

City of Albany

Local Planning Scheme No. 1

Amendment No. 1

Middleton Beach Activity Centre

Scheme Amendment Report

February 2016

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

CITY OF ALBANY
LOCAL PLANNING SCHEME NO. 1
AMENDMENT NO. 1

RESOLVED that the Council, in pursuance of Section 75 of the *Planning and Development Act 2005*, initiate an amendment to the City of Albany Local Planning Scheme No. 1 to:

1. 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 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. Amend 'Schedule 4 – Special Use Zones' to incorporate provisions relating to Middleton Beach Activity Centre;
3. Introduce 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;
4. Amend the Scheme Maps accordingly.

Dated this day of 20.....

.....

CHIEF EXECUTIVE OFFICER

Minister for Planning

Proposal to amend a Local Planning Scheme

Local Authority: City of Albany

Description of Local

Planning Scheme: Local Planning Scheme No. 1

Type of Scheme: Local Planning Scheme

Serial No. of Amendment: Amendment No. 1

Proposal: To:

1. 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 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. Amend 'Schedule 4 – Special Use Zones' to incorporate provisions relating to Middleton Beach Activity Centre;
3. Introduce 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;
4. Amend the Scheme Maps accordingly.



Scheme Amendment Report

Middleton Beach Activity Centre

for LandCorp

Prepared by:

Hames Sharley (WA) Pty Ltd

ABN 42 009 073 563

PN 43460

February 2016

REVISION SCHEDULE

No.	Date	Details	CM
1	13/10/15	Draft v.1	MS
2	12/11/15	Draft v.2	MS
3	01/12/15	Draft v.3	MS
4	09/12/15	Draft v.4	MS
5	18/12/15	Final	MS
6	24/02/16	Final - Advertising	MS

DISCLAIMERS

The information contained in this report has been prepared with care by our company, or it has been supplied to us by apparently reliable sources. In either case, we have no reason to doubt its completeness or accuracy. However, neither this company nor its employees guarantee the information, nor does it or is it intended to form part of any contract. Accordingly, all interested parties should make their own inquiries to verify the information, as well as any additional or supporting information supplied, and it is the responsibility of interested parties to satisfy themselves in all respects.

This report is for the use only of the party to whom it is addressed and Hames Sharley disclaims responsibility to any third party acting upon or using the whole or part of its contents.

This document has been prepared for the use of LandCorp only. Copyright © 2015 by Hames Sharley (WA) Pty Ltd. No part of this document shall be reproduced in any form without written permission of Hames Sharley.

Contents

- 1. Introduction3
- 2. Site Description.....4
- 3. Planning Context.....6
- 4. Overview of Proposal 12
- 5. Conclusion 15

Scheme Amendment Report – Middleton Beach Activity Centre

1. INTRODUCTION

This scheme amendment report has been prepared in support of a proposed amendment to the City of Albany Local Planning Scheme No. 1. The purpose of this amendment to Local Planning Scheme No. 1 is to:

1. 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 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. Amend 'Schedule 4 – Special Use Zones' to incorporate provisions relating to Middleton Beach Activity Centre;
3. Introduce 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;
4. Amend the Scheme Maps accordingly.

The State Government has recognised redevelopment of the site as important to the 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 the 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.

2. SITE DESCRIPTION

2.1. LOCATION

The Middleton Beach Activity Centre is located on the foreshore of King George Sound within an area predominantly developed for residential and tourism purposes. Middleton Beach is accessed from the town centre via Middleton Road or via the scenic route, Marine Drive. It is located approximately 3 km from Albany City Centre.



Figure 1 – Site Plan

The site consists of two residential properties (Lot 660 and Lot 661), the large lot once occupied by the former Esplanade Hotel (Lot 8888) and the adjoining road reserves and foreshore area. The total land area is approximately 3.29 ha.

2.2. DETAILS OF LAND

The relevant details of the land are as follows (excluding road reserve areas):

Details of Land	Plan Survey No.	Title Number	Ownership
Lot 8888 Flinders Parade, Middleton	052882	Vol 2736 Folio 785	Western Australian Land Authority (LandCorp)
Lot 660 Marine Terrace, Middleton	120097	Vol 1305 Folio 32	Private
Lot 661 Marine Terrace, Middleton	120097	Vol 1722 Folio 880	Private

2.3. LAND USES

Middleton Beach provides a hub of recreational activities for both residents and tourists alike. Restaurants, shops and a wine bar are located in close vicinity of Middleton Beach with a developed recreational area of the foreshore. Tourist accommodation ranging from a caravan park to self contained units and bed and breakfast are located on the foreshore and in the immediate neighbourhood.

In particular, Lot 8888 is located on the corner of Flinders Parade and Adelaide Crescent, Middleton Beach and is known as the former Esplanade Hotel site, which has been an iconic seaside location for Albany residents and holiday makers since the construction of the first Esplanade Hotel in the 1890s. The hotel was rebuilt a number of times over the 20th century, most recently in 1991 as a five star boutique hotel with extensive public facilities.

Lot 8888 has been vacant since demolition of the hotel and associated accommodation units in January 2007. All previous development approvals granted by the City have lapsed. LandCorp became the owner of the site in December 2014.

Lots 660 and 661 currently accommodate residential dwellings which are in private ownership. Demolition of these dwellings to facilitate redevelopment of this portion of the site will be at the discretion of the owners(s). Including these private residential lots within the Improvement Plan No. 40 area has allowed for an improved opportunity for a consolidated development of the site.

