



City of Albany

Policy

Local Planning Policy 4.4 Cheyne Beach

Document Approval

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0.6	Planning Officer	Initial draft with alteration to effluent disposal requirements, to specify the use of alternative treatment units (ATUs), following O.C.M. 24/11/2015.	26/11/2015
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1.1	Senior Planning Officer	Minor Administrative changes - Use of new policy template. Updated to align with Local Planning Scheme No.2 OCM: 23/07/2024 Item: DIS402	19/09/2024

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Introduction

- 1) Cheyne Beach is a small coastal settlement, 50km east of Albany and 470km south-east of Perth. The settlement consists of 'leaseholds' for holiday accommodation and accommodation associated with the fishing industry, a fire shed and a caravan park with general store. The settlement is surrounded by Waychinicup National Park.

Objective

- 2) The objectives of this Policy are to:
 - Maintain Cheyne Beach as a small coastal holiday and fishing settlement; and
 - Provide guidance to both Council and leaseholders as to appropriate forms of development to ensure existing characteristics are protected and maintained
 - Precincts 1, 2 and 3 cover the leaseholds that are the subject of this policy (see figure 1 below).

Figure 1: Policy Areas



Scope

- 3) The land that is the subject of this policy is owned by the Crown and vested with the City of Albany as Reserve (R878). The purposes of the reserve are recreation, camping, holiday accommodation, accommodation associated with the fishing industry and a fire station.
- 4) This Policy coincides with the *Cheyne Beach Holiday Accommodation* and *Cheyne Beach Commercial Fishing Accommodation Lease Agreements* made between the City of Albany and Tenants.

Holiday Accommodation Lease Agreement

- 5) Clause **1.1 Definitions** of the *Cheyne Beach Holiday Accommodation Lease Agreement* states that:

- a) **“Holiday Accommodation”** means; use by the Tenant for the purposes of temporary holiday accommodation and strictly in accordance with the provisions of Clause 10 of this Lease.”
- b) Clause **10.3 Restrictions on Tenant** states that:
“The Tenant must not use or permit the Leased Property to be used, or any part thereof, as the primary place of residence of any person.”

Commercial Fishing Accommodation Lease Agreement

- 6) Commercial fishing accommodation leases permit the use of a leasehold by the tenant for the purpose of accommodation associated with the fishing industry and is limited by the Management Order over the land.

Cheyne Beach Planning Policy

- 7) This Policy outlines appropriate design standards for development and types of uses that may be considered.

POLICY PROVISIONS

Character

- 8) Development is to be sympathetic to existing characteristics, which include:
 - a) Small rectangular single storey dwellings and sheds clad in either cement sheeting, weatherboard, corrugated steel or a mix of these materials and located centrally on each Leasehold;
 - b) Low pitched skillion, or medium pitched gabled, corrugated steel roofs;
 - c) Limited use of fencing; and
 - d) Lawn areas with native species intermittently planted.

Figure 2: Cheyne Beach Character



Approval

- 9) All development on a local scheme reserve requires Planning Scheme Consent, as per the *Local Planning Scheme No. 1*, which states that:

“3.4.1 A person must not:

(a) Use a Local Reserve; or

(b) Commence or carry out development on a Local Reserve

without first having obtained planning approval under Part 9 of the Scheme.”

Land Use

- 10) The purpose of the Precinct 1 is to provide for ‘Holiday Accommodation’, with no restriction on the length of stay, but not as a primary place of residence of any person (as per Clause 10.3(a) of the *Cheyne Beach Holiday Accommodation Lease Agreement*). All other land uses are prohibited in the precinct.
- 11) The purpose of Precinct 2 is to provide for accommodation associated with the fishing industry. Processing and retail or wholesale activities are prohibited in the precinct.
- 12) The purpose of Precinct 3 is to provide for accommodation associated with the fishing industry. Processing and retail or wholesale activities are currently prohibited in Precinct 3. No further development will be permitted within the precinct, due to susceptibility to coastal erosion and sea level rise.

Note:

- 1. The Foreshore is subject to erosion and sea level rise. The buildings and land in Precinct 3 are located within the foreshore and are therefore at risk from sea level rise.*
- 2. State Planning Policy 2.6 – State Coastal Planning recommends that a vertical sea level rise of 0.9 metres be adopted when considering the setback distance and elevation to allow for the impact of coastal processes over*

Development

- 13) Development within Precinct 2 will be required to be removed from the leasehold upon expiration or termination of a lease and the land returned to its original condition. It is therefore recommended that any accommodation units and non-habitable structures within Precinct 2 are transportable or are of a temporary nature.

Fire

- 14) All new accommodation units, additions to an accommodation unit and non-habitable structures within 6 metres of an accommodation unit shall comply with construction standards 3 and 6 (BAL-19) of Australian Standard 3959 – Construction of buildings in bush-fire prone areas.
- 15) Where any garage, carport or similar roofed structure is separated by a distance of not less than 6 metres from an accommodation unit, the garage, carport or similar roofed structure is not required to comply with Australian Standard 3959.

