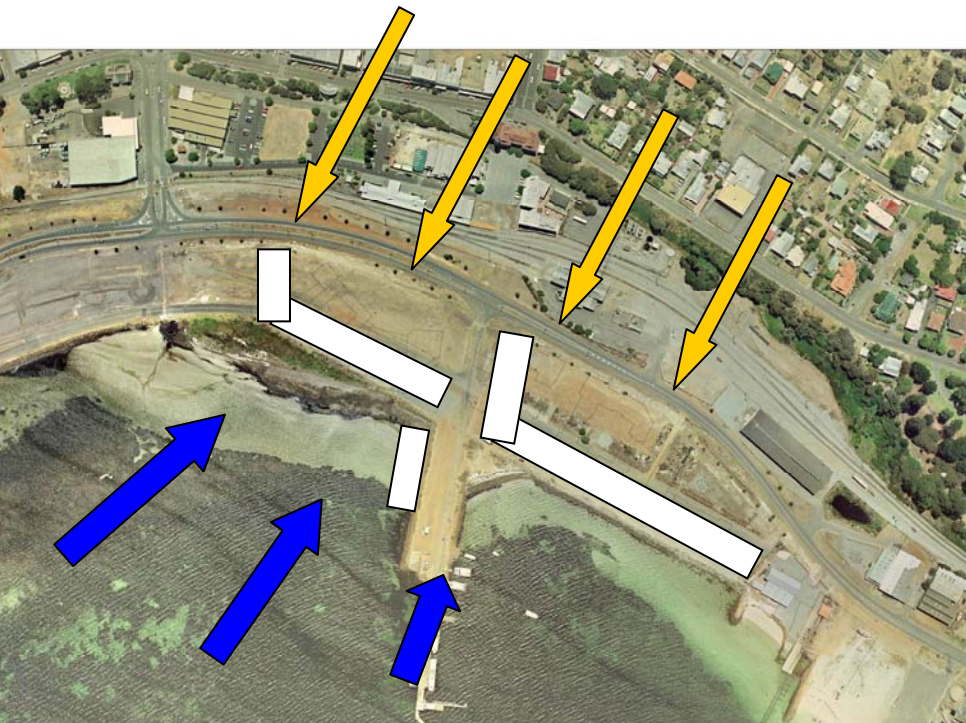
The York Street [1] and the Spencer Street [2] axes have been shown on this photograph. Both of these axes impact on the design because each defines a view which must not be blocked. At the base of York Street a view shed to Princess Royal Harbour occurs which begins to define the positioning of buildings 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.





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]



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.

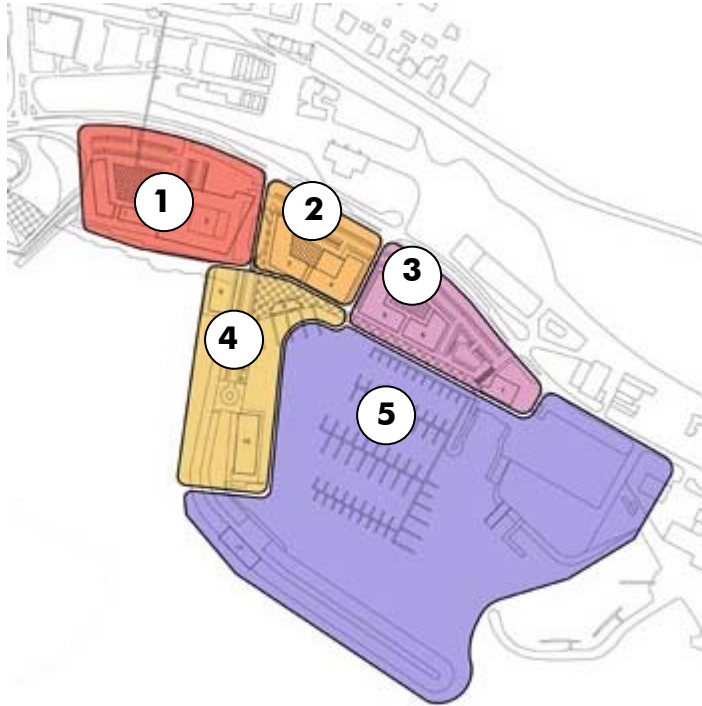
Precincts

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



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

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

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 with potential to use roof volume
	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

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 within parapets would be suitable. The use of green roofs is strongly 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:

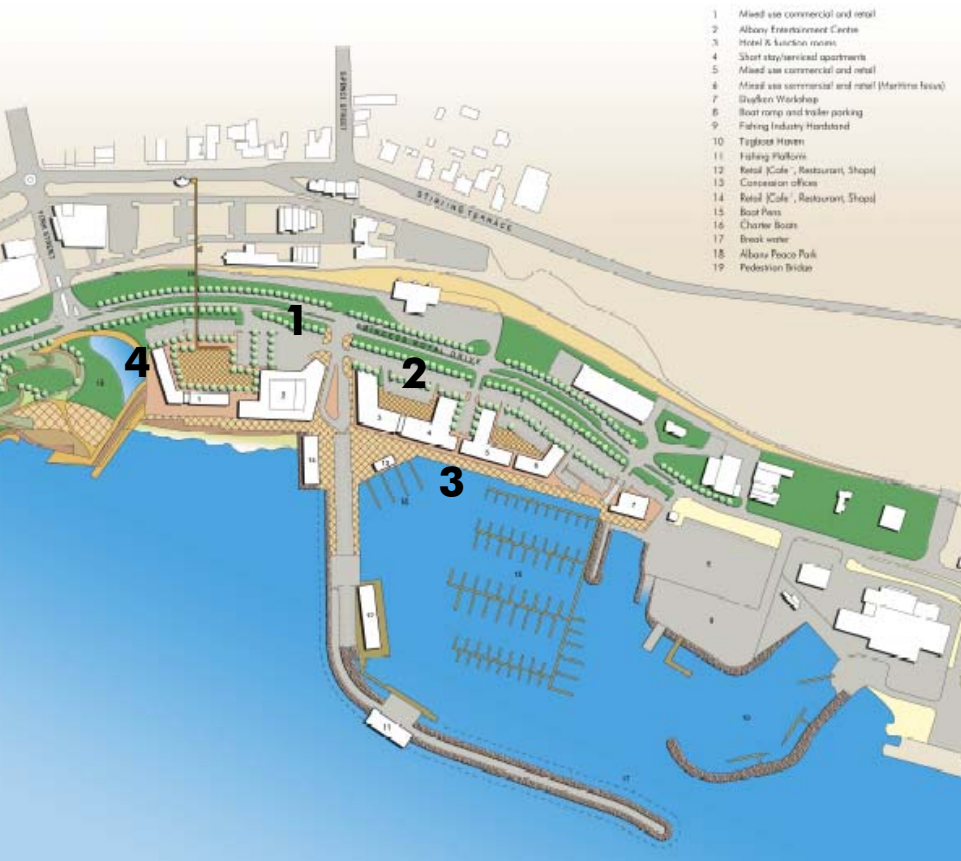
- Open space for family and social gatherings
- A large pre-performance gathering space associated with the AEC
- A potential 'market-style' area which could be used for community based markets

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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Structure Plan Report

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]

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

- 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.

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

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.



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.

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.

- | | | | |
|-----|---------------------------------|-----|--------------------------------------|
| 1. | Materials | 18. | Traffic Noise |
| 2. | Setbacks | 19. | Safety and Security |
| 3. | Elevations | 20. | External Lighting |
| 4. | Parking | 21. | Environment |
| 5. | Roofscape | 22. | Marina and Water's Edge |
| 6. | Active Frontages | 23. | Site Facilities |
| 7. | Northern Orientation | 24. | Short-Term Residential Site Planning |
| 8. | Signage | 25. | Site Planning |
| 9. | Pedestrian Access and Bicycles | | |
| 10. | Awnings, Canopies and Balconies | | |
| 11. | Levels and Height Management | | |
| 12. | Public Art | | |
| 13. | Vehicle Management | | |
| 14. | Landscape | | |
| 15. | Resource Efficiency | | |
| 16. | Colours | | |
| 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.

- 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 most 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 are not encouraged.

- 5.5 Low pitch roofs ($<5^{\circ}$) concealed by parapet walls are to be used on taller buildings such as the hotel and short-stay apartments. Serious 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 with parapets required for hotel and short-stay apartments.
Green roofs are encouraged.

- 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

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.

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.

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.