3. PLANNING CONTEXT

3.1. STATE PLANNING CONTEXT

3.1.1. WAPC IMPROVEMENT PLAN NO. 40 – MIDDLETON BEACH ACTIVITY CENTRE

In 2014, under section 119 of the *Planning and Development Act 2005*, the WAPC enacted Improvement Plan No. 40 - Middleton Beach Activity Centre over Lot 8888 Flinders Parade, Lots 660 and 661 Marine Terrace and the surrounding road reserves to help optimise the opportunity for successful development and to provide the WAPC with the authority to undertake the necessary tasks to plan for and progress the redevelopment of the site. Improvement Plan No. 40 became operational on 31 October 2014.

The aim of the Improvement Plan is to guide the planning, development and use of the land by establishing the strategic intent for the redevelopment, through the preparation of statutory plans and policy instruments as required and sets out the redevelopment objectives.

Improvement Plan No. 40 applies to the same area as shown in Figure 1 of this report, bound by Adelaide Crescent, Marine Terrace, Barnett Street, Flinders Parade and Marine Drive, Middleton Beach.

Improvement Plan No. 40 provides for the making of an Improvement Scheme. However, in February 2015, the Middleton Beach Activity Centre Working Group comprising representatives from LandCorp, Department of Planning, City of Albany, Great Southern Development Commission and Department of Lands agreed that a Local Scheme Amendment and Structure Plan was the preferred mechanism for the statutory planning of the Middleton Beach Activity Centre.

The following objectives of the Improvement Plan No. 40 have been taken into account during the preparation of the scheme amendment and Activity Centre Structure Plan for the site and are included within the proposed special use provisions of the Scheme:

- *To develop the Middleton Beach Activity Centre in a co-ordinated manner, recognising its significance for local recreation, organised sporting and cultural events and as a tourist destination;*
- *To achieve a high quality built form and public place design across the scheme area and public foreshore reserve interfaces that recognise the iconic location and significance of the site to the community;*
- *To integrate development of public and private land to establish a safe, vibrant mixed use centre with an active beach front and urban edge that includes but is not limited to: local and tourist facilities; restaurants, cafes and shops; holiday and short stay accommodation; together with a range of permanent residential uses but excludes detached houses;*
- *To facilitate the provision of an effective, efficient, integrated and safe transport network that prioritises pedestrians, cyclists and public transport users;*
- *To encourage provision of parking that is efficient and promotes the establishment of shared, reciprocal and common use facilities;*
- *To encourage development to incorporate sustainable technologies and design including best practice with regard to energy efficiency, water sensitive urban design and fire safety requirements; and*
- *To facilitate opportunities for investment and development.*

3.1.2. WAPC STATE PLANNING POLICIES

WAPC State Planning Policies are prepared and adopted by the WAPC under the *Planning and Development Act 2005*. Local Government must have due regard to the provisions of State Planning Policies when preparing or amending local planning schemes. Relevant to this amendment are SPP 2.6 - State Coastal Planning, SPP3 – Urban Growth and Settlement and SPP 3.1 – Residential Design Codes, which are outlined below.

State Planning Policy 2.6 – State Coastal Planning

State Planning Policy (SPP) 2.6 sets out measures to help contribute to the long term sustainability of WA's coast. The Policy provides guidance in terms of managing development and land use change; establishment of coastal foreshore reserves; and measures to protect, conserve and enhance coastal values.

Importantly the Policy requires that coastal hazard risk management and adaptation is appropriately planned for as well as encouraging innovative approaches to managing coastal hazard risk. In that regard, specialist consultants have been engaged to complete a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for the Middleton Beach Activity Centre site. The CHRMAP is in accordance with the requirements of SPP 2.6. Review of the potential coastal hazards and associated risks for existing and proposed assets within and around the proposed MBAC indicates there are coastal risks that require management in the future.

State Planning Policy 3 – Urban Growth and Settlement

SPP 3 sets out the principles and considerations which apply to planning for urban growth and settlement in WA. The objectives of SPP 3 relevant to this amendment are:

- *To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.*
- *To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition or relevant climatic, environmental, heritage and community values and constraints.*
- *To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.*

SPP3 identifies 7 key policy measures. The following outlines those policy measures relevant to this amendment:

- *Creating sustainable communities:* The key requirements for a sustainable community are:
 - A strong, diversified and sustainable economic base with assured access to jobs and employment;
 - Clustering retail, employment, recreational and other activities which attract large numbers of people in existing and proposed activity centres; and
 - Good urban design which creates and enhances community identity, sense of place, liveability and social interaction in new and existing neighbourhoods.

- *Planning for liveable neighbourhoods:* The Liveable Neighbourhoods principles apply to the revitalisation or redevelopment of existing areas. Relevant principles are:
 - a sense of community and strong local identity;
 - safe and convenient access to services and facilities designed for all users, including users with disabilities;
 - active street frontages with buildings facing streets to improve personal safety through increased surveillance and activity; and
 - mixed use urban development which provides for a wide range of living, employment and leisure opportunities.

State Planning Policy 3.1 : Residential Design Codes

The Residential Design Codes provides a comprehensive basis for the control of residential development throughout WA. Part 6 of the Codes provides design elements for multiple dwellings in areas coded R30 or greater, within mixed use development and activity centres. These design elements (i.e car parking, height and setbacks) will be considered in the preparation of the Middleton Beach Activity Centre Structure Plan and assessment of development.

WAPC Planning Bulletin No. 83 – Planning for Tourism

Consistent with WAPC Planning Bulletin 83 – Planning for Tourism, a strategic and flexible approach is proposed through the Middleton Beach Activity Centre Structure Plan and scheme amendment. The site has been determined as being suitable for mixed use and residential development against the guiding principles outlined within Planning Bulletin 83.

