



MINUTES

Special Council Meeting

Monday 13 June 2016

6.00pm

City of Albany Council Chambers

CITY OF ALBANY COMMUNITY STRATEGIC PLAN (ALBANY 2023)

VISION

Western Australia's most sought after and unique regional city to live, work and visit.

VALUES

All Councillors, Staff and Volunteers at the City of Albany will be...

Focused: on community outcomes

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

United: by working and learning together

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

Accountable: for our actions

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

Proud: of our people and our community

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

SPECIAL COUNCIL MEETING
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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS:

[6:00:16 PM](#) The Mayor declared the meeting open.

2. OPENING PRAYER:

“Heavenly Father, we thank you for the peace and beauty of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”

“We would like to acknowledge the Noongar people who are the Traditional Custodians of the Land.

We would also like to pay respect to Elders both past and present”.

3. PUBLIC QUESTION AND STATEMENT TIME:

Each person asking questions or making comments at the Open Forum will be **LIMITED** to a time period of **4 MINUTES** to allow all those wishing to comment an opportunity to do so.

[6:01:16 PM](#) **Mr James McLean, 2 Beauchamp Street, Mira Mar**

Mr McLean spoke against the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

[6:05:57 PM](#) **Ms Joelene Green, 4 Munster Avenue, Mount Clarence**

Ms Green spoke against the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

[6:10:14 PM](#) **Ms Jane Mouritz, 5 Barnett Street, Albany**

Ms Mouritz spoke against the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

[6:14:17 PM](#) **Ms Pat Kerruish, 35 Garden Street, Albany**

Ms Kerruish spoke against the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

Ms Kerruish’s tabled address is detailed at Appendix A.

[6:19:05 PM](#) **Ms Barbara Madden, Golf Links Road, Albany**

Ms Madden spoke against the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

Ms Madden’s tabled address is detailed at Appendix A.

[6:21:45 PM](#) **Ms Jo Sharp, 67 Scorpio Drive, McKail**

Ms Sharp spoke against the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

[6:25:47 PM](#) **Mr Kim Johnson, 67 Scorpio Drive, McKail**

Mr Johnson spoke against the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

[6:29:26 PM](#) **Mr Ron Kerruish, 35 Garden Street, Albany**

Mr Kerruish spoke against the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

[6:33:44 PM](#) **Ms Annette Sanders, 6 Yeo Court, Albany**

Ms Sanders spoke against the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

[6:38:02 PM](#) **Ms Grace Schlager, Greenshields Street, Mira Mar**

Ms Schlager spoke in support of the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

[6:41:29 PM](#) **Ms Helen Laing, 24 McKenzie Street, Albany**

Ms Laing spoke against the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

[6:43:46 PM](#) **Mr Don Dufty, 6 Lunar Rise, McKail**

Mr Dufty spoke in support of the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

[6:47:08 PM](#) **Mr Sven Tobiassen, 15 Maskill Place, Albany**

Mr Tobiassen spoke in support of the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

[6:48:13 PM](#) **Mr Eric Wake, 14 Albany Highway, Albany**

Ms Wake spoke in support of the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

[6:52:24 PM](#) **Ms Jennifer Schuh, 51 Daley Road, Bornholm**

Ms Schuh spoke against the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

[6:56:45 PM](#) **Mr John Slattery, 19 Innes Street, Albany**

Mr Slattery spoke against the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

[7:01:00 PM](#) **Ms Sarah Lindsay, McLeod Street, Mira Mar**

Ms Lindsay spoke against the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

[7:05:01 PM](#) **Ms Julia Fry, 27 Henley Grove, Mira Mar**

Ms Fry spoke against the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

[7:08:00 PM](#) **Mr Greg Spaanderman, 50 Allmore Drive, Robinson**

Mr Spaanderman spoke in support of the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

[7:10:04 PM](#) **Ms Jennifer Viol, 43 Swarbrick Street, Emu Point**

Ms Viol spoke against the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

Ms Viol's tabled address is detailed at Appendix A.

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[7:14:33 PM](#) **Mr Roland Paver, 12 La Perouse Road, Albany**

Mr Paver spoke against the Committee Recommendation for PD125: Consideration of Scheme Amendment and Activity Centre Structure Plan-Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton Beach.

Mr Paver's tabled address is detailed at Appendix A.

[7:18:00 PM](#) There being no further speakers the Mayor declared Public Question Time Closed.

SPECIAL COUNCIL MEETING
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4. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED):

Mayor	D Wellington
Councillors:	
Breaksea Ward	R Hammond
Breaksea Ward	P Terry
Frederickstown Ward	G Stocks
Frederickstown Ward	C Dowling
Kalgan Ward	B Hollingworth
Vancouver Ward	N Mulcahy
Vancouver Ward	J Shanhun
West Ward	A Goode JP
West Ward	S Smith
Yakamia Ward	R Sutton
Yakamia Ward	A Moir
Staff:	
Chief Executive Officer	A Sharpe
Executive Director Corporate Services	M Cole
Executive Director Planning & Development	D Putland
Executive Director Works & Services	M Thomson
Manager Planning	J Van Der Mescht
Minute Secretary	J Williamson
Apologies:	
Kalgan Ward	J Price

Four members of the media and approximately 50 members of the public were in attendance.

SPECIAL COUNCIL MEETING
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5. DECLARATIONS OF INTEREST:

Name	Report Item Number	Nature of Interest
Councillor Smith	PD125	Proximity. The nature of the interest being that Councillor Smith is the joint owner of a Certificate of Title which is part of a strata plan in proximity across a thoroughfare. Councillor Smith left the Chamber and was not present for the discussion or vote.

PD125: CONSIDERATION OF SCHEME AMENDMENT AND ACTIVITY CENTRE STRUCTURE PLAN – LOT 8888 FLINDERS PARADE AND LOTS 660 AND 661 MARINE TERRACE, MIDDLETON BEACH

Land Description : Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton beach

Proponent : Hames Sharley on behalf of LandCorp

Owner : Western Australian Land Authority, F J MacDougall, N P Wallis

Business Entity Name : LandCorp

Attachments : 1. Key Issues Table
2. Schedule of Submissions
3. Schedule of Modifications
4. Local Planning Scheme Amendment No. 1 report
5. *Middleton Beach Activity Centre Structure Plan* report
6. *Improvement Plan No. 40*
7. Additional artist's impressions and overshadowing diagrams

Supplementary Information & Councillor Workstation: : Copy of submissions

Report Prepared by : Planning Officer (C McMurtrie)

Responsible Officer : Executive Director Planning and Development (D Putland)

Responsible Officer's Signature:



[7:19:07 PM](#) Councillor Smith left the Chamber after declaring a Proximity Interest in this item. Councillor Smith was not present for the discussion or vote on this item.

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*.

Maps and Diagrams



In Brief:

- This item was considered by Council at the Ordinary Council Meeting held on Tuesday 24 May 2016. At this meeting, Council resolved:
 - That this matter be DEFERRED in order to conduct further community consultation.*
- City of Albany planning staff have previously recommended that a local planning scheme amendment and an Activity Centre Structure Plan were the preferred mechanisms for the statutory planning of the Middleton Beach Activity Centre.
- A request has been submitted for Council to adopt a local planning scheme amendment to:
 - Rezone Lot 8888 Flinders Parade, Middleton Beach from the 'Hotel/Motel' and 'Tourist Residential' zones, Lots 660 and 661 Marine Terrace, Middleton Beach from the 'Tourist Residential' zone and of portions of Adelaide Crescent, Marine Terrace, Barnett Street, Flinders Parade and Marine Drive from 'Priority Road' and Local Road Reserves to 'Special Use Zone SU25';
 - Amend 'Schedule 4 – Special Use Zones' to incorporate provisions relating to Middleton Beach Activity Centre;
 - Introduce a land use definition for 'single attached dwelling'; and
 - Amend of the Scheme Maps accordingly.
- The *Middleton Beach Activity Centre Structure Plan* has been prepared to guide and facilitate the subdivision and development of the subject land.
- The local planning scheme amendment and *Middleton Beach Activity Centre Structure Plan* were advertised for public comment from 3 March 2016 to 14 April 2016.
- A small number of submissions highlighted that the Special Uses and Condition 11 of the Special Use zone proposed by the local planning scheme amendment do not preclude the development of the hotel/mixed use site for short-stay holiday accommodation or multiple dwellings, without a hotel.
- It is therefore recommended that the proposed amendment to Schedule 4 – Special Use Zones is modified as follows:
 - Replacement of "P" (Permitted) with 'D' (Discretionary) against "Multiple Dwelling (up to 5 storeys (21.5 metres)" in the "Special Use" column under "Hotel / Mixed Use Precinct";
 - Insertion of a new notation "(2)" against "Multiple Dwelling (up to 5 storeys (21.5 metres)" and "Multiple Dwelling (above 5 storeys (21.5 metres)" to read as follows:
 - '(2) Means that the permissibility of the use shall be contingent upon prior or concurrent construction of a hotel.'; and
 - Renumbering existing notation "(2)" as notation '3'.
- City planning Staff support the local planning scheme amendment, subject to the above modification, and the *Middleton Beach Activity Centre Structure Plan* as they are consistent with the strategic direction set in the *Albany Local Planning Strategy*.
- The proposals will put in place the statutory planning framework for the redevelopment of the Middleton Beach Activity Centre and allow the objectives of Western Australian Planning Commission's *Improvement Plan No. 40* to be fulfilled.
- Council is requested to consider the submissions received following public advertising and referral and determine whether to support the local planning scheme amendment and activity centre structure plan.