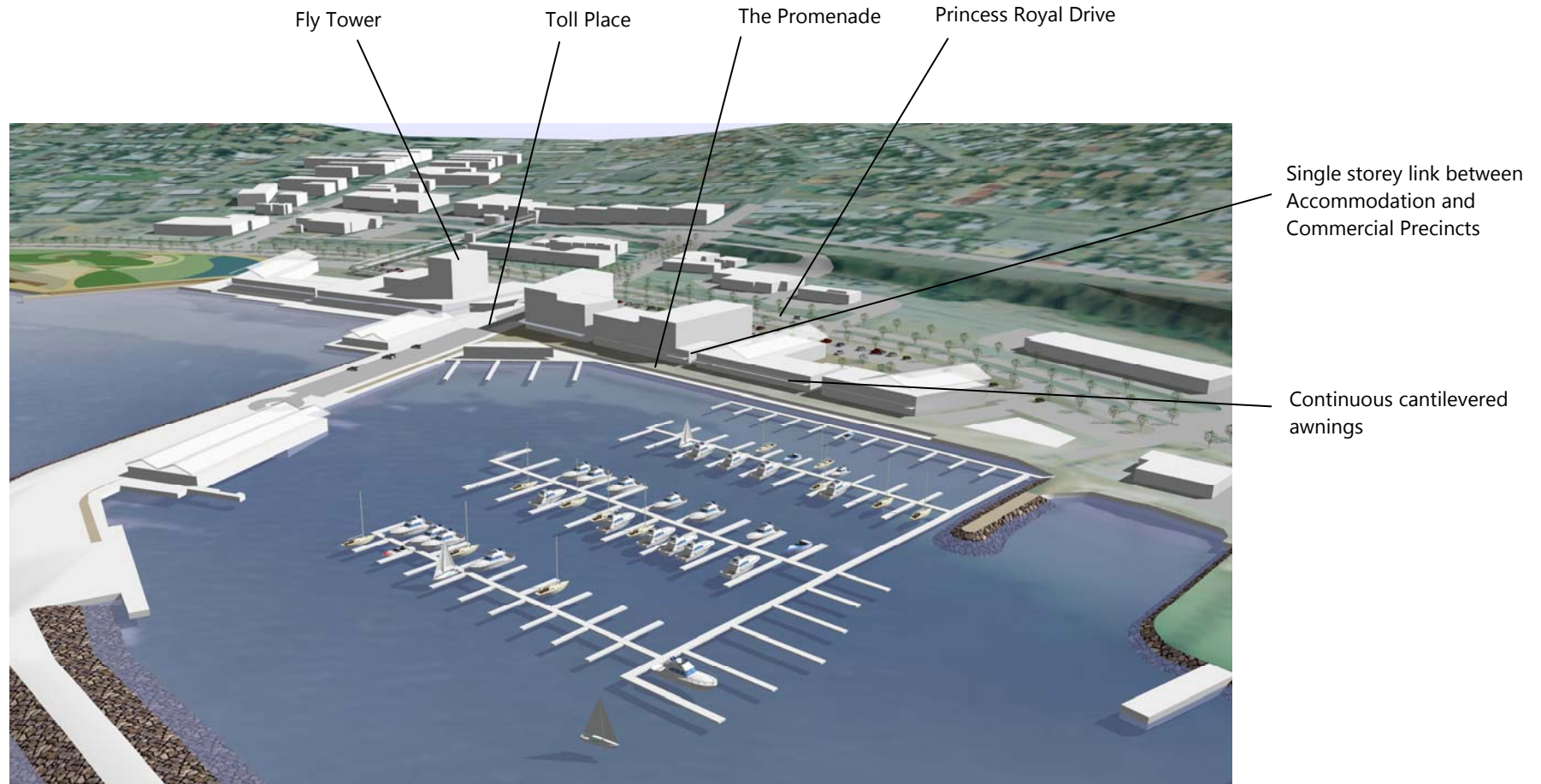
11.3 The fly tower associated with the AEC is the highest element permitted in the development and will be positioned to minimise interruption of views from Stirling Terrace. Its preferred position is shown on the Precinct Plan.

- 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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- | | |
|---|---|
| <p>11.4 Maximum permissible building heights progressively reduce both in an east and west direction away from the AEC's fly tower.</p> <p>11.5 A single storey link, with a break for pedestrian access, is required between developments in the Accommodation Precinct and the Commercial Precinct. This link will preserve the continuous built form edge to the Promenade. The single storey limit is intended to preserve viewing opportunities from Stirling Terrace to Princess Royal Harbour.</p> <p>11.6 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.</p> <p>11.7 Floor to floor levels, excluding the ground floor, in the Hotel and short-stay serviced apartment buildings should be limited to 3.0m.</p> | <p>11.8 Floor to floor levels, excluding the ground floor, in mixed use buildings should be limited to 3.5m.</p> <p>11.9 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.</p> <p>11.10 All buildings will be constructed with a minimum ground floor level of 2.5m AHD.</p> |
|---|---|

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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.

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.

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).

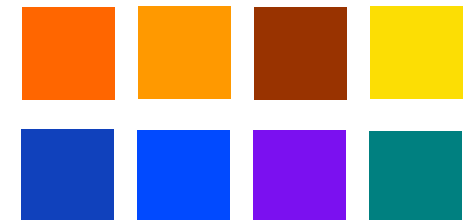
- Highlighting colours could be applied to screens, attached panels, spandrels, gables, selected integrated panels, coloured glass, and vertical support elements.



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.

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

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.

Precinct Plan Report

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

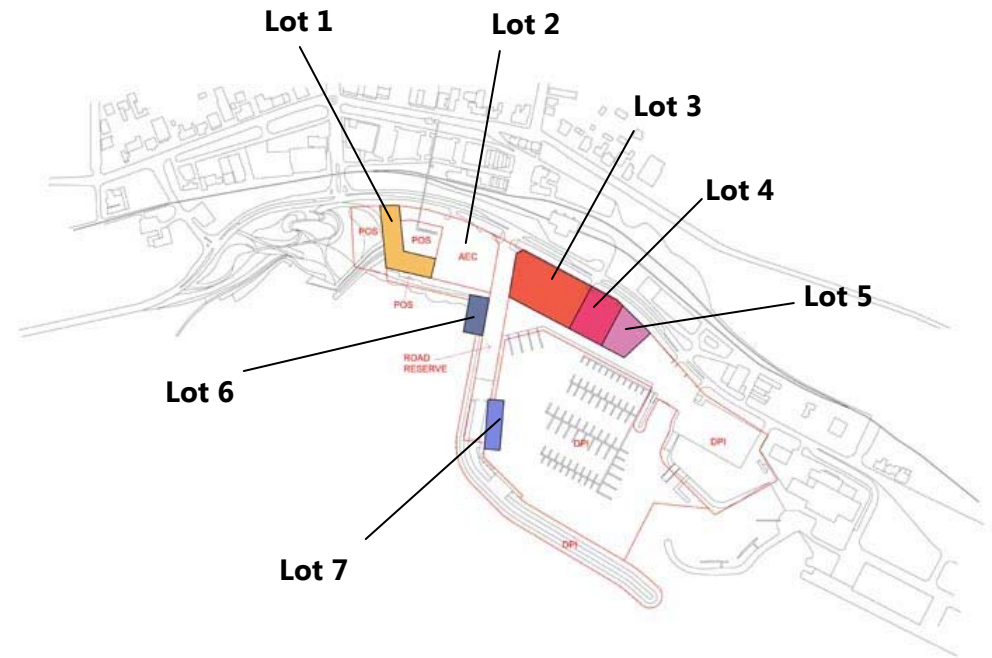
- 25.1 The Structure and Precinct Plans provide approximate footprints for buildings on all sites. These footprints, while being only notional, are an indication of the general plan form desired for each building in the development.
- 25.2 Lot 2, containing the AEC, has the potential to vary its footprint considerably depending on the final design of this facility however, the siting and design principles outlined elsewhere are to be adhered to.

APPENDICES
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Precinct Plan Report

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 and 7 show rectangular plan forms intended to maximise frontages to the marina and Toll Place.



Precincts

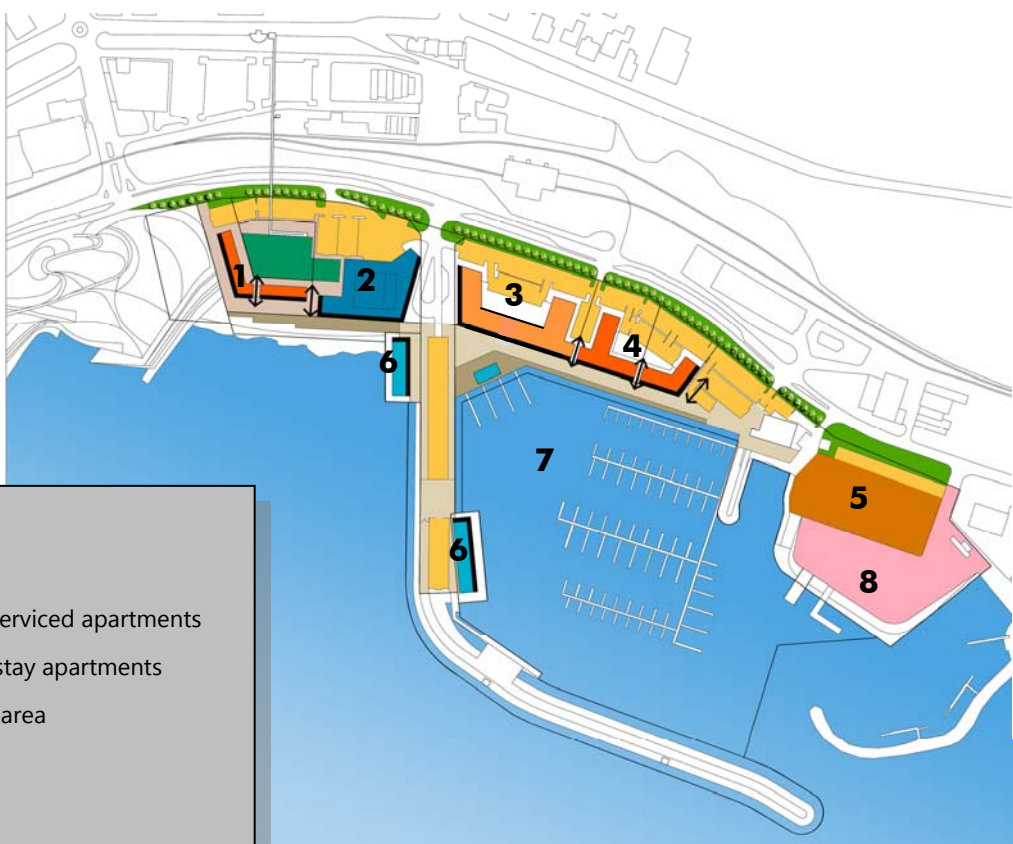
The Albany Waterfront has been broken into five precincts which are characterised primarily by different land uses. Planning provisions for each precinct are described in the following section.