As the site is located within an existing tourism precinct, this proposed amendment has been prepared taking into account the issues and objectives for the precinct as outlined within Improvement Plan No. 40.

Importantly, as the City's relevant Local Planning Policies are not consistent with the WAPC's approach to tourism planning, Planning Bulletin 83 allows for this amendment and associated Activity Centre Structure Plan to override the current Policy provisions.

3.2. LOCAL PLANNING CONTEXT

3.2.1. CITY OF ALBANY LOCAL PLANNING SCHEME NO. 1

The City of Albany Local Planning Scheme No. 1 was gazetted on 28 April 2014. It currently zones the land within the Middleton Beach Activity Centre area a combination of 'Hotel/Motel' and 'Tourist Residential' zone, as well as 'Priority road' reserve and applicable road reserves.

The current zoning of the site under the Local Planning Scheme is not conducive to facilitating development in the manner envisaged for, or befitting this iconic location. Rezoning of the site to 'Special Use' will allow for:

- The introduction of an Activity Centre Structure Plan over the site, to guide future development;
- Provide for a range of suitable land uses and remove land use incompatibilities that may exist under the current local planning scheme; and
- Allow for site specific provisions and conditions to allow for future development to occur that may not otherwise have been permitted under the current planning framework.

3.2.2. CITY OF ALBANY LOCAL PLANNING STRATEGY

The Albany Local Planning Strategy (ALPS) was endorsed by the WAPC on 26 August 2010 and establishes the following planning principle for tourism.

"Albany remains the premier tourism destination on the South Coast and will provide a complete tourism experience".

This overarching principle is supported by the following four planning objectives:

- To retain existing and facilitate new tourism developments which are sympathetic to community and environmental considerations.
- Promote the development of sustainable tourist accommodation.
- To encourage ecotourism development that is sustainable and compatible with the environment and culture of the locality.
- To protect and enhance Albany's iconic sites.

3.2.3. CITY OF ALBANY ACTIVITY CENTRE PLANNING STRATEGY (2012)

The objectives of the City of Albany Activity Centre Planning Strategy are as follows:

- Promote and facilitate the provision and responsive evolution of a viable, convenient, and attractive network of activity centres to serve the retail, other commercial and socio/ cultural needs of the regional and local population;
- Encourage and facilitate the provision of more localised business and employment opportunities; and
- Preserve and where possible enhance the local character and amenity of residential neighbourhoods.

The City of Albany Activity Centre Planning Strategy identifies Middleton Beach as an Activity Centre (Local Centre). Accordingly an Activity Centre Structure Plan has been prepared to guide the future development of the site.

3.2.4. CITY OF ALBANY TOURISM ACCOMMODATION PLANNING STRATEGY (2010)

The City of Albany prepared the Tourism Accommodation Planning Strategy (2010) to provide the community with a degree of confidence on planning decisions relating to the preservation and planning of tourism sites. The strategy undertakes a supply and demand analysis of tourism accommodation and defines at a local level, those sites that the City of Albany wishes to identify as “strategic tourism sites” into the future.

The Strategy identifies five ‘strategic’ sites in the City of Albany of which the former Esplanade Hotel is one such a site. Strategic Tourism Sites are defined as *“those of State significance, which display characteristics that set them apart from other tourism sites in terms of potential for tourism development and benefit to the tourism industry”*. Local strategic sites are defined as *“sites of high value, accessible, unique sites that are primary contributors to the tourism market positioning of Albany”*.

Based upon the demand analysis, Albany currently has a good mix of tourist accommodation from caravan parks to resorts. There does not appear to be a demand for higher return motels, hotels and/or additional resorts. Based upon the findings of this report, the following Local Planning Policy was prepared.

3.2.5. CITY OF ALBANY LOCAL PLANNING POLICY – SIGNIFICANT TOURIST ACCOMMODATION SITES

In accordance with the recommendation of the above Tourist Accommodation Planning Strategy, the “Local Planning Policy – Significant Tourist Accommodation Sites” classifies the former Esplanade Hotel site as a “Local Strategic” site.

The Policy limits the percentage of permanent residential accommodation that may be provided. The Policy recommended that:

- The site be zoned with a dual zoning of ‘Hotel/Motel’ and ‘Tourist Residential’;
- A hotel be constructed on site for tourist accommodation; and
- 65% of the site be utilised for tourist accommodation and 35% for permanent residential.

It should be noted that the proposed scheme amendment and associated Activity Centre Structure Plan does not include measures to enforce the above percentage caps. Instead, consistent with WAPC Planning Bulletin 83 – *Planning for Tourism* a more strategic and flexible approach is proposed through the Activity Centre Structure Plan. Consistent with the policy position of the WAPC, the strategic planning currently underway seeks to encourage a range of compatible uses (including a mixture of residential and non-residential uses) to help provide for a diverse tourism industry. Importantly, as the existing Local Planning Policy is not consistent with the WAPC’s approach to tourism planning, Planning Bulletin 83 allows for this amendment and associated Activity Centre Structure Plan to override the current Policy provisions.

3.2.6. CITY OF ALBANY LOCAL PLANNING POLICY – MIDDLETON BEACH TOURIST PRECINCT

The objectives of the Middleton Beach Tourist Precinct are to:

- Create a high quality and vibrant beachside tourist precinct;
- Encourage the provision of a wide range of facilities and services to serve both visitors and the local community;
- Encourage a more diverse range of housing and tourist accommodation; and
- Establish appropriate height limits for development within the Precinct.