RECOMMENDATION

PD125: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SUTTON

THAT Council:

1. **RESOLVES** to amend the attached Schedule of Modifications by including the following modifications:
 - **Modification No. 2:**
Insertion of an additional bullet point after ‘Building Height’ under Condition 11, Hotel/Mixed Use Precinct, to read as follows:
‘1-3 storey height limit along Primary Active Frontages abutting Public Open Space, with additional height located towards Mount Adelaide.’
 - **Modification No. 3:**
The precinct plan is modified to incorporate Primary Active Frontage on the eastern edge of the Hotel/Mixed Use Precinct where it abuts the Public Open Space.
2. Pursuant to section 75 of the *Planning and Development Act 2005*, resolves to support, with modification as per the attached amended Schedule of Modifications, Amendment No. 1 to amend *City of Albany Local Planning Scheme No. 1* by:
 - (1) Rezoning:
 - Lot 8888 Flinders Parade, Middleton Beach from the ‘Hotel/Motel’ and ‘Tourist Residential’ zones;
 - Lots 660 and 661 Marine Terrace, Middleton Beach from the ‘Tourist Residential’ zone; and
 - Portions of Adelaide Crescent, Marine Terrace, Barnett Street, Flinders Parade and Marine Drive from ‘Priority Road’ and Local Road Reserves to ‘Special Use Zone SU25’.
 - (2) Amending ‘Schedule 4 – Special Use Zones’ to incorporate provisions relating to Middleton Beach Activity Centre;
 - (3) Introducing the following land use definition to the City of Albany Local Planning Scheme No. 1:
‘single attached dwelling means one of a group of two or more attached dwellings, each being separated by a common wall and may include a row house, terrace house or town house, not located above or below another dwelling’;
and
 - (4) Amending the Scheme Maps accordingly.
3. **RESOLVES** to recommend to the Western Australian Planning Commission that it approve the *Middleton Beach Activity Centre Structure Plan*, subject to the following modifications:
 - (1) Incorporating Primary Active Frontage on the eastern edge of the Hotel/Mixed Use Precinct where it abuts the Public Open Space; and
 - (2) Incorporating a visual identifier behind the Primary Active Frontage on the Hotel/Mixed Use Precinct to indicate the staging of building height from 1-3 storeys to 5-12 storeys.

CARRIED 11-0

PD125: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: MAYOR WELLINGTON

THAT the AMENDED motion by Councillor Stocks be ADOPTED.

CARRIED 7-0

PD125: AMENDED MOTION BY COUNCILLOR STOCKS
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS
SECONDED: MAYOR WELLINGTON

THAT Council:

1. RESOLVES to amend the attached Schedule of Modifications by including the following modifications:

- Modification No. 2:

Insertion of an additional bullet point after 'Building Height' under Condition 11, Hotel/Mixed Use Precinct, to read as follows:

'1-3 storey height limit along Primary Active Frontages abutting Public Open Space, with additional height located towards Mount Adelaide.'

- Modification No. 3:

The precinct plan is modified to incorporate Primary Active Frontage on the eastern edge of the Hotel/Mixed Use Precinct where it abuts the Public Open Space.

2. Pursuant to section 75 of the *Planning and Development Act 2005*, resolves to support, with modification as per the attached amended Schedule of Modifications, Amendment No. 1 to amend *City of Albany Local Planning Scheme No. 1* by:

(1) Rezoning:

- Lot 8888 Flinders Parade, Middleton Beach from the 'Hotel/Motel' and 'Tourist Residential' zones;
- Lots 660 and 661 Marine Terrace, Middleton Beach from the 'Tourist Residential' zone; and
- Portions of Adelaide Crescent, Marine Terrace, Barnett Street, Flinders Parade and Marine Drive from 'Priority Road' and Local Road Reserves

to 'Special Use Zone SU25'.

- (2) Amending 'Schedule 4 – Special Use Zones' to incorporate provisions relating to Middleton Beach Activity Centre;

- (3) Introducing the following land use definition to the City of Albany Local Planning Scheme No. 1:

'single attached dwelling means one of a group of two or more attached dwellings, each being separated by a common wall and may include a row house, terrace house or town house, not located above or below another dwelling';

and

- (4) Amending the Scheme Maps accordingly.

3. RESOLVES to recommend to the Western Australian Planning Commission that it approve the *Middleton Beach Activity Centre Structure Plan*, subject to the following modifications:

- (1) Incorporating Primary Active Frontage on the eastern edge of the Hotel/Mixed Use Precinct where it abuts the Public Open Space; and
- (2) Incorporating a visual identifier behind the Primary Active Frontage on the Hotel/Mixed Use Precinct to indicate the staging of building height from 1-3 storeys to 5-12 storeys.

CARRIED 7-0

Councillor's Reason:

This amendment is intended to activate the Middleton Beach frontage and will ensure the hotel building frontage, facing Middleton Beach is between 1 and 3 stories and that the main bulk of the building is stepped back from the beach.

Officer's Comment (ED Planning & Development):

Amendment is supported as it will provide for more activity along the beachfront.

PD125 RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005*, resolves to support, with modification as per the attached Schedule of Modifications, Amendment No. 1 to amend *City of Albany Local Planning Scheme No. 1* by:

(1) Rezoning:

- Lot 8888 Flinders Parade, Middleton Beach from the 'Hotel/Motel' and 'Tourist Residential' zones;
- Lots 660 and 661 Marine Terrace, Middleton Beach from the 'Tourist Residential' zone; and
- Portions of Adelaide Crescent, Marine Terrace, Barnett Street, Flinders Parade and Marine Drive from 'Priority Road' and Local Road Reserves

to 'Special Use Zone SU25'.

(2) Amending 'Schedule 4 – Special Use Zones' to incorporate provisions relating to Middleton Beach Activity Centre;

(3) Introducing the following land use definition to the City of Albany Local Planning Scheme No. 1:

'single attached dwelling means one of a group of two or more attached dwellings, each being separated by a common wall and may include a row house, terrace house or town house, not located above or below another dwelling';

and

(4) Amending the Scheme Maps accordingly.

2. RESOLVES to recommend to the Western Australian Planning Commission that it approve the *Middleton Beach Activity Centre Structure Plan*.

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
5. Amendment No. 1 and the draft *Middleton Beach Activity Centre Structure Plan* have been prepared on behalf of LandCorp, following the purchase of Lot 8888 Flinders Parade by the Western Australian Land Authority and its subsequent designation as *Improvement Plan No. 40* by the Western Australian Planning Commission.
6. Amendment No. 1 has been prepared to seek:
 - The rezoning of Lot 8888 Flinders Parade, Middleton Beach from the 'Hotel/Motel' and 'Tourist Residential' zones, Lots 660 and 661 Marine Terrace, Middleton Beach from the 'Tourist Residential' zone and of portions of Adelaide Crescent, Marine Terrace, Barnett Street, Flinders Parade and Marine Drive from 'Priority Road' and Local Road Reserves to 'Special Use Zone SU25';
 - The amendment of 'Schedule 4 – Special Use Zones' to incorporate provisions relating to Middleton Beach Activity Centre;
 - Introduction of a land use definition for 'single attached dwelling'; and
 - Amendment of the Scheme Maps accordingly.
7. The draft *Middleton Beach Activity Centre Structure Plan* has been prepared to guide the subdivision and development of the subject land, in line with the objectives of *Improvement Plan No. 40*.
8. The subject land is located approximately 2.9 kilometres east-south-east of Albany town centre and has an area of approximately 3.3 hectares. It is relatively flat, with a shallow slope at its eastern extent, toward the beachfront, and a change in level of approximately one to two metres along the northern edges of Lot 8888, where it meets Lots 660 and 661 and the Barnett Street road reserve. Lot 8888 is cleared, having previously been occupied by the former Esplanade Hotel, while Lots 660 and 661 are each occupied by a detached single-storey house set in garden ground. The surrounding road reserves are developed with local roads, verge landscaping and public parking bays. An area of lawn interspersed with mature Norfolk Island pine trees occupies the south-eastern extent of the Flinders Parade road reserve.
9. The Mount Adelaide reserve lies to the south of the subject land is covered by the 'Parks and Recreation' local scheme reserve. Similarly, the Middleton Beach foreshore area, which includes the Albany Surf Lifesaving Club, public open space, public amenities, a playground and a restaurant and bar, lies to the east of the subject land and is covered by the 'Parks and Recreation' local scheme reserve. The land to the north and west is largely developed with a mixture of residential and short-stay holiday units and is covered by the 'Tourist Residential' zone, with the exception of Lot 201 Adelaide Crescent, which is zoned 'Local Centre' and occupied by a café and bar.
10. The amendment document states that:

"The State Government has recognised redevelopment of the site as important to future growth of Albany and is committed to the delivery of a redeveloped Middleton Beach Activity Centre. As such, LandCorp wish to facilitate the appropriate redevelopment of the Middleton Beach Activity Centre site ('the site'). As a result, the purpose of this proposed amendment is to establish a framework to guide the future development of the site.

This will be achieved by rezoning the site to the ‘Special Use’ zone under the Local Scheme, with associated conditions and specific provisions for the planning and development of the land. It will also acknowledge the significance of the site by providing for the preparation of an Activity Centre Structure Plan. This will allow for the flexibility to achieve a high quality built form and public place design and facilitate the development of a safe, vibrant mixed use local centre adjacent to the attractive beach front.”

DISCUSSION

11. The City’s planning Staff support the proposed local planning scheme amendment, as it provides the statutory framework for achieving the objectives of *Improvement Plan No. 40*.
12. The proposed local planning scheme amendment is consistent with the current strategic direction set by the *Albany Local Planning Strategy*, which identifies the site as part of the ‘Existing Urban’ area and sets a strategic objective to support urban infill development, based on compatibility of land uses and infrastructure capacity.
13. The proposed local planning scheme amendment and Activity Centre Structure Plan are supported by the following studies and management plans:
 - Flora, Vegetation and Fauna Review;
 - Preliminary Servicing Report;
 - Geotechnical Investigation, Preliminary Acid Sulfate Soils Investigation and Dewatering Investigation;
 - Bushfire Management Plan;
 - Coastal Hazard Risk Management and Adaptation Plan;
 - Transport Assessment;
 - Landscape Master Plan;
 - Stormwater Management Plan; and
 - Local Water Management Plan.
14. The site is currently included within the City of Albany *Significant Tourist Accommodation Sites* local planning policy. The policy identifies the site as a “*Local Strategic Site*” and states that development of a hotel is recommended. It also indicates a portion of Lot 8888 Flinders Parade where permanent residential development is permitted as of right and elaborates on this by stating that the lot may be developed with “*65% tourist accommodation and 35% permanent residential*”.
15. The existing *Significant Tourist Accommodation Sites* local planning policy is currently inconsistent with Western Australian Planning Commission’s *Planning Bulletin 83 – Planning for Tourism*. *Planning Bulletin 83* replaces the ‘strategic’ and ‘non-strategic’ approach previously taken towards tourism sites. On this basis the proposed local planning scheme amendment and Activity Centre Structure Plan do not provide percentage cap controls between residential and tourist land uses.
16. The local planning scheme amendment and Activity Centre Structure Plan have been prepared in accordance with the *Planning Bulletin 83 – Planning for Tourism* to propose a variety of appropriate land uses (including a mixture of residential and non-residential uses) to provide for a diverse tourism industry and to meet the objectives of *Improvement Plan No. 40*.
17. Planning staff propose to amend the Significant Tourist Accommodation Sites Local Planning policy later in 2016 to accord with State Policy. This will be reported to Council at a later date.

18. The Activity Centre Structure Plan proposes to realign Flinders Parade and its intersection with Marine Drive and Adelaide Crescent. The realignment will improve the existing level of connectivity. A roundabout will be employed at the intersection of Flinders Parade, Marine Drive and Adelaide Crescent. The realignment of Flinders Parade will allow for a greater area of public open space on the beachfront, which will assist in activating the foreshore as a recreation space. Public utilities will also be reconfigured as a component of the Flinders Parade realignment.
19. It is proposed to develop car parking bays along all existing roads within the Activity Centre area, including Flinders Parade, Barnett Street, Marine Terrace and Adelaide Crescent. On-street car parking is also proposed on the new internal street that runs across the subject land on a north-south axis. On-street car parking will serve as a traffic calming measure, which will help to give priority to pedestrians within the Activity Centre.
20. The provisions contained within Special Use zone SU25 require that private residential parking is provided at a basement level underneath any new buildings and accessed from a laneway or secondary street where available. These provisions also exempt any requirement for additional visitor parking to be provided for residential developments due to the availability of extensive public car parking facilities.
21. The provisions contained within Special Use zone SU25 reduce the car parking requirement for retail land uses by 50% from those specified in Local Planning Scheme No. 1; specifically, one bay must be provided for 40m² net lettable area, versus the usual one per 20m² net lettable area. Similarly, the provisions reduce the employee car parking requirement for a hotel by 50%; one bay will be required for every two employees, rather than the usual one per employee.
22. The Activity Centre Structure Plan proposes to step back building heights from the beach and residential development adjacent to the Activity Centre area. Additional height is provided for closer to Mount Adelaide, in order to preserve key views and vistas while also mitigating potential overshadowing impacts.
23. The Activity Centre Structure Plan proposes the following heights over the various development areas:

Precinct	Max Height	Storeys
Hotel/Mixed Use	11m – 21.5m	2 - 5
	11m - 46m	2 - 12
Mixed Use	11m - 21.5m	2 – 5
Residential	10 – 13.5m	2 – 3

24. As per the table above, the Activity Centre area will include a general height limit of three to five storeys, while providing scope for the potential development of up to 12 storeys for the Hotel/Mixed Use Precinct adjacent to Mount Adelaide. Twelve storey development may be considered against the design guidance provided for within the Activity Centre Structure Plan.
25. The Activity Centre Structure Plan proposes that the infrastructure and site works be undertaken in the following three stages:

Stage 1

Changes to the road network – realignment of Flinders Parade and reconstruction of Adelaide Crescent; bulk earthworks and civil works including the Hotel site.

Stage 2

Landscaping of the public realm on Flinders Parade, Adelaide Crescent and foreshore areas.

Stage 3

Bulk earthworks and civil works for the development areas (residential and mixed use sites) as well as Public Access Way and Internal Road; landscaping of the Public Access Way and other public realm.

26. Submissions received from public authorities during the advertising and referral process did not raise any objection to the proposal.
27. Two-hundred and thirty-seven submissions were received from members of the public during the advertising process. Of these, 72 were in clear support of the proposals, 47 offered conditional support, subject to modifications, while 108 raised significant concerns or objected to the proposals. The remaining submissions were general in nature and did not provide any indication of either strong support or opposition. Additionally, two petitions were received in opposition to the proposed 12-storey building height on the hotel/mixed use site; one containing 138 signatures and the other containing 265 signatures.
28. The number of correspondents quoted does not match that listed in the attached Schedule of Submissions. Submissions were numbered as they were received; however, some submissions were lodged both electronically and in hard copy, leading to a degree of duplication. The duplicate submissions have not been removed from the Schedule of Submissions to facilitate cross-referencing.
29. The submissions received cover a broad range of matters, which are addressed in the attached Schedule of Submissions. However, a number of key issues emerged, which are discussed in detail below:

Building height

30. The majority of submissions received from members of the public concern the proposed building height limits for the Activity Centre area, particularly that of the nominated hotel/mixed use site. While there is some support for the proposed height limits and a small number of submissions have called for additional height on the site, the majority of submissions object to the proposal to allow 12 storey development.
31. Many members of the public have stated that they consider the proposed building height limit over the hotel/mixed use site to be overdevelopment and strongly at odds with the character of the wider area. Concerns have also been expressed with regard to the visual impact of the development of a tall building on this site.
32. Opinion on the potential building height limit for this site covers a broad spectrum, with some members of the public objecting to any development in excess of three storeys, while others suggest that a limit of eight or ten storeys may be more appropriate.
33. LandCorp had undertaken community consultation in February 2015 to inform the draft concept design for the proposed Activity Centre, prior to preparing the local planning scheme amendment and Activity Centre Structure Plan currently under consideration. While there was concern expressed by community members over any development in excess of five storeys at that time, LandCorp assigned a building height limit of '5+' storeys on the southern portion of the hotel/mixed use site in the draft concept plan. This was intended to reflect the capacity of the site to accept a taller building and also to allow a degree of flexibility, should an exceptional development proposal be brought forward.

34. In acknowledging the community feedback, LandCorp has set an 'as of right' five storey/21.5 metre building height limit for future development in the local planning scheme amendment. However, they have advised that the optional 12 storey/46 metre height limit has been introduced in response to industry feedback suggesting that a greater building height limit may improve the viability of developing the site. Twelve storeys or 46 metres has been determined as an absolute limit to provide a degree of certainty to both developers and the community, rather than the nebulous '5+' originally indicated on the draft concept plan. Any development proposal in excess of 21.5 metres or five storeys would have to demonstrate exceptional design and be consistent with the objectives set out in condition 13 of the Special Use zone proposed by the local planning scheme amendment.
35. Currently there are no buildings in Middleton Beach in excess of three storeys in height and the character of the area is generally 'low-rise'. However, Middleton Beach is a suburb in transition, with more two and three storey units being constructed. There is also a local planning policy already in place over tourist precinct that would potentially permit four and five storey developments.
36. In terms of the proposed building height limits contained within the local planning scheme amendment, the two to three storey limit for the residential and mixed use sites fronting Barnett Street is considered appropriate in the context of the area. It is reflective of the existing development to the north and west of the proposed Activity Centre area, which include the two to three storey Castlereagh apartments to the north and a mix of single and double storey development to the west.
37. The proposed two to five storey building height limit over the mixed use sites in the southern half of the Activity Centre area is also considered appropriate in its context. A maximum height of five storeys fits well between three storey development to the north and the slope at the base of Mount Adelaide. As noted above, there is a local planning policy in place over the Middleton Beach tourist precinct that sets a maximum height limit of five storeys over much of the Activity Centre area. It also denotes a height limit of three storeys over the portion of the site immediately adjacent to Marine Terrace and this would provide an appropriate transition between the existing single storey development to the west and any new five storey buildings. The proposal under consideration is intended to provide a planning framework for the area and such matters can be considered in more detail at the development planning stage.
38. Numerous submissions regarding the proposed 12 storey building height limit over the hotel/mixed use site have made reference to Observation City in Scarborough, Western Australia as an indicator of the impact that a 12 storey development would have on Middleton Beach. It is considered that Observation City is not a valid comparison, as it reaches a height of 19 storeys and is located on a stretch of relatively flat, open coastline, predominately developed with single and double storey buildings. The visual impact of Observation City on the landscape is therefore more significant than the proposed hotel/mixed use site at Middleton Beach which is located in a very different environment that will lessen its visual impact.
39. There is already significant residential development on the slopes of Mount Adelaide that can be clearly seen when viewed from Middleton Beach and from further vantage points such as Mira Mar or Emu Point. Similarly, Mount Adelaide acts as a backdrop to any tall building constructed on the hotel/mixed use site. The location of this site has been carefully selected to ensure a minimal visual impact from closer vantage points, such as the area around Hare Street and Wylie Crescent. Although any future development may be visible from homes in this area, the site will be on the periphery of their outlook, due to their orientation toward Lake Seppings and Middleton Beach to the north and north-east.