Precincts



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

Development Uses



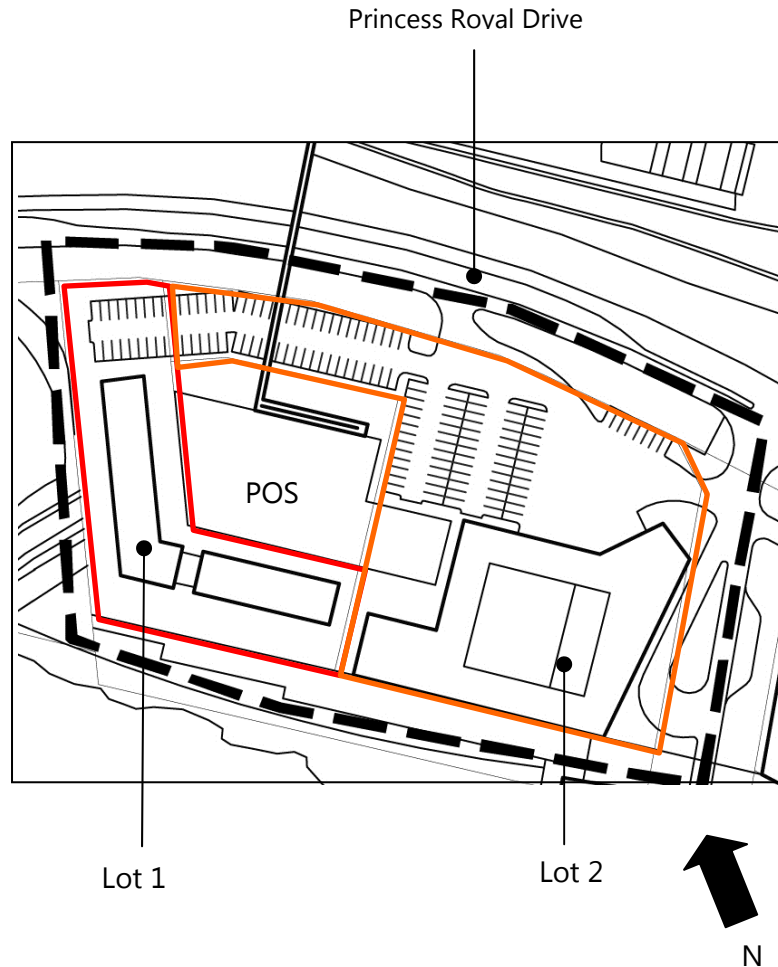
- 1. Mixed use
- 2. AEC
- 3. Hotel and short-stay serviced apartments
- 4. Mixed-use and short-stay apartments
- 5. Boat trailer hardstand area
- 6. Retail
- 7. Marina
- 8. Fishing area hardstand

Rev: Inclusion of short-stay apartments in item 4

APPENDICES
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Precinct Plan Report

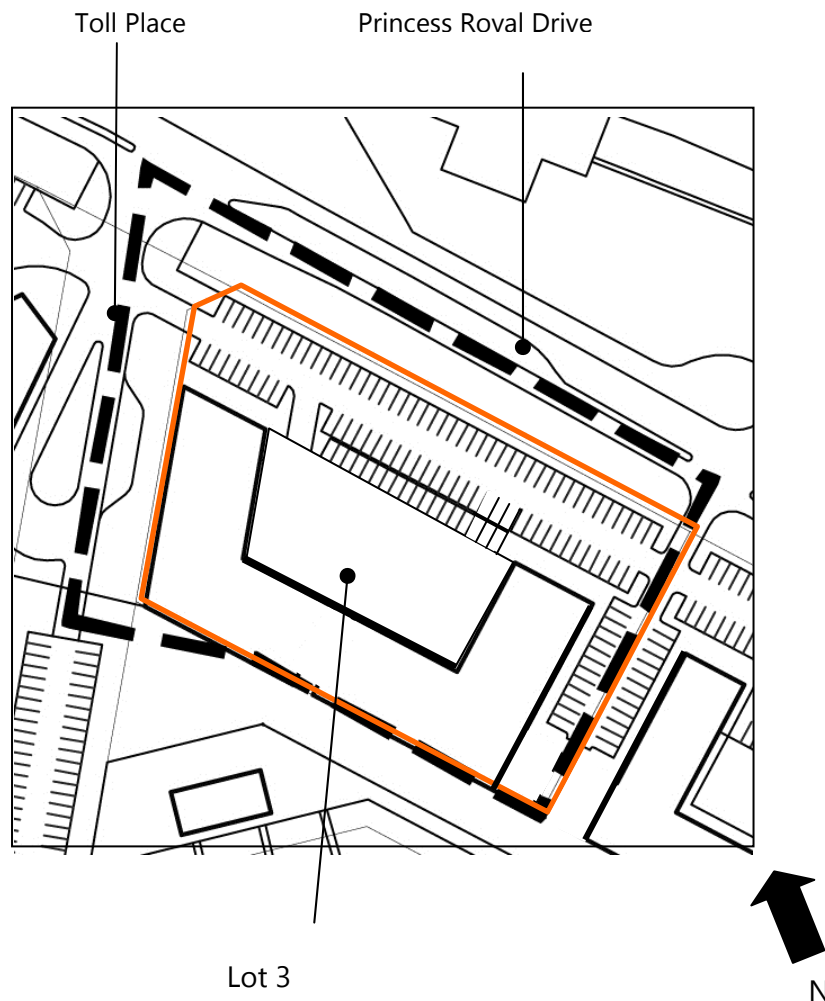
Entertainment Precinct



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 will be the tallest component and will not exceed 24m.
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>

Accommodation Precinct

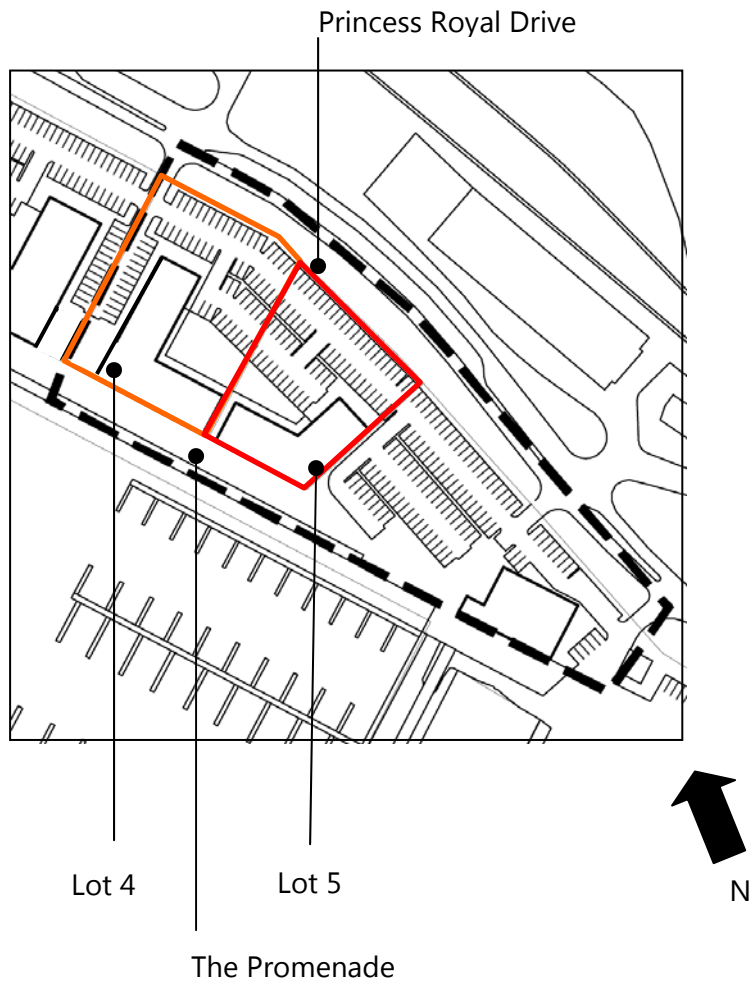


Building height	<p>The hotel building facing Toll Place to be 5 storeys.</p> <p>The adjacent serviced apartment building to be 6 storeys.</p> <p>A building element used to signify the entry points may project beyond the roof to a maximum of 3 metres.</p>	Rev
Plot ratio	Plot ratio shall be a maximum of 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.

Commercial Precinct



Building height	3 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 to 2 storey wall. 2.5m minimum from eastern boundary to single storey 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

Rev: Building height increased to 3 storeys

Deleted reference to use of roof spaces.

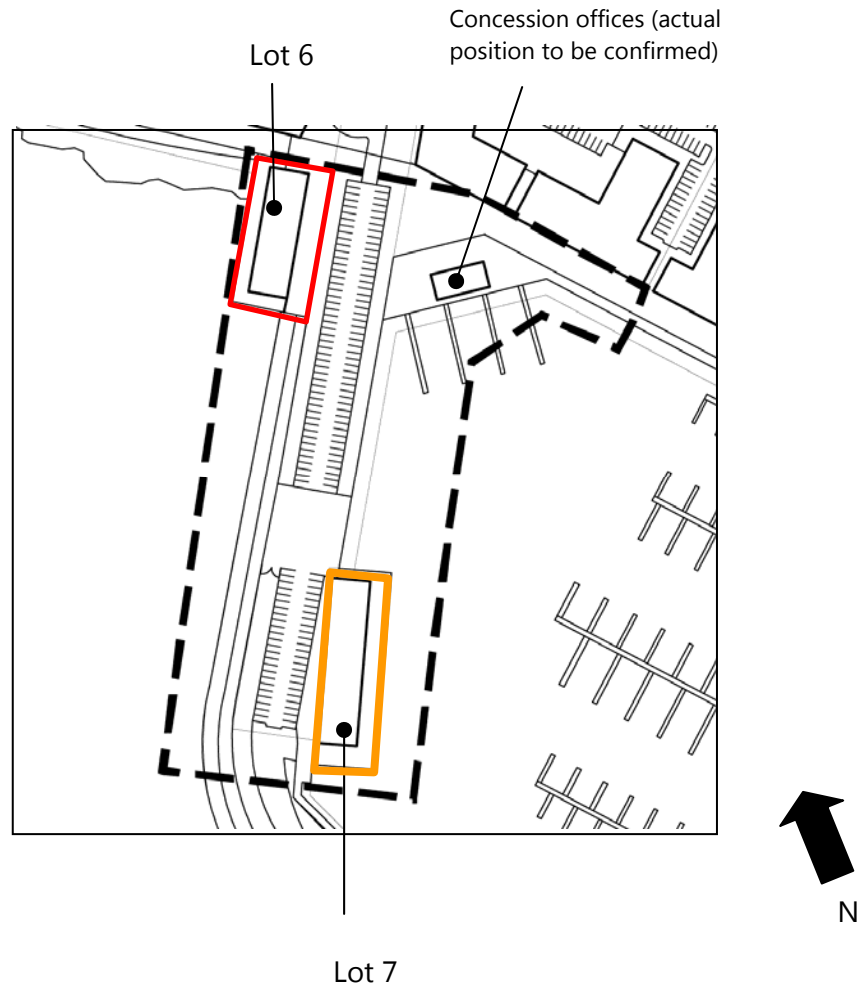
Rev: Delete reference to setback from single storey