The Policy assigns the following land use aspirations for each of the roads as follows:

- Flinders Parade 'The Beach Strip' – an active beach front urban edge comprising restaurants, cafes, tourist accommodation and residential apartments.
- Adelaide Crescent 'Local Mixed Use Street' - an informal street incorporating occasional small cafes and other local facilities uses.

The policy provides for a height limit of five storeys (15m to top of external wall with roof above) for the area (with three storeys facing Marine Terrace) and furthermore, outlines requirements for other development standards such as setbacks, bulk and scale and car parking.

All development standards applicable to the site have been reviewed and considered as part of the concept planning for the Middleton Beach Activity Centre and provision for their variation provided for within the special use provisions and/or Activity Centre Structure Plan, where applicable.

4. OVERVIEW OF PROPOSAL

4.1. BACKGROUND

Concept Planning over the site has been underway for over 12 months and has been informed by a detailed site and context analysis, analysis of key strategic drivers and demographics as well as extensive consultation with the local community and key stakeholders.

This has set the framework for the preparation of an Activity Centre Structure Plan, informed by site responsive urban design and planning analysis as well as the findings of various technical studies including coastal management, engineering, bushfire management, traffic and transport.

The Activity Centre Structure Plan is supported by the provisions set out within the proposed 'Special Use' zone and will provide the guiding framework for the future development of the site including land uses and built form.

This serves the dual role of providing flexibility for developers of the site but also providing the ability for determining authorities (the City of Albany and Development Assessment Panels) to approve future development applications with a high degree of certainty.

4.2. POSSIBLE LAND USES

Planning undertaken to date has determined that the site may be developed for a mix of uses including tourist facilities, restaurants, cafés, shops, holiday and short stay accommodation and permanent residential apartments. The Activity Centre Structure Plan area has been categorised by a range of identifiable Precincts each with different development and land use requirements.

The development of the site will also be facilitated by the realignment of Flinders Parade to the west of its current alignment.

The intentions for the development of the area are detailed within the Activity Centre Structure Plan, and this Scheme Amendment supports this by setting out the specific built form requirements as well as any variations to the R-Codes and Local Scheme requirements that are required in order to allow the vision of the Activity Centre Structure Plan to be realised.

4.3. PROPOSED SCHEME PROVISIONS

With the introduction of Local Planning Scheme Regulations (2015) in October 2015, it has become imperative that enabling provisions be introduced into the Local Scheme by way of a scheme amendment. Rezoning the site to 'Special Use' will allow for the introduction of an Activity Centre Structure Plan to guide future development, and importantly it will allow for the introduction of context specific conditions and provisions applicable to the site.

The provisions and conditions of the 'Special Use' zone (as set out in the proposed table at the rear of this document) will allow for variations to the requirements of the Residential Design Codes and Local Planning Policy as they will be enshrined within the Local Planning Scheme. They will also set out specific requirements in terms of built form.

Variations

The following table sets out relevant planning requirements applicable to the site and proposed variations that are required to be accommodated via this scheme amendment.

Requirement	Variation Proposed
City of Albany Local Planning Scheme No. 1	
<i>Refer to Residential Design Codes and adopted structure plans and Local Planning Policies.</i>	Not applicable.
Car Parking <ul style="list-style-type: none"> Hotel – 1 bay per employee + 1 per 3 sqm bar area + 1 per 4 seats in dining area + 1 per bedroom + 1 per 4 sqm in other public areas. Multiple Dwellings- As per R-Codes. Retail – 1 per 20 sqm NLA (Shop) 	As expanded upon in the Middleton Beach Activity Centre Transport Assessment (Cardno, 24 November 2015) a reduction in parking is requested through the Activity Centre Structure Plan. This is achieved through a requirement that: <ul style="list-style-type: none"> parking for retail be provided at 50% of the Local Scheme requirement; and for the 'Hotel' use, employee parking be reduced by 50% and no dedicated parking spaces be provided for the bar and dining areas associated with the hotel.
Bicycle Parking <ul style="list-style-type: none"> Hotel – 1 per 10 car bays. Multiple Dwellings – As per R-Codes. Retail – 1 per 20 car bays. 	As expanded upon in Cardno's traffic report in order to encourage the use of active transport modes, additional bicycle parking facilities are proposed.
Residential Design Codes	
Height <ul style="list-style-type: none"> As per Table 4 of the R-Codes 	Generally 2 – 5 storeys, with the proposed Hotel / Mixed Use site to be up to 12 storeys in the vicinity of Mt Adelaide.
Setbacks <ul style="list-style-type: none"> As per Table 4 of the R-Codes 	Generally nil street and side setbacks.
Car Parking <ul style="list-style-type: none"> Less than 110 sqm / 1 or 2 bedrooms = 1.25 bays p/dwelling. 110 sqm or greater / 3 or more bedrooms = 1.5 bays p/dwelling Visitor Parking = 0.25 bays p/dwelling 	As expanded upon in Cardno's traffic report a reduction in parking is requested through the Activity Centre Structure Plan. This is achieved through a requirement that no dedicated residential visitor parking spaces be provided for the residential component.
Bicycle Parking <ul style="list-style-type: none"> 1 bicycle parking space for residents for each 3 dwellings. 1 bicycle parking space for visitors for each 10 dwellings. 	As expanded upon in Cardno's traffic report in order to encourage the use of active transport modes, additional bicycle parking facilities are proposed. This will be achieved via a requirement for 1 bicycle parking space per residential dwelling and 1 bicycle parking space per 10 dwellings for visitors.