Note:

- 1. In considering the character of the landscape (‘Closed Heath’ with a gentle slope) and requirements of the Western Australian Planning Commission and Fire and Emergency Services Authority document *Planning for Bush Fire Protection Guidelines*, a Bushfire Attack Level of 19 applies; meaning that construction standards 3 and 6 of Australian Standard 3959 are applicable.*
- 2. For general access to water for fire-fighting purposes, a water supply is available from the creek and lake just north of the settlement. There are also two tanks on the hill north of the settlement and a 3.4 fire appliance in a shed near the caravan park.*
- 3. Access to leaseholds and use of water located in tanks may be necessary for fire-fighting purposes.*

Water Storage Tank

- 16) A water storage tank with a minimum capacity of 55,000 litres shall be installed on each leasehold (if not already constructed), at the lessee's cost.

Note:

1. *The above requirement originates from previous lease agreements.*

Effluent Disposal

- 17) All new or replacement on-site wastewater systems shall utilise alternative treatment units (ATUs), to the satisfaction of the City of Albany. The lessee shall ensure that any such system complies with relevant environmental health regulations and the draft *Country Sewerage Policy*.

Roof Colour

- 18) Please note that unpainted zincalume, white and off-white colours (e.g. Colorbond® Surfemist) are not supported, as they are considered to be too reflective.

Note:

1. *Due to the terraced layout of street blocks and the close location of the settlement to the ocean, the Sun's reflection is strong and can be limited with the use of appropriate building materials and colours (darker tones).*

Building Heights

- 19) Development shall not exceed 5m in height from the natural ground level to the top of the roof (for non-habitable structures, refer to Clause 12 of this policy).

Note:

1. *The above requirement for height maintains the existing character of the settlement and originates from previous lease agreements.*

Access and Parking

- 20) All crossovers and access legs shall be developed to the satisfaction of the City of Albany.
21) Two (2) car parking spaces shall be provided per accommodation unit.

Stormwater

- 22) Stormwater shall be managed to the satisfaction of the City of Albany.

Building Setbacks

- 23) The following minimum setback requirements for development apply:

Table 1: Building Setbacks

Precinct	Front (road frontage)	Side	Rear
1 Baxteri Road (West side)	15 metres	1 metres	2 metres
1 Baxteri Road (East side)	4.5 metres	1 metres	7.5 metres
2 Cheyne Road	15 metres	1 metres	6 metres

Non-habitable Structures

- 24) Non-habitable structures (i.e. outbuildings, sheds, gazebos, carports, sea containers, shade houses) are to comply with the building setback requirements and the following height and floor area limits:

Table 2: Non-habitable structures – maximum heights and floor areas

Precinct	Roof Height	Wall Height	Floor Area
Precinct 1	3 metres	4.2 metres	60m ²
Precinct 2	3.5 metres	4.5 metres	100m ²

Fencing

- 25) Fencing is discouraged in order to maintain the existing character.
- 26) A relaxation to the above provision may be considered and fencing supported where the following criteria are met:
- Neighbours have been consulted and have not expressed an objection;
 - Fencing around a leasehold is:
 - permeable (i.e. an open style of fencing, such as picket, pool style, post and wire, etc.); and
 - a maximum of 1.2 metres in height.

Camping in a Caravan

- 27) All Camping shall be as per the *Caravan Park and Camping Grounds Regulations 1997*.

Note:

1. *The City's Environmental Health Department deals with approvals to camp in a caravan.*

Aboriginal Heritage

- 28) The City of Albany will ensure all development applications comply with the requirements of the *Aboriginal Heritage Act 1972*. To this effect, the City will undertake the Aboriginal Heritage Risk Assessment of all proposals and will refer proposals for comment where necessary. This assessment process will consider the recommendations of the Cheyne Beach Heritage Survey completed in October 2015.

This Aboriginal Heritage process may result in requirements for inspection of a site or monitoring during works to ensure there is no disturbance of Aboriginal cultural heritage materials. The cost of this requirement may be passed on to the applicant.

Weeds

- 29) The City encourages the protection and enhancement of the natural environment, including eradication of weed species.

Clearing of Remnant Vegetation

- 30) The City encourages the siting of buildings and access roads within degraded/cleared areas to minimise clearing. Clearing on areas outside of leaseholds is not supported without the approval of the Department of Environment Regulation.

Pets

- 31) The keeping of livestock, animals and domestic pets is not permitted, in accordance with the *Cheyne Beach Holiday Accommodation and Cheyne Beach Commercial Fishing Accommodation Lease Agreements*.

Building Standards

- 32) Your proposal may be required to comply with:
- (a) The *Building Code of Australia*;
 - (b) *Australian Standard 1428 – Design for Access and Mobility*;
 - (c) The *Disability (Access to Premises – Buildings) Standards 2010*; and
 - (d) Relevant environmental health regulations.

Legislative and Strategic Context

- 33) The policy operates within the following framework of legislation.
- *Planning and Development Act 2005*
 - *Planning and Development (Local Planning Schemes) Regulations 2015*
 - *City of Albany Local Planning Scheme No.2*

Review Position and Date

This policy was adopted on 23 July 2024. This policy should be reviewed every two years, or earlier if required.

Definitions

Development means the development or use of any land, including:

- a. any demolition, erection, construction, alteration of or addition to any building or structure on the land;
- b. the carrying out on the land of any fencing, excavation or filling.

Foreshore means land adjoining or directly influencing a body of water that is managed to protect the body of water and coastal environment.

Holiday Accommodation means use by the Tenant for the purposes of holiday accommodation, with no restriction on the length of stay, but not as a primary place of residence for any person (as per Clause 10.3(a) of the *Cheyne Beach Holiday Accommodation Lease Agreement*).