wall on western boundary of Lot 4

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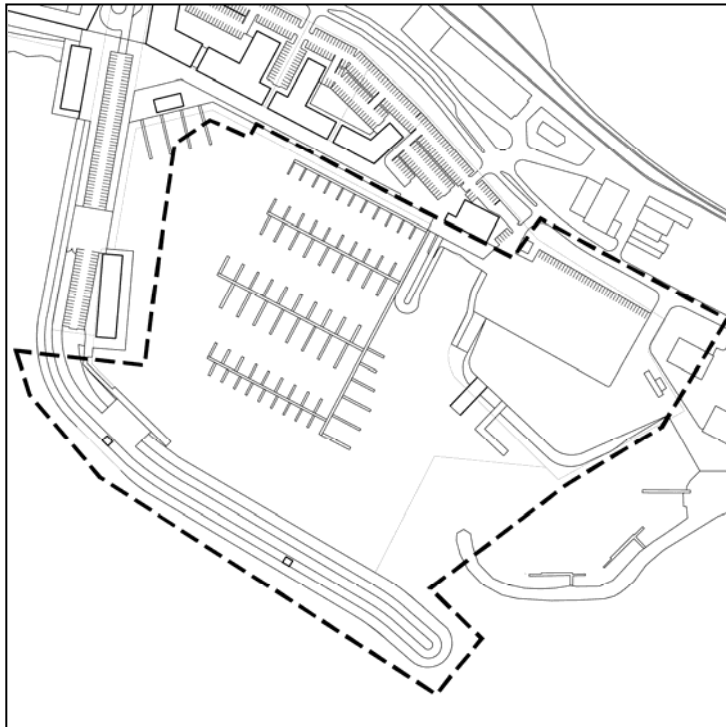
Town Jetty Precinct



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	Lots 6 and 7 to be single storey with potential to use roof volume. Concession offices associated with charter boats to be single storey.
Plot ratio	Plot ratio to lots 6 and 7 shall be a maximum of 0.35.
Parking	145 cars to be provided along the old Town Jetty.
Setbacks	No required setbacks.

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

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

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
	Other minor or incidental uses within the precinct may be permitted at the discretion of Council	n/a	SA

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.
- 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 will be submitted to Council prior to commencement of development. The Landscape Plan will include the location, quantities and species of all plants, location and form of outdoor furniture or other artefacts to be placed in public areas. A maintenance and management plan for all landscaping will be included.
- 5) Princess Royal Drive will be modified during the development process in accordance with the Albany Waterfront Traffic Assessment report prepared by Riley Consulting and included in the Structure Plan.

Detailed plans of these modifications will be submitted prior to commencement of development.

Precinct Plan Report

- 6) Details describing type and colour of paving materials proposed for construction of roads, paths and public open spaces will be submitted prior to commencement of development.

City of Albany

Town Planning Scheme No. 3

Scheme Amendment No. 307
Rezoning of Lot 422 Swan Point Road, and
Lot 183 Nanarup Road, Kalgan



MINISTER FOR PLANNING

PROPOSAL TO AMEND A TOWN PLANNING SCHEME

LOCAL AUTHORITY	City of Albany
DESCRIPTION OF SCHEME	Town Planning Scheme No. 3
TYPE OF SCHEME	District Zoning Scheme
SERIAL NUMBER OF AMENDMENT	Amendment No. 307
PROPOSAL	To rezone Lot 422 Swan Point Road and Lot 183 Nanarup Road from "Rural" and "Special Rural" to "Special Residential"

PLANNING AND DEVELOPMENT ACT 2005

**RESOLUTION DECIDING TO AMEND A
TOWN PLANNING SCHEME**

CITY OF ALBANY TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 307

RESOLVED that the Council in pursuance of Section 75 of the Planning and Development Act 2005, amend the above Town Planning Scheme by:

- 1 Rezoning Lot 422 Swan Point Road, and Lot 183 Nanarup Road, Kalgan from “Special Rural” and “Rural” to “Special Residential”.
- 2 Amending Schedule 1V – Special Residential Zones and including necessary special conditions.
- 3 Amending the Scheme Maps accordingly.

Dated this _____ day of _____ 2011

CHIEF EXECUTIVE OFFICER

CITY OF ALBANY

TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 307

SCHEME REPORT

Prepared for: Golden Eight (WA) Pty Ltd and
Mr B Carmen
Prepared by: Henry Dykstra
Reviewed by:
Date: December 2010
Job No: 07/538
Ref:
Status:

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Disclaimer:

This report has been exclusively drafted. No express or implied warranties are made by Dykstra Planning regarding the research findings and data contained in this report. All of the information details included in this report are based upon the existent land area conditions, research provided and obtained at the time, Dykstra Planning conducted its analysis. Dykstra Planning will not be responsible for the application of its recommended strategies by the Client.

Please note that these strategies devised in this report may not be directly applicable towards another Client. We would also warn against adapting this report's strategies/contents to another land area which has not been researched and analysed by Dykstra Planning. Otherwise, Dykstra Planning accepts no liability whatsoever for a third party's use of, or reliance upon, this specific report.

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**Scheme Amendment Report
Lot 422 Swan Point Road and Lot 183 Nanarup Road, Kalgan**

1.0 Overview of Scheme Amendment

1.1 Summary of Proposal

This submission seeks to gain an indication of Council support for a Scheme Amendment that would relate to Lot 422 Swan Point Road, and Lot 183 Nanarup Road, Swan Point, namely:-

- a) To rezone the subject land from “Rural” and “Special Rural” to “Special Residential”, in accordance with the intent of Council’s adopted Local Planning Strategy;
- b) To include appropriate Scheme Provisions under each of these zones that address the specific requirements relevant to this particular development, including matters such as fire management, servicing standards, development envelopes, standards for visual amenity of buildings, vegetation protection and stocking control; and
- c) The Scheme Amendment is accompanied by a Subdivision Guide Plan that is responsive to the physical and environmental attributes of the site, and further integrates with the Special Scheme controls proposed. The Subdivision Guide Plan also illustrates larger 1.0 ha lot sizes adjoining the interface of the surrounding Swan Point Special Rural area.

This proposal provides for a well serviced “Special Residential” subdivision that will allow for a good transition between the existing Swan Point Special Rural zone on the south side of Nanarup Road and the future Special Residential area earmarked for the north side of Nanarup Road. In addition to facilitating a second access road from Nanarup Road into the Swan Point Rural Residential area, this proposal also provides a range of lot sizes that allow a flexible design to respond to the environmental attributes of the land. The proposed lot size and yield will allow higher standards of development and servicing for this subdivision, in contrast to traditional special rural subdivision, (eg. kerbed roads, piped drainage, footpaths, public open space areas, street trees, quality post and rail fencing, etc.).

This Scheme Amendment Report is supported by a Subdivision Guide Plan depicting the road structure, extensive bushland public open space areas, and the anticipated demarcation between Special Rural lots sizes and Special Residential lot sizes. This Subdivision Guide Plan is based upon a comprehensive environmental assessment that has been undertaken over the subject land, with particular regard for land capability assessment and the vegetation assessment provided within the environmental report.

1.2 Background to Proposal

At its meeting of June 2007, Council considered an earlier proposal for a conventional “Special Rural” rezoning and subdivision over the land. Council declined this request on the grounds that the standard “Special Rural” subdivision could potentially undermine the future long term urban use of this land, as identified under the modified Albany Local Planning Strategy at that time.

Since that time, the proposed modification to the Albany Local Planning Strategy in relation to future urban land use was subject to a number of objections during the public advertising period of the strategy. Following public advertising of the Local Planning Strategy, the City of Albany at its June Council meeting resolved to remove the future urban classification from the land and introduce a Rural Residential

Scheme Amendment Report
Lot 422 Swan Point Road and Lot 183 Nanarup Road, Kalgan

(1.0 ha and larger) classification over portion of the land that interfaces with the original Swan Point Special Rural zone, with the balance area allocated as Special Residential (2000 m² – 1.0 ha). The finalised Local Planning Strategy was forwarded to the WAPC in July 2010 and was subsequently given final approval by the WAPC.

1.3 About the land

Lot 422 Swan Point Road has an area of just over 40 hectares and fronts the foreshore reserve on the eastern bank of the Oyster Harbour near the Kalgan River Bridge, approximately 18 km east of the Albany city Centre along Nanarup Road. (**Figure 1** refers). Lot 183 is a smaller 4.0 ha land parcel located between Nanarup Road and Lot 422.

The land rises gently from an elevation of less than 5m up to a flatter area of approximately 25m AHD in the central and south eastern part of the subject land. Over half of the property has been subject to past clearing and is currently used as open pasture, with natural vegetated areas remaining in the central and southern parts of the property.

The land is surrounded on the northern, eastern and southern sides by the existing Swan Point Special Rural Zone No. 6, which comprises special rural lots of 2 hectares and above. The western boundary of Lot 422 abuts the foreshore reserve of the Oyster Harbour at the mouth of Kalgan River.

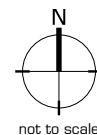
Lot 422 is accessed from Nanarup Road directly via Affleck Road, which is a constructed road within Vacant Crown Land adjacent to the Kalgan River. The southern boundary of the property also fronts Swan Point Road Reserve, where the road construction stops some 180m short of the property boundary. A 10m wide Right of Way also connects the north eastern corner of the subject land back to Nanarup Road. Lot 183 fronts Nanarup Road, and has a side boundary that adjoins the 10 m wide Right-of-Way.