City of Albany Local Planning Policy – Significant Tourist Accommodation Sites	
65% of the site to be utilised for tourist accommodation and 35% for permanent residential.	No set percentage required. As the City's relevant Local Planning Policies are not consistent with the WAPC's approach to tourism planning, Planning Bulletin 83 allows for this amendment and associated Activity Centre Structure Plan to override the current Policy provisions.
City of Albany Local Planning Policy – Middleton Beach Tourist Precinct	
Height limit of five storeys (15m to top of external wall with roof above) for the area (with three storeys facing Marine Terrace).	Generally 2 – 5 storeys, with the proposed Hotel / Mixed Use site to be up to 12 storeys in the vicinity of Mt Adelaide.
Except for residential development, where the development generates its peak parking demand outside of 8am to 5pm and is within 200 metres of the foreshore car park a 50% reduction in the parking requirement will be considered by Council.	As expanded upon in Cardno's traffic report a reduction in parking is requested through the Activity Centre Structure Plan.

5. CONCLUSION

The proposed scheme amendment seeks to introduce a zoning of 'Special Use' over Lot 8888 Flinders Parade, Lots 660 and 661 Marine Terrace and portions of Adelaide Crescent, Marine Terrace, Barnett Street, Flinders Parade and Marine Drive, Middleton Beach.

This will assist in facilitating the future development of a vibrant mixed use activity centre next to the active beach front that provides for high quality built form and public place design. The rezoning of the Middleton Beach Activity Centre to 'Special Use', with associated provisions, under the City of Albany Local Planning Scheme No. 1 will set the basis for the appropriate redevelopment of the site and allow for community input through the Activity Centre Structure Plan preparation process.

PLANNING AND DEVELOPMENT ACT 2005

CITY OF ALBANY

LOCAL PLANNING SCHEME NO. 1

AMENDMENT NO. 1

The City of Albany under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005*, hereby amends the above Local Planning Scheme 1 to:

1. Rezone:
 - a. Lot 8888 Flinders Parade, Middleton Beach from the 'Hotel/Motel' and 'Tourist Residential' zones to 'Special Use Zone SU25';
 - b. Lots 660 and 661 Marine Terrace, Middleton Beach from the 'Tourist Residential' zone to 'Special Use Zone SU25';
 - c. 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. Amend Schedule 4 – Special Use Zones by inserting 'Special Use SU25' in the schedule and incorporate provisions relating to Middleton Beach Activity Centre as follows;

No.	Description of Land	Special Use	Conditions
SU25	Middleton Beach Activity Centre	Land use permissibilities within the precincts shown on the Middleton Beach Activity Centre Precinct Plan are as follows:	1. All development within the Middleton Beach Activity Centre Special Use zone shall comply with the following performance criteria: (a) The Middleton Beach Activity Centre is developed in a co-ordinated manner, recognising its significance for local recreation, organised sporting and cultural events and as a tourist destination; (b) High quality built form and public place design is provided across the Special Use zone and public foreshore reserve interfaces recognise the iconic location and significance of the site to the community; (c) The development of public and private land is integrated to establish a safe, vibrant mixed use centre with an active beach front and urban edge that includes
	Lot 8888 Flinders Parade	Hotel / Mixed Use Precinct	
	Lots 660 and 661, Marine Terrace	Car Park 'D'	
	Adjacent road reserves being portions of Adelaide Crescent,	Exhibition Centre 'A'	
	Marine Terrace, Barnett Street, Flinders Parade and Marine Drive,	Holiday Accommodation 'D'	
		Hotel (up to 5 storeys (21.5 metres) 'P'	
		Hotel (above 5 storeys (21.5 metres) 'A'	
		Market 'D'	
		Multiple Dwelling	