40. The most significant visual impact will be seen from the streets immediately around the development. However, the context is likely to change with the redevelopment of the remainder of the Activity Centre. It can be assumed that three to five storey development is most likely immediately adjacent to the hotel/mixed use site, which would soften the presence of a taller building. The visual impact is also dependent on looking up at the building, which is typically beyond the field of view at street level, although this varies dependent on one's distance from the subject. The proposals seek to achieve a 'podium' style of development on the site, with a single storey element to the northern side, rising to perhaps three to five storeys and then potentially a taller element on the southern side. This achieves a more 'human' scale from the pedestrian areas to the northern side of the site, while the taller building element is confined to the southern side of the site, which is dominated by motor vehicle traffic.
41. The presence of the Norfolk Island pine trees lessens the visual impact of a new building from certain vantage points. LandCorp has provided details of the heights of the trees, which grow in two rows along the foreshore reserve. From the Surf Lifesaving Club, moving in a southerly direction, the row of trees closest to the beach ranges from 24.4 metres (six storeys) to 34.3 metres (nine storeys) in height. The row of trees closest to Flinders Parade, again moving in a southerly direction from the Surf Lifesaving Club, ranges from 17.2 metres (four storeys) to 32 metres (eight storeys) in height. The tree located in the middle of the roundabout at the intersection of Flinders Parade and Adelaide Crescent is 24.6 metres (6 storeys) tall.
42. Other submissions have expressed concern that allowing one tall building in Middleton Beach will open the door to further development akin to that of the Gold Coast in Queensland. While the area could potentially be redeveloped in future, the local planning policy in place restricts new development to a maximum height of three to four storeys, in view of the potential for development along the beachfront to have a greater visual impact from surrounding vantage points.
43. Condition 13 of the proposed Special Use zone, the concept plans contained within the activity centre structure plan and the forthcoming design guidelines require a 'podium' style development with the height of the building increased in stages, stepping back from the open space to the north of the site, which would reduce the footprint of any taller element of a building reducing its bulk.

Overshadowing

44. Several submissions expressed concern that the proposed development would overshadow the beach and foreshore reserve in afternoons and evenings during summer, and block views of the sunset from Ellen Cove.
45. The original Activity Centre Structure Plan document contains overshadowing plans illustrating the extent of shadows cast by buildings, including both five and 12 storey hotel buildings, at 9:00am, 12:00pm and 3:00pm on 21 June. In all cases, shadows are cast predominately over internal streets and the Mount Adelaide reserve. Only at 3:00pm does the shadow cast by the hotel building fall across the Three Anchors restaurant and a small portion of the foreshore reserve. However, by this time of day, the Norfolk Island pines within the foreshore reserve are also casting significant shadow.
46. Notwithstanding the above information, LandCorp has provided additional plans in response to the submissions, showing both five and 12 storey hotel buildings and the extent of the overshadowing that they would create at both 5:00pm and 6:00pm on 21 December. These plans illustrate that a five storey hotel would overshadow a small portion of the foreshore reserve at 5:00pm, extending to the beachhead by 6:00pm. This effect would be exaggerated by a 12 storey hotel building, extending across the beach by 6:00pm. However, the Norfolk Island pines also cast a significant shadow across the foreshore reserve and beach by this time of evening.

47. The shadow from any future hotel building would fall across a relatively narrow band of foreshore reserve and beach by virtue of its orientation and is considered to have minimal detrimental impact. The overshadowing from a hotel building would not impact Ellen Cove or the amphitheatre area in the early evening, due to the location and orientation of the hotel/mixed use site; in fact, it is likely that these areas will already be in the Shadow of Mount Clarence by this time of day.

Parking

48. A significant number of submissions have expressed concerns or dissatisfaction with the number and location of proposed car parking bays within the activity centre area. Many submissions highlight a perceived lack of parking and object to the removal of the 90° angle parking bays along the eastern edge of Flinders Parade, to the south of the Surf Lifesaving Club. The content of several submissions also indicates that some members of the public are not aware of the car parking requirements that would be imposed as conditions of the proposed Special Use zone.
49. The proposals seek to rearrange the existing public car parking bays within the activity centre area, including the provision of 29 additional bays. The public car parking bays currently provided at Middleton Beach are considered to be adequate in number and will be supported by the additional bays. There are currently 26 car parking bays provided along the eastern edge of Flinders Parade, to the south of the Surf Lifesaving Club. Under the proposals, these would be replaced by 15 angled bays along the eastern edge of the realigned Flinders Parade, immediately south of the intersection with Barnett Street, and a further seven parallel bays adjacent to the hotel/mixed use site. This will result in a total of 22 public car parking bays immediately adjacent to the foreshore area.
50. The car parking requirements will be incorporated into the local planning scheme to govern the location and number of car parking bays provided for residents and staff on each of the development sites. Firstly, there is a generic requirement that basement car parking shall be integrated into the built form and screened from view, such that the car parking areas are not directly visible from the street or other public spaces. Access to these car parking areas would only be permitted from a laneway or secondary street where available. A second generic requirement states that parking shall be provided in accordance with the provisions of the Local Planning Scheme unless otherwise stated in Condition 11 of the proposed Special Use zone.
51. In terms of the number of car parking bays to be provided on each development site, the requirements are set by Condition 11, according to the land use(s) present. These can be summarised as follows:

Hotel:	One bay per two employees + one per bedroom + one per 4m ² in other public areas.
Retail:	One bay per 40m ² net lettable area.
Residential/short stay tourist accommodation:	As per <i>Local Planning Scheme No. 1</i> , with no visitor car parking requirement for permanent residential components.
Other uses:	As per <i>Local Planning Scheme No. 1</i> .

52. There is also a strong emphasis on bicycle use within the local planning scheme amendment, with a requirement for one bicycle parking space to be provided per residential dwelling and one bicycle parking space per ten dwellings for residential visitors. This is in addition to the bicycle parking requirements prescribed within *Local Planning Scheme No. 1* for commercial uses and is consistent with the City of Albany's aim of becoming a cycle friendly city.

Coastal Planning

53. In accordance with *State Planning Policy 2.6 – State Coastal Planning*, a Coastal Hazard Risk Management and Adaptation Plan has been prepared for the Activity Centre and Scheme Amendment area. The Coastal Hazard Risk Management and Adaptation Plan establishes the context of the site and the required Risk management and adaptation responses.
54. The proposal was referred to the Department of Planning's coastal planning specialists for comment. They have advised that they will provide comment on the proposal's coastal planning implications directly to the local office of the Department of Planning. The Department of Planning will consider the coastal planning advice along with all other information when making its recommendations to the Western Australian Planning Commission.
55. While the Coastal Hazard Risk Management and Adaptation Plan has identified the coastal risk and provided management options, the final method for coastal risk mitigation will be determined at a later stage in the development process. Additional studies are required in order to determine the most effective long term measure.

Heritage

56. The City of Albany referred the proposals to the State heritage Office for comment. Middleton beach (Place Number 17520) is identified as a place warranting assessment for potential inclusion in the State Register of Heritage Places. The State heritage Office has advised that the proposals do not negatively impact on the identified heritage place and has no objection to the proposals being progressed.

Wind

57. A number of submissions have expressed concern that the east-west orientation of the public access way will create a 'wind tunnel' effect due to easterly winds. While it is acknowledged that the public access way will be affected by easterly winds, this is largely unavoidable, as the objective of the public access way is to create a pedestrianised space running back from the beachfront, which faces east. Orienting the pedestrian access way on an east-west access also helps to ensure solar access for any future development on the proposed mixed use sites between the access way and Adelaide Crescent. The effect of easterly winds can also be minimised by placing street furniture and planting within the pedestrian access way to act as windbreaks.

Public access way

58. A number of submissions object to the interface between the public access way and Flinders Parade, as there appears to have been a misunderstanding that Flinders Parade would be interrupted by the public access way and motor vehicles would not be able to travel across it. However, the public access way is shown on the plan as extending across Flinders Parade to indicate that pedestrians would have priority in this area, though motor vehicles may still cross.

Road alignment

59. The content of a number of submissions indicates that there is uncertainty over the proposed realignment of Flinders Parade and how this would influence the development of the Activity Centre area. The Activity Centre Structure Plan indicates that Flinders Parade would be realigned between Barnett Street and Adelaide Crescent. The road will be realigned to run in a southerly direction straight through the western extent of the existing car park to the south-east of Barnett Street. Shortly after it extends into the former hotel site, it will dogleg to the south-west, meeting Adelaide Crescent at the entrance to the former Esplanade Hotel and the entrance to the car park to the south. The land to the west of the realigned Flinders Parade, from the dogleg 'elbow' north to the Surf Lifesaving Club, will be landscaped and transferred into the foreshore reserve, while the land to the west of the road and south of the 'elbow' will form the hotel/mixed use site.

Location of hotel within the development area

60. Several submissions have indicated an objection to the location of the proposed hotel/mixed use site, on 'public land', rather than the previous hotel site, and the subsequent loss of parkland on the foreshore. Other submissions object to the location of the proposed hotel/mixed use site due to it having direct frontage to the foreshore reserve. The objectors believe that this will lead to a loss of public access to the foreshore reserve, as it will become an outdoor area for the hotel by default.
61. The content of the submissions regarding the location of the proposed hotel/mixed use site on 'public land' suggest that there has been a misunderstanding of the proposed plans. A comparison of the proposed plans with historic aerial photography, overlaid with the property cadastre, shows that the hotel/mixed use site would be located over approximately 40% of the footprint of the previous hotel building, its entry way and the adjacent road reserve between the former hotel site and the foreshore reserve. The hotel/mixed use site would not encroach on the existing foreshore reserve and the proposed realignment of Flinders Parade to the west of the hotel/mixed use site will offset the loss of the existing road reserve.
62. With regard to the proposed hotel/mixed use site having direct frontage to the foreshore reserve, any future development on the site cannot exercise exclusive rights to utilise this space, meaning that it will remain accessible by the public. The conditions of the proposed Special Use zone also place an emphasis on any future development in this location incorporating an active frontage that will function as an interface between the public reserve and private spaces within the development site. It is intended that this would take the form of a deck area that would provide alfresco seating for a hotel restaurant, bar or café.

Hotel/mixed use site land use

63. A small number of submissions have also highlighted that the Special Uses and Condition 11 of the Special Use zone proposed by the local planning scheme amendment do not preclude the development of the hotel/mixed use site for short-stay holiday accommodation or multiple dwellings, without a hotel. While there are local planning policy measures in place that would require the development of a hotel on the site, a local planning policy may be varied by Council and there is a risk that a hotel may not be provided.
64. It is therefore recommended that the proposed amendment to Schedule 4 – Special Use Zones is modified as follows:
- Replacement of "P" (Permitted) with 'D' (Discretionary) against "Multiple Dwelling (up to 5 storeys (21.5 metres))" in the "Special Use" column under "Hotel / Mixed Use Precinct";
 - Insertion of a new notation "(2)" against "Multiple Dwelling (up to 5 storeys (21.5 metres))" and "Multiple Dwelling (above 5 storeys (21.5 metres))" to read as follows:
 - *'(2) Means that the permissibility of the use shall be contingent upon prior or concurrent construction of a hotel.'*; and
 - Renumbering existing notation "(2)" as notation '3'.
65. Overall, it is considered that the proposed amendment and Activity Centre Structure Plan provides a suitable statutory framework for the site while also providing the necessary flexibility for a variety of developers to fulfil the objectives of *Improvement Plan No. 40*.

GOVERNMENT & PUBLIC CONSULTATION

66. LandCorp has undertaken initial consultation with the community, beginning in March 2015, in order to inform the design process that lead to the development of the draft *Middleton Beach Activity Centre Structure Plan*.
67. The local planning scheme amendment was adopted by resolution of Council on 23 February 2016 and advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* from 3 March 2016 to 14 April 2016 by direct referral to affected and adjoining/nearby landowners and public authorities, placement of a notice on-site and advertisement in local newspapers.
68. Although the *Planning and Development (Local Planning Schemes) Regulations 2015* only require an activity centre plan to be advertised for a maximum of 28 days; however, the draft Activity Centre Structure Plan was advertised concurrently with the amendment for the same 42 day period.
69. A public information session was also held on 19 March 2016 at the Albany Surf Lifesaving Club. This gave members of the public an opportunity to view the proposals and ask questions directly of representatives from LandCorp and the City of Albany.
70. Two-hundred and forty-three submissions were received from public authorities and members of the public and are summarised in the attached Schedule of Submissions. Staff comments and recommendations are also provided in the schedule and the submissions are discussed in paragraphs 30-64 above.

STATUTORY IMPLICATIONS

71. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
72. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning.
73. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to support a standard amendment, with or without modification.
74. Activity centre plans undergo a statutory process in accordance with Schedule 2, Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
75. Schedule 2, Part 5, clause 35(1) requires the local government to consider the submissions made within the period specified in the notice advertising the structure plan.
76. Schedule 2, Part 5, clause 36 requires the local government to prepare a report to the Western Australian Planning Commission, including a recommendation on whether the proposed structure plan should be approved by the Commission.
77. Voting requirement for these items is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

78. The local planning scheme amendment and Activity Centre Structure Plan propose to introduce a mix of residential and commercial land uses within the Activity Centre area. The Western Australian Planning Commission's *Planning Bulletin 83 – Planning for Tourism* and the draft *Middleton Beach Activity Centre Structure Plan* provide for a dynamic approach to the application of mixed land uses. As discussed in paragraphs 14 and 15 above, the City's *Significant Tourist Accommodation Sites* local planning policy is inconsistent with *Planning Bulletin 83*, as it prescribes specific caps for residential and tourism-related land uses. In instances where a Local Planning Policy is inconsistent with a Western Australian Planning Commission policy, the Western Australian Planning Commission policy prevails.

As noted earlier, the City’s Planning staff propose to amend the Local Planning Policy later in 2016.

79. The location of the subject land also requires that the provisions of *State Planning Policy 2.6 – State Coastal Planning* are addressed. *State Planning Policy 2.6* is designed to ensure that development within the coastal area is appropriately planned for and any risk managed. In accordance with *State Planning Policy 2.6*, a Coastal Hazard Risk Management and Adaptation Plan has been prepared for the Activity Centre area.
80. The Coastal Hazard Risk Management and Adaptation Plan addresses and establishes the following information:
 - Establishment of the context;
 - Coastal hazard assessment;
 - Risk analysis and evaluation;
 - Risk management and adaptation planning; and
 - Monitoring and review.
81. The Coastal Hazard Risk Management and Adaptation Plan identifies that the Activity Centre area will be subject to coastal risks, which will require management into the future.
82. Two potential options have been identified for managing coastal risk to the site. The first of these is to restore the level of the beach to the naturally occurring higher level, while the second is to develop a seawall along the length of the foreshore. Alternately, a seawall could be developed solely around the proposed hotel site.
83. While the Coastal Hazard Risk Management and Adaptation Plan has identified the coastal risk and provided management options, the final method for coastal risk mitigation will be determined later in the development process. Before a final decision is made on the preferred management option, additional studies will be required in order to determine the most effective long term measure.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Organisational Operations and Reputation</p> <p>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</p>	Possible	Minor	Medium	If not supported by the WAPC or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.

FINANCIAL IMPLICATIONS

85. There are no financial implications directly relating to this item.

LEGAL IMPLICATIONS

86. There are no legal implications directly relating to this item.

ENVIRONMENTAL CONSIDERATIONS

87. The location of the Activity Centre Area requires the consideration of the potential impact on coastal processes, to ensure that development within the coastal area is appropriately planned for and any risk managed. The results of the Coastal Hazard Risk Management and Adaptation Plan are discussed in paragraphs 38 to 40 above.
88. A Flora, Vegetation and Fauna Review (inclusive of an assessment of matters of National environmental significance), was undertaken for the Activity Centre area. The results conclude that the environmental factors on the site are unlikely to present constraints on future development of the Activity Centre area for residential and commercial purposes.
89. A Geotechnical Investigation, Preliminary Acid Sulfate Soils Investigation and Dewatering Investigation was also undertaken for the subject land. The report states that geotechnical conditions are suitable for development and comprise medium dense to dense sands, overlying weathered granite depth.
90. The presence of Acid Sulfate Soils has been identified across the site, from about 1.5 metres below the current ground water surface. Where the disturbance of Acid Sulfate Soils cannot be avoided, further sampling may be necessary and an Acid Sulfate Soils Management Plan required.
91. The report also advises that groundwater is present at around RL (relative level) one metre AHD (Australian Height Datum), and was not observed to be significantly influenced by tidal action. Where development requires dewatering, the preparation of a Dewatering Management Plan will be necessary. A Dewatering Management Plan will prescribe the management and monitoring requirements for the dewatering process.

ALTERNATE OPTIONS

92. Council may consider alternate options in relation to these items, such as:
 - To resolve to support the scheme amendment without modification;
 - To resolve not to support the scheme amendment and advise the Western Australian Planning Commission, in writing, of the reasons for doing so; or
 - Recommending to the Western Australian Planning Commission that it does not approve the proposed *Middleton Beach Activity Centre Structure Plan*.

SUMMARY CONCLUSION

93. It is recommended that Council adopt Local Planning Scheme Amendment No. 1, subject to modification, and the Middleton Beach Activity Centre Structure Plan, as the proposals are consistent with the current strategic direction set within the *Albany Local Planning Strategy* and will allow the establishment of a statutory framework to fulfil the objectives of *Improvement Plan No. 40*.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i> 4. <i>City of Albany Corporate Business Plan 2013-2017</i> 5. <i>City of Albany Significant Tourist Accommodation Sites local planning policy</i> 6. <i>Western Australian Planning Commission Improvement Plan No. 40 – Middleton Beach Activity Centre;</i> 7. <i>Western Australian Planning Commission State Planning Policy 1 – State Planning Framework Policy (Variation No. 2);</i> 8. <i>Western Australian Planning Commission State Planning Policy 2.6 – State Coastal Planning</i> 9. <i>Western Australian Planning Commission Planning Bulletin 83 – Planning for Tourism</i>
File Number (Name of Ward)	:	<p>LAMD1 (Frederickstown Ward) LSP3 (Frederickstown Ward)</p>
Previous Reference	:	<p>PD125 OCM 24/05/2016</p>

6. CLOSURE OF MEETING:

There being no further business the Mayor declared the meeting closed at [7:27:39 PM](#)



Dennis W Wellington
MAYOR

TABLED DOCUMENTS

NAME	REFERENCE	FILE
Ms Patricia Kerruish	PD125	GO.COM.5
Ms Barbara Madden	PD125	GO.COM.5
Ms Jennifer Viol	PD125	GO.COM.5
Mr Roland Paver	PD125	GO.COM.5

TABLED ADDRESS BY MS PATRICIA KERRUISH

PATRICIA KERRUISH 35 GARDEN STREET

Good evening Mayor , Executive Staff and Councillors .