Figure 1

Location Plan

Lot 422 Swan Point Road, Kalgan



August 10

07538-LP-F1-090917-A



	Scheme Amendment Report Lot 422 Swan Point Road and Lot 183 Nanarup Road, Kalgan
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2.0 Strategic Planning Considerations

2.1 Albany Local Planning Strategy

The original advertised Albany Local Planning Strategy (ALPS) depicted the subject land as Rural Residential, allowing for development to a minimum lot size of 1.0 ha. Whilst such a form of subdivision would have brought about the provision of reticulated water supply and additional strategic links to complete the subdivision pattern of the original Swan Point Special Rural area, there were some constraints with limiting the development of the land to a minimum of 1.0 ha lots. For this reason, the City of Albany ultimately adopted a modification to the Local Planning Strategy that indicated a marginal expansion of a Special Residential development on the south side of Nanarup Road, whilst maintaining a Rural Residential (1.0 ha) interface to the original Swan Point Special Rural area. The rationale that underpinned this decision by Council was that such a proposal would achieve:-

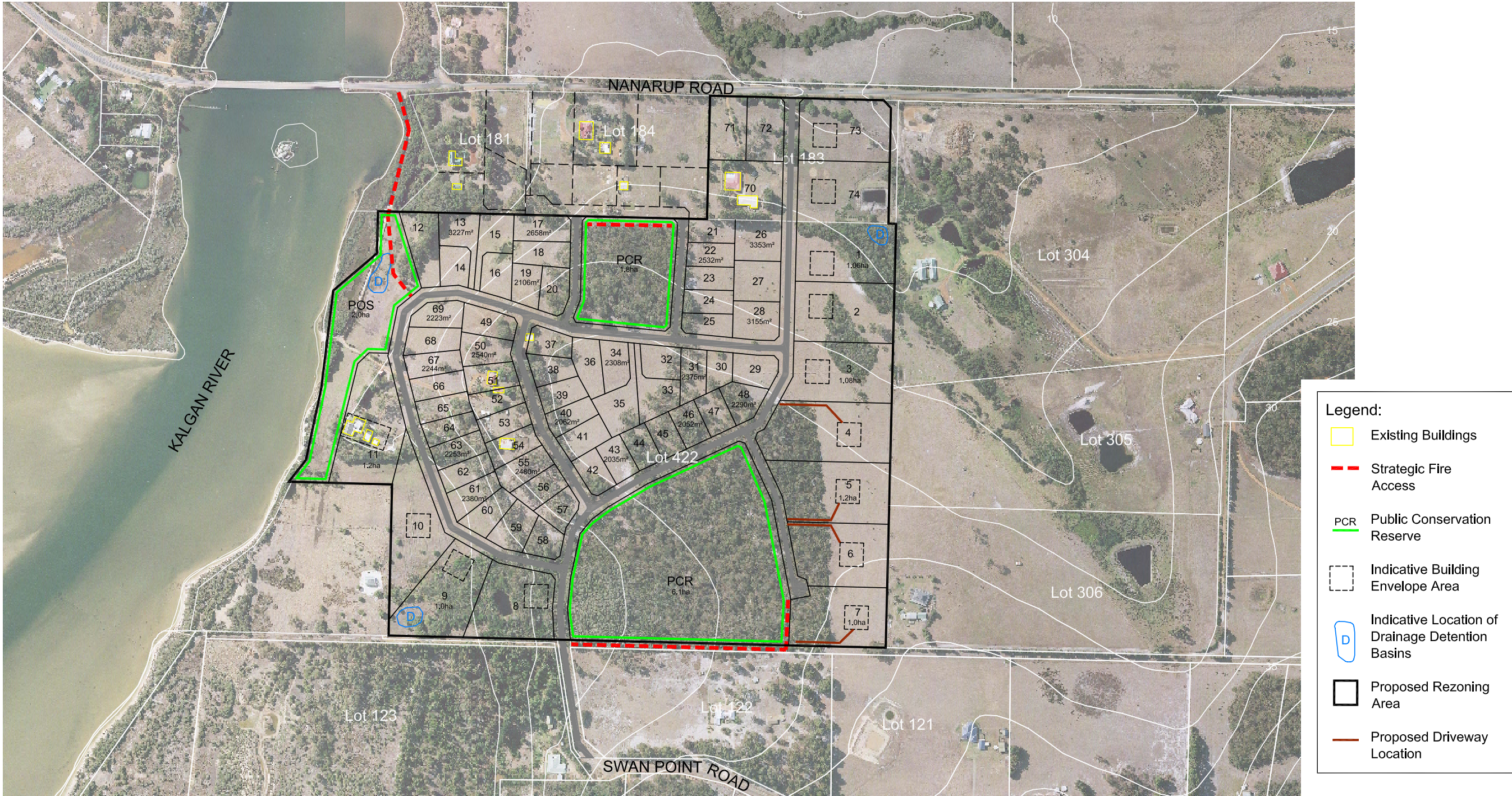
- a) high standards of development and servicing, such as kerbed roads, piped drainage, footpaths, public open space, street trees, quality post and rail fencing, etc;
- b) A second access road from Nanarup Road into the Swan Point Rural Residential area;
- c) A lot size range that allows for a much more flexible subdivision design that is responsive to the environmental attributes of the land; and
- d) A good transition of lot sizes between the Special Residential and existing Special Rural areas.

The proposal to now rezone the subject land from “Rural” and “Special Rural” to “Special Residential” accords with the strategic direction that has been approved within the Albany Local Planning Strategy in relation to this land. More specifically, the proposal for a range of lot sizes from 2000 m² through to 1.0 ha with a high level of servicing satisfies the aims of the Strategy; by promoting opportunities for higher sustainable lot yields based upon land capability and servicing.

Further, Council’s Local Planning Strategy promotes a cautious approach to identifying additional areas for Rural Residential purposes, primarily due to the potential impact on agriculture and the natural environment. Given that lots 422 and 183 are surrounded by existing developed Rural Residential areas, this proposal effectively does not promote a new Rural Residential area. Further, the land does not serve any productive agricultural purpose and hence there is no impact on agricultural production.

2.2 Structure Planning

The land subject of this rezoning request is not affected by any local or district structure plan, although the surrounding Special Rural zoned land has been planned in accordance with the adopted Subdivision Guide Plan for the Swan Point Special Rural zone. The rezoning of the subject land will facilitate the development of a high quality serviced Special Residential Estate, that utilises an existing access road at Swan Point Road, whilst also providing strategic links back to Nanarup Road. The Subdivision Guide Plan (provided at **Figure 2**) illustrates the physical features of the subject land and shows the integration of a possible subdivision pattern with the surrounding settlements.



SUBDIVISION GUIDE PLAN

Lots 422 Swan Point Road & 183 Nanarup Road, KALGAN

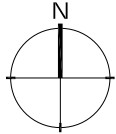


Subdivision, Rezoning, Structure
Planning, Development Planning,
Design, Advocacy

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22 December 2010



1:5000 @ A3

Figure 2

- Notes:
- This document may only be used for the purpose for which it was commissioned and in accordance with the Terms of Engagement.
 - The dimensions, areas and number of lots are subject to survey and also the requirements of all authorities.
- 07538-SCS-F2-101222-F

**Scheme Amendment Report
Lot 422 Swan Point Road and Lot 183 Nanarup Road, Kalgan**

3.0 Integration of Design and Land Use

3.1 Design

In terms of traffic network, the subject land offers four (4) potential access points from the subdivision to the existing road network, namely:

- Strategic emergency connection to Affleck Road linking to Nanarup Road in the north western corner of the land
- Strategic emergency connection to a 10m Right of Way linking to Nanarup Road in the north eastern corner;
- Connection to Swan Point Road along the central southern boundary of the land; and
- Possible connection of main internal subdivision road through Lot 183 connecting to Nanarup Road.

The Subdivision Guide Plan has been carefully laid out with due regard to the existing surrounding infrastructure network and subdivision pattern, and the environmental and physical attributes of the land, and hence incorporates the following key design attributes:-

- a) Provision of 1.0 ha and larger lot sizes at the interface of the subject land with the existing Swan Point Special Rural area;
- b) Provision of two (2) relatively large public conservation reserve areas to guarantee the long term protection of the key areas of existing vegetation classified as either very good condition or good to very good condition;
- c) Provision of a clear road hierarchy, and integration of access with each of the four abovementioned connection points;
- d) A relatively large foreshore reserve area with an adjacent foreshore road in part;
- e) Much of the perimeter of the public conservation bushland reserves being defined by roads;
- f) Cul-de-sac roads being designed to provide for future road or strategic connections to surrounding land;
- g) Indicative location of drainage detention basins to be provided within drainage easements, designed and located according to the recommendations from the Drainage Assessment undertaken by environmental and engineering sub-consultants; and
- h) Indicative future subdivision pattern shown on the two other lots fronting Nanarup Road that are not part of this rezoning application.

In terms of the general proposed lot design, the majority of lots have their frontage orientated internally, with rear boundaries of the lots abutting the existing special rural areas. This will facilitate an ultimate development pattern where the majority of new homes within this estate will be well separated from the boundaries with the existing special rural lots that surround the subject land.

3.2 Land Use

Although the 1.0 ha lots at the interface with the surrounding Special Rural area are significantly larger than the remaining Special Residential lots within the proposed Subdivision Guide Plan, it is nonetheless intended to zone the entire area Special Residential and thereby limit the land use permissibility to Residential type uses only.

Scheme Amendment Report
Lot 422 Swan Point Road and Lot 183 Nanarup Road, Kalgan

The advantage of applying the Special Residential zoning to the entire area is that it will ensure an appropriate transitional land use and settlement pattern between the Special Rural and Special Residential area. Further, from an administrative point of view this approach will be more manageable in terms of zoning and land use controls under the Scheme.

The Special Residential zone will allow for larger dwellings and outbuildings than commonly found in residential areas, and would also make provision for home business and bed and breakfast type land uses. Overall the standard of development and type of land uses will be structured to ensure a high quality living environment with minimal external amenity impacts.

**Scheme Amendment Report
Lot 422 Swan Point Road and Lot 183 Nanarup Road, Kalgan**

4.0 Other Planning & Environmental Considerations

4.1 Land Capability Assessment

A detailed land capability assessment has been undertaken over the subject land, and the full environmental report and associated plans are presented at **Appendix 1**. The land capability assessment has formed the basis for preparing the Subdivision Guide Plan design, particularly in relation to land capability, soil units and the assessment of vegetation quality.

The land capability assessment report further evaluates matters such as land capability for effluent disposal, drainage opportunities and constraints, vegetation quality and protection measures, and suitable width and management for the proposed foreshore reservation.

4.2 Fire Management

A fire management plan has been prepared by FirePlan WA and includes an assessment of the fire hazard of the subject land and its surrounds, and an assessment of the Subdivision Guide Plan design. The fire management plan also proposes locations for strategic firebreaks and other fire management measures that will need to be applied as part of the Subdivision Approval and implementation. The fire management plan is included at **Appendix 2**.

4.3 Vegetation Protection

A detailed vegetation assessment has been undertaken over the subject land, and is included in the environmental report at **Appendix 1**. A map illustrating the vegetation types and vegetation quality is also included as part of this report, in order to illustrate the manner in which the Subdivision Guide Plan has responded to the vegetation assessment. Significant areas of very good condition vegetation and good to very good vegetation have been included within two relatively large public conservation bushland reserves designed and integrated with the subdivision.

Improved vegetation protection measures will be introduced via scheme provisions, including; the introduction of building envelope locations and the provision of strategic firebreak systems to replace the usual numerous boundary firebreak requirements.

4.4 Precedent

The rezoning of the subject land effectively represents the completion of the original Swan Point Special Rural zone, and hence this in itself does not establish the grounds for any further precedent. The smaller lot size component of the proposal is confined to a very defined area of the subject land, and is clearly separated from the Swan Point Special Rural zone by a transition margin of larger 1.0 ha lots. Further, these boundaries have been properly defined in the Albany Local Planning Strategy, and hence any remote possibility of creating a precedent will be regulated by what is promoted under ALPS both now and in future.

Scheme Amendment Report
Lot 422 Swan Point Road and Lot 183 Nanarup Road, Kalgan

One of the objectives of the Albany Local Planning Strategy is to review existing special rural areas to identify opportunities for limited consolidation and/or sustainable land use and development prospects. The introduction of 1 ha water serviced development into this part of Swan Point may indeed set a precedent for other parts of the Swan Point “Special Rural” zone to be viewed with the prospect of limited “Special Rural” consolidation opportunities. Such a precedent however would not be undesirable as it accords with the strategic objectives of the Albany Local Planning Strategy, and will also facilitate improved servicing, fire management and sustainability of land use.

Scheme Amendment Report
Lot 422 Swan Point Road and Lot 183 Nanarup Road, Kalgan

5.0 Servicing

5.1 Access

Affleck Road currently links from Nanarup Road to service the subject land, and is a constructed roadway on Vacant Crown Land. This Vacant Crown Land may need to be formally dedicated as a road reserve in future. The intersection of Affleck Road with Nanarup Road is not ideal in terms of its close proximity to the Kalgan Bridge, and hence would not be suitable as a main entry into the proposed subdivision. However, utilising this as a strategic accessway is considered acceptable.

Swan Point Road, which stops some 180m short of the southern boundary of the subject land, would need to be upgraded and connected to the new road infrastructure that will be provided within the subdivision itself. All internal roads within the subdivision would be constructed to Council specifications. These specifications will include kerbing of roads, piping of drains, provision of footpaths and appropriate traffic management devices.

The future subdivision of Lot 183 Nanarup Road offers the opportunity to complete a road connection that would provide a second access road from Nanarup Road into the Swan Point Rural Residential area. However, given the availability of several other strategic emergency accessways linking back to Nanarup Road, the timing of this future road connection is not so critical.

5.2 Effluent Disposal

Given the combination of larger lot sizes, soil types, elevation and slope of the subject land, it is envisaged that onsite effluent disposal systems on each of the lots would be adequate to service the proposed subdivision. Further details in regard to suitability for onsite effluent disposal are included in the land capability assessment provided at **Appendix 1**.

5.3 Water Management

A water management strategy has been prepared by Landform Research as part of the land capability and environmental assessment and recommendation relating to the land. The details of this water management strategy have been incorporated into the land capability assessment at **Appendix 1**.

Drainage is to be accommodated onsite via a slotted pipe drainage system within the road reserve, which is to be directed to landscaped nutrient stripping detention areas located within easements on several of the larger lots, as depicted on the Subdivision Guide Plan.

Soak wells can be utilised on individual properties to manage stormwater from roof areas. Alternatively, landowners may seek to preserve water usage by capturing roof water in rain water tanks. At the time of subdivision a detailed drainage design will be undertaken to ensure the drainage of the subject land is managed in accordance with water sensitive design principles.

Scheme Amendment Report
Lot 422 Swan Point Road and Lot 183 Nanarup Road, Kalgan

5.4 Water Supply

Whilst the water main originating from Two Peoples Bay to Albany City Centre is aligned on the north side of Nanarup Road, the Water Corporation have confirmed that the water supply to service this Special Residential rezoning area would be from the City water supply from existing mains which currently run eastward from the City along the north side of Nanarup Road. A 200 mm diameter water main exists to supply the nearby Kalgan Heights development, which reduces to a 150 mm diameter main to the western end of the Kalgan River Bridge. To supply mains water to the proposed subdivision, this 150 mm diameter main will need to be carried across the Kalgan River using the north side of the Kalgan Bridge, (and engineers have recommended cantilevered supports from the foundation timber piles forming the bridge). Previous consultation between the Water Corporation and Opus Consulting has confirmed that the Water Corporation considers the provision of water supply is possible via extension of this existing reticulation main, however, the Water Corporation would seek for this main to be upgraded to at least a 300 mm diameter supply to accommodate future demand on the eastern side of Kalgan River.

This water main extension would be installed by the developer and subdivider of the Special Residential Estate, but may involve negotiated contributions from other stakeholders. The internal water main extension within the subdivision would then be installed entirely by the subdivider and involve connections to each lot with appropriate fire hydrants installed within the road reserve at suitable intervals.

5.5 Power and Telecommunications

Power and Telecommunications are currently available to the subject site and will be provided to all proposed lots.

	Scheme Amendment Report Lot 422 Swan Point Road and Lot 183 Nanarup Road, Kalgan
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6.0 Conclusion

This Scheme Amendment seeks Council support for rezoning Lots 183 Nanarup Road and Lot 422 Swan Point Road from “Rural” and “Special Rural” to “Special Residential”. Further, the proposal incorporates suggestions for additional Scheme Provisions within this zone to address the specific requirements for the subject land, and also includes a Subdivision Guide Plan demonstrating the manner in which subdivision design can respond to the unique opportunities and constraints of the subject land.

In summary, this proposal is considered to be a logical long term solution for land that is already surrounded by existing Special Rural subdivision, particularly in terms of the manner that it offers a suitable transition of lot sizes to interface with the existing Special Rural area, whilst also allowing a planned transition into the future Special Residential area identified under Council’s Local Planning Strategy. In addition to facilitating a second access road from Nanarup Road into the Swan Point Rural Residential area, this proposal also provides a range of lot sizes that allow a flexible design to respond to the environmental attributes of the land. The proposed lot size and lot yield will enable provision of high standards of development and servicing, including; kerbed roads; piped drainage; footpaths; public open space areas; street trees; quality post and rail fencing; etc.

In consideration of the details and information provided, it is respectively requested that Council provide an indication of its support for the requested rezoning.

PLANNING AND DEVELOPMENT ACT 2005

CITY OF ALBANY

TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 307

The Council of the City of Albany under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 (as amended), hereby amends the above Town Planning Scheme by:

- 1 Rezoning Lot 422 Swan Point Road and Lot 183 Nanarup Road, Kalgan from "Rural" and "Special Rural;" to "Special Residential".
- 2 Amending Schedule 1V – Special Residential Zones by including the following special conditions:

Area	Locality	Lot(s)	Location	Special Provisions
S Res 21	Swan Point Road and Nanarup Road, Kalgan	422 and 183	422	<p>1. Plan of Subdivision</p> <p>1.1 Subdivision of Special Residential Zone Area No. 21 shall be generally in accordance with the Subdivision Guide Plan endorsed by the Chief Executive Officer.</p> <p>1.2 The Council will not recommend lot sizes less than 1.0 ha adjacent to the southern and eastern boundaries of the zone.</p> <p>1.3 Council may recommend that the Western Australian Planning Commission approve minor variations to the Subdivision Guide Plan.</p> <p>2. Objectives of the Zone</p> <p>Within the Special Residential Zone Area No.21 the objective is to:</p> <ul style="list-style-type: none"> • Create a spacious residential living environment that provides for other small scale uses where considered appropriate; and • Retention of existing vegetation within open space areas. <p>3. Land Use</p> <p>3.1 Within Special Residential Zone Area No.21 the following uses are permitted – - Single House</p> <p>3.2 Within Special Residential Zone Area No.21 the following uses are subject to the approval of Council -</p>

Area	Locality	Lot(s)	Location	Special Provisions
				<ul style="list-style-type: none"> - Home Occupation - Public Utility - Cottage Industry -Other activities considered appropriate by Council which are consistent with the objectives of the zone. <p>4. Location of Buildings and Structures</p> <p>4.1 Dwellings, outbuildings and tanks shall only be constructed within the Building Envelope as designated on the Subdivision Guide Plan.</p> <p>4.2 Building Envelopes shall be setback a minimum of 10 metres from the lot boundaries abutting public roads and 5 metres from all other lot boundaries. Council may approve a lesser distance when Council is of the opinion that the topography or shape of the lot or vegetation on the lot makes it desirable to vary this provision.</p> <p>5. Building Design, Materials & Colour</p> <p>5.1 Dwellings and outbuildings shall be designed and constructed of materials, which allow them to blend into the landscape of the site. Council shall refuse to approve walls and roofs constructed of reflective materials such as unpainted zincalume and off-white colours. Council will be supportive of walls and roofs with green, brown or red tonings in keeping with the amenity of the area.</p> <p>5.2 Dwelling houses shall not exceed 7.5 metres in height, which is measured vertically from the finished ground level. The maximum height of all outbuildings will be at the discretion of Council in order to minimise the visual impacts of such buildings when viewed from within the subdivision.</p> <p>5.3 No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If boundary fencing is utilised, it shall be of rural construction such as post and strand to the satisfaction of Council.</p> <p>5.4 Any water tanks shall be coloured an appropriate natural shade of brown or green or suitably screened with vegetation in keeping with the amenity of the area to the satisfaction of Council.</p> <p>6. Vegetation and Revegetation</p> <p>6.1 No clearing of vegetation shall occur except for –</p> <ul style="list-style-type: none"> a) Clearing to comply with the requirements of the Bush Fires Act 1954 (as amended);

Area	Locality	Lot(s)	Location	Special Provisions
				<p>b) Clearing as may reasonably be required to construct an approved building and curtilage;</p> <p>c) Trees that are dead, diseased or dangerous;</p> <p>d) Clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by the Council;</p> <p>e) Clearing required to establish a low fuel zone.</p> <p>6.2 Council may request the Commission to impose a condition at the time of subdivision for tree/shrub planting as shown on the Subdivision Guide Plan. Such tree/shrub planting shall be appropriately maintained for a minimum of 2 years.</p> <p>6.3 Council may request the Commission to impose a condition at the time of subdivision for the fencing of public open space areas.</p> <p>7.0 Keeping of Stock, Pets &/or Intensive Agriculture</p> <p>7.1 The keeping of stock is prohibited.</p> <p>7.2 Intensive agricultural pursuits are prohibited.</p> <p>7.3 Domestic pets which do not pose a threat to native flora and/or fauna, may be kept within the zone under the following circumstances. Cats and rabbits are considered to pose a threat to native flora and/or flora.</p> <ul style="list-style-type: none"> - Domestic pets must be confined to the subject lot at all times unless accompanied by a responsible person. - Domestic pets may be confined by means other than fencing, as long as the pet/s are restricted to the Development Area of the subject lot. - If fencing is erected as the means of confining domestic pets, the standard of fencing must be sufficient to ensure containment of the pet/s. <p>8.0 Bushfire Management Control</p> <p>8.1 Council may request the Commission to impose a condition at the time of subdivision for the construction of the strategic firebreaks as shown on the Subdivision Guide Plan.</p> <p>8.2 The strategic firebreaks shall be constructed to a standard suitable for all year access by heavy duty fire appliances and two wheel drive vehicles.</p> <p>8.3 Where a lot is traversed by a strategic firebreak as shown on the Subdivision</p>

Area	Locality	Lot(s)	Location	Special Provisions
				<p>Guide Plan, the owner of the lot shall maintain such firebreak to the satisfaction of Council. Fencing and/or unlocked gates across the strategic firebreak shall only be permitted at the discretion of and to the satisfaction of Council and Fire and Emergency Services.</p> <p>8.4 Low fuel buffers, at least 20 metres wide shall be established and maintained around all buildings.</p> <p>8.5 It shall be the responsibility of individual landowners to maintain free access at all times around buildings for emergency purposes.</p> <p>8.6 In cases where only part of the zone is developed, an interim firebreak system or strategic firebreak system shall be prepared and put in place, to the satisfaction of Council and Fire and Emergency Services.</p>

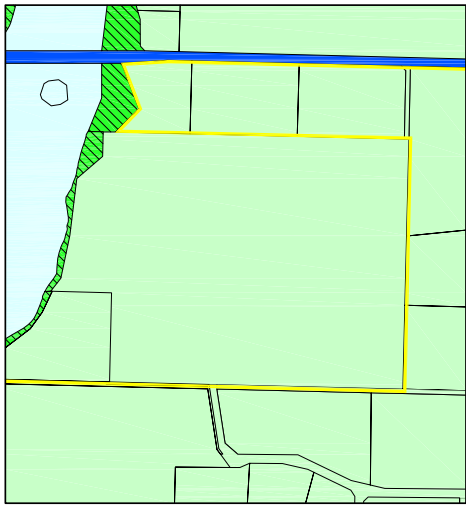
3 Amending the Scheme Maps accordingly.

Adopted by Resolution of the Council of the City of Albany at the Ordinary Meeting of
the Council held on the day of 2011

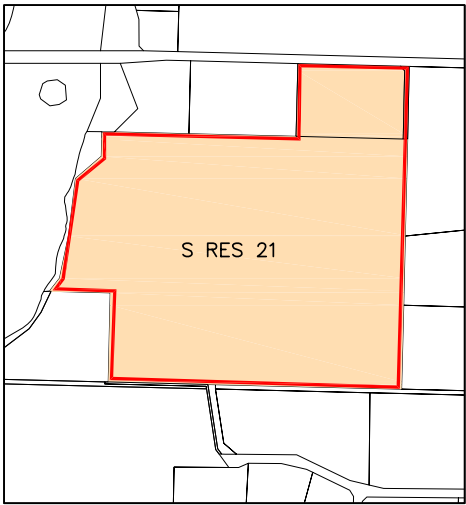
MAYOR

CHIEF EXECUTIVE OFFICER

SCHEME AMENDMENT MAP



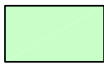
EXISTING ZONING



PROPOSED ZONING

LEGEND

ZONES



RURAL



SPECIAL RURAL

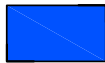


SPECIAL RESIDENTIAL

RESERVES



PARKS & RECREATION



IMPORTANT REGIONAL ROADS



WATERWAYS

CITY OF ALBANY

TOWN PLANNING SCHEME NO 3 – AMENDMENT NO. 307

DATE: 13-12-10



FINAL APPROVAL

ADOPTED for final approval by resolution of the City of Albany at the Ordinary Meeting
of Council held on the day of 2011
and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the
presence of:

(Seal)

MAYOR

CHIEF EXECUTIVE OFFICER

Recommended/Submitted

DELEGATED UNDER
S. 16 OF THE PD ACT 2005

Date: _____

Final Approval Granted

MINISTER FOR PLANNING

Date: _____

Veronica Dayman

From: Neil Houghton [neil@possumology.com]
Sent: Sunday, 6 February 2011 5:53 PM
To: Veronica Dayman
Subject: EF1129490 - CU.PRA.65 - Local Planning Policy Manual - Comments - Attn. CEO

Attention CEO

I would like to provide brief comments on the following policies:

Policy 2F - Holiday Homes

I am concerned that the policy lacks adequate controls to protect the amenity of permanent residents, especially in the more densely developed areas around the CBD. Of particular concern are the following:

F2.3 Protecting Residential Character

Although this section states that holiday homes should not become the predominant use in residential areas, the policy does not provide any measures to prevent this happening.

F2.4 - Ongoing Management

This section, in particular F2.4.2, is extremely weak and does not provide the level of control needed to protect residential amenity and promote good business practice. I would strongly recommend that Council looks at the recently adopted Shire of Denmark Policy 19.3 - Holiday Homes and develops far more stringent management controls in line with the following:

7.7.1 Property Management Plan

A Property Management Plan shall be submitted as part of the planning application and shall detail the following:

- Details of an agreement with a manager/caretaker or management company which lists their responsibility and shall include but not be limited to, matter such as maintenance and cleaning. **The manager of management company shall be accessible 24/7 and within 30 minutes of the property. Where properties are remote, alternative arrangements for a manager may be considered for up to 1 hour away.***
- Code of conduct for guests.*
- Details of how nuisance issues such as noise will be addressed by the manager.*
- Refuse collection arrangement in areas outside of Council's refuse collection.*
- Lease rental arrangements to allow for early eviction of tenants where their behaviour is unacceptable.*

F2.8 Conditions of Approval

The proposed 5 year renewal of approval is potentially too long. The Shire of Denmark's policy, which provides for a 3 - 5 year renewal, is more acceptable.

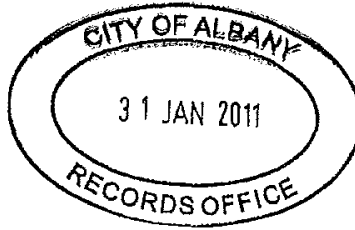
Policy 6K - Lot 100 Grey Street East

This policy provides a considered and appropriate response to the site and the locality. The design principles and, in particular, the use of 3 dimensional building envelopes are supported.

--

Neil R. Houghton
Albany, Western Australia
Tel: +61 8 9841 6063
Email: neil@possumology.com

30 January 2011



200 65

Doc No: City of Albany Records
File: ICR1129339
Date: CU.PRA.65
Officer: 31 JAN 2011
EDDS2
Attach:
Box: D3
Vol: 5
Box+Vol: D3*5

Brian Malone
PO Box 5667
Albany WA 633

Chief Executive Officer
City of Albany
North Rd
Albany WA 6330

Dear Madam

**Proposed Draft Local Planning Policy – TPS No1A &3;
Policy 2F ~ Holiday Homes**

Thankyou for your letter dated 22 December inviting me to comment on the above policy.

While the policy is a positive step towards making the Holiday Home more defined and easier to manage for the City, and is in line with recommendations from the WAPC (Bulletin 99), I still have concerns:

- **F2.1 ,2) General**
I would like to request that a notice advertising the proponent's intention to apply for a 5 year extension be placed outside the property, and that neighbours be notified.
- **F2.3 Protecting the Residential Character of Neighbourhoods.**
As you are aware ~ this is the key point of my objection in previous correspondence to you. I won't repeat my comments as they are clearly outlined in my letter to you dated 22 September 2009.

My comments in this instance refer to the statement;
"shall consider the cumulative impact..."

Once again there is no indication of how this will be done. Will it be measured by the proportion of holiday homes within a certain radius? The number next to each other in a continuous row? The number next to vacant lots and public open spaces? The number of letters of objection from the neighbourhood?

We know that the character of a residential neighborhood is also affected by empty rental properties, short term (3 month) accommodation housing and summer holiday homes belonging to non-Albany residents. Each of these adds to the emptiness of a street and will have a 'cumulative' effect along with the impact of holiday homes.

Again, while I understand this is a complex issue, as a resident I feel I have no assurance that my amenity will not be gradually whittled away to the point where I am surrounded by homes which are empty in winter and overflowing with holidaymakers in summer.

At what point will enough be enough?

▪ **F2.4, 3) f Ongoing Management**

Other Shires (including Fremantle) stipulate that the owner must respond within 12 hours, and also ask that any changes to the use or management of the property must be notified in writing to the City.

Further, I would like to ask the following questions:

1. Will holiday accommodation owners be asked to pay a special levy in addition to their rates? The experience of other coastal Shires, is that holiday accommodation can place additional burdens on rubbish collection, street parking and other council services. The owners are essentially running a commercial business and it may be appropriate to recoup City costs through a levy / fee system.
2. Will the City be considering the impact that uncontrolled short-stay in residential areas will have on the viability of managed accommodation businesses such as 'My Place' and 'Three Chimneys'? These businesses employ staff and provide a service to visitors, I would not like to see them closing due to an over-supply of 'self catering' short-stay accommodation, as managed short-stay, or bed and breakfast style accommodation makes a much better neighbour for permanent residents as the owner / manager is on-site.
3. Will the City consider the impact on the community of empty short-stay homes in residential areas in the 'off' season? This is not an issue with the occasional short-stay on a street, but once the proportion rises, whole blocks can become empty, feel unsafe and abandoned, severely reducing the amenity for permanent residents, particularly the elderly.
4. Will the City consider the impact of excessive short-stay housing on home affordability in the central areas? Short stay housing is generally bought as an investment property for income generating reasons. These homes are then removed from the rental and housing market, and property prices increase. In some areas (such as the Snowy River Shire and Shires along the Great Ocean Road), this has escalated to the point where local staff cannot afford to live in towns, having an almost catastrophic effect on the communities. While I am not suggesting this will be the case in Albany, I provide the example to illustrate that short-stay is not necessarily a 'benign' use of residential properties, and needs to be managed and controlled. I note the Australian Sea Change Taskforce also comments:

*As indicated earlier, most non-metropolitan coastal populations are characterised by greater levels of socio-economic disadvantage than other parts of Australia. Demand for new housing and holiday accommodation reduces affordable housing opportunities. These factors are contributing to social polarisation within many coastal communities for these low income groups.
(p11, 10 Point Plan July 2010)*

For your information I have attached some text from Byron Bay, which has also been grappling with pressures caused by excessive short-term holiday accommodation:

In Summary, while this policy is a step in the right direction, I believe it is missing a critical element, and that is the ability to apply some quantitative / qualitative criteria to the requirement:

F2.3 Protecting the Residential Character of Neighbourhoods....."shall consider the cumulative impact..."

and in doing so consider other related cumulative elements.

I believe it would be better to build this criteria into the policy up front, rather than trying to retro-fit it once a problem has arisen and the community is in conflict (as seems inevitable if we are to learn from the experience of other Shires). In addition, if the City is going to refuse an application on grounds of 'cumulative impact' as per F2.3, it will need a clear and defensible position, or its decision will be challenged and overturned.

Thank you for your time, I hope that you will be able to propose a Clause that will address my concerns.

Regards



Brian Malone

Byron Bay [annexure 8(o)]

Social / Cultural

There is conflict in the community regarding holiday letting. It is appropriate to resolve the issue in a planning sense. Traditionally, houses on the Australian coastline have been holiday let ***but in some areas it has evolved to a situation where this short-term letting overtakes a neighbourhood.***

Economic

There are a significant number of houses let for holiday accommodation (Southern Cross University found approximately 400 holiday houses in their survey). There are also likely to be some apartments which are holiday let and do not have planning approval. Should such accommodation be prohibited it would have significant impacts on tourist related incomes in the Shire and could, in fact, lead to a loss of tourist visitations, particularly for those tourists who desire this form of accommodation.

On the other hand, it is likely in some areas that the value related to holiday letting escalates the value of residential properties to an excessive amount, making it more difficult for new residents to find affordable housing. It also encourages those who own existing houses to rent those for holiday rental rather than permanent rental.

Environmental

Uncontrolled numbers in residential houses could have burdens on sewers, street parking and rubbish collection. There is evidence of noise nuisance at some locations but over the past year many of these issues have reduced due to the support of the Holiday Letting Organisation (HLO) and perhaps to some reduction in tourist numbers.



Memorandum

Date: 24 May 2011
To: Graeme Bride, Executive Director Planning and Development Services, City of Albany
From: Richard Vogwill, President, Frenchman Bay Association Inc (FBA)
Subject: Review of Proposed Planning Policy 7N – Frenchman Bay Tourist Development Site

Graeme,

The FBA has reviewed Proposed Planning Policy 7N and we outline our comments and recommendations below.

General

- This planning policy applies to the Frenchman Bay site. Because of: (i) the proximity of our members to the site and (ii) our interest in preserving the character and biodiversity of the area, the FBA has a great interest in the type of development that is ultimately approved by Council for this site.
- We have always maintained that any development on this iconic site should be designed to minimise environmental and visual impacts and our strong preference has been for an Eco-Tourist, low-density, low-height type of development - something that isn't visually demeaning to Frenchman Bay.

Comments on Objectives

Objective (1) we agree strongly with this objective.

Objective (2) this objective implies that as '*an incentive to reducing the footprint*' the developer will be allowed to increase the height of buildings to 3 storeys. The construction of 3-storey buildings at Frenchman Bay is not appropriate within the environmental and impact guidelines that should apply to this site. We suggest rewording this objective, as follows:

"To encourage innovative tourism and provide an incentive to reduce the footprint and the visual impact of the development on the topography and natural environment".

Objective (3) we believe that provision for or any reference to '*3 storey*' buildings should not appear in this Planning Policy.

Objective (4) we support this objective and therefore recommend minimising the height of any development to maintain the visual amenity of Frenchman Bay.

Objective (5) suggested fifth objective *"To ensure that the development recognises the rich Indigenous and non-Indigenous heritage of this extraordinary location"*

Objective (6) suggested sixth objective *"To retain the amenity of the beach below for Albany residents and casual visitors by ensuring that the scale of the development takes account of an optimal level of beach usage."*

N1.1 Land Uses

This section refers to short-term accommodation (for periods of less than three months) to the general public. The prime use of this development should be for tourism. Therefore, we assume that no-one can own an individual dwelling and that we are catering only for tourists (as far as accommodation is concerned). There have been a number of attempts to introduce residential zoning into proposed developments at the site; we believe that this is a completely inappropriate use for the site and have opposed it vigorously in the past.

N1.2 Building Heights -3-Storey Buildings

Our overriding concern with this policy is that the door is being 'left open' for Council to approve 3-storey buildings on this site, which can comprise up to 50% of the total development footprint.

- One of the reasons given is that 3-storey buildings can reduce the overall development footprint, but we consider that this would be to the detriment and loss of the visual amenity of the development. We would rather see a somewhat larger footprint of lower elevation buildings, such as the Eco-Tourism type of development.
- Another condition under which 3-storeys could be considered is if '*vegetation is retained or established in these areas to screen development*'. If the existing high vegetation buffer on the north side of the property is damaged or destroyed during construction, it will take decades for it to be restored. The protection and retention of this stand of trees should be a mandatory requirement of developers with strong punitive disincentives to apply if the requirement is breached.
- It is much more appropriate to only allow maximum 2-storey buildings in only small areas at the back (south) of the development.
- It is important to ensure that the historic Vancouver springs are not polluted, by minimising the development footprint inside the spring catchment.
- The issues of effluent disposal, the overall development area and subsequent vegetation loss (associated with road access and parking, for example) and specifically adopting an optimal level of beach usage should be some of the factors that determine the number of allowable "units" on the site.

Planning policies aside, how can we even consider allowing 50% of this site to comprise 3-storey buildings?

N1.3 Setbacks

Once again reducing the footprint is mentioned. As stated previously, we would prefer the development to occupy a greater area of the site and only allow a maximum of 2 storeys.

N1.4 Bulk and Scale

We are not sure what '*establish an appropriate scale when read against the topography of the locality*' means. Only a small portion of the development (above the eastern car park) should be seen from the beach or the bay. It is our opinion that any development that is visually intrusive from the beach or the bay should not be allowed at this site.

N1.5 Materials and Colours

Agree. Will there be a reflective roofing policy?

N1.6 Parking Areas

This section says that direct vehicle access should only be allowed if '*basement/undercroft parking is viable*'. This is of great concern if the natural site topography has to be increased in order to allow vertical space for the basement/undercroft parking. This could raise the elevation of numerous buildings and thereby result in a greater visual impact. The last thing we need.

N1.7 Retaining Walls

Agree.

N1.8 Assessing Impacts on the Natural Topography and Landscape

We agree with this section. A scale model of any proposed development should be mandatory (including accurate vegetation heights and an accurate representation of the scarp down to the beach) and also that the model should be available for public viewing.

Housekeeping

- last line of Section N1.1 - the last 'and' is not required
- Section N1.2 - list item 2 - first sentence - 'shall **be** maximized'
- Section N1.4 - 2nd last line - perhaps change to 'when compared to the topography...' or 'when assessed against the..'
- Section N1.6 - remove 'd' after 'distributed'

* * *

Thank you for the opportunity to express our views. We hope that you will consider and implement our recommendations before this planning policy goes back before Council.

Regards,
Richard