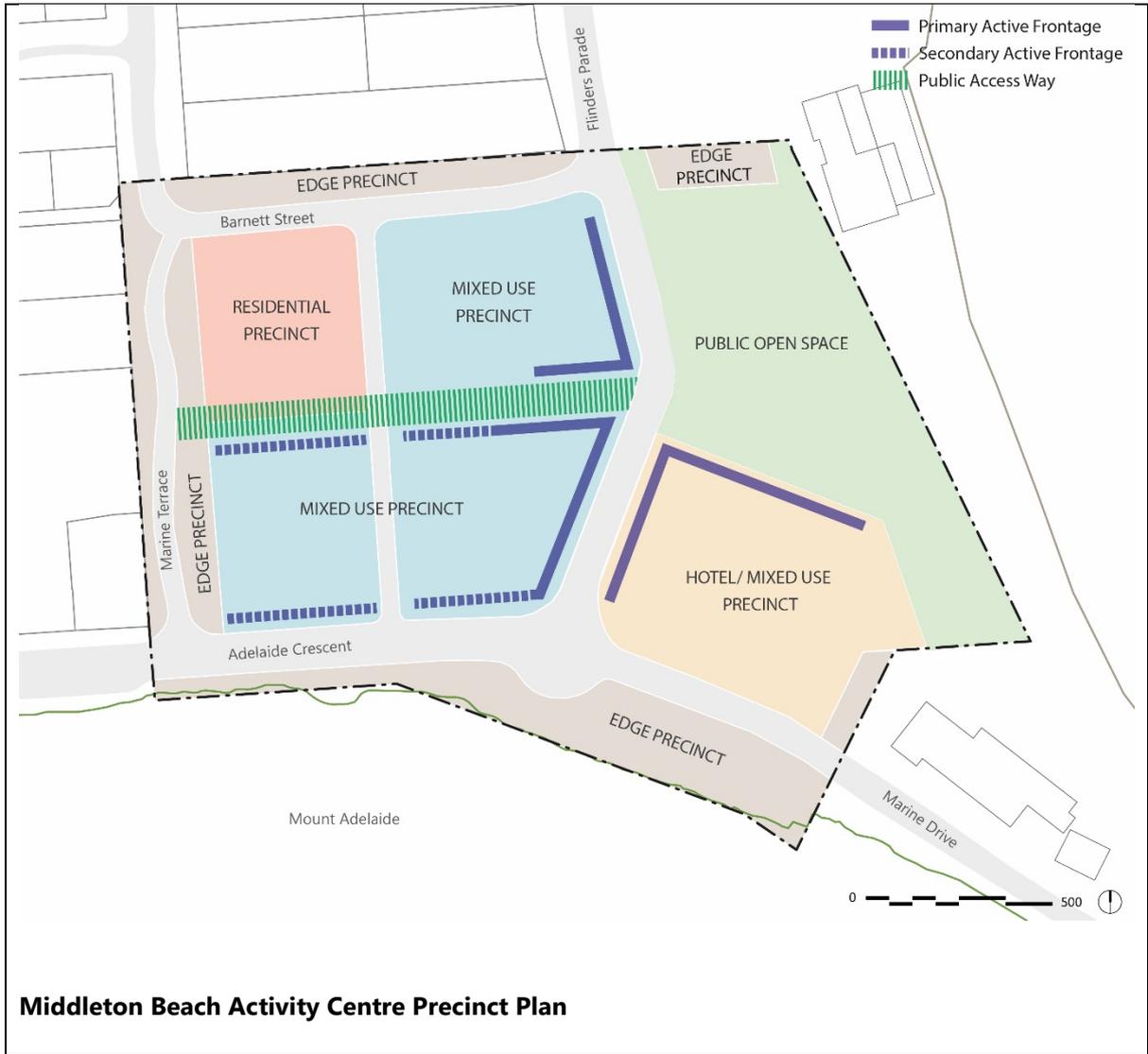
Middleton Beach	<p>(up to 5 storeys (21.5 metres) 'P'(1) Multiple Dwelling (above 5 storeys (21.5 metres) 'A'(1) Nightclub 'D' Public Utility 'D' Recreation-Private 'A' Restaurant 'D' Shop 'A' Small Bar 'A' Tavern 'A'</p> <p>Mixed Use Precinct</p> <p>Car Park 'D' Consulting Rooms 'D' Convenience Store 'D' Exhibition Centre 'A' Holiday Accommodation 'P' Hotel 'D' Market 'D' Multiple Dwelling 'P'(2) Office 'D' Public Utility 'D' Recreation-Private 'A' Restaurant 'D' Shop 'D' Single Attached Dwelling 'D'(2) Small Bar 'A' Tavern 'A'</p> <p>Residential Precinct</p> <p>Home Office 'D' Multiple Dwelling 'P' Public Utility 'D' Single Attached Dwelling 'P'</p> <p>Edge Precinct</p> <p>Car Park 'D'</p> <p>(1) Means the use is prohibited where it fronts the street at pedestrian level.</p>	<p>but is not limited to: local and tourist facilities; restaurants, cafes and shops; holiday and short stay accommodation; together with a range of permanent residential uses but excludes detached houses;</p> <p>(d) An effective, efficient, integrated and safe transport network that prioritises pedestrians, cyclists and public transport users is provided;</p> <p>(e) Vehicle parking is efficient and promotes the establishment of shared, reciprocal and common use facilities;</p> <p>(f) Developments incorporate sustainable technologies and design including best practice with regard to energy efficiency, water sensitive urban design and fire safety requirements; and</p> <p>(g) Opportunities for investment and development are facilitated.</p> <p>2. Due regard shall be given to the Activity Centre Structure Plan prepared prior to the development of the land in accordance with the relevant clauses within the deemed provisions for Local Planning Schemes.</p> <p>3. Notwithstanding that a use is not specifically listed in this schedule, the Local Government may consider the proposed use on its merits where that use and development complies with the performance criteria set out in Condition 1 and other relevant conditions in this schedule and is compatible with the listed uses in the designated precinct.</p> <p><u>Bushfire Management</u></p> <p>4. The Middleton Beach Activity Centre has been identified as a bushfire prone area and development and use of the site shall comply with the provisions of the approved Bushfire Management Plan and the Scheme.</p>
-----------------	---	--

		<p>(2) <i>Means that the use is prohibited where it fronts the street at pedestrian level within the 'Primary Active Frontage' area as depicted on the Precinct Plan.</i></p>	<p>5. All residential buildings and, as far as is practicable, non-residential developments, are to incorporate the bushfire resistant construction requirements of the Building Code, including as appropriate the provisions of AS3959 <i>Construction of Buildings in Bushfire Prone Areas</i> (as amended), commensurate with the bushfire attack level (BAL) established for the relevant portion of the site.</p> <p><u>Development Requirements</u></p> <p>6. Before commencing or carrying out any development on land within the Special Use zone, the developer must comply with the requirements of any relevant design guidelines administered by the City of Albany.</p> <p>7. Notwithstanding the permissibility of the proposed use, any works proposed to be undertaken within the Special Use zone shall require the planning approval of Council following advertising of the proposal in accordance with clause 64(3) of the Deemed Provisions unless exempted by the provisions of Schedule 2, Cl 61 (1) of the Deemed Provisions to the Planning and Development Regulations 2015.</p> <p>8. Any approved development is to be constructed to plate height prior to the submission of any diagram or plan of survey (deposited plan) for subdivision of the parent lot to create individual lot(s) for the development(s).</p> <p>9. Basement car parking shall be integrated into the built form and screened from view, such that the car parking area is not directly visible from the street or other public spaces. Car parking areas shall be accessed from a laneway or secondary street where available.</p> <p>10. Car parking shall be provided in accordance with the provisions of the Scheme unless otherwise stated in Condition 11 below.</p>
--	--	---	---