This meeting of Council is an extra demand on your busy lives .
I commend the vote at the last meeting to defer the decision on this proposal .

to allow extra time for the community to become better informed and to put in a submission if they hadn't already done so .

However we have had no GROUP/PUBLIC consultations or meetings ,
to allow for the community to be better informed . We have had 3
repeats of Landcorp's full page advertisements in the press , containing
confusing at best , misleading at worst, references, to the proposed Hotel
Site

I quote "The proposed hotel development is set back against Mt Adelaide
, and will be located over parts of the old Esplanade site and current road
reserve .

Marine Drive and Flinders Parade will be re aligned "

One would then expect or hope to see a copy of the site plan, overlaid on
the existing road reserve and old Esplanade site ,clearly showing the
proximity of the hotel site to the Norfolk Island Pines and to the beach .
No one could then be in doubt exactly where the hotel development is
to be .

When you actually stand on the footpath at 3 Anchors with a copy of
Landcorp's Landscape Master Plan, work out where the hotel site
boundary is, and try to imagine any building so close to the Pines/ beach
/playground and café , it's frightening .

Landcorp states the "existing grassed areas and Norfolk Island pines will
not be affected ."

Horticultural requirements for the Heritage listed Norfolk Island Pines
are 15 metres diameter root space at maturity.

This is beyond the existing footpath and extends into the hotel site .

Initial site works have the potential to damage roots , necessitating the
removal of at least 3 trees

Oops sorry ! too late. They're gone ! How Sad Too Bad! I hear inside
my head.

In closing I would like to add, and please correct me if I'm wrong ,that
along the entire WA coast/ beachfront from Broome to Esperance , there
is **only one**

TABLED ADDRESS BY MS PATRICIA KERRUISH

High Rise Hotel on the beachfront, the Rendezvous at Scarborough
advertising only 3 mins walk from Scarborough Beach.

I searched online how far is a 3 minute walk?

In approved real estate terms, this translates to 240 metres allowing,
1 minute for each 80 metres

If Albany's proposed hotel were 240 metres from the beach it would be
in the lot adjacent to Rats Bar,

In contrast the proposed site is 40 metres from the sand, a mere half a
minute's stroll .

What a never to be repeated opportunity for a developer to make mega
dollars , ruining this iconic beach for our children's children ,and future
generations .

Landcorp has told us all that the site will never attract any developer at
the current 5 storey maximum height .

This amounts to scare tactics and a money driven agenda .

Shame Landcorp

Please go back to the drawing board and present us with a **unique first
class plan** for tourists, residents and ratepayers , especially for future
generations

It needs to be further back from the beach , and **not be** an outdated,
carbon copy, one size fits all version of Gold Coast or Surfers Paradise
buildings *and planning*

The world is full of High Rise Hotels , all competing for the tourist dollar,
ever taller , more extravagant , exotic and glamorous .

Why would tourists come to **yet another High Rise Hotel in Albany or
Bunbury when it's developed ?**

Many tourists are **now** looking for different travel ... Cruises ,safaris ,
outback, wilderness , Antarctic adventures .

Let's celebrate our spectacular scenic beauty , diverse flora and fauna
our wonderful healthy lifestyle and promote Albany accordingly.

Let's dare to be different and promote that difference !

Thank you

TABLED ADDRESS BY MS B MADDEN

SPECIAL COUNCIL MEETING 11 JUNE 2016.

MIDDLETON BEACH ACTIVITY CENTRE SCHEME AMENDMENT

BARBARA MADDEN, GOLF LINKS ROAD

EVERYONE WANTS THE ABSOLUTE BEST DEVELOPMENT FOR THE MIDDLETON BEACH SITE, BUT GETTING THAT INVOLVES RESEARCHING BEST PRACTICE AND THEN FINDING AN ACCEPTIBLE BALANCE BETWEEN WHAT FITS WELL WITH THE EXISTING NATURAL AND BUILT ENVIRONMENT, WHAT MEETS COMMUNITY NEEDS AND EXPECTATIONS, AND WHAT WILL BE AN ATTRACTIVE INVESTMENT FOR A DEVELOPER. WHAT IS BEING PROPOSED UNDER THE SCHEME AMENDMENT LEANS HEAVILY TOWARDS THE LATTER. THERE ARE MANY EXAMPLES OF SYMPATHETICALLY DESIGNED COASTAL DEVELOPMENTS THROUGHOUT AUSTRALIA AND OVERSEAS AND I WONDER TO WHAT EXTENT THEY HAVE BEEN STUDIED BY COUNCILLORS. THEY CAN'T ALL BE UNVIABLE.

ACCORDING TO THE STRUCTURE PLAN, THE MAXIMUM POTENTIAL LOT YIELD OF 295 DWELLINGS WOULD INCREASE THE NUMBER OF DWELLINGS IN MIDDLETON BEACH BY OVER 60% AND MORE THAN DOUBLE ITS POPULATION ,

THE IMPACT OF THIS SCALE OF DEVELOPMENT ON THE SURROUNDING ENVIRONMENT WILL BE VERY SIGNIFICANT, IN MANY WAYS. FOR EXAMPLE, A UNIQUE FEATURE OF MIDDLETON BEACH IS ITS CLOSE PROXIMITY TO THE SURROUNDING HILLS. I CANT THINK OF ANY POPULATED AREA OF WA THAT HAS WHAT WE'VE GOT, SO CLOSE TO THE CENTRE OF TOWN. IT'S OUR POINT OF DIFFERENCE AND A COMPETITIVE ADVANTAGE IN MARKETING ALBANY AS A TOURISM DESTINATION.

BUT THE INTERACTION OF THE HILLS, WATER, BEACH AND FORESHORE RESERVE IS AT RISK OF BEING SERIOUSLY COMPROMISED. SUCH HIGH BUILDINGS SO CLOSE TO THE BEACH WILL DOMINATE THE LANDSCAPE AND WE'LL BE LEFT WITH JUST ANOTHER OVERDEVELOPED COASTAL STRIP AND JUST ANOTHER BEACH.

THE MAGIC OF THE PLACE WILL BE GONE.

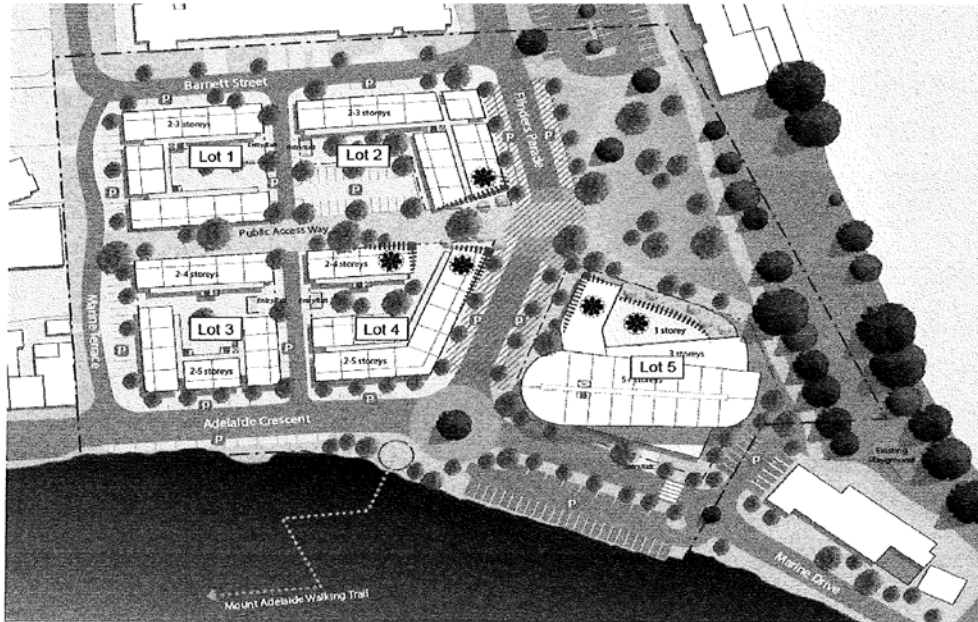
I WISH TO TABLE THESE COMMENTS AND SUPPORTING DOCUMENTS.

TABLED ADDRESS BY MS B MADDEN



Middleton Beach Activity Centre
 Transport Assessment

Figure 4-2 Proposed Middleton Beach Activity Centre Layout



Source: Hames Sharley

Table 4-1 Proposed Structure Plan Development Yields

Lot no.	Development Yields		
	Residential Dwellings	Hotel Rooms	Retail
Lot 1	36		
Lot 2	42		
Lot 3	71		
Lot 4	76		786m ²
Lot 5	70	90	
TOTAL	295	90	786m²

Source: Hames Sharley

TABLED ADDRESS BY MS B MADDEN

Summary Table



Table 1: Summary Table

ITEM	DATA		STRUCTURE PLAN REF (SECTION NO.)
Total area covered by the structure plan	3.29 hectares		1.2.2 Area and Land Use
Area of each land use proposed:	m²	Lot yield	
Residential	1683	1	4.0 Land Use and Subdivision Requirements
Mixed Use	5647	3	
Hotel	3880	1	
POS	5119	1	
Total estimated lot yield	6		4.0 Land Use and Subdivision Requirements
Estimated number of dwellings	295*		5.4 Yield Analysis
Estimated residential site density	257 dwellings per site / hectare		5.4 Yield Analysis
Estimated population	687		Section 3.0 Population and Dwellings
Number of high schools	n/a		n/a
Number of primary schools	n/a		n/a
Estimated commercial floor space	786m ²		Appendix H
Estimated area and percentage of public open space	0.5119 hectares 15.56%		4.0 Land Use and Subdivision Requirements

*Note the yield contained within the Indicative Concept Plan (Figure 32) is based on development achieving the maximum permitted development controls (Height up to 12 storeys) and an assumed dwelling typology and mix. Dwelling yields are indicative, and are likely to vary and be notably less should a reduction in height occur.

TABLED ADDRESS BY MS B MADDEN

3 POPULATION AND DWELLINGS

In order to understand the context of MBAC in relation to the Greater Albany area as well as the performance of the local economy, Australian Bureau of Statistics (ABS) 2012 Census data, Tourism WA data and reports commissioned by LandCorp have been analysed.

For the purposes of this study, the Middleton Beach State Suburb (ABS Code SSC50495) has been used to create a demographic snapshot of MBAC with the urban area of Albany as a benchmark (ABS Code UCL512001), as shown on Figure 13 and summarised in the below snapshots.

3.1. DEMOGRAPHIC SUMMARY

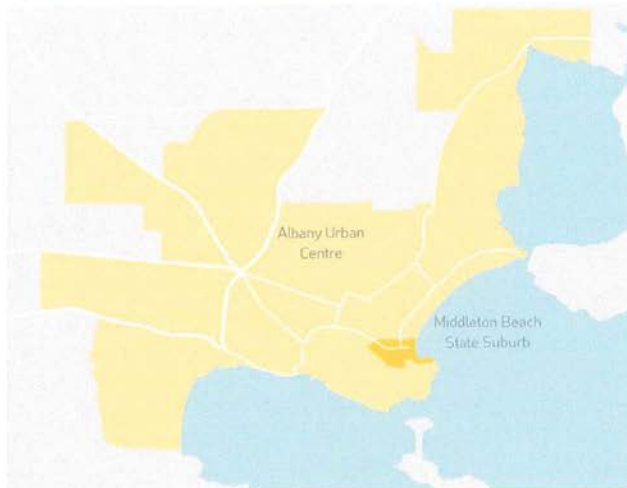


Figure 13: Subject Area, Source: ABS 2012

Middleton Beach		Albany		WA Tomorrow Data for Albany	
People	652	People	26,643	Growth Rate	1.5%
Male	48.3%	Male	48.2%	Forecast 2026 Pop ^a	45,100
Female	51.7%	Female	51.8%		
Median age	51	Median age	40		

	Middleton Beach	Albany
Median total personal income (\$/weekly)	\$695	\$515
Median total family income (\$/weekly)	\$1,620	\$1,241
Median total household income (\$/weekly)	\$1,135	\$974
Median rent (\$/weekly)	\$260	\$240
Average household size	2.1	2.4
Average number of persons per bedroom	1	1.1

source: ABS, 2012

TABLED ADDRESS BY MS B MADDEN

3.1.4. DWELLING CHARACTERISTICS

	Middleton Beach	Albany
Separate house*	80.4% (225)	87.5%
Semi-detached, row or terrace house, townhouse etc*	12.9% (36)	7.2%
Flat, unit or apartment*	4.6% (13)	4.8%
Other dwelling*	2.1% (6)	0.6%
Total occupied private dwellings	59.3% (280)	83.6%
Unoccupied private dwellings	40.7% (192)	16.4%

*Figures are for occupied private dwellings only. ABS does not provide details on unoccupied private dwellings
 source: ABS, 2012

3.1.6 AMOUNT OF ROOMS

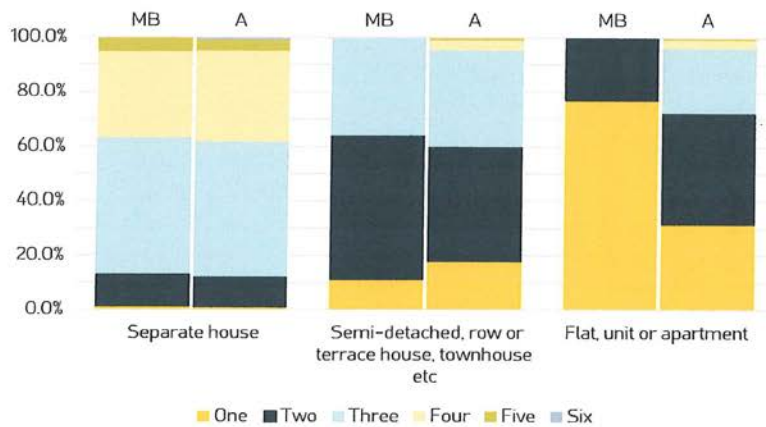


Figure 15: Dwelling Characteristics (Source: ABS 2012)

TABLED ADDRESS BY MS J VIOL

Submission on Middleton Beach Activity Centre Scheme Amendment and Structure Plan

Jen Viol
13 June 2016

Location

I do not support the proposed location of the hotel, or the proposed height. The height limit should be 5 storeys. The location is too close to the foreshore and too close to Mt Adelaide. The view of the undeveloped, fully vegetated escarpment of Mt Adelaide is very special and peaceful, and would be blocked by the hotel. It needs a respectful space in front for us to appreciate this landform. The view of the beach from Adelaide Crescent would also be blocked by the hotel, and this view is important for locating yourself as on the threshold of the beach.

The hotel in this location does not 'contribute to the public realm' as stated, and is completely out of character with the locality. The top priority of a beach and foreshore is public open space, where people can wander around in bare feet and bathers, informally settle down on the ground, play games and sport. These foreshore users would feel uncomfortable with a 12 storey high wall directly behind the back row of Norfolk Island pines, and what would be a very narrow café buffer zone of well-dressed people. The pines at this point have their bases at levels between 1.90 and 2.20m above sea level, and the finished floor level of the development would be about 3.5m so the foreshore would be overlooked by a level change of about 1.5m. The building would not only shadow the foreshore in the afternoon, creating a cold, dark narrow reserve, but overshadows the space by creating a feeling of being hemmed in. Even from the point of view of the hotel and residents of the building, they would feel too close to what is often a cold and windy beach.

The associated narrow urban streets of shopping are not always people's top priority, and are more appropriate further inland or limited to the town centre of Albany. It is important that the public of all demographics, who can't afford to use the development, do not lose their town beach.

Erosion

In the 'Coastal Hazard Risk Management and Adaptation Plan' the 'Assessment of Likelihood of Coastal Erosion Impact' on the proposed hotel site, in 2090 is 'likely' and by 2115 is 'almost certain'.

The report says:

'The consequence of erosion to the Hotel site has been assessed to be minor until 2065 as it is unlikely that only the promenade infrastructure such as landscaping and pavement would be impacted by erosion. By 2090 the rating could increase to major as potential damage caused by erosion may be greater than around \$5 million.' I would like to point out that this report was based on a plan that did not have the newest location of the hotel up against the pines. In this newest plan the paving is located under the canopy of the pines. As the ground under the pines should be untouched or else they will probably be damaged during construction and die, there will be no room for a buffer zone of paving in front of the building, ie, the building is too close to the pines.

because of the risk
So therefore I assume that Landcorp and the City will choose to use mitigation and management action.

Mitigation *The report says:*

'high levels of risk are expected for the proposed hotel site by 2090, which would require management action. The site could be subject to an extreme level of risk by 2115 if management action has not been completed by this time.'

Option 1; to increase beach elevation; no-one would accept the sand blowing in over the foreshore reserve into the new development. Increasing the retaining wall height by 70cm would be the maximum acceptable height, and dune vegetation would have to be established to bind the sand, as suggested in the report. The distance between the existing sea wall and the wall of the proposed building is about 40m. Assuming the vegetation would need to

TABLED ADDRESS BY MS J VIOL

extend at least 5m behind the wall, the foreshore is now further narrowed by the dune and the building; the building is once again, too close.

Option 2; a sea wall at the existing retaining wall would cause more erosion on the beach and separate people from the beach. State planning now discourages sea walls. It is important not to make a step backwards to the past. There is no room for a sea wall around the hotel without damaging or removing the pines. *Alternatively*

The need for these mitigation strategies, and sections explaining them should have been made very clear, displayed visually alongside the plan, in the past community consultation.

Even with management, as seen in the Increased Beach Elevation diagram, the hotel would still sit within the 100yr vulnerability zone.

Retreat

The 'State Planning Policy No.2.6' now outlines a hierarchy of risk adaptation and mitigation options – where the top priority is to AVOID new development within the area impacted by the coastal hazard. The next option is to retreat/ relocate the asset. Only if no other options are available do you use protection. In the 'Indicative Flowchart for Assessment of Coastal Hazard Response' Landcorp have ignored the 'Planned/ managed retreat is appropriate' choice and are moving contrary to this direction. It would be embarrassing if this development went ahead contrary to current thinking and advice. There is no reason why at this stage, the location of the hotel cannot be moved inland to the original site of the past hotels. Builders of the original hotel understood respect for the coast, even before sea level rise and an increase of storm surges was a possibility.

Drainage

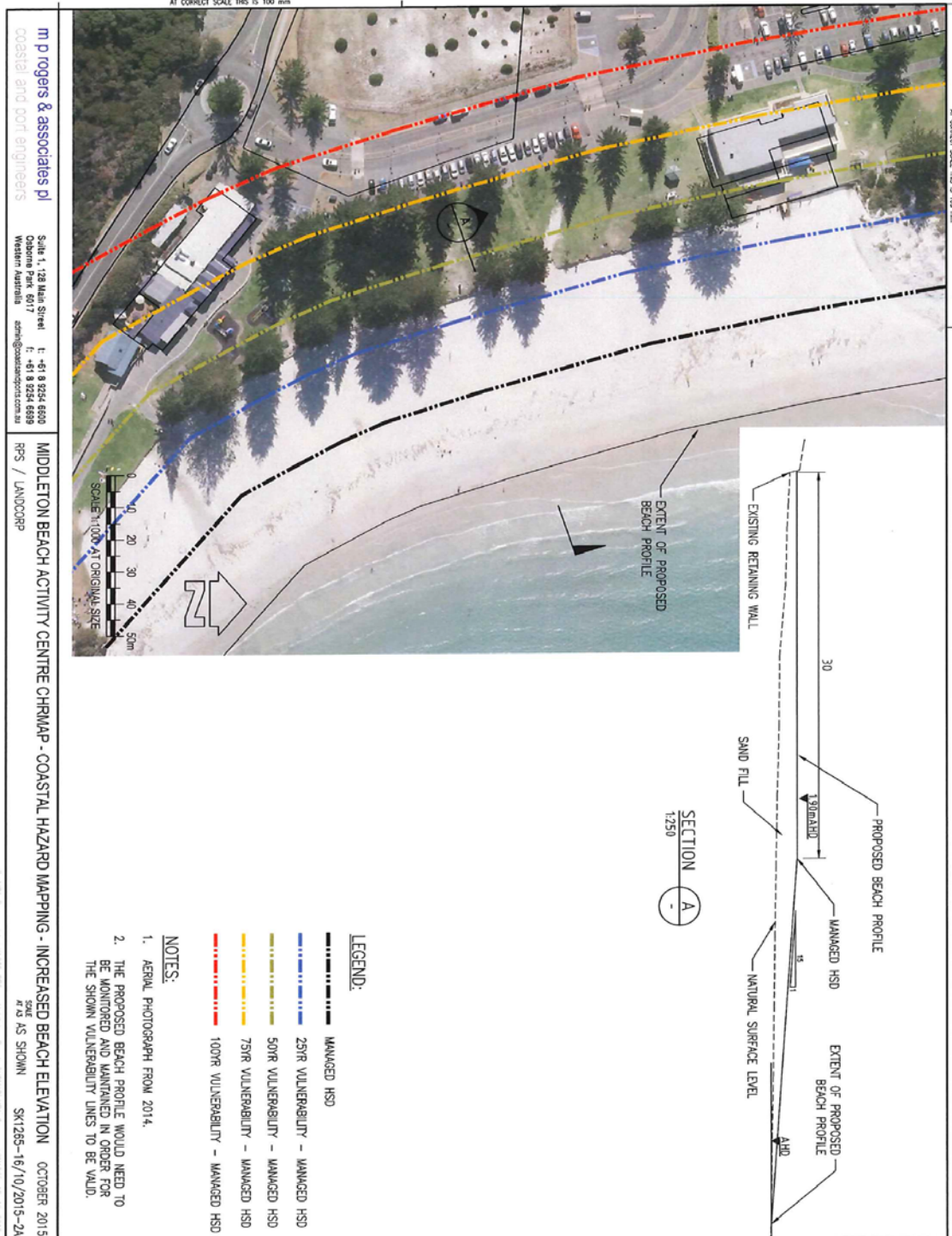
I appreciate that water sensitive urban design will be included in the development. However there will still be a stormwater outlet at the beach diverted towards the jetty, and if the beach elevation is increased, the other outlet will have to be diverted to the north.

I propose that the hotel site, and any buildings, are retained in the original Esplanade site, and that the hotel site proposed by Landcorp is a public reserve, where water sensitive urban design can deal with drainage from Mt Adelaide on site, so that there is no need for drainage outlets on the beach. *or at least moved inland from the present proposal,*

Regards,

Jennifer Viol
Landscape Architect
0403 837 924
jen.viol@gmail.com

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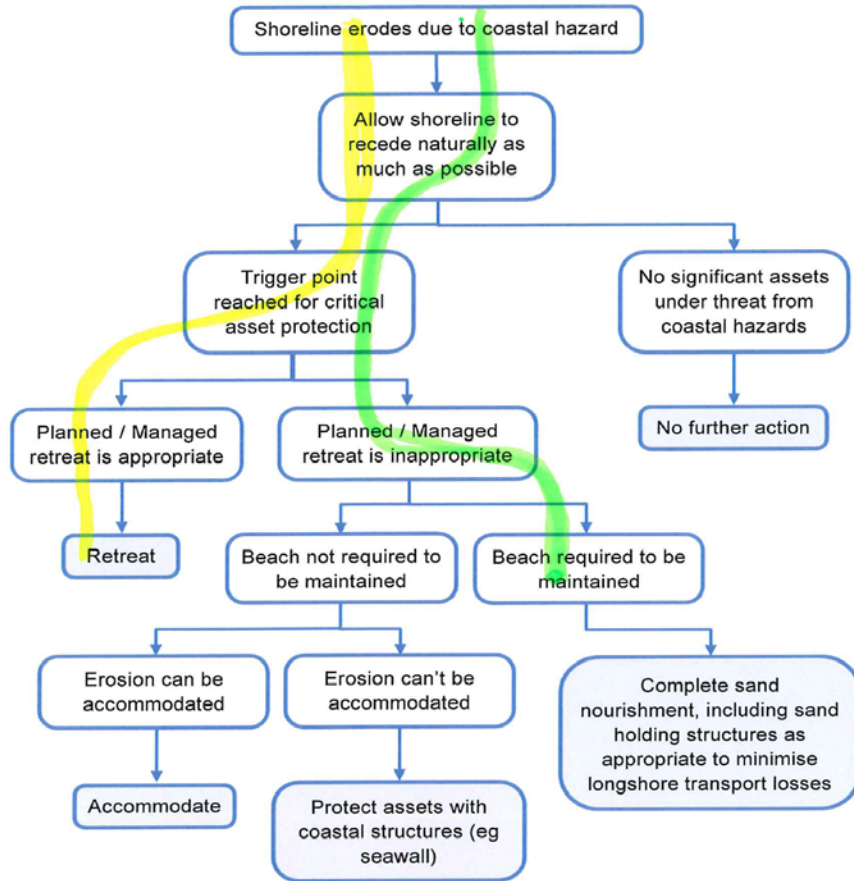


Figure 6.2 Indicative Flowchart for Assessment of Coastal Hazard Response

Potential risk mitigation strategies have been considered for the development proposed as part of the Middleton Beach Activity Centre only, as the risk management for existing assets lies with the City of Albany, who are the entity responsible for the management of these assets. However, it should be noted that any risk management or adaptation proposed for these existing assets could also provide protection to the proposed Hotel Site, which is the most vulnerable portion of the proposed development.

With regard to the risk management and adaptation for the proposed Hotel Site, there are two key adaptation and mitigation strategies that should be considered to reduce the overall risk of coastal erosion. These options are considered, as it is unlikely that a managed retreat option would be acceptable for this level of infrastructure.

TABLED ADDRESS BY MR R PAVER

Public debate on the proposed development of the Middleton Beach precinct has tended to focus on the height of the building on the site designated as a hotel site. I believe that most of those engaged in the public consultation process are opposed to it.

What the state's planners propose for this site is a mixed use development of up to 12 stories comprising a hotel and residential units. The justification they give for this is the usual one based on the highly elastic argument about viability. The Council should not be taken in by this argument. For one thing it is an irrelevant planning consideration. For another, the argument is only possible because they have deliberately made it so by their treatment of the Middleton Beach precinct as a whole. They need not have devoted 80% of the precinct to residential and commercial uses. They could quite easily have created a larger hotel site, one that facilitated the development of a hotel at the front supported by separate residential units at the rear with a maximum height limit across the site of, say, 5 stories. They simply chose not to do so.

The inescapable fact is that a 12 storey building is neither necessary nor desirable. If I were a Councillor, and I dare say most of you are pleased that I am not, I would oppose the proposal that is before you. I would send it back to the planners and ask them to come with a new proposal that is less offensive to the residents of Middleton beach and more reflective of the three main considerations, namely, 1) the historic use of the precinct exclusively for tourist accommodation and ancillary tourist attractions and facilities; 2) the existence of local planning strategies and policies that reserve 70% of the precinct for tourist accommodation; and 3) the clearly acknowledged importance of tourism as a long term driver of the local economy.

It does not require a lot of courage to do this. We can be grateful that the government has purchased a precinct that has long been an eyesore but we need not accept a proposal motivated less by the long term interests of the community than the short term interests of the Liberal Party's main constituents, namely property developers. We can try to seek a better balance between these two interests.