			<p>11. The following development requirements specifically apply to the precincts as identified on the Middleton Beach Activity Centre Precinct Plan below:</p> <p><u>Hotel / Mixed Use Precinct</u></p> <p>Building Height:</p> <ul style="list-style-type: none">• 5 storey (21.5 metres) height limit;• Development of a hotel use and/or holiday accommodation and/or multiple dwellings above 5 storeys (21.5 metres) may be considered to a maximum of 12 storeys (46 metres) if the following can be demonstrated:<ul style="list-style-type: none">○ The proposed development accords with the key principles as outlined in condition 13 below; and○ The proposed development accords with any relevant design guidelines administered by the City of Albany. <p>Setbacks:</p> <ul style="list-style-type: none">• Generally nil street and side setbacks. <p>Car Parking:</p> <ul style="list-style-type: none">• Hotel 1 bay per 2 employees + 1 per bedroom + 1 per 4 sqm in other public areas.• Retail – 1 bay per 40 sqm NLA.• No visitor car parking requirement for permanent residential developments. <p>Bicycle Parking:</p> <ul style="list-style-type: none">• 1 bicycle parking space per residential dwelling and 1 bicycle parking space per 10 dwellings for residential visitors. <p>Access:</p> <p>Delivery services are prohibited from occurring on the Flinders Parade frontage of the Hotel / Mixed Use site.</p>
--	--	--	---

			<p><u>Mixed Use Precinct</u></p> <p>Building Height:</p> <ul style="list-style-type: none">• 2 storey (11 metres) minimum / 3 storey (14.5 metres) maximum between Barnett Street and the Public Access Way.• 2 storey (11 metres) minimum / 4 storey (18 metres) maximum for development fronting the southern extent of the Public Access Way;• 2 storey (11 metres) minimum / 5 storey (21.5 metres) maximum for development south of the Public Access Way, fronting Adelaide Crescent or Flinders Parade. <p>Setbacks: Generally nil street and side setbacks.</p> <p>Car Parking:</p> <ul style="list-style-type: none">• No visitor car parking requirement for permanent residential developments.• Retail – 1 bay per 40 sqm NLA. <p>Bicycle Parking:</p> <ul style="list-style-type: none">• 1 bicycle parking space per residential dwelling and 1 bicycle parking space per 10 dwellings for residential visitors. <p><u>Residential Precinct</u></p> <p>Building Height:</p> <ul style="list-style-type: none">• 2 storey (10 metres) minimum / 3 storey (13.5 metres) maximum between Barnett Street and the Public Access Way. <p>Setbacks:</p> <ul style="list-style-type: none">• Generally nil street and side setbacks. <p>Car Parking:</p> <ul style="list-style-type: none">• No visitor car parking requirement for permanent residential developments. <p>Bicycle Parking:</p> <ul style="list-style-type: none">• 1 bicycle parking space per residential dwelling and 1 bicycle parking space per 10 dwellings for residential visitors.
--	--	--	--

		<p><u>Active Frontages</u></p> <p>12. Areas marked as 'Active Frontage' on the Precinct Plan encourage a range of active uses at the pedestrian level. Specifically this shall be achieved by:</p> <ul style="list-style-type: none"> • Residential uses at the pedestrian level in areas delineated as 'Primary Active Frontage' are prohibited. • Areas delineated as either 'Primary Active Frontage' or 'Secondary Active Frontage' shall demonstrate measures have been undertaken to build adaptability into the development at ground floor level. <p><u>Key Principles for Hotel / Mixed Use Precinct</u></p> <p>13. Any application within the Hotel / Mixed Use Precinct in excess of 5 storeys (21.5 metres) in height is to be supported by a report clearly demonstrating how the following key principles will be achieved and enhanced via the proposed development:</p> <ul style="list-style-type: none"> • Contributes positively to the public realm; • Provides a landmark element on the axis of Adelaide Crescent and Flinders Parade; • No adverse impacts on the locality are presented by overshadowing; • The height of the proposed development responds to the site and its context and steps built form away from the beach with additional height located towards Mt Adelaide; • Bulk and scale of the proposed development are effectively mitigated; and • The criteria in Condition (1) above have been achieved, in particular: <ul style="list-style-type: none"> ○ Provides high quality built form; ○ Effectively integrates the public realm and private land use; ○ Encourages alternative modes of transport; and ○ Incorporates sustainable technologies and design.
--	--	--



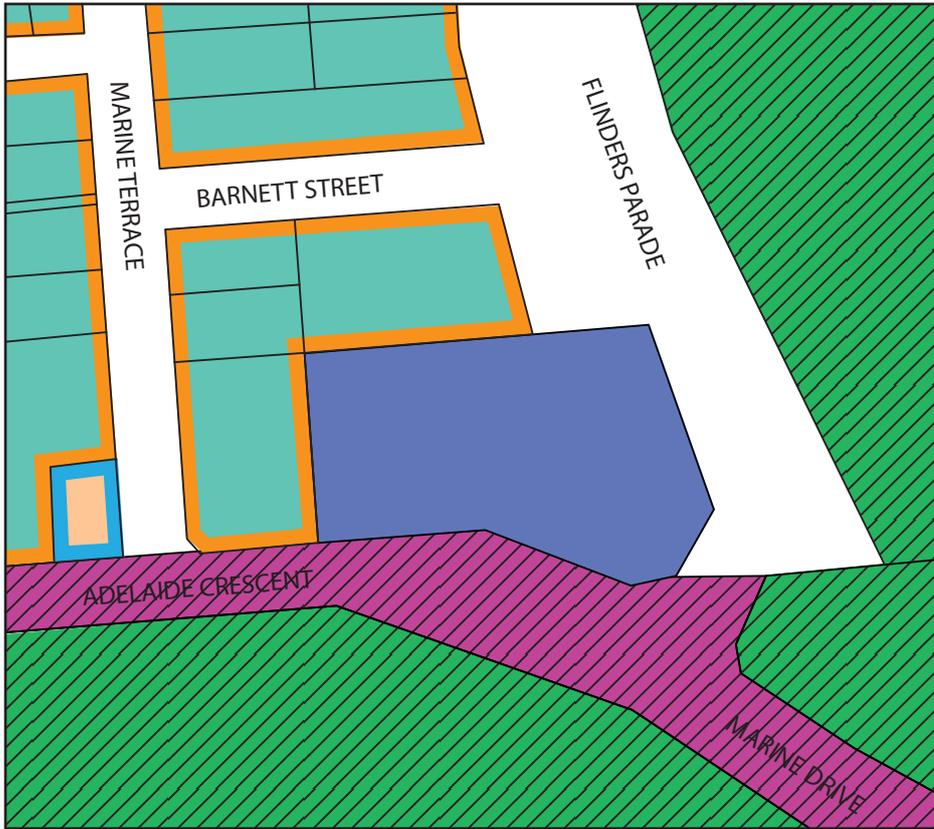
3. Introduce the following land use definition to the City of Albany Local Planning Scheme No. 1:

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;

4. Amend the Scheme Maps accordingly.

CITY OF ALBANY Local Planning Scheme No. 1

Amendment No. 1

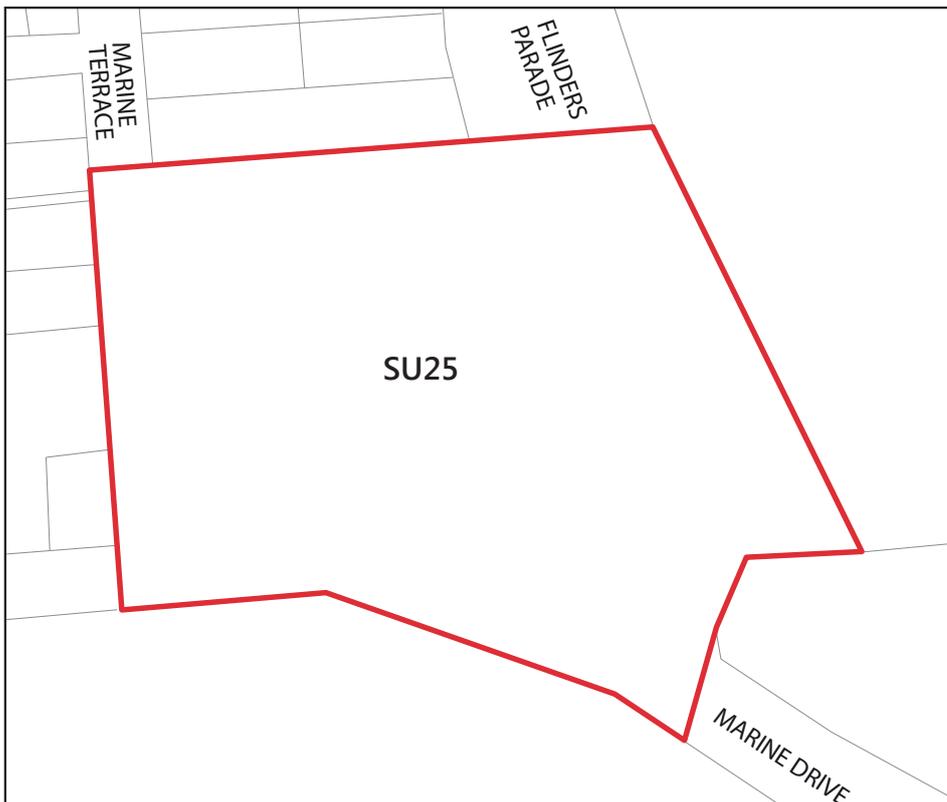


Lot 8888 Flinders Parade, Lots 660 & 661 Marine Terrace, and adjacent road reserves being portions of Adelaide Crescent, Marine Terrace, Barnett Street, Flinders Parade and Marine Drive, Middleton Beach.

LPS

-  Hotel/ Motel
-  Tourist Residential
-  Local Centre
-  Local Road
-  Priority Road
-  Parks and Recreation
-  Special Use Area

Existing Zoning



Proposed Zoning



ADOPTION

Adopted by resolution of the Council of the City of Albany at the meeting of the Council held on the day of the 20.....

.....

MAYOR

.....

CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

Adopted for final approval by resolution of the City of Albany at the meeting of the Council held on the day of of 20..... and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

.....

MAYOR

.....

CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

.....

Delegated under S.16 of PD Act 2005

Date:

Final Approval Granted

.....

MINISTER FOR PLANNING

Date: