



Local Development Plan

Lots 213, 214 & 215 Spencer Street, Albany

Prepared by Edge Planning & Property for Activ Foundation Inc.

www.edgeplanning.com.au

November 2018

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This Local Development Plan No.6 is prepared in accordance with Schedule 2, Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

IT IS CERTIFIED THAT THIS LOCAL DEVELOPMENT PLAN WAS APPROVED BY RESOLUTION OF THE CITY OF ALBANY ON: 23 October 2018

Signed for and on behalf of the City of Albany:


 _____ CEO
 ANDREW JAMES SHARPE
28 NOVEMBER 2018 Date

23 October 2028

Date of Expiry

LOCAL DEVELOPMENT PLAN REPORT – LOTS 213, 214 & 215 SPENCER STREET, ALBANY

1.0 INTRODUCTION

This report supports the Local Development Plan (LDP) for Lots 213, 214 and 215 corner of Spencer Street and Frederick Street, Albany (the site) which is shown in Attachment 1. In particular, it sets out the context, planning framework, the proposal and planning considerations.

The LDP (Attachment 2) is prepared pursuant to Schedule 2, Part 6, clause 48(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The purpose of the LDP is to:

- provide a planning and design framework for the site as required by the *City of Albany Local Planning Scheme No. 1 (LPS1)*;
- set out variations to the *Residential Design Codes (R Codes)* in order to facilitate better design outcomes, provide appropriate flexibility, make an effective use of land and create attractive streetscapes;
- conserve heritage assets, promote infill residential development and support quality urban design outcomes;
- enhance, elaborate and expand on the details and guidance contained in the *Albany Historic Town Centre Design Policy*;
- support a coordinated approach to development of the site; and
- provide increased certainty to the City, the developer and future landowners regarding urban design and the overall look of the built environment.

2.0 THE SITE AND ITS CONTEXT

2.1 Cadastral and land management details

The site is owned by Activ Foundation Inc. The Certificates of Title are set out in Attachment 3. Cadastral details for the site are summarised below:

Lot	Plan No.	Volume	Folio	Area	Address
Lot 213 Spencer Street	406191	2909	453	618m ²	40 Spencer Street, Albany
Lot 214 Spencer Street	406191	2909	454	353 ²	36 Spencer Street, Albany
Lot 215 Spencer Street	406191	2909	455	2719 ²	38 Spencer Street, Albany

There is also land set aside for a private road. There are various easements (burdens) on the site for right of carriageway, drainage and power. The right of way provides access to 28 Stirling Terrace.

2.2 Context

The site adjoins the Albany city centre (see Attachment 1). The site is near a range of uses including residential, tourist accommodation, commercial and community. Most surrounding land is zoned 'Residential' with land on the western side of Spencer Street zoned 'Regional Centre'. The historic Norman House and Cheyne's Cottage are located to the south of the site, along with new student accommodation, at 28 Stirling Terrace.

2.3 Physical characteristics and servicing

The site has the following characteristics and features:

- it has previously been cleared of remnant native vegetation and it contains no environmental assets;
- the site has a moderate gradient. Elevation varies from approximately 25 metres AHD at the highest point in the north-east section to approximately 17 metres AHD in the south-west section;
- it is largely vacant but contains established buildings fronting Spencer Street, primarily used for commercial purposes, along with an outbuilding in the north-east section;
- practical vehicular access is via Spencer Street through a sealed private road;
- all relevant services are available to the site; and
- different parts of the site have external views including to Princess Royal Harbour, Mount Clarence and Mount Melville.

2.4 Heritage

The Department of Planning, Lands and Heritage's Aboriginal Heritage Inquiry System at <https://maps.daa.wa.gov.au/ahis/> reveals there are no Registered Aboriginal Sites applying to the site. Additionally, the site does not contain any structure or place of historic heritage significance on the *City of Albany Municipal Inventory*. The site is also not on the State Heritage Register. Further details relating to heritage are outlined in section 5.7.

2.5 Bushfire management

The southern portion of the site is classified as a 'Bushfire Prone Area' as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>. A Bushfire Attack Level (BAL) assessment or BAL Contour Map will be prepared at the strata subdivision or Development Application stages.

3.0 PLANNING FRAMEWORK

3.1 Overview

The LDP is consistent with the planning framework including:

- *State Planning Strategy 2050*, the *Lower Great Southern Strategy 2016*, the *Great Southern Regional Planning and Infrastructure Framework (2015)* and the *Great Southern Regional Investment Blueprint (2015)* which classify Albany as a regional centre and a focus for population growth. The documents support infill development;
- *State Planning Policy No. 3 Urban Growth and Settlement (2006)* – this promotes a sustainable settlement pattern, using land efficiently, the provision of a wide variety and choice of housing and building on and within existing communities;
- *State Planning Policy No. 3.1 Residential Design Codes (2015)* – supports site responsive design, a range of living choices and promoting affordability. The LDP is consistent with the lot sizes for the R60 code. The LDP proposes minor modifications to the R Codes which are outlined in this report;
- *State Planning Policy No. 3.5 Historic Heritage Conservation (2007)* – policy objectives include to conserve places of historic heritage significance and ensure that development does not adversely affect the significance of heritage places and areas;

- *State Planning Policy No. 3.7 Planning in Bushfire Prone Areas (2015)* – the southern section of the site is classified as bushfire prone area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>;
- *Liveable Neighbourhoods (2009)* – this promotes walkable neighbourhoods, the provision of a range of housing types and to efficiently use land. It promotes medium to high density housing in close proximity to areas with higher amenity such as activity centres. It recognises that cul-de-sacs are a legitimate component of the movement network as outlined in requirements R21, R22 and R23;
- *Development Control Policy 2.2 Residential Subdivision* – new residential lots are required to be capable of development, be located within an area which is suitable for subdivision in terms of its physical characteristics and be provided with an appropriate vehicle movement network;
- *DC 2.6 Residential Road Planning* – recognises that access places (short cul-de-sacs) are a legitimate component of the road hierarchy. Access places are shared pedestrian and vehicular spaces with pedestrians given priority and traffic speeds kept to a minimum. The reserve widths are in the range of 10 – 14.5 metres, have a carriageway of 4 – 5.5 metres in width, with the potential for widths to 3 metres where four or less dwellings are served. Section 3.6.6 states 'Footpaths will generally not be required for access places';
- *City of Albany Community Strategic Plan 2023 (2014)* – supports revitalising the central City area and to conserve and respect heritage assets;
- *Albany Local Planning Strategy (2010)* - relevant aims include supporting infill development and promoting a diversity of housing. The site is identified as 'urban' on Strategic Plan – Urban;
- *City of Albany Local Planning Scheme No. 1* - the site is zoned 'Residential R60' within 'Additional Use Area AU12'. An extract of LPS1 is provided in Attachment 4. This sets out that a Development Guide Plan (now called a Local Development Plan) is required to be prepared. Further details of the current Development Guide Plan (DGP) are outlined in section 3.2;
- *Albany Historic Town Design Policy* – while the site is outside of the policy area, the objectives include to ensure that residential development compliments townscape character and residential streetscapes and responds sympathetically to topography;
- *Albany Town Centre Policy* – objectives include 'To ensure that the conservation of heritage buildings and places and compatible development is not prejudiced by onerous or undesirable on-site carparking requirements.' New buildings should:
 - establish an interesting and attractive edge to the public domain; and
 - not have to imitate the materials, colours or finishes of existing buildings in the locality. The emphasis is on the blending of new buildings with the best elements of the existing streetscape; and
- *Albany Central Area Masterplan (2010)* – the site is located outside the core area and is within an 'area of influence'. The masterplan promotes a 'vibrant, safe, accessible, liveable and commercially successful neighbourhood'. It promotes new residential and mixed use development to promote vibrancy and life in the central area.

3.2 Development Guide Plan and approved strata subdivision

The site is subject to an approved DGP which was adopted by the Council in 2012. The DGP is shown in Attachment 5 which proposes 12 lots for mixed use and residential purposes. In addition, the site has received strata subdivision approvals including for Application 448-17 which was issued by the Western Australian Planning Commission (WAPC) on 26 July 2017.

4.0 PROPOSAL

4.1 LDP summary

The LDP is provided in Attachment 2 which provides a planning and design framework for the site which conserves heritage assets, promotes mixed use and residential development and supports quality urban design outcomes. Key components of the LDP include that it:

- promotes the retention of the existing facades fronting Spencer Street;
- proposes a mixed use precinct in the western section (Lots M1 and M2) and a residential precinct in the central and eastern sections (seven residential lots ranging in size between 256m² to 359m²);
- proposes a small area of open space (common property) as a meeting place for residents;
- proposes a new private road/common property connecting to Frederick Street to service the residential precinct;
- provides a service corridor and footpath (common property) to the south of Lots M2 and R7;
- shows vehicular circulation, on-site car parking areas along with on-street car parking;
- removes the vehicular right of access, based on in-principle agreement with the owner of 28 Stirling Terrace, with instead a pedestrian link connecting Spencer Street with 28 Stirling Terrace;
- promotes pedestrian accessibility connecting the residential precinct with Spencer Street and connecting the site to 28 Stirling Terrace;
- identifies a view corridor between Frederick Street and the University of Western Australia campus (former post office);
- sets out minimum setbacks from the Frederick Street boundary and the southern boundary adjoining 28 Stirling Terrace; and
- sets out LDP provisions.

Complementing the LDP are a Site Plan – Ground Floor Level (Attachment 6), a Site Plan – First Floor Level (Attachment 7) and proposed site sections (Attachment 8). A series of additional indicative site development plans were prepared by H+H Architects to address matters raised through the submissions (Attachment 9). These additional plans, provided to the City in August 2018, show:

- site retaining and lot set out;
- site plan - ground floor level;
- site plan - first floor level;
- site overview showing overshadow (x 2);
- site sections (x 2);
- street elevation – Frederick Street;
- street photos – showing existing and proposed; and
- indicative street perspectives.

4.2 Design considerations

The LDP responds to the site's opportunities and constraints, the site's location, market research, feasibility considerations along with the planning framework. Key changes from the DGP include creating a mixed use precinct and a separate residential precinct which includes removing the requirement for residential access past the commercial sites. Additionally the LDP increases the residential lot sizes, creates a residential access to Frederick Street and increases interaction with Frederick Street through pedestrian and vehicular connections.

The LDP offers housing choice in a highly walkable location with immediate access to commercial development and other facilities. Further details relating to design considerations are outlined in section 5.

4.3 Modifications to the Residential Design Codes

The LDP proposes that some of the deemed-to-comply provisions of the R Codes are varied to facilitate better design outcomes, provide appropriate flexibility, assist to effectively use land and to create attractive streetscapes for Lots R1 – R7. These proposed variations to the R Codes are summarised as follows:

- reducing the minimum open space from 40% to 30%;
- a reduced front setback from the primary street (private road) from 2 metres to nil metres (excluding eaves), to allow better utilisation of the lots. Given the private road is 'internalised' there is limited off-site impact;
- rather than using Tables 2a and 2b for the 'rear' setback for Lots R1, R2 and R3 to Frederick Street, set a minimum building setback of 3 metres. These lots have dual street frontage and Frederick Street is identified as a 'secondary' street. Frederick Street is a wide road reserve adjoining the site and a 3 metre setback is consistent with the setbacks of nearby dwellings on Frederick Street; and
- for lots accessing the private road, the garage door and its supporting structure can occupy up to 60% of the lot frontage on the private road frontage.

The proposed variations to the R Code are considered appropriate and will have limited impact on streetscapes or nearby development.

5.0 PLANNING CONSIDERATIONS AND PLANNING JUSTIFICATION

5.1 Suitability of the site for residential and mixed use development

The site is considered suitable for medium density residential and mixed use development given the approved DGP, the site's central location and the site's zoning in LPS1. Additionally:

- the planning framework promotes infill development on land near activity centres;
- the central area location promotes walking to shopping, leisure, community and other facilities and decreases car dependency;
- it will provide a range of economic, social and sustainability benefits including adding to the vibrancy and economic viability of the city centre;
- the use is compatible with adjoining and nearby development;
- it adds to housing choice in the Albany central area; and
- the development will be appropriately serviced.

As previously mentioned, the LDP proposes to increase the residential lot sizes compared to the DGP based on market research and to reflect the site's location and characteristics.

5.2 Streetscape

The LDP promotes the retention of the existing facades fronting Spencer Street. As part of future development, the facade of any building fronting Spencer Street is to be designed to complement the appearance of the existing buildings on Lots M1 and M2 in a manner consistent with 'recognised heritage conservation guidelines and principles'.

In accordance with nearby development, dwellings fronting Frederick Street are to be single storey in height at the street frontage (northern boundary) and be complementary to the bulk and character of the adjoining dwelling to the east (27 Frederick Street). The minimum building setback on Lots R1, R2 and R3 from the Frederick Street property boundary is 3 metres. Further details are outlined in Attachment 9.

A view corridor from Frederick Street to the Penny Post building and existing oak tree on adjoining Lot 212 (No. 28) Stirling Terrace is to be maintained as shown on the LDP.

Any fencing on the Frederick Street boundary of the LDP site is to be to the satisfaction of the City including of uniform construction, visually permeable above 1.2 metres to a height no higher than 1.8 metres above the natural ground level.

To promote social interactions, the buildings fronting Frederick Street or Spencer Street are to provide pedestrian access from the street elevation.

5.3 Building design considerations and features

The LDP responds to the planning framework, the site's heritage assets, site context, and promoting mixed use and residential development. The LDP seeks to facilitate good design outcomes, attractive streetscapes and complement the area.

The LDP integrates and is compatible with the area's amenity and existing environment. Implementation of the LDP will retain and/or enhance the area's character and amenity, given the anticipated development design. The proposed development is considerable consistent with surrounding development.

Attachment 8 shows proposed site sections including in relation to Cheyne's Cottage.

Proposed residential development will:

- have a design, scale and form with a high quality finish which is consistent with surrounding development including historic listed buildings;
- require the roof pitch to be a minimum of 25°, for all new dwellings;
- have materials and colours consistent with surrounding development;
- have a building height generally in accordance with Category B of Table 3 of the R-Codes. The building height on Lots M1 and M2, for residential and non-residential development, is to be in accordance with Category B of Table 3 of the R-Codes. There is scope to have single storey and/or second storey development for all or parts of Lots M1 and M2;
- have adequate standard of light, winter sun, privacy and amenity;
- have an appropriate energy rating; and
- be orientated so they offer passive surveillance where possible to the public domain through the provision of major openings and habitable rooms.

The maximum building height for dwellings on the Frederick Street frontage on Lots R1, R2 and R3 will be in accordance with Category A of Table 3 of the R-Codes. This is to ensure a single storey scale and bulk for these dwellings when viewed from Frederick Street, whilst allowing for use of the existing fall of the site to establish an undercroft area under the finished floor level of the upper floor (see Attachment 9). Subject to detailed design and the location of the dwelling footprint, a two storey dwelling may be permitted on Lot R1 provided the maximum building height when viewed from the Frederick Street frontage is in accordance with Category A of Table 3 of the R-Codes.

Development is to conform to the City of Albany *Historic Town Design Policy* or any subsequent adopted Local Planning Policy.

The above and other matters will be considered in further detail at the Development Application and Building Permit stages.

Given the site's topography and the height limitations, the proposed development will have limited visual impact on the properties to the north of Frederick Street (see Attachment 9). Additionally, the height restrictions and setbacks from the southern boundary will ensure overshadowing complies with the R-Codes.

5.4 Setbacks

Building setbacks on Lots M1 and M2 can be nil to boundaries.

The LDP outlines minimum building setbacks for certain setbacks for Lots R1 to R6. No balconies, roofed patios and decks raised above 0.5 metre from the courtyard ground level are to be located within the identified building setback area. Averaging of the building setback from these identified boundaries is not supported.

The setbacks from other property boundaries on Lots R1 - R7 can be nil. In order to maximise solar access, ventilation, streetscape and privacy, buildings are supported to be built to the boundary.

No building is permitted within common property.

5.5 Non-residential uses

As outlined earlier, the LDP proposed a mixed use precinct in the western section. There is a requirement that commercial development, such as office or shop are provided on the ground floor for the section of the buildings on Lots M1 and M2 which front Spencer Street. A minimum of 60m² of commercial floorspace is required per lot.

5.6 Open space, landscaping and public open space

It is proposed that the minimum open space provision is 30% on Lots R1 – R7. Each residential lot will provide private open space such as a courtyard and landscaped areas. Additionally, the LDP proposes open space (as part of the common property) which will provide opportunity for residents to meet and relax.

Given the site has been previously cleared, future replanting and landscaping will enhance the area's amenity including positively contributing to the streetscape. The preliminary concept is to use a mixture of local native and water-wise exotic species that are appropriate in an urban setting which are approved by the City.

The proponent will establish street trees for the Frederick Street frontage adjoining the site. Street trees may also be planted in the private road 'reserves' (common property) subject to detailed design.

Landscaping in common property areas are to be established and maintained by the Strata Company at all times.

There is a requirement for the subdivider to provide a cash-in-lieu contribution for public open space.

5.7 Heritage

The existing facades of the building on Lot M1 are to remain unaltered with the exception of the removal of the later and intrusive verandah and window additions. Any restoration of the building (i.e. replacement of the verandah or windows, repainting, etc.) should be authentic and be based on documentary and physical evidence.

The facade of the building on Lot M2 is permitted to be rationalised, such that only the windowed section of the facade, as well as the original timber trusses and south facing skylight windows, are retained either in-situ or reused within any development. The remainder of the facade fronting Spencer Street is to incorporate design elements of the building on Lot M2 in order to provide visual cues back to the retained structure.

The development of the upper floor of the building on Lot M2 must take into account the existing heritage elements of the building including two internal trusses, south facing windows and the need to let light in through these windows. The heritage elements can remain in-situ or be re-used within any development. Development of the upper storey is to minimise impact on the streetscape and must be setback appropriately from the Spencer Street frontage.

Other than the Spencer Street facades, there is scope for demolition of the existing buildings on Lots M1 and M2, with details to be set out in a Development Application and a Demolition Permit.

5.8 Traffic impact, vehicle access and circulation

Various traffic impact studies have been prepared for the central area. In summary, the adjoining and nearby road network and intersections have sufficient capacity to address traffic generation from the proposed development. It is highlighted that the LDP proposes less lots and there will accordingly be less traffic than the DGP and approved strata subdivision.

The LDP outlines vehicle access points and circulation areas through using existing access from Spencer Street along with an additional access to Frederick Street. Parking and vehicle circulation will be designed to enable vehicles to enter and leave the site in a forward gear, with the exception of the existing parking south of Lot M2 in the service corridor (common property).

The residential precinct will be serviced by a private road/common property (also known as access place) servicing Lots R1 – R7 inclusive which will be common property and will not be vested with the City as a public road. The private road will have a 'reserve' width of 6 metres and an expected carriageway of between 4 – 5 metres. The cul-de-sac turning head is likely to be constructed in a 'hammerhead' design. It is not proposed that waste disposal/recycling trucks will enter the private road.

The private road will be appropriately designed, sealed and drained. In particular, the private road will be designed for local resident traffic only, in a controlled low-speed environment that enables vehicles and pedestrians to safely use the private road at the same time. The private road may incorporate a change of pavement colour and/or materials at the intersection with Frederick Street.

Vehicular access to garages and carports is to be from the preferred crossover locations (vehicle access) shown on the LDP unless approved by the City. Crossovers and driveways are to be suitably constructed, drained and sealed in asphalt, concrete, brick paving or similar materials to the satisfaction of the City prior to occupation of the dwellings.

5.9 Parking

The LDP will comply with the R Codes in terms of parking provision for the residential lots (Lots R1 – R7) with two car parking bays per dwelling along with the required number of visitor car parking bays.

There is considerable existing on-site car parking. Additionally, there are four on street carparking bays adjoining the site in Spencer Street.

Lots M1 and M2 are mixed use sites that can be used for office accommodation or other non-residential use approved by the City along with residential development.

Without demolition of any part of the existing building on Lot M1, floor space limitations exist due to limited available space to develop car parking. The following scenarios may apply:

- Combination of commercial on ground floor and residential on second floor. Maximum commercial floorspace of 60m² net leasable area (NLA) along with two car parking spaces for residential use to address the R-Codes.
- Commercial floorspace and no residential. Maximum commercial floorspace is 120m² NLA.

With demolition of parts of the existing buildings on Lots M1 and M2, office accommodation may be provided on the LDP for a maximum of 270m² NLA of non-residential use on Lot M1 (if there is no residential component) and a maximum of 210m² NLA of non-residential use on Lot M2 (if there is no residential component). Should the residential component be greater, the commercial floorspace is required to correspondingly be reduced to address LPS1 car parking requirements.

The LDP proposes the following framework for car parking:

- car parking is to be located as generally outlined on the LDP which will provide an appropriate number of car parking bays;
- the on-site parking areas will generally be effectively screened from the public realm;
- the four existing on-street car parking spaces in Spencer Street, adjoining the LDP site, provide an off-set for on-site car parking on Lot M1; and
- two car parking spaces are provided in the service corridor (common property) to support development on Lot M2. The City will consider tandem parking in the service corridor (common property) where suitable arrangements have been made.

Details relating to car parking will be addressed at the Development Application and Building Permit stages.

In addition to the above, appropriate bicycle parking and/or bicycle storage will be provided on the LDP site with details to be addressed at the Development Application stage.

5.10 Pedestrian access

The LDP shows pedestrian access to and through the site which will benefit future residents on the site. Pedestrian access will be via the service corridor/footpath (common property) which connects the residential precinct with Spencer Street, as well as the private road/common property which connects the residential precinct with Frederick Street.

As a condition of development approval, a security gate is to be developed in the service corridor/footpath (common property), on the eastern side of proposed car parking bays.

The existing Right of Carriageway easement to 28 Stirling Terrace is to be modified to pedestrian access only, with the existing access point into 28 Stirling Terrace to remain.

5.11 Stormwater management

The site forms part of a catchment which drains into Princess Royal Harbour. Stormwater from future development is required to be effectively managed to ensure there are limited off-site impacts and to meet the requirements of the City and WAPC in accordance with the *Better Urban Water Management Guidelines* and the City's *Subdivision and Development Guidelines*. This will require a water sensitive design that detains stormwater, promotes at source infiltration and removes nutrients and contaminants.

In particular, development is required to ensure that stormwater is designed to ensure that post development run-off rates are no greater than pre-development run-off rates. Stormwater drainage is to be managed on site and released into the surrounding drainage system as approved by the City. This will require at source detention through under-eave rainwater tanks and on-site infiltration including soak wells/storage pits and revegetating/landscaping sections of the site. Stormwater in major rainfall events will be directed to a legal point of discharge into the City's drainage system.

A stormwater management plan is required be submitted to and approved by the City for the site.

New buildings will need to be raised to ensure there is effective drainage and to prevent impacts on buildings from major rainfall events.

5.12 Other services

The site will be appropriately serviced in accordance with City and WAPC policies including reticulated sewerage, reticulated water and power. Servicing infrastructure is readily available through minor infrastructure upgrades and extension of services.

There is expected to be kerb-side pick-up of recycling, general waste and green waste. Appropriate arrangements are to be made at the Development Application stage.

5.13 Addressing amenity

The proposed residential development is consistent with adjoining residential uses. There are expected to be limited amenity issues between the uses on Lots M1 and M2 and adjoining Lots R1 and R7. This includes that the proposal is similar to the approved DGP and the range of permissible commercial uses in LPS1 are low-key for this site.

The main amenity issue may arise from non-residential activities outside of the site in the city centre. The recent survey strata approval included a condition requiring a section 70A notification to be placed on the titles which states:

'The lots are in close proximity to the Central Business District Area and the amenity of the lots could at times be affected by non-residential activities associated with the use of this area.'

It is recognised that the above notification is likely to be placed on future survey strata approvals issued by the WAPC associated with a proposal based on the LDP.

6.0 CONCLUSION

This report confirms that the LDP is consistent with the planning framework, the design recognises the site's context and the site is both suitable and capable of accommodating the proposed mixed use and residential development.

Justification has been provided in support of variations from the deeded-to-comply criteria of the R Codes.

The LDP is consistent with the principles of orderly and proper planning.

Implementation of the LDP will positively contribute to the area's amenity and provide an important supply of housing within the Albany central area.

ATTACHMENT 1



CONTEXT PLAN
 Lots 213, 214 and 215 Spencer Street
 (corner of Frederick Street)
 Albany

LEGEND
 Local Development Plan Site



A 170924 CONTEXT PLAN
 REV YYMMDD DESC
DRAWING EP 170924 01

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ATTACHMENT 2

LOCAL DEVELOPMENT PLAN

Lots 213, 213 and 215
 Spencer Street (corner
 Frederick Street)
 City of Albany

LEGEND

- Local Development Plan Boundary
- Existing Lot Boundary
- Proposed Lot Boundary
- Minimum Building Setback (distances as shown)
- Existing buildings can be retained, partly demolished or demolished except facades on Lot M1
- View Corridor
- Mixed Use
- Residential
- Open Space (Common Property)
- Common Property (access and servicing)
- Vehicle Access
- 🚗 (2) Parking Area (and number of carparking bays)
- ↔ Pedestrian Access
- Existing facades to be retained
- ~ Facade permitted to be rationalised
- * Carparking to be designed to enable cars to enter and exit the driveway in a forward gear

The Local Development Plan has been approved pursuant to Schedule 2, Part 6, clause 52(1) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Chief Executive Officer _____ Date _____
 City of Albany

G 'DRIVEWAY'	181111
F ADD FACADES, CARPARK, EXIS. BUILDINGS	181031
REV DESCRIPTION	YYMMDD



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 ALBANY WA 6330
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DRAWING NUMBER
 EP 170924 01
 REV
 G
 SCALE 1:400
 SHEET A3



LOCAL DEVELOPMENT PLAN PROVISIONS - LOTS 213, 214 AND 215 SPENCER STREET, ALBANY

Relationship to City of Albany Local Planning Scheme No. 1, Residential Design Codes and Other Planning Instruments

- A) The provisions of the City of Albany Local Planning Scheme No. 1 (LPS1) and the Residential Design Codes (R-Codes) are varied as detailed within this Local Development Plan (LDP).
- B) Where related to residential development, the following standards constitute amendments to the R-Codes and operate as deemed-to-comply provisions.
- C) Where residential development is consistent with the LDP on Lots R1 - R7 inclusive, there is no requirement for neighbour consultation and development approval.
- D) Any variation to the deemed-to-comply provisions, as outlined in the LDP or the R-Codes, is required to be addressed through an application for development approval.
- E) All other requirements of LPS1 and the R-Codes shall be satisfied in all other matters.
- F) This LDP is to be read in conjunction with the Albany Historic Town Design Policy with relevant provisions of this Policy applied as appropriate to development of the LDP site.

Residential Design Codes

1. The R-Coding applicable to the LDP area is R60.

Streetscape

2. The facade of any building fronting Spencer Street is to be designed to complement the appearance of the existing buildings on Lots M1 and M2 in a manner consistent with 'recognised heritage conservation guidelines and principles'.
3. The minimum building setback on Lots R1, R2 and R3 from the Frederick Street property boundary is 3 metres.
4. Dwellings fronting Frederick Street are to be single storey in height at the street frontage (northern boundary) and be complementary to the bulk and character of the adjoining dwelling to the east (27 Frederick Street).
5. Buildings fronting Frederick Street or Spencer Street are to provide pedestrian access from the street elevation.

Design Elements

Heritage

6. The existing facades of the building on Lot M1 are to remain unaltered with the exception of the removal of the later and intrusive verandah and window additions. Any restoration of the building (i.e. replacement of the verandah or windows, repainting, etc.) should be authentic and be based on documentary and physical evidence.
7. The facade of the building on Lot M2 is permitted to be rationalised, such that only the windowed section of the facade, as well as the original timber trusses and south facing skylight windows, are retained either in-situ or reused within any development. The remainder of the facade fronting Spencer Street is to incorporate design elements of the building on Lot M2 in order to provide visual cues back to the retained structure.
8. Development is to conform to the City of Albany Historic Town Design Policy or any subsequent adopted Local Planning Policy.

View Corridor

9. A view corridor from Frederick Street to the Penny Post building and existing oak tree on adjoining Lot 212 Stirling Terrace is to be maintained as shown on the LDP.

Building Height

10. Building height will be generally in accordance with Category B of Table 3 of the R-Codes, except as otherwise varied by this LDP. 'Natural ground level' will be considered the finished floor level (FFL) for the lower floor of each building.

11. The building height on Lots M1 and M2, for residential and non-residential development, is to be in accordance with Category B of Table 3 of the R-Codes. There is scope to have single storey and/or second storey development for all or parts of Lots M1 and M2.
12. Notwithstanding Provision 11, the maximum building height for dwellings on the Frederick Street frontage on Lots R1, R2 and R3 will be in accordance with Category A of Table 3 of the R-Codes. The purpose of this Provision is to ensure a single storey scale and bulk for these buildings when viewed from Frederick Street, whilst allowing for use of the existing fall of the site to establish an undercroft area under the FFL of the upper floor. Subject to detailed design and the location of the dwelling footprint, a two storey dwelling may be permitted on Lot R1 provided the maximum building height when viewed from the Frederick Street frontage is in accordance with Category A of Table 3 of the R-Codes.

Built Form, Materials and Colours: Lots R1 - R7

13. Built form, materials and colours should generally be consistent across Lots R1 - R7 inclusive and complement surrounding and nearby buildings including historic listed buildings. External materials can include painted or rendered masonry, timber weatherboard or cement-cladding. Development should be sympathetic in form, size, bulk and setback to surrounding Frederick Street properties.
14. Use of unpainted or non-rendered face brick is not permitted.
15. Roof pitch for all new dwellings to be a minimum of 25 degrees with the roof ridges generally running north-south to optimise view corridors to the harbour. Small sections of flat roofs may be permitted if they facilitate 'good' design.
16. Unpainted 'Zincalume' roofing is required for all buildings. Roofing tiles are not permitted.
17. All dwellings on Lots R1-R7 inclusive are to be provided with a garage and/or carport constructed in materials to complement the dwelling.

Built Form, Materials and Colours: Lots M1 and M2

18. Built form, materials and colours should generally be consistent across both Lots and should respect the existing heritage values of the Lots. External materials can include painted or rendered masonry, timber weatherboard or cement-cladding.
19. Unpainted 'Zincalume' roofing is required for all buildings. Roofing tiles are not permitted.

Garage width

20. For Lots R4, R5 and R6, the garage door and its supporting structure can occupy up to 60% of the frontage of the private road/common property.

Fencing

21. Any fencing on the Frederick Street boundary of the LDP site is to be to the satisfaction of the City. Any fencing on the Frederick Street boundary is to be of uniform construction, visually permeable above 1.2 metres to a height no higher than 1.8 metres above the natural ground level. The fencing is not to be constructed in Colorbond.

Surveillance of the Open Space and Surveillance of the Common Property

22. Provision should be made for dwellings on Lots R1, R2, R6 and R7 so they offer passive surveillance where possible to the open space through the provision of major openings and habitable rooms.
23. Dwellings on Lots M2 and R7, abutting the common property, should be orientated so they offer passive surveillance over the common property through the provision of major openings and habitable rooms.

Setbacks

24. Minimum building setbacks are shown on the LDP that apply to certain setbacks for Lots R1 to R6 inclusive. No balconies, roofed patios and decks raised above 0.5 metre from the courtyard ground level are to be located within the identified building

setback area. Averaging of the building setback from these identified boundaries is not supported.

25. No building is permitted in the common property.

26. The setbacks from other property boundaries can be nil. In order to maximise solar access, ventilation, streetscape and privacy, buildings are supported to be built to the boundary.

Open Space/Site Coverage

27. The minimum open space is 30% on Lots R1 - R7 inclusive.
28. A maximum plot ratio of 2:0 applies to Lots M1 and M2.

Landscaping

29. Landscaping in the common property is to be established and maintained by the Strata Company at all times.
30. The proponent is responsible for installing street trees bordering the site for the Frederick Street frontage to the satisfaction of the City.

Access and Parking

Vehicular Access

31. The existing Right of Carriageway easement to Cheyne Cottage, located within the common property to the south of Lots M2 and R7, is to be modified to pedestrian access only.
32. The location of vehicle access points is generally to accord with the LDP.
33. The private road/common property servicing Lots R1 - R7 inclusive, to have a 'reserve' width of at least 6 metres.
34. Vehicular access to garages and carports is to be from the preferred crossover locations (vehicle access) shown on the LDP unless approved by the City.
35. Crossovers are to be suitably constructed, drained and sealed in asphalt, concrete, brick paving or similar materials to the satisfaction of the City prior to occupation of the dwellings.

Parking

36. Two car parking spaces are to be provided per dwelling on Lots R1 - R7 inclusive.
37. Single garages only are permitted to Lots R1, R2 and R3 from Frederick Street. A garage, carport or parking space for a second car for these Lots must be accessed from the private road/common property.
38. Visitor parking associated with Lots R1 - R7 inclusive are to be located as generally outlined on the LDP.
39. The four existing on-street car parking spaces in Spencer Street, adjoining the LDP site, provide an off-set for on-site car parking on Lot M1.
40. Car parking for the mixed use development is to be located as generally outlined on the LDP.
41. Two car parking spaces are provided in the common property, to the south of Lot M2, to support development on Lot M2. The City will consider tandem parking in the common property, to the south of Lot M2, where suitable arrangements have been made at the Development Application stage to the satisfaction of the City.
42. Car parking design is to ensure that cars can enter and exit the driveway/common property, located between Lots M1 and M2, in a forward gear.
43. Appropriate bicycle parking and/or bicycle storage will be provided on the LDP site and addressed at the Development Application stage.

Bicycle Parking

Non-Residential Uses

44. Further to LPS1 Schedule 2 for AU12 and Condition 2(a), development of Lots M1 and M2 is to incorporate commercial land uses such as 'office' and 'shop' on the ground floor for the section of the buildings fronting Spencer Street. A minimum of 60m² of commercial floorspace net lettable area (NLA) is required per Lot.
 45. Without demolition of any part of the existing building on Lot M1, floor space limitations exist due to limited available space to develop car parking. The following scenarios may apply:
 - Combination of commercial on ground floor and residential on second floor. Maximum commercial floorspace of 60m² NLA along with two car parking spaces for residential use to address the R-Codes.
 - Commercial floorspace and no residential. Maximum commercial floorspace is 120m² NLA.
 46. With demolition of parts of the existing buildings on Lots M1 and M2, office accommodation may be provided on the LDP for a maximum of 270m² NLA of non-residential use on Lot M1 (if there is no residential component) and a maximum of 210m² NLA of non-residential use on Lot M2 (if there is no residential component). Should the residential component be greater, the commercial floorspace is required to correspondingly be reduced to address LPS1 car parking requirements.
 47. Development of the upper floor of the building on Lot M2 must take into account the existing heritage elements of the building including two internal trusses, south facing windows and the need to let light in through these windows. The heritage elements can remain in-situ or be re-used within any development. Development of the upper storey is to minimise impact on the streetscape and must be setback appropriately from the Spencer Street frontage.
- ### Servicing
48. Stormwater drainage is to be managed on site and released into the surrounding drainage system in accordance with Better Urban Water Management Guidelines, as approved by the City.
 49. Appropriate arrangements are to be made at the Development Application stage regarding the approach to recycling and waste collection.
- ### Incidental Development
50. Provision is to be made for centralised letter boxes for Lots R1-R7 inclusive near the entrance of the private road/common property from Frederick Street.
 51. As a condition of development approval, a security gate is to be developed in the 'service corridor', on the eastern side of proposed car parking bays.

LOCAL DEVELOPMENT PLAN PROVISIONS

Lots 213, 213 and 215 Spencer Street
(corner Frederick Street)
City of Albany

The Local Development Plan has been approved pursuant to Schedule 2, Part 6, clause 52(1) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Chief Executive Officer
City of Albany

Date



Edge Planning & Property
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ALBANY WA 6330
E: info@edgeplanning.com.au
M: 0899 107 334

DRAWING NUMBER
EP 1709/24 03
REV
A

ATTACHMENT 3

314Y
Perth Batch
N412398



WESTERN



AUSTRALIA

REGISTER NUMBER 213/DP406191	
DUPLICATE EDITION 1	DATE DUPLICATE ISSUED 2/9/2016

DUPLICATE CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME
2909

FOLIO
453

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 213 ON DEPOSITED PLAN 406191

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

ACTIV FOUNDATION INC OF PO BOX 446, WEMBLEY

(AF N412398) REGISTERED 18 AUGUST 2016

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. EASEMENT BURDEN CREATED UNDER SECTION 136C T.L.A. FOR RIGHT OF CARRIAGEWAY PURPOSES
- SEE DEPOSITED PLAN 406191 AS CREATED ON DEPOSITED PLAN 401407
2. EASEMENT BURDEN CREATED UNDER SECTION 136C T.L.A. FOR RIGHT OF CARRIAGEWAY PURPOSES
- SEE DEPOSITED PLAN 406191
3. EASEMENT BENEFIT CREATED UNDER SECTION 136C T.L.A. FOR RIGHT OF CARRIAGEWAY PURPOSES
- SEE DEPOSITED PLAN 406191

Warning: A current search of the certificate of title held in electronic form should be obtained before dealing on this land.
Lot as described in the land description may be a lot or location.

-----END OF DUPLICATE CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP406191.
PREVIOUS TITLE: 2890-777.
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AREA: CITY OF ALBANY.



314Y
Perth Batch
N412398



WESTERN



AUSTRALIA

REGISTER NUMBER 214/DP406191	
DUPLICATE EDITION 1	DATE DUPLICATE ISSUED 2/9/2016

DUPLICATE CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME
2909

FOLIO
454

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 214 ON DEPOSITED PLAN 406191

**REGISTERED PROPRIETOR:
(FIRST SCHEDULE)**

ACTIV FOUNDATION INC OF PO BOX 446, WEMBLEY

(AF N412398) REGISTERED 18 AUGUST 2016

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)**

1. EASEMENT BURDEN CREATED UNDER SECTION 136C T.L.A. FOR RIGHT OF CARRIAGEWAY PURPOSES - SEE DEPOSITED PLAN 406191 AS CREATED ON DEPOSITED PLAN 401407
2. EASEMENT BURDEN CREATED UNDER SECTION 167 P. & D. ACT FOR ELECTRICITY PURPOSES TO ELECTRICITY NETWORKS CORPORATION DEPOSITED PLAN 406191
3. EASEMENT BURDEN CREATED UNDER SECTION 136C T.L.A. FOR DRAINAGE PURPOSES - SEE DEPOSITED PLAN 406191
4. EASEMENT BENEFIT CREATED UNDER SECTION 136C T.L.A. FOR DRAINAGE PURPOSES - SEE DEPOSITED PLAN 406191
5. EASEMENT BENEFIT CREATED UNDER SECTION 136C T.L.A. FOR RIGHT OF CARRIAGEWAY PURPOSES - SEE DEPOSITED PLAN 406191
6. EASEMENT BURDEN CREATED UNDER SECTION 136C T.L.A. FOR RIGHT OF CARRIAGEWAY PURPOSES - SEE DEPOSITED PLAN 406191
7. EASEMENT BURDEN CREATED UNDER SECTION 136C T.L.A. FOR UNDERGROUND ELECTRICITY PURPOSES - SEE DEPOSITED PLAN 406191

Warning: A current search of the certificate of title held in electronic form should be obtained before dealing on this land.
Lot as described in the land description may be a lot or location.

-----END OF DUPLICATE CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP406191.
PREVIOUS TITLE: 2890-777.
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AREA: CITY OF ALBANY.



314Y
Perth Batch
N412398



WESTERN



AUSTRALIA

REGISTER NUMBER 215/DP406191	
DUPLICATE EDITION 1	DATE DUPLICATE ISSUED 2/9/2016

DUPLICATE CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME
2909

FOLIO
455

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 215 ON DEPOSITED PLAN 406191

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

ACTIV FOUNDATION INC OF PO BOX 446, WEMBLEY

(AF N412398) REGISTERED 18 AUGUST 2016

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. EASEMENT BURDEN CREATED UNDER SECTION 136C T.L.A. FOR RIGHT OF CARRIAGEWAY PURPOSES - SEE DEPOSITED PLAN 406191 AS CREATED ON DEPOSITED PLAN 401407
2. EASEMENT BENEFIT CREATED UNDER SECTION 136C T.L.A. FOR DRAINAGE PURPOSES - SEE DEPOSITED PLAN 406191
3. EASEMENT BURDEN CREATED UNDER SECTION 136C T.L.A. FOR DRAINAGE PURPOSES - SEE DEPOSITED PLAN 406191
4. EASEMENT BURDEN CREATED UNDER SECTION 136C T.L.A. FOR RIGHT OF CARRIAGEWAY PURPOSES - SEE DEPOSITED PLAN 406191
5. EASEMENT BENEFIT CREATED UNDER SECTION 136C T.L.A. FOR UNDERGROUND ELECTRICITY PURPOSES - SEE DEPOSITED PLAN 406191

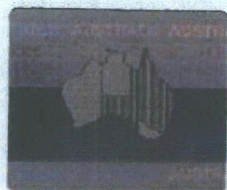
Warning: A current search of the certificate of title held in electronic form should be obtained before dealing on this land.
Lot as described in the land description may be a lot or location.

-----END OF DUPLICATE CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP406191.
PREVIOUS TITLE: 2890-777.
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AREA: CITY OF ALBANY.



ATTACHMENT 4

Schedule 2 – Additional Uses [cl.4.5]			
No.	Description of Land	Additional Use	Conditions
			11. Prior to the development or subdivision of the site, a remediation and validation assessment for soil, groundwater and vapour is to be prepared and all necessary remediation works completed to the satisfaction of the relevant State Government Authority and the Local Government.
AU12	Lot 14 Spencer Street, Albany Diagram 065464	Residential R60 Shop Office	<ol style="list-style-type: none"> 1. Development to the R60 standard may be permitted by the Local Government subject to the preparation of detailed design guidelines to the Local Government's satisfaction. 2. Despite anything else in the Scheme, all development will be subject to the following conditions: <ol style="list-style-type: none"> (a) Development of the site is to incorporate commercial land uses such as Office and Shop on the ground floor of any building fronting Spencer Street. (b) Development or subdivision of the site will be supported by the Local Government only where an overall Development Guide Plan has been approved. 3. The Development Guide Plan shall ensure that: <ol style="list-style-type: none"> (a) When determining building height the 'natural ground level' shall be the finished floor level of the existing buildings; (b) Buildings fronting Frederick Street are to have a residential character and scale; (c) The provision of a view corridor from Frederick Street to the Penny Post building and existing oak tree on Lot 1 Stirling Terrace immediately to the south; (d) Service vehicles entry and exit to the site be limited to the access point onto Spencer Street; (e) Access through to Cheynes Cottage is retained; and (f) A staging programme that allows the subject site to be subdivided into a limited number of 'super lots' that may be developed independently but in a coordinated fashion. Any further subdivision of the 'super lots' is subject to the individual super lot being developed to 'plate height'.

Schedule 2 – Additional Uses [cl.4.5]			
No.	Description of Land	Additional Use	Conditions
			<p>4. The Development Guide Plan is to provide details on:</p> <ul style="list-style-type: none"> (a) Number and type of commercial tenancies; (b) Location and number of dwelling units; (c) Location and number of car parking bays and driveways; (d) Details of landscaping, bin storage and utility areas; (e) Building scale, form, materials, roof pitches and detailing; and (f) Height of buildings and location of balconies. <p>5. The original facade (circa 1948) facing Spencer Street and the corner of Spencer Street and Frederick Street is to be retained to the satisfaction of the Local Government.</p> <p>6. The following architectural elements of the former site office fronting Spencer Street are to be retained in order to represent the historic land use as far as is practical:</p> <ul style="list-style-type: none"> (a) The space is to be a minimum of three roof trusses deep; (b) Retain the clerestory windows along the south facing wall of the building; (c) Retain the north wall of the space; and (d) Provide a similar sense of space that reflects the previous historical office use on this portion of the subject site. <p>7. Vehicular access is to be limited to one access point per street.</p> <p>8. Development is to conform to the City of Albany <i>Historic Town Design Policy</i> or any subsequent adopted Local Planning Policy.</p>
AU13	Lot 402 Le Grande Avenue, Orana Plan 037217	Park Home Park	<p>1. For that portion of the Special Site developed as a 'Park Home Park' development shall be exclusively for park homes in accordance with the <i>Caravan Park and Camping Act 1995</i>.</p> <p>2. Caravans, annexes, tents and motorised homes shall not be permitted.</p>

ATTACHMENT 5

X LOT 14 SPENCER STREET, CITY OF ALBANY DESIGN POLICY**Objective:**

To ensure development of Lot 14 Spencer Street, Albany is sympathetic to the built form of the former Activ Building (Building 1), Thrift Shop (Building 2), Cheyne Cottage and surrounding heritage properties and maintains existing view corridors from Frederick Street through the use of appropriate controls addressing building height, bulk, location, form, colour and materials.

A1 Relationship to Other Planning Instruments

This Policy is to be read in conjunction with the following planning instruments with relevant provisions of these instruments applied as appropriate to development of Lot 14:

- Central Albany Urban Design Policy
- Residential Design Codes of Western Australia

Where a provision of this Policy is inconsistent with a provision of the abovementioned planning instruments, this Policy will prevail to the extent of the inconsistency.

A2 Policy Statement

The specific policy requirements for development of Lot 14 are outlined in the provisions below.

A2.1 Development Guide Plan and Staging and Land Tenure Plan

A2.1.1 The Development Guide Plan and Staging and Land Tenure Plan for Lot 14 Spencer Street, Albany and adopted by the City of Albany forms part of this Policy.

A2.1.2 In order to meet the requirements of this Policy, development is to be in accordance with the Development Guide Plan and Staging and Land Tenure Plan.

A2.2 Building Setbacks

A2.2.1 The building setbacks to be used for new development on the site are shown on the Development Guide Plan.

A2.2.2 Street and driveway setbacks shown on the Development Guide Plan are fixed and not subject to reduction.

A2.2.3 Side and rear setbacks shown on the Development Guide Plan are the minimum permitted. Greater setbacks than provided on the Development Guide Plan are permissible, except in relation to nil setbacks.

A2.2.4 In order to maximise solar access, ventilation, streetscape and privacy buildings are to be built on the boundary where shown.

A2.2.5 All balconies, roofed patios and decks raised above 0.5m from the courtyard ground level are to be located within the building envelope shown on the Development Guide Plan.

A2.3 Streetscape

- A2.3.1 The facade of any building fronting Spencer Street is to be designed to complement the appearance of the existing Buildings 1 and 2 in a manner consistent with “recognised heritage conservation guidelines and principles”. The facade is to be built on the property line with the parapet wall height varied to accommodate the slope as shown by the existing buildings (see Figure 1).
- A2.3.2 Dwellings fronting Frederick Street (Lots C1 – C4 as depicted on the Development Guide Plan) are to be single storey in height at the street frontage (northern boundary) and be complementary to the bulk and character of the adjoining dwelling to the east.
- A2.3.3 All buildings are to have living areas (indoor or outdoor) overlooking the street and internal driveways.
- A2.3.4 Fencing along the Frederick Street boundary is to be of uniform construction, visually permeable (see through) and a maximum 0.9m above footpath height in front of any dwelling and 1.8m above footpath height elsewhere.
- A2.3.5 All garages and on-site parking areas are to be accessed from the internal driveway. No garages or carports are permitted on the Frederick Street frontage.
- A2.3.6 Buildings fronting Frederick or Spencer Street are to provide direct pedestrian access from the street elevation.
- A2.3.7 A view corridor looking across Norman House to the Penny Post and Existing Oak Tree on Lot 1 is to be maintained as shown on the Development Guide Plan.
- A2.3.8 Garages / carports are to be located as shown on the Development Guide Plan.
- A2.3.9 Garage doors are to be of uniform colour and materials for each group of buildings to ensure a consistent facade. Where carports are to be used, this must be done for each of the dwellings within the group.
- A2.3.10 Non-residential uses are to have direct frontage to Spencer Street with windows looking out onto the street.
- A2.3.11 The existing facades of Building 1 (Figure 2) are to remain unaltered with the exception of the removal of the later and intrusive verandah and window additions. Any restoration of the building (i.e. replacement of the verandah or windows, repainting, etc) should be authentic, based on documentary and physical evidence.

A2.4 Built Form

- A2.4.1 Colours and materials are to be complementary to the existing Buildings 1 and 2 and should be based on documentary and physical evidence. The full range of external materials, including masonry, iron, timber weatherboard and cement cladding will be considered. Development should be sympathetic in form, size, bulk and setback to surrounding properties.
- A2.4.2 Use of unpainted or non-rendered face brick is not permitted.

- A2.4.3 Roof pitch is to be less than 10°, for all new buildings with the exception of houses fronting Frederick Street where a 25° roof pitch is permitted to complement surrounding roof styles.
- A2.4.4 Use of unpainted 'Zincalume' or light-coloured 'Colorbond' custom-orb roofing is required for all buildings, except housing fronting Frederick Street.
- A2.4.5 Roofing tiles are not permitted, except on the houses fronting Frederick Street, where natural-coloured terracotta clay tiles may be used as a substitute to custom-orb roofing to complement the adjoining residence to the east.
- A2.4.6 The facade of Building 2 is permitted to be rationalised, such that only the windowed section of the facade, as well as the original timber trusses and south facing skylight windows, are retained. The remainder of the facade fronting Spencer Street is to incorporate design elements of Building 2 in order to provide visual cues back to the retained structure.
- A2.4.7 The design of any building fronting Spencer Street will be subject to assessment and comment by the City's Heritage Advisor prior to issue of any development approval.
- A2.4.8 Except for Lots A and B1, Upper floors are to extend 0.5m in front of the garage building line in order to provide an element of articulation to the frontages of the dwellings facing the internal driveway.

A2.5 Height and Bulk

- A2.5.1 Finished floor and ground levels are not to exceed the maxima shown on the Development Guide Plan without Council approval.
- A2.5.2 When considering varying the maximum finished level of a building from that shown on the Development Guide Plan, the Council is to ensure the following matters are appropriately addressed prior to granting approval to the varied finished level:
- Impact on the amenity of adjoining dwellings within the complex and adjoining the site.
 - Ensuring the increased finished levels do not detract from the scale and bulk of the overall development.
 - Impact on the view corridor from Frederick Street.
 - Need to ensure appropriate operation of drainage and sewer.
 - Need for retaining walls and the impact on adjoining properties.
 - Impact on solar access to adjoining dwellings, overlooking and overshadowing.
 - Impact on the preservation and amenity of Cheyne Cottage.
- A2.5.3 Building height will be generally in accordance with Category B of Table 3 of the *Residential Design Codes*, except as otherwise varied by this Policy. 'Natural ground level' will be considered the FFL for the lower floor of each building as depicted on the Development Guide Plan, or as varied under clause A2.5.2.
- A2.5.4 Notwithstanding clause A2.5.3, the maximum building height for dwellings fronting Frederick Street will be in accordance with Category A of Table 3 of the *Residential Design Codes* with 'natural ground level' being the FFL for the upper floor as shown on the Development Guide Plan. The purpose of this clause is to ensure a single storey scale and bulk for these buildings when viewed from Frederick Street, whilst

allowing for use of the existing fall of the site to establish an undercroft area under the FFL of the upper floor.

A2.5.5 Upper floor balconies on Lots C1-C4 are to be un-roofed within 4m of the southern strata boundary of these lots to protect the solar access of Lots D1-D3 and to provide adequate light and ventilation.

A2.5.6 Courtyards are to remain un-roofed to within 4m of the southern boundary on Lots B2-B4 and D1-D3 to protect the solar access of properties to the south and to provide adequate light and ventilation.

A2.6 Privacy and Outdoor Living Areas

A2.6.1 Second storey windows on dwellings that face another dwelling are to be designed so that the two sets of windows are offset and do not directly face one-another.

A2.6.2 Balconies are to be screened to 1.7m above the finished level of the balcony where adjoining another balcony or as otherwise shown on the Development Guide Plan.

A2.6.3 Each dwelling is to be provided with a courtyard / outdoor living area as depicted on the Development Guide Plan. In the case of Lots C1 – C4, this is to be located as a balcony area on the southern side of the dwelling as depicted on the Development Guide Plan.

A2.6.4 Each dwelling is to be provided with a clothes drying area screened from the view of the street or internal driveway. In the case of Lots B1 and C1-C4, installation of a clothes dryer will be accepted in lieu of a outdoor clothes drying area.

A2.6.5 With the exception of Lot B1, each dwelling is to incorporate a minimum 4m² lockable storage room directly accessible from the garage / carport with a minimum internal dimension of 1.5m.

A2.7 Landscaping

A2.7.1 Landscaping in common property areas are to be established and maintained by the Strata Company at all times.

A2.7.2 Trees selected at maturity are not to exceed the height of the Frederick Street footpath at the view point marked on the Development Guide Plan (10m RL).

A2.7.3 Use of deciduous trees to provide shade in summer and light / heat in winter is recommended for the common property areas.

A2.7.4 Boundary fencing (except for street fencing) is to be of a uniform colour and a maximum of 1.8m high.

A2.8 Access and Car Parking

A2.8.1 Driveways are to be constructed in a uniform material as depicted on the Development Guide Plan and located within Common Property.

A2.8.2 The existing Right of Carriageway easement to Cheyne Cottage is to be modified to follow the new driveway route with the existing access point into the Cheyne Cottage site to remain.

- A2.8.3 The main driveway will be subject to a Right of Carriageway easement to the benefit of Lot A (office use) to ensure access in perpetuity.
- A2.8.4 Each dwelling is to have two (2) car parking spaces contained in either a carport or garage as shown on the Development Guide Plan.
- A2.8.5 A minimum of two (2) visitor parking spaces are to be provided within the common property and located separately from parking spaces associated with the office use. These spaces are to be marked for residential visitor use only.
- A2.8.6 A minimum of eight (8) on-site parking spaces for the office use on Lot A are to be provided as shown on the Development Guide Plan. It is noted that the minimum required parking spaces for the office of ten (10) spaces has been offset by the ability to provide two (2) on-street spaces immediately in front of the site.
- A2.8.7 A minimum of three (3) on-site parking spaces for the office /studio on Lot B1 are to be provided as shown on the Development Guide Plan. It is noted that the minimum required parking spaces for the office and single bedroom studio of six (6) spaces has been offset by the ability to provide three (3) on-street spaces immediately in front of the site.

A2.9 Non-residential uses

- A2.9.1 Lot A as depicted on the Development Guide Plan is to be used for office accommodation or other non-residential use approved by the Council. Car parking has been provided on the Development Guide Plan for a maximum of 300m² gross floor area (GFA). Any increase in GFA will require the provision of additional car parking to the satisfaction of Council.
- A2.9.2 Lot B1 as depicted on the Development Guide Plan is to be used for office accommodation or other non-residential use approved by the Council on the ground floor. A single bedroom studio residence can be incorporated into the upper floor. Development of the upper floor must take into account the existing heritage elements of the building including two internal trusses, south facing windows and the need to let light in through these windows. Development of the upper storey is to minimise impact on the streetscape and must be setback appropriately from the Spencer Street frontage. Car parking has been provided on the Development Guide Plan for a maximum of 150m² gross floor area (GFA) of office space and a single studio residence. Any increase in GFA will require the provision of additional car parking to the satisfaction of Council.

A2.10 Servicing

- A2.10.1 Provision is to be made for centralised letter boxes at the entrance to the main driveway from Spencer Street.
- A2.10.2 Rubbish collection is to occur via standard domestic 'wheelie bins' placed on Spencer Street or by alternative arrangement with the agreement of Council. Bins are to be stored at each unit outside of pick up days.
- A2.10.3 Provision is to be made for centralised electricity meters for the residential units. This is to be located within Common Property at the entrance to the main driveway from Spencer Street.

- A2.10.4A 1.5m wide service easement is to be provided along the southern boundary of Lots B1 – B4 to provide access for drainage and sewerage services.
- A2.10.5 Stormwater drainage is to be managed on site and released into the surrounding drainage system in accordance with Better Urban Water Management Guidelines, as approved by the Council.

A3 Figures

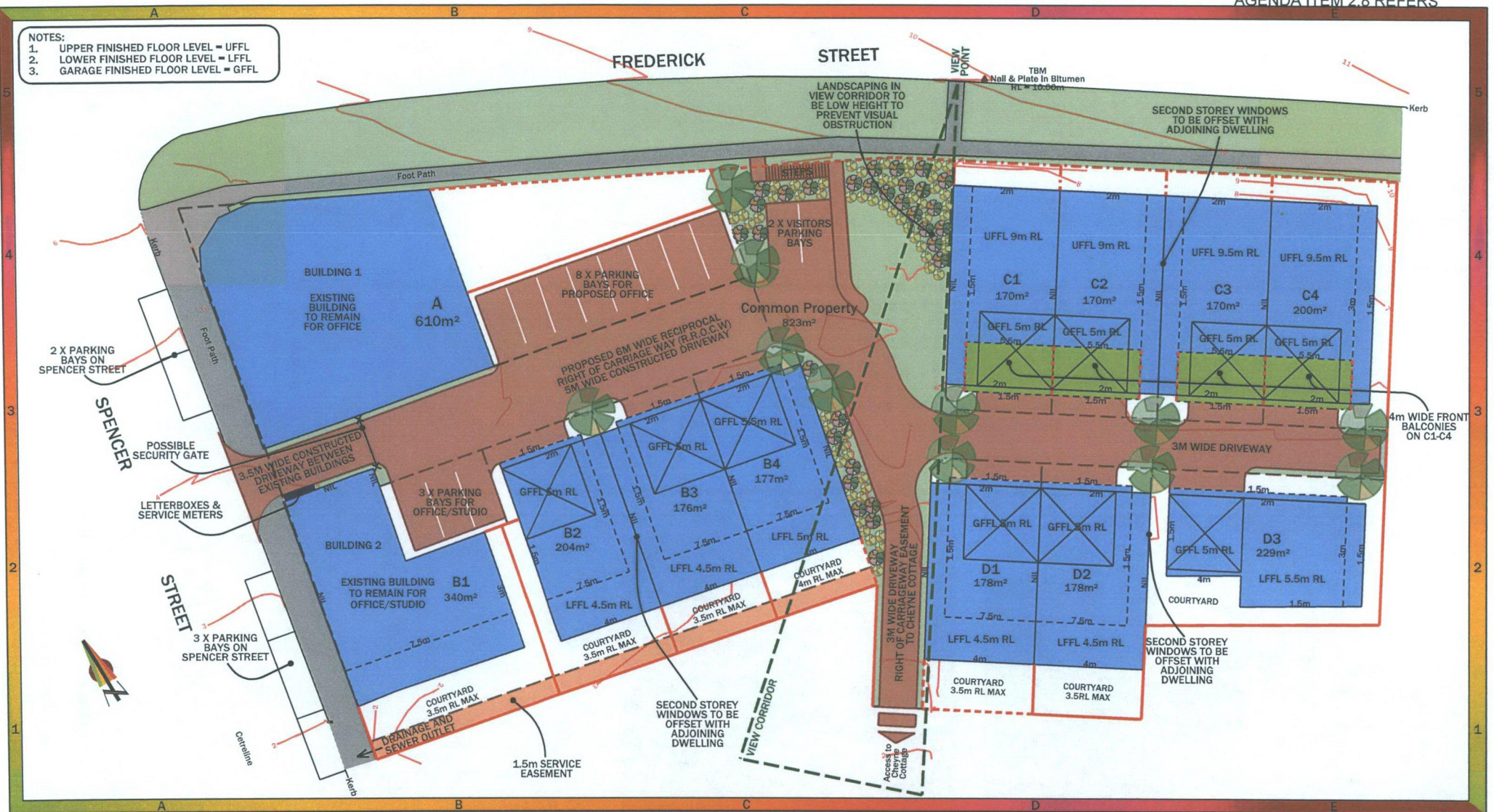


Figure 1



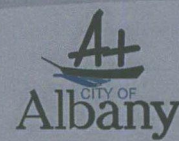
Figure 2

NOTES:
 1. UPPER FINISHED FLOOR LEVEL = UFFL
 2. LOWER FINISHED FLOOR LEVEL = LFFL
 3. GARAGE FINISHED FLOOR LEVEL = GFFL



Development Guide Plan

LOT 14 SPENCER STREET ALBANY



LEGEND

- Lot Boundaries
- Maximum 1.8m High Open Fence
- Maximum 1.8m High Closed Fence
- Maximum 0.9m High Open Fence
- Privacy Screening
- First Storey Setback
- Second Storey Setback (If varied from first storey)
- Compulsory Balcony Courtyard
- Building Envelope
- Designated Garage Location

This Detailed Area Plan has been adopted by Council and signed by the Manager of Planning for the City of Albany

Chief Executive Officer: _____ Date: _____

SCALE AT A3 1:300

0 5 10 15

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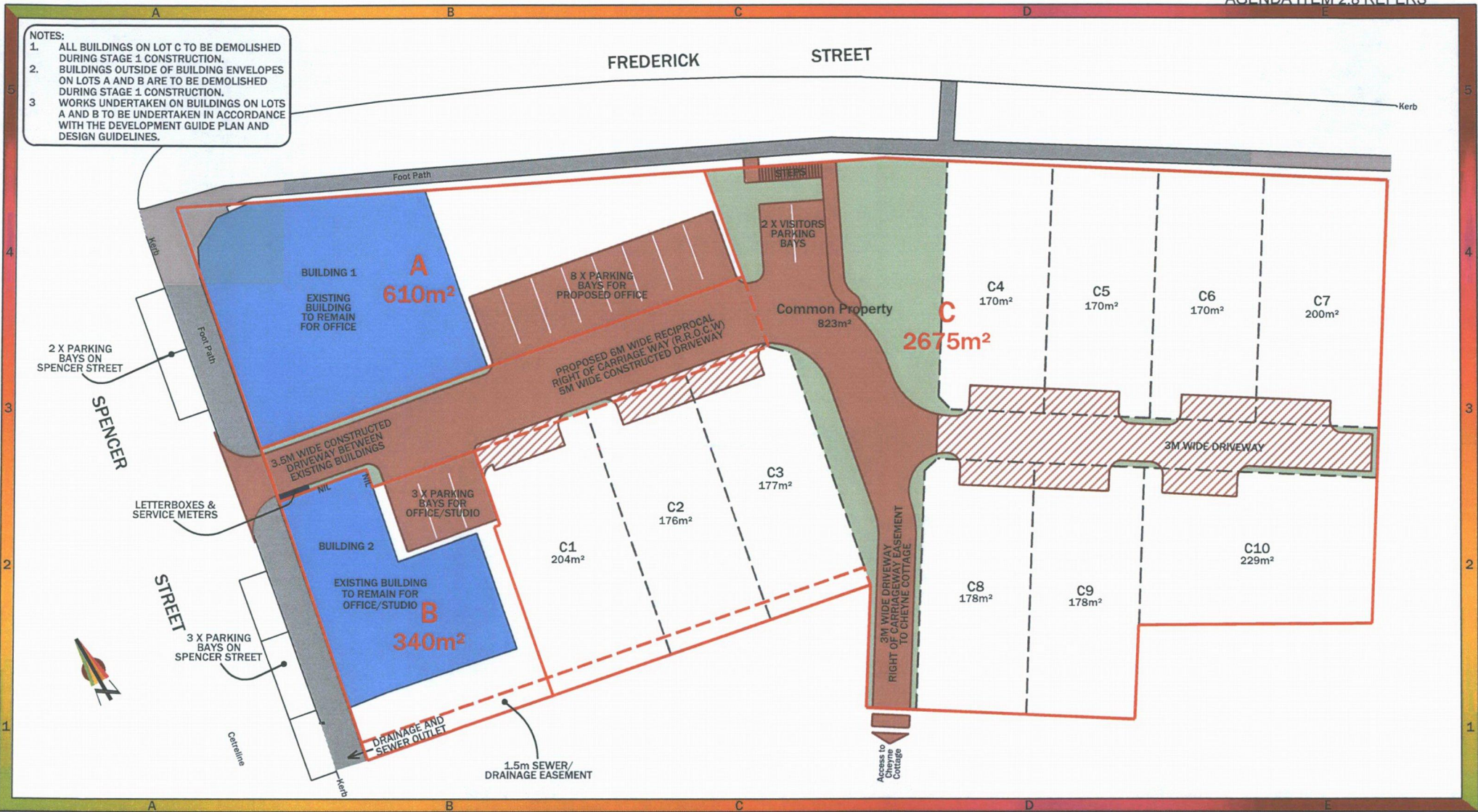
note:
 This plan has been prepared for planning purposes. Areas, contours and dimensions shown are subject to survey.

Drawn SDP 23-05-11 Checked SJB 23-05-11

116 Serpentine Road, Albany, WA 6175
 08 9841 7300
 E: harley@harleyglobal.com.au

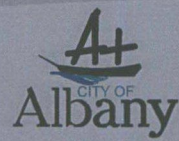
NOTES:
 1. ALL BUILDINGS ON LOT C TO BE DEMOLISHED DURING STAGE 1 CONSTRUCTION.
 2. BUILDINGS OUTSIDE OF BUILDING ENVELOPES ON LOTS A AND B ARE TO BE DEMOLISHED DURING STAGE 1 CONSTRUCTION.
 3. WORKS UNDERTAKEN ON BUILDINGS ON LOTS A AND B TO BE UNDERTAKEN IN ACCORDANCE WITH THE DEVELOPMENT GUIDE PLAN AND DESIGN GUIDELINES.

FREDERICK STREET



Staging and Land Tenure Plan

LOT 14 SPENCER STREET ALBANY

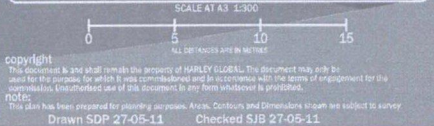


LEGEND

- Stage 1 Green Title Lots
- Stage 1 Easements
- Stage 2 Survey/Built Strata Lots
- Stage 1 Driveway
- Stage 2 Driveway
- Landscaping
- Building Envelope for Lots A & B (Building Envelopes for Lot C as per Development Guide Plan)

This Staging and Land Tenure Plan has been adopted by Council and signed by the Chief Executive Officer for the City of Albany

Chief Executive Officer.....Date.....



116 Serpentine Road Albany NSW 7170
 Phone 9841 7300

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Proposed Streetscape Concept
 Albany

Corner Frederick and Spring Street

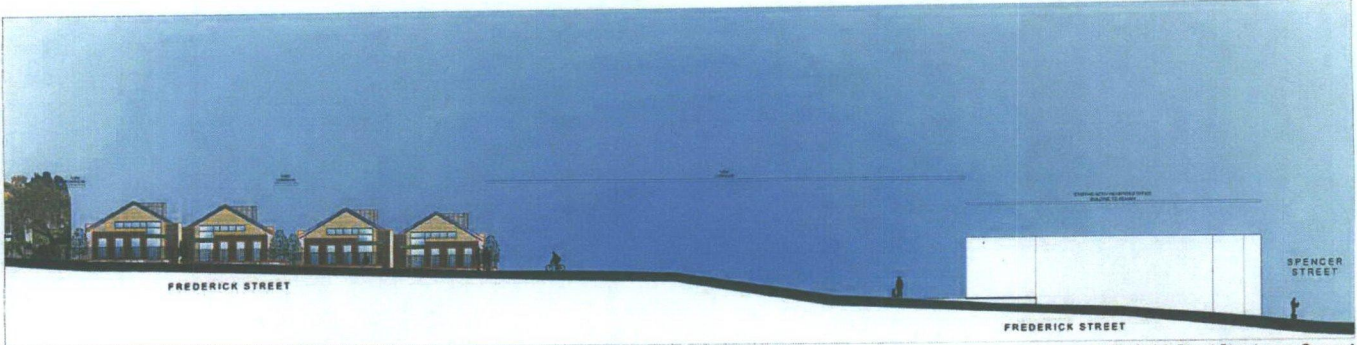
Active Industries

2 X PARKING BAYS ON SPENCER STREET
 POSSIBLE SECURITY GATE
 LETTERBOXES & SERVICE METERS
 3 X PARKING BAYS ON SPENCER STREET
 1.5m SERVICE EASEMENT
 NEW CORRIDOR
 SECOND STOREY WINDOWS TO BE OFFSET WITH ADJOINING DWELLING

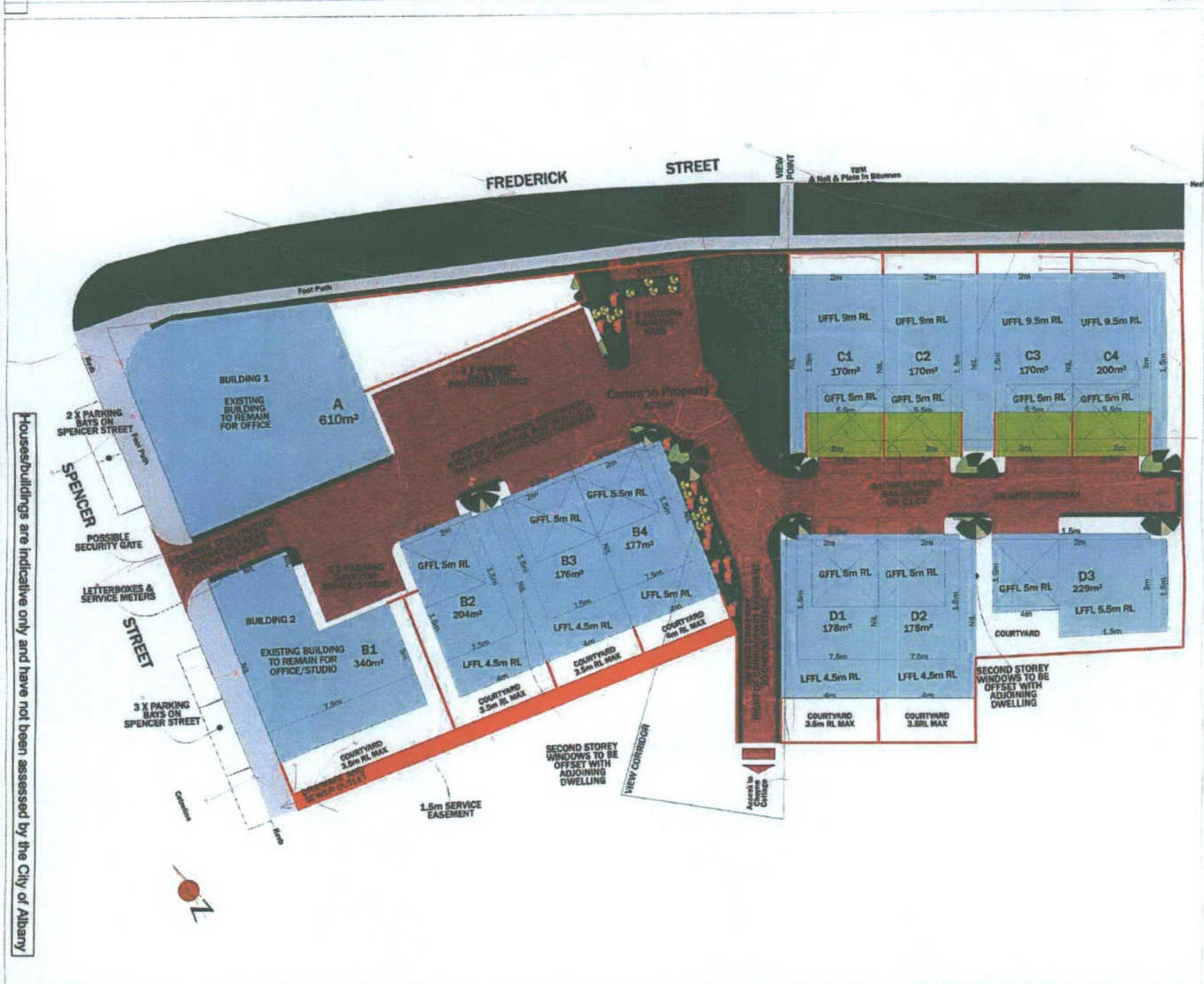
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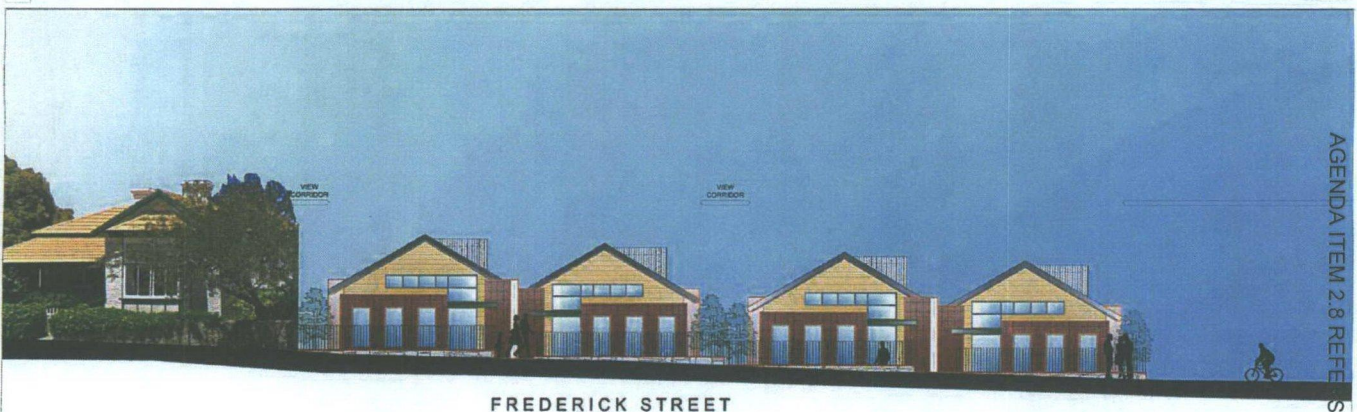
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Frederick Street Streetscape Concept Scale 1: 50




Frederick Street Streetscape Concept Scale 1: 50




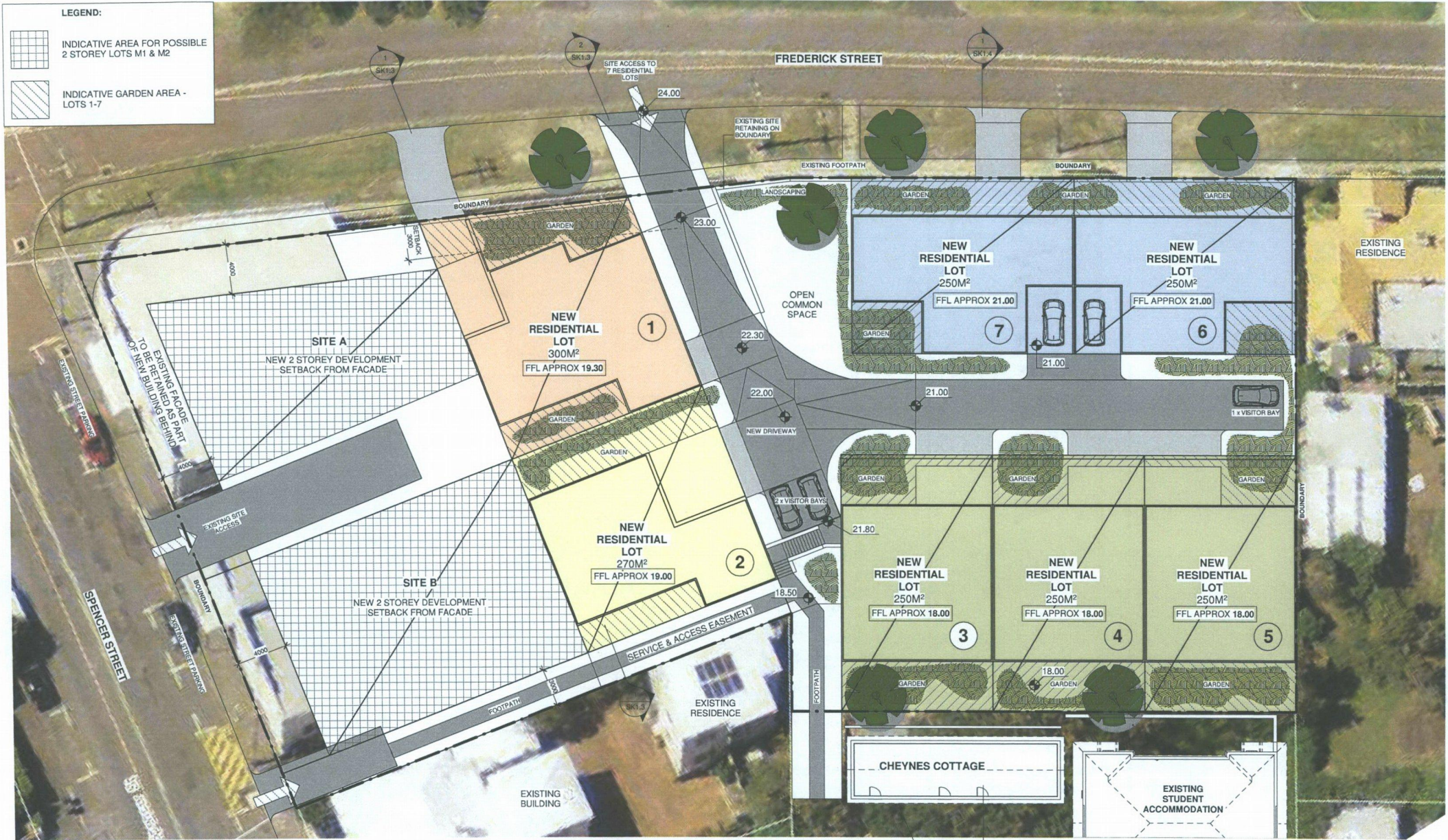
Frederick Street Streetscape Concept Scale 1: 50

ATTACHMENT 6

LEGEND:

 INDICATIVE AREA FOR POSSIBLE 2 STOREY LOTS M1 & M2

 INDICATIVE GARDEN AREA - LOTS 1-7



PROPOSED SITE DEVELOPMENT
 SPENCER STREET, ALBANY WA
 ACTIV INDUSTRIES

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 SCALE 1:200@ A2
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 DATE 20/12/2017 9:54:26 AM
 DRAWN PG

NOTES: 1. LEVELS ARE INDICATIVE ONLY. A DETAILED SURVEY HAS NOT BEEN UNDERTAKEN.
 2. BUILDING FOOTPRINTS ARE INDICATIVE ONLY.

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ATTACHMENT 7

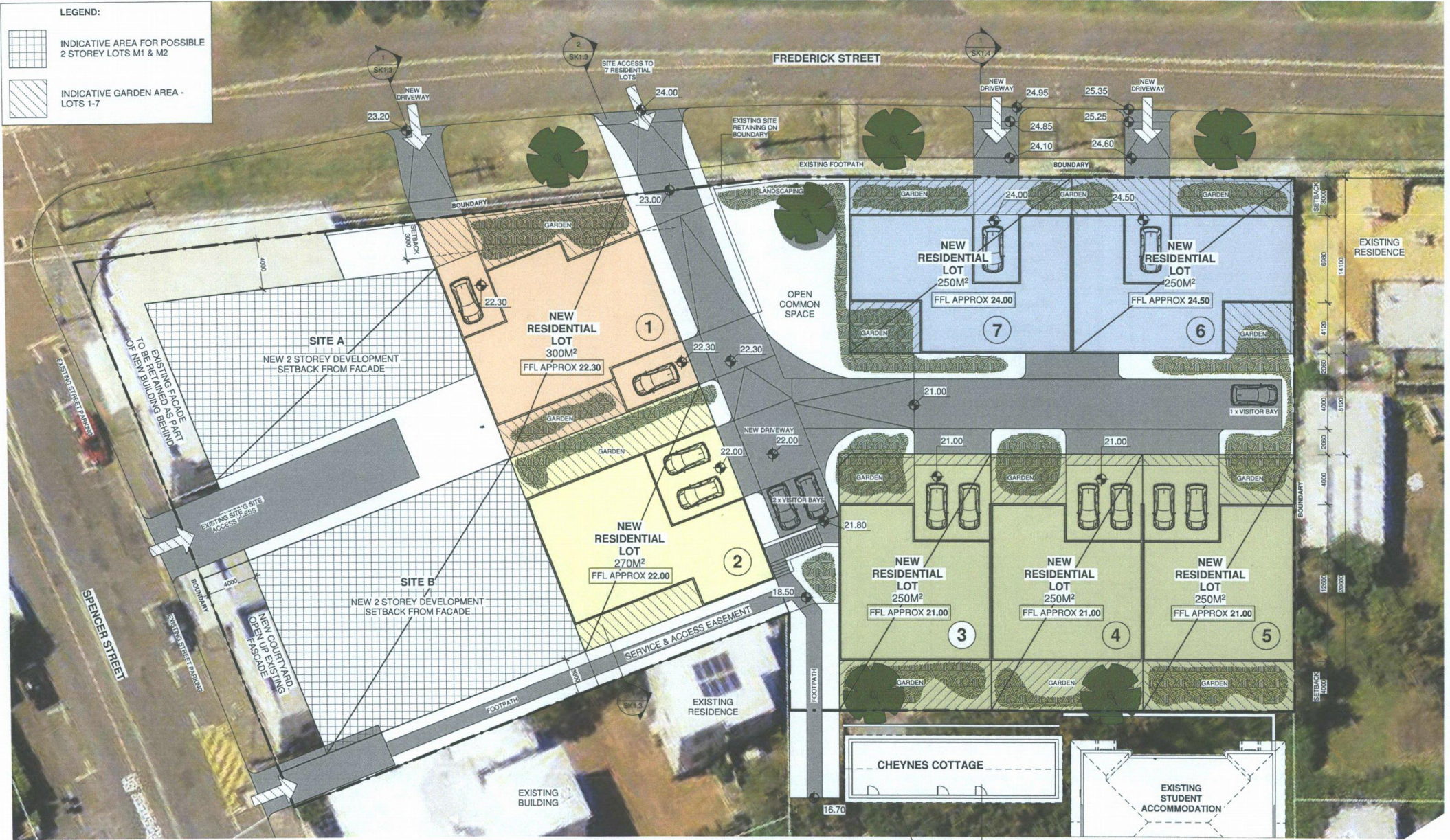
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INDICATIVE AREA FOR POSSIBLE 2 STOREY LOTS M1 & M2



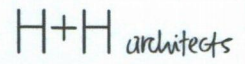
INDICATIVE GARDEN AREA - LOTS 1-7



PROPOSED SITE DEVELOPMENT
SPENCER STREET, ALBANY WA
ACTIV INDUSTRIES

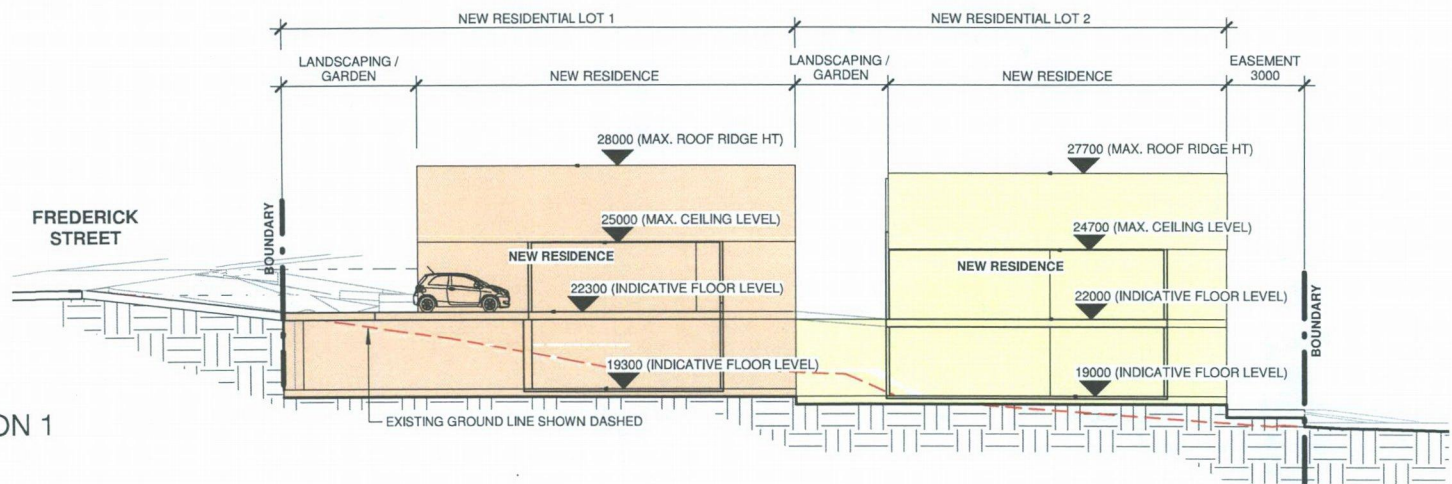
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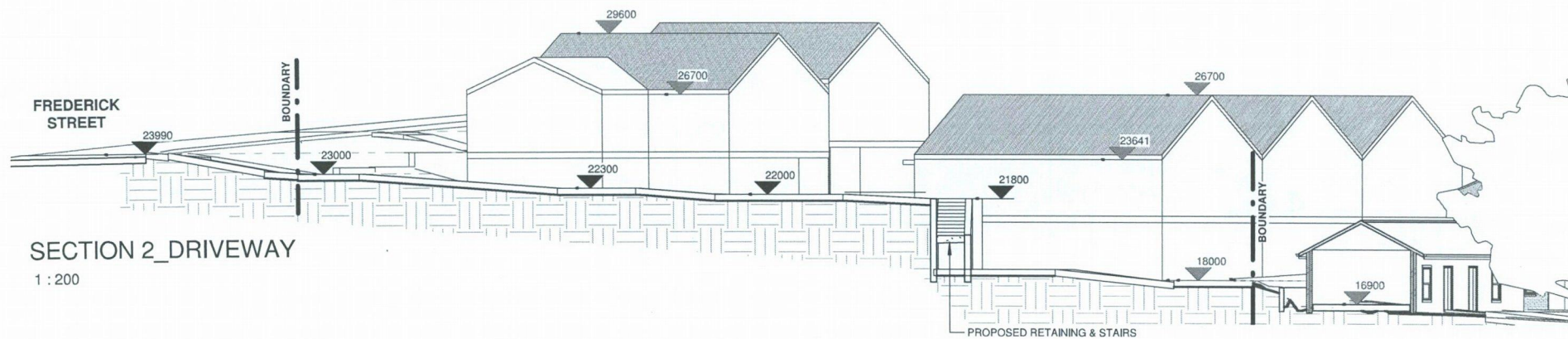
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ATTACHMENT 8



SECTION 1

1 : 200



SECTION 2_DRIVEWAY

1 : 200

- NOTES:**
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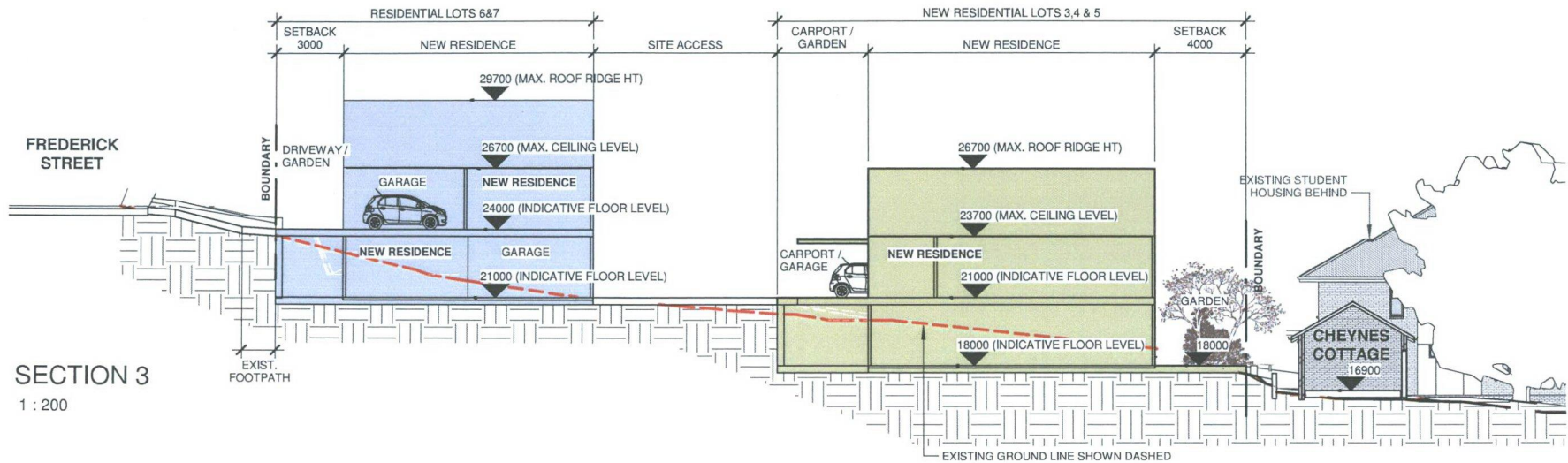
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SPENCER STREET, ALBANY WA
ACTIV INDUSTRIES

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SECTION 3
1 : 200

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PROPOSED SITE DEVELOPMENT

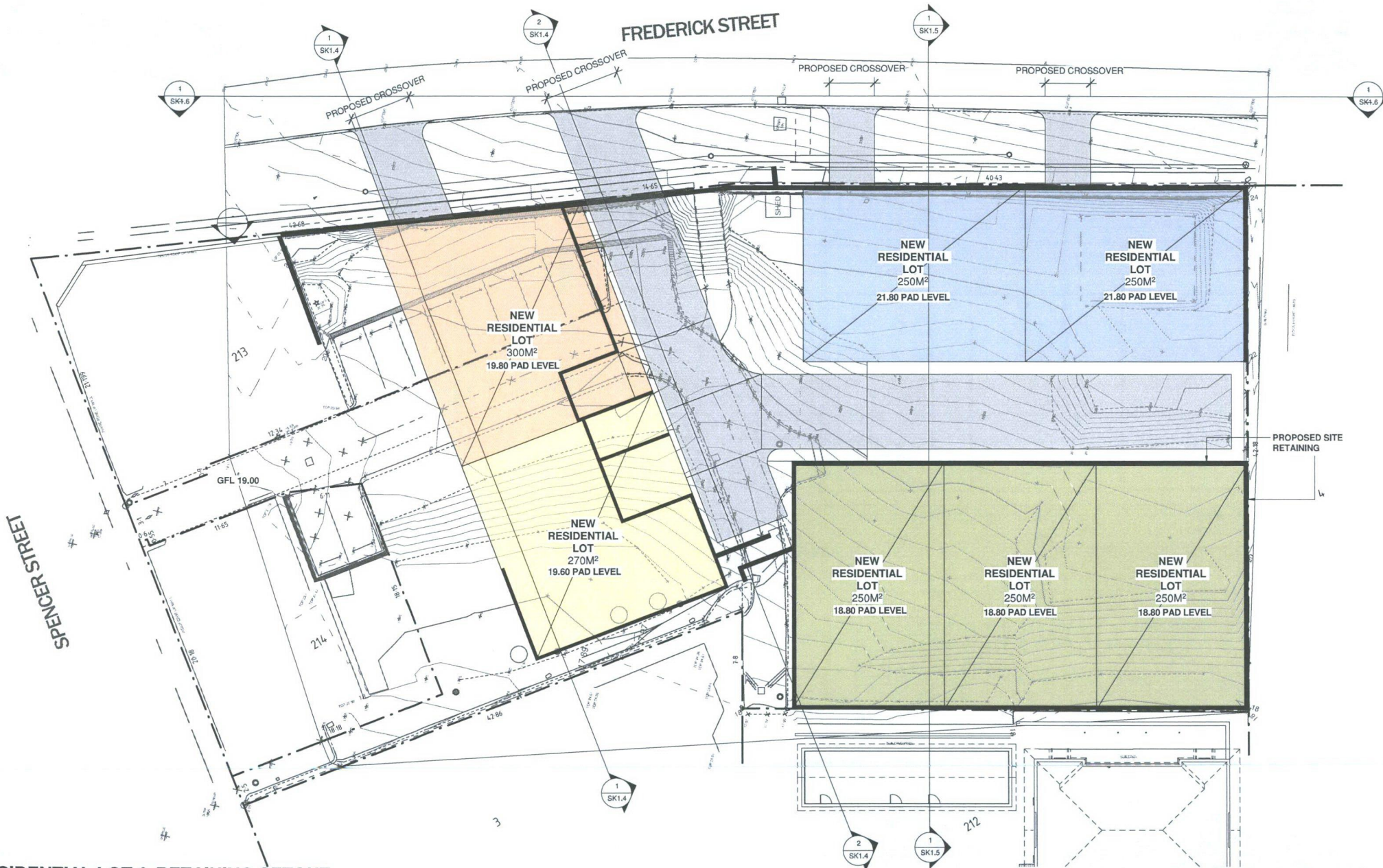
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ACTIV INDUSTRIES

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ATTACHMENT 9



RESIDENTIAL LOT & RETAINING SETOUT



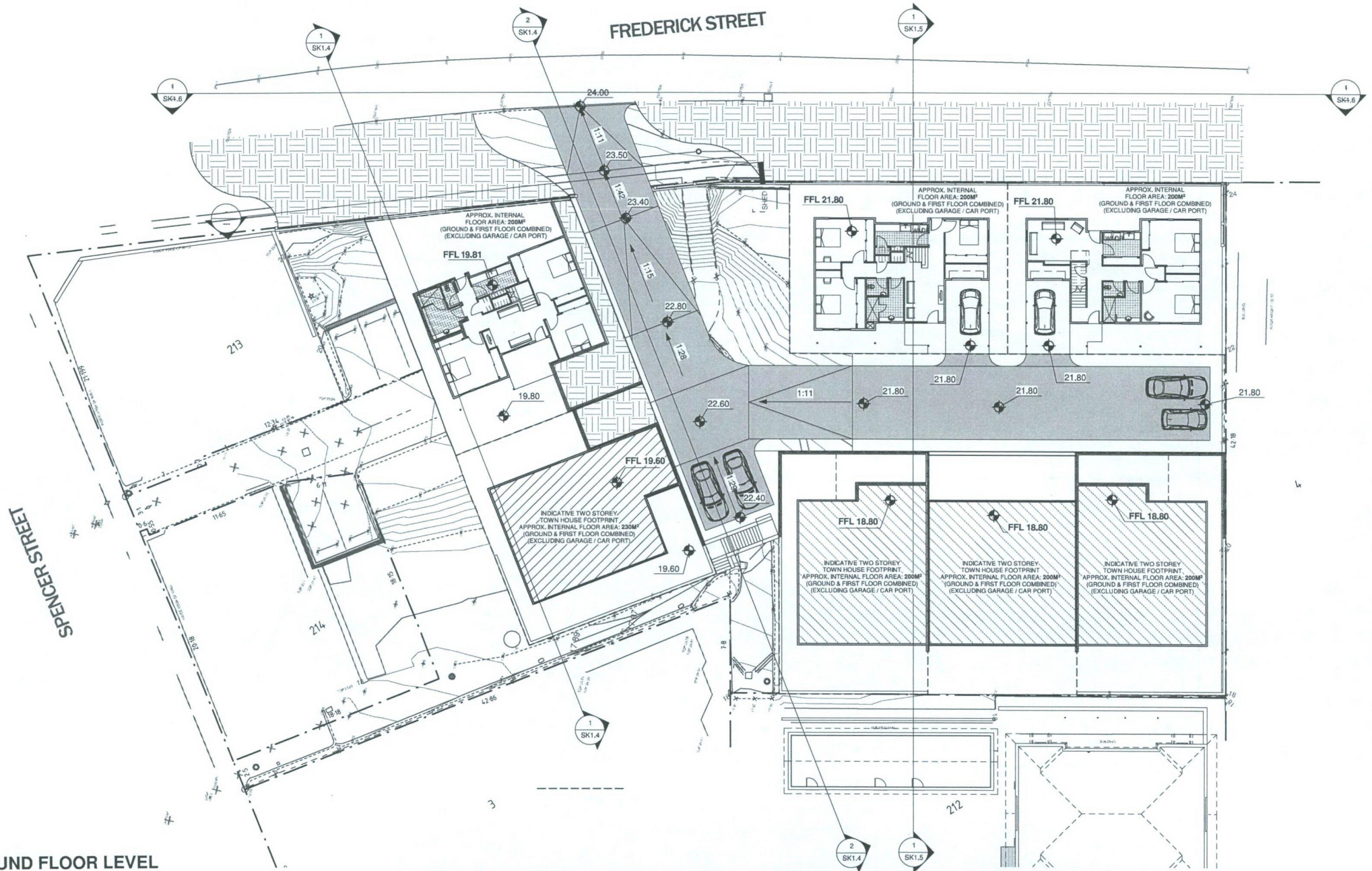
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SPENCER STREET, ALBANY WA
ACTIV INDUSTRIES

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GROUND FLOOR LEVEL

**INDICATIVE - PROPOSED
SITE DEVELOPMENT**

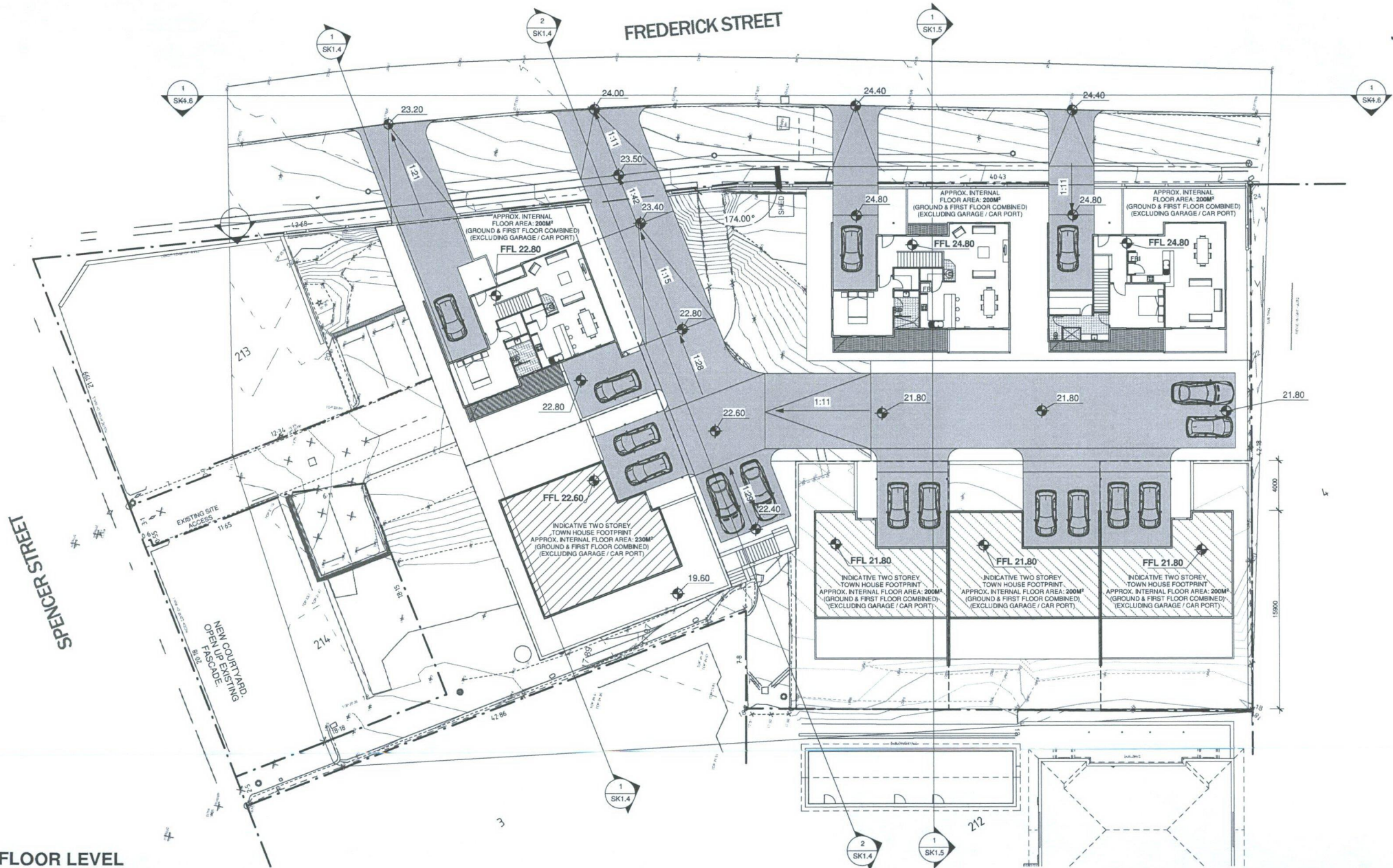
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ACTIV INDUSTRIES

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FIRST FLOOR LEVEL

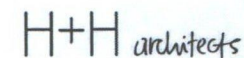


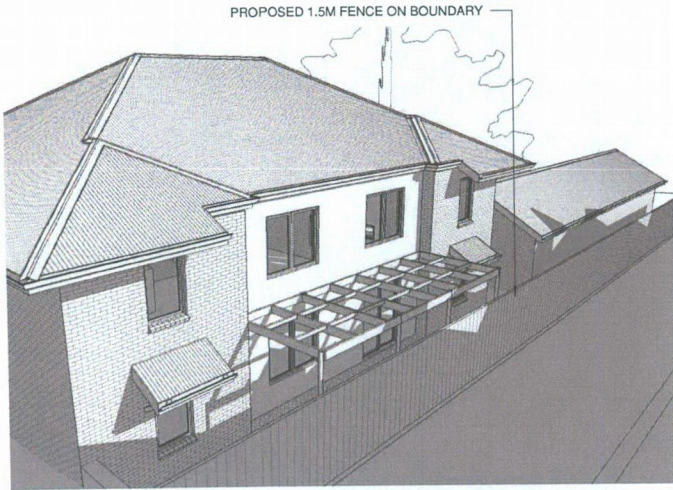
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SPENCER STREET, ALBANY WA
ACTIV INDUSTRIES

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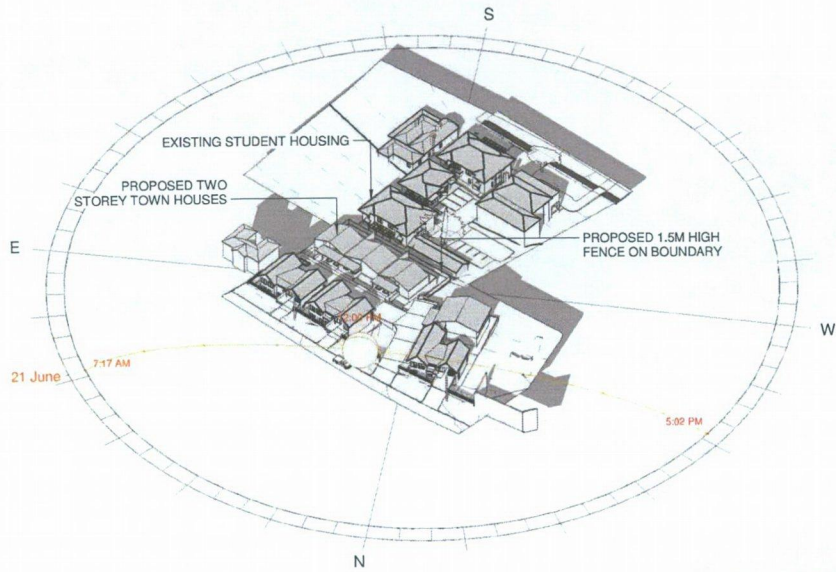
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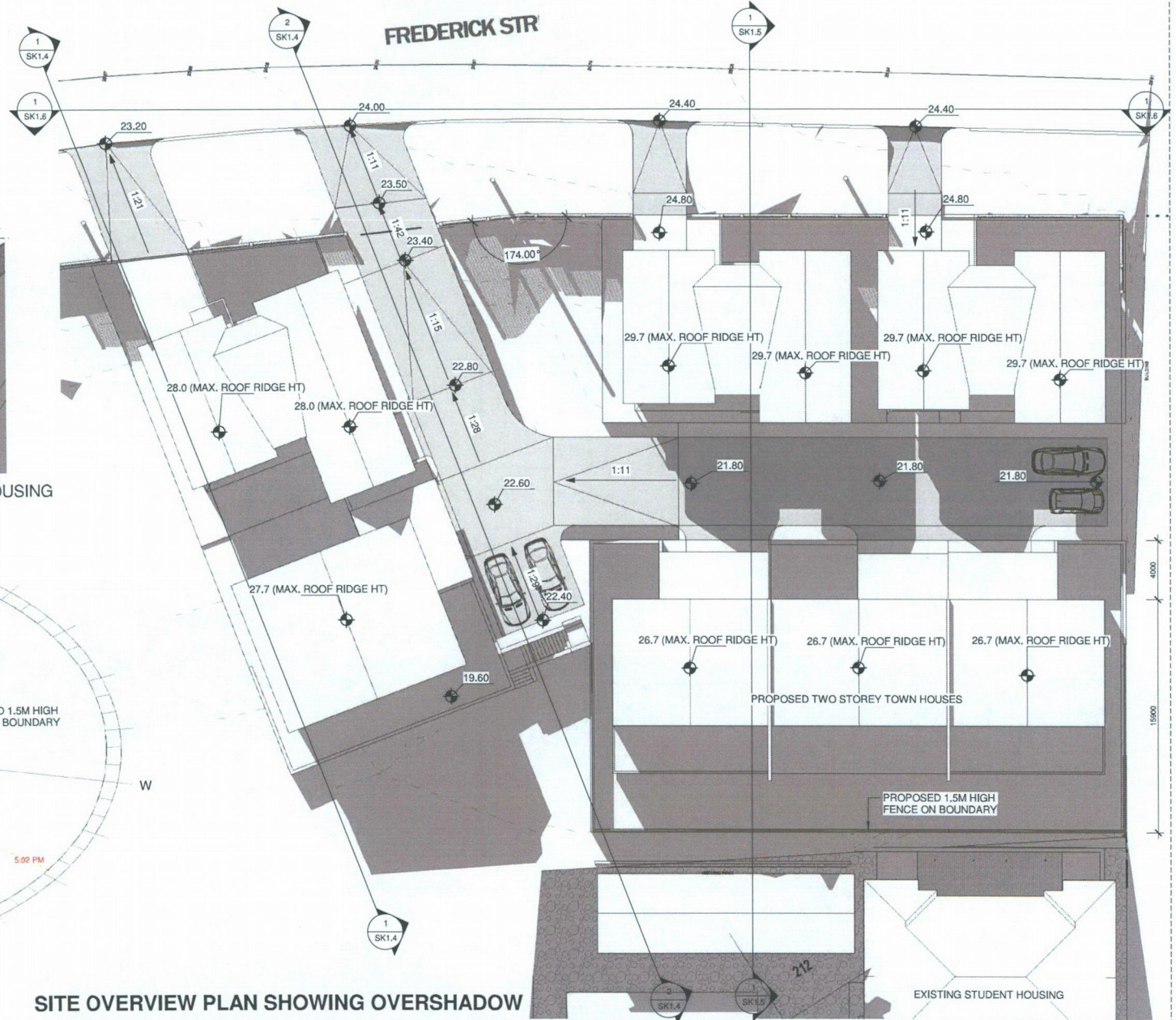


PROPOSED 1.5M FENCE ON BOUNDARY

SHADOW CAST ON NORTH-EAST WALL OF EXISTING STUDENT HOUSING



SITE OVERVIEW PLAN SHOWING OVERSHADOW



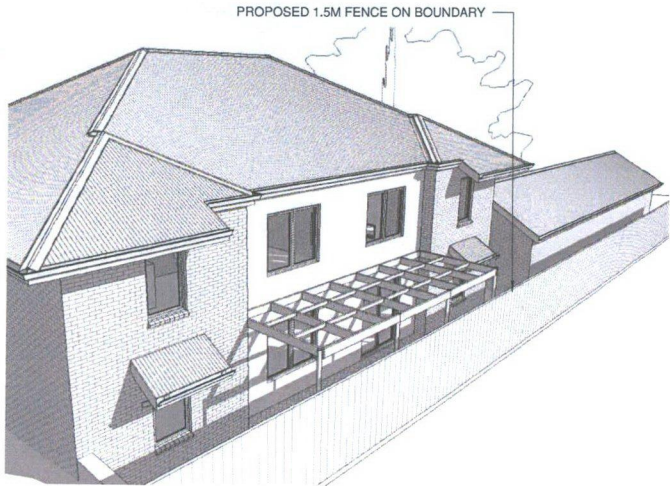
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SITE DEVELOPMENT**
SPENCER STREET, ALBANY WA
ACTIV INDUSTRIES

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NOTE:
THIS SITE OVERVIEW PLAN INDICATIVELY SHOWS THE OVERSHADOW
CAST BY PROPOSED INDICATIVE TWO STOREY TOWN HOUSES.
THE SUN ANGLE @ 12PM 21/JUNE
(WINTER SOLSTICE) ALBANY WA.

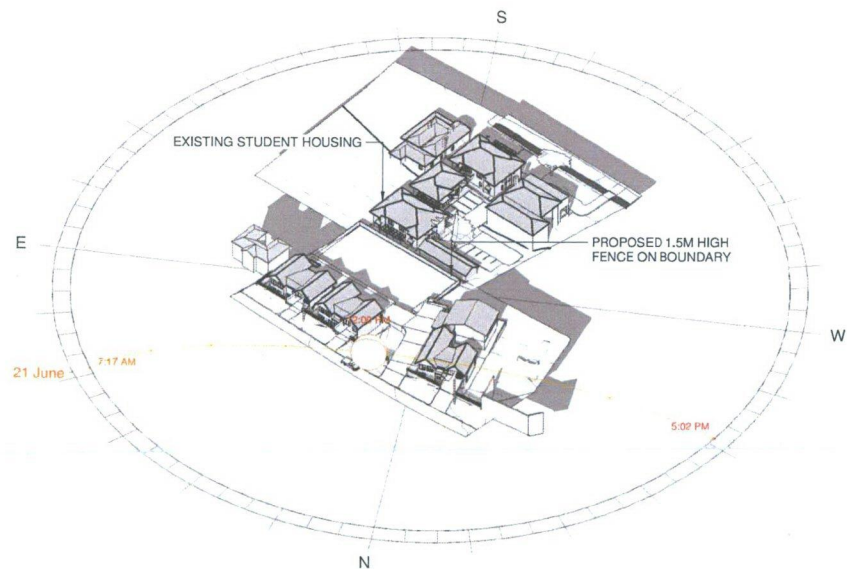
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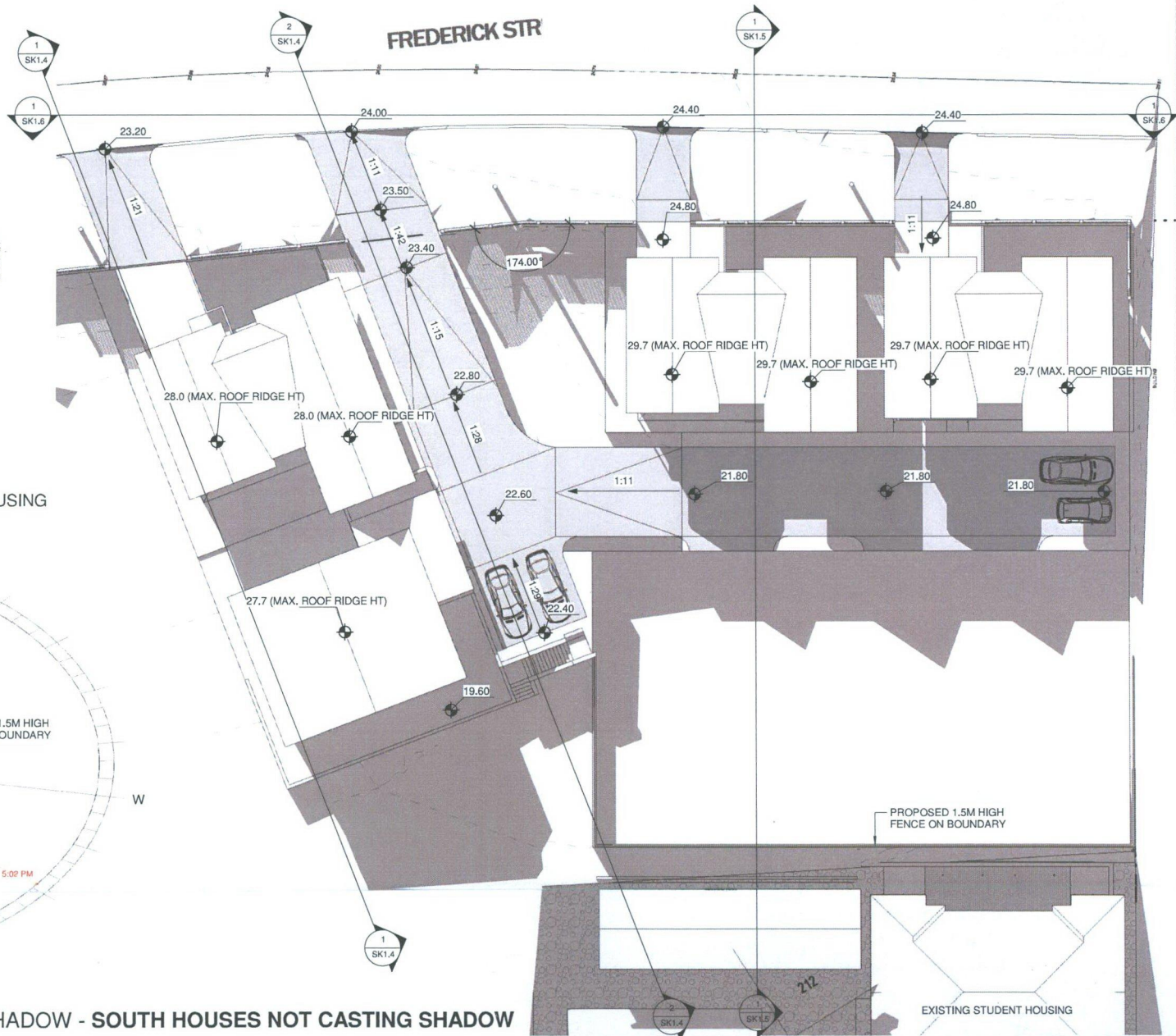


PROPOSED 1.5M FENCE ON BOUNDARY

SHADOW CAST ON NORTH-EAST WALL OF EXISTING STUDENT HOUSING



SITE OVERVIEW PLAN SHOWING OVERSHADOW - SOUTH HOUSES NOT CASTING SHADOW



**INDICATIVE - PROPOSED
SITE DEVELOPMENT**

SPENCER STREET, ALBANY WA
ACTIV INDUSTRIES

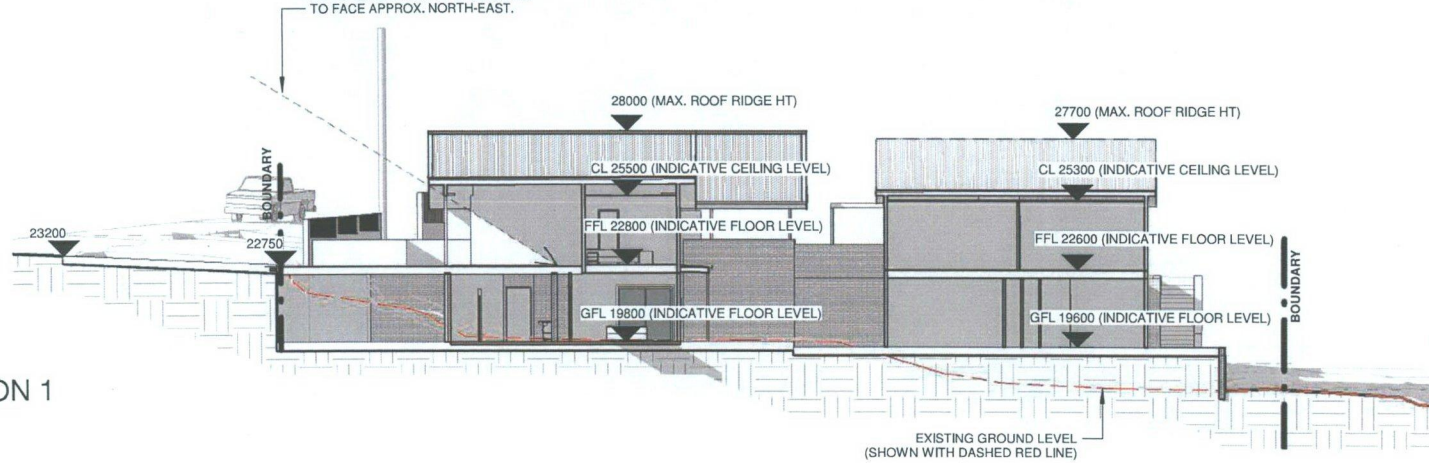
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NOTE:
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CAST BY PROPOSED INDICATIVE TWO STOREY TOWN HOUSES.
THE SUN ANGLE @ 12PM 21/JUNE
(WINTER SOLSTICE) ALBANY WA.

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SUN ANGLE @ 12PM 21/JUNE
(WINTER SOLSTICE) ALBANY WA
NOTE: BUILDINGS ARE ORIENTATED
TO FACE APPROX. NORTH-EAST.



SECTION 1

1 : 200

SUN ANGLE @ 12PM 21/JUNE
(WINTER SOLSTICE) ALBANY WA
NOTE: BUILDINGS ARE ORIENTATED
TO FACE APPROX. NORTH-EAST.



SECTION 2_DRIVEWAY

1 : 200

- NOTES:
1. LEVELS ARE INDICATIVE ONLY.
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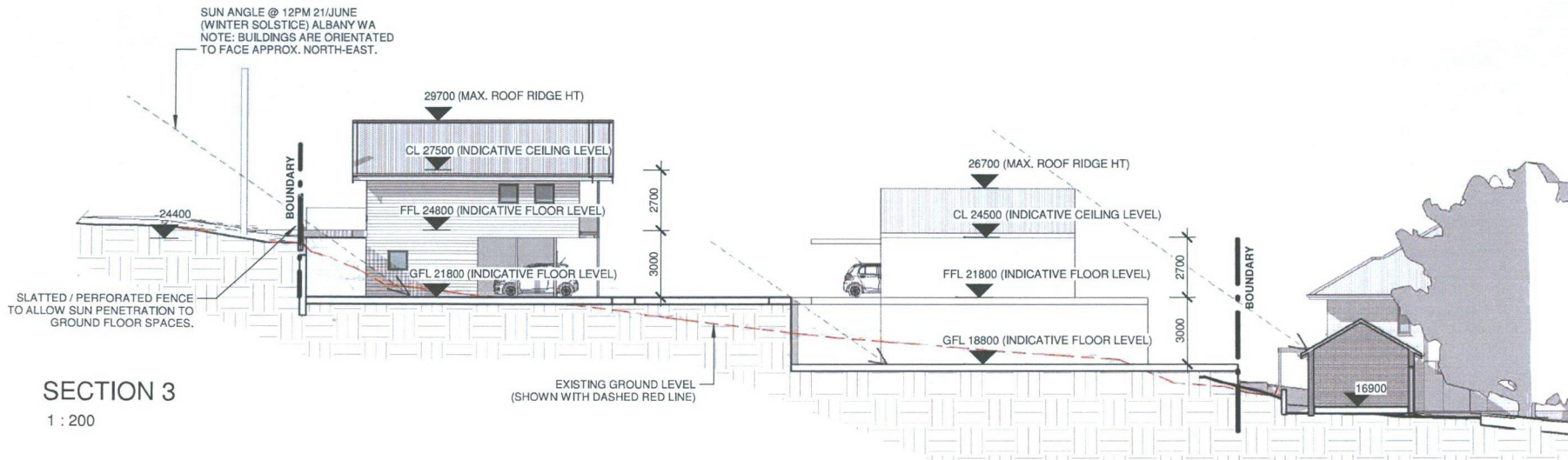
**INDICATIVE - PROPOSED
SITE DEVELOPMENT**

SPENCER STREET, ALBANY WA
ACTIV INDUSTRIES

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- NOTES:**
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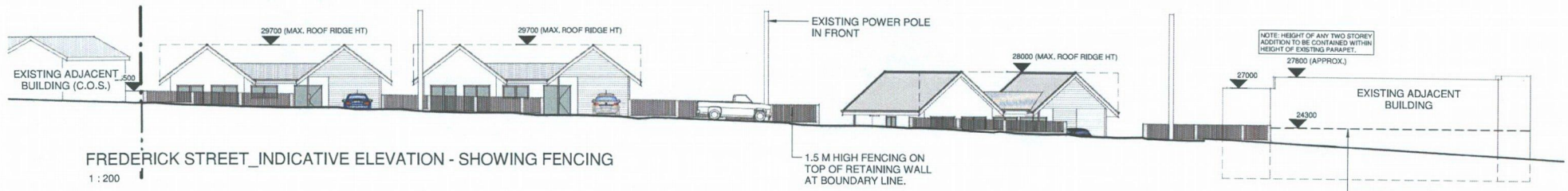
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SPENCER STREET, ALBANY WA
ACTIV INDUSTRIES

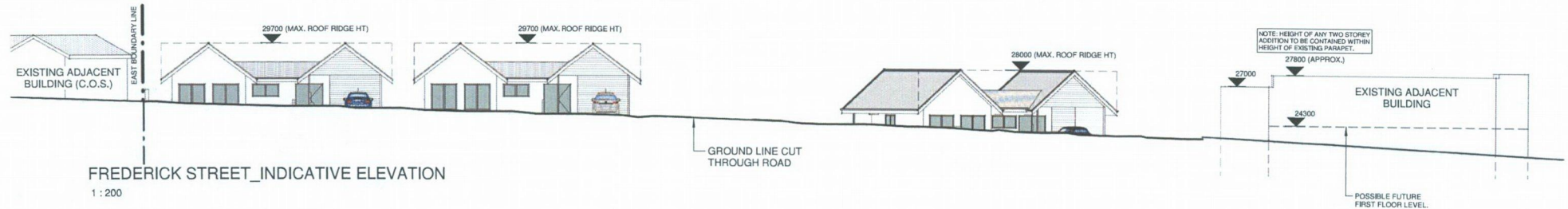
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DRAWING PROPOSED SITE SECTIONS
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JOB NUMBER 7252-17
DATE 2/07/2018 10:42:25 AM
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H+H architects

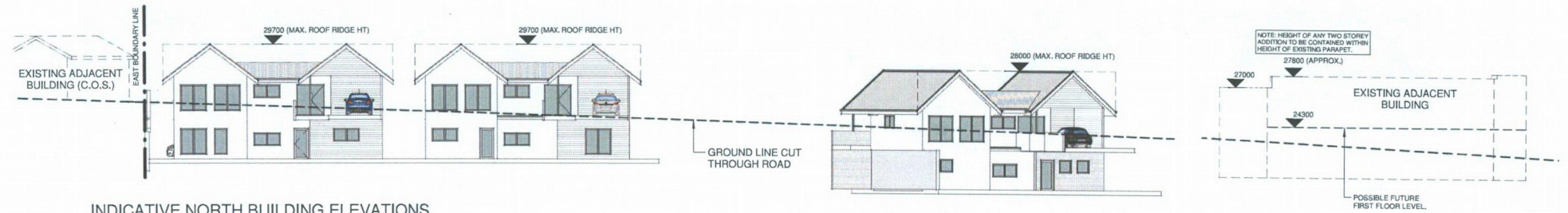
58 SERPENTINE RD, ALBANY WA 6330
PO BOX 5427, ALBANY WA 6332
ADMIN@HHARCHITECTS.COM.AU
WWW.HHARCHITECTS.COM.AU
08 9842 5558



FREDERICK STREET_INDICATIVE ELEVATION - SHOWING FENCING
1 : 200



FREDERICK STREET_INDICATIVE ELEVATION
1 : 200



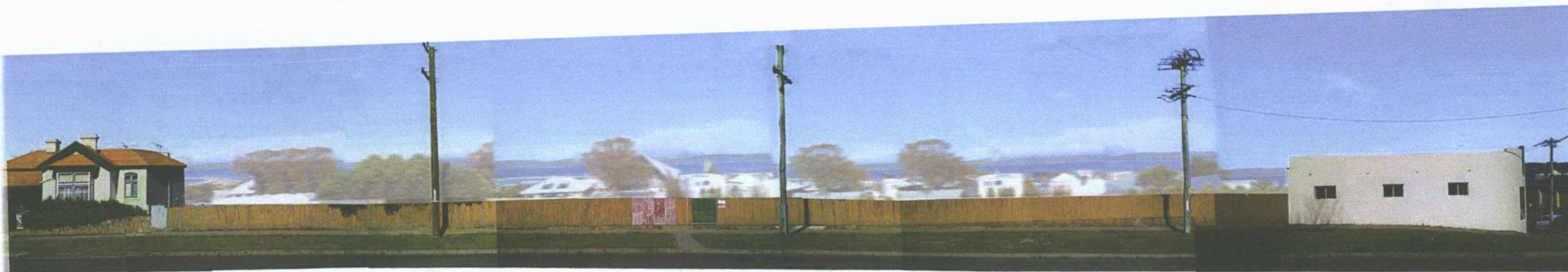
INDICATIVE NORTH BUILDING ELEVATIONS
1 : 200

**INDICATIVE - PROPOSED
SITE DEVELOPMENT**
SPENCER STREET, ALBANY WA
ACTIV INDUSTRIES

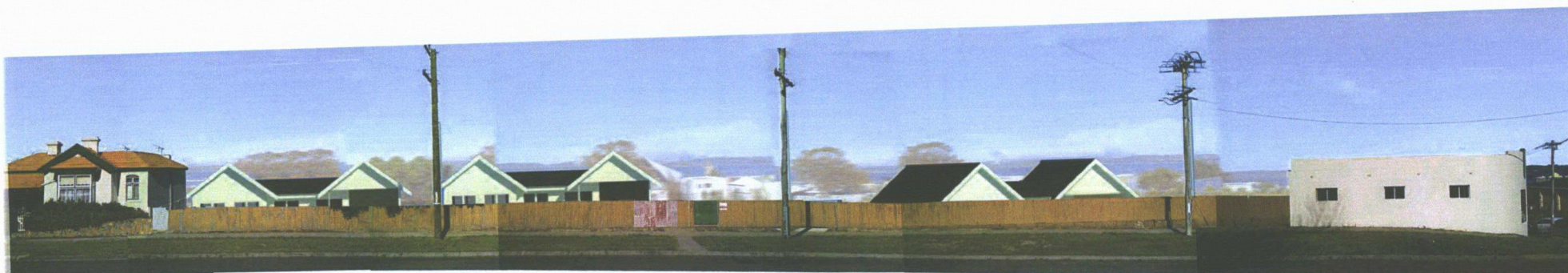
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JOB NUMBER 7252-17
DATE 2/07/2018 10:42:54 AM
DRAWN PG

H+H architects

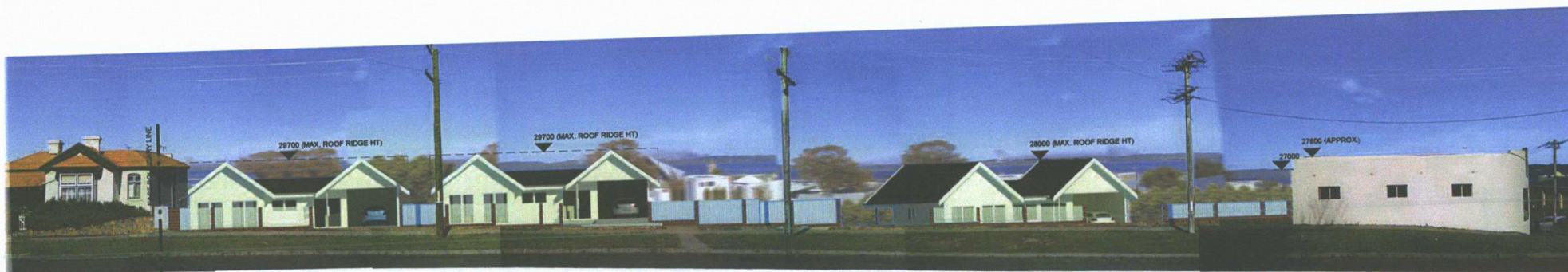
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FREDERICK STREET_EXISTING ELEVATION



FREDERICK STREET_EXISTING FENCING IN FRONT OF PROPOSED TOWN HOUSES



FREDERICK STREET_PROPOSED TOWN HOUSES

**INDICATIVE - PROPOSED
SITE DEVELOPMENT**
SPENCER STREET, ALBANY WA
ACTIV INDUSTRIES

DRAWING No SK1-7
DRAWING OVERLAPPED STREET PHOTOS - SHOWING EXISTING & PROPOSED
SCALE 1:1 @A2
JOB NUMBER 7252-17
DATE 2/07/2018 10:43:21 AM
DRAWN PG

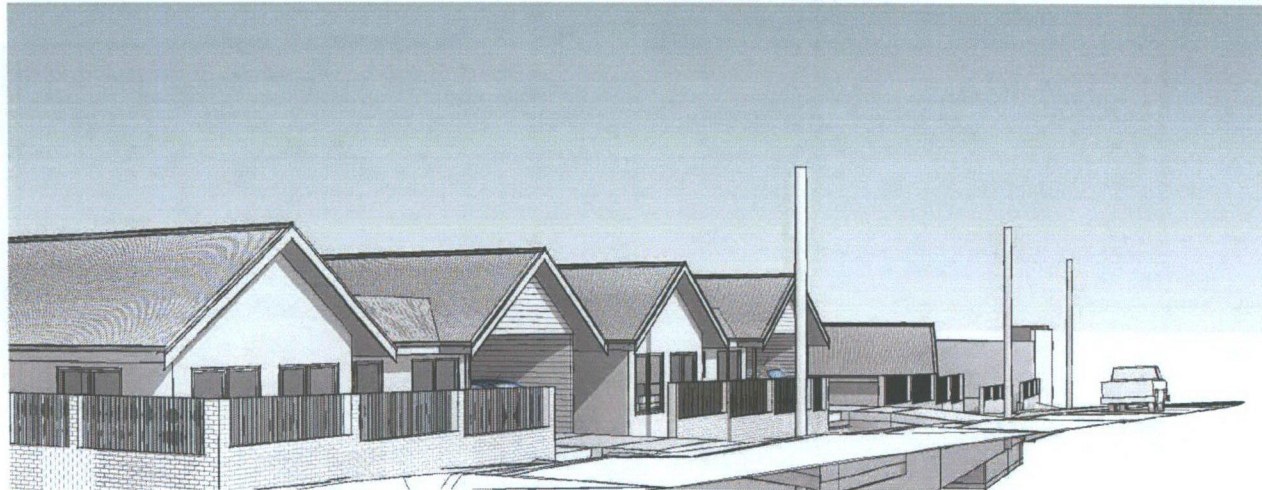
NOTE: FOREGROUND & BACKGROUND IMAGES OF
EXISTING STREET TAKEN 2M ABOVE ROAD LEVEL.

H+H architects

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INDICATIVE PERSPECTIVE LOOKING EAST UP FREDERICK ST



INDICATIVE PERSPECTIVE LOOKING WEST DOWN FREDERICK ST

**INDICATIVE - PROPOSED
SITE DEVELOPMENT**

SPENCER STREET, ALBANY WA
ACTIV INDUSTRIES

DRAWING No SK1.9
DRAWING INDICATIVE PROPOSED STREET PERSPECTIVES
SCALE @ A3
JOB NUMBER 7252-17
DATE 2/07/2018 10:44:33 AM
DRAWN PG

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DIS127: LOCAL DEVELOPMENT PLAN NO.6 – LOT 215 SPENCER STREET, ALBANY.

Land Description	: Lot 215, Spencer Street, Albany
Proponent	: Edge Planning
Business Entity Name	: Activ Foundation Inc
Attachments	: 1. Existing Local Development Plan Map 2. Proposed Local Development Plan Map 3. Proposed Local Development Plan Provisions 4. Proposed Local Development Plan Document 5. Amended proposed Local Development Plan Map 6. Specific and detailed plans for future development 7. Schedule of Submissions and Recommendations
Report Prepared By	: Senior Planning officer – Strategic Planning (A Nicoll)
Responsible Officers:	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in considering a new Local Development Plan. A Local Development Plan means a plan setting out specific and detailed guidance for a future development.
2. A Local Development Plan has been endorsed (2012) to guide development of Lot 215 Spencer Street. The plan shows the potential for mixed uses, including offices, car parking and residential allotments (X10).
3. This report considers a new Local Development Plan (No.6) to modify the existing endorsed Local Development Plan by:
 - a) Reducing the amount of residential allotments from 10 to 7;
 - b) Creating a new access road and additional crossovers from Frederick Street;
 - c) Removing a vehicular right of access based on in-principle agreement with the owner of 28 Stirling Terrace and replacing with a pedestrian link connecting Spencer Street with 28 Stirling Terrace;
 - d) Modifying car parking; and
 - e) Replacing existing provisions and map with a new set of provisions and map.
4. The new Local Development Plan proposes to retain:
 - a) The office land use adjacent to Spencer Street;
 - b) Existing building facades;
 - c) A service corridor and footpath at the southern side of the subject site;
 - d) A view corridor between Frederick Street and the University of Western Australia campus (former post office).
5. In making a decision on the proposed modified Local Development Plan, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*.
6. The Local Development Plan complies with the Albany Community Strategic Plan, which recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).
7. The Local Development Plan complies with the *Albany Local Planning Strategy 2010*, which seeks to support urban infill development based on compatibility of land uses and infrastructure capacity (Strategic Direction 8.3.3).

Maps and Diagrams: Subject Site – Lot 215 Spencer Street, Albany.



In Brief:

- The subject site is zoned 'Residential' (R60), with an additional use (AU12) allowance for-to accommodate high density residential (R60) and additional uses, including shop and office use fronting Spencer Street.
- In accordance with the City's Scheme:
 - the shop and office uses may only be located in the buildings fronting Spencer Street; and
 - a substantial part of the office building to the south, and the original façade of building on the corner of Spencer and Frederick Streets are to be retained.
- A new Local Development Plan map and provisions have been prepared to facilitate:
 - A shift from small lots (high density – 60 dwellings/hectare – 150m²) to medium lots (40 dwellings/hectare - 220m²). This change is required by the proponents who contend that there is a limited market in Albany for the smaller (150m²) lots.
 - Access off Frederick Street.
- Landholders in the locality submitted the following comments:
 - The proposed plan is needed to promote development of the site;
 - Views from Frederick Street should be protected;
 - The plan should consider heritage impacts;
 - Access off Frederick Street should not be permitted;
 - A walkway on the southern boundary should be gated for security;
 - Housing design should reflect the character of existing development;
 - Additional parking is necessary for the offices fronting Spencer Street.
- Council is recommended to support the new proposed local development plan subject to additional modifications. Reasons for recommending support include:
 - The plan represents the characteristics of the subject site and surrounding influences;
 - The plan promotes infill development considerate of protecting and enhancing the amenity of the locality.

RECOMMENDATION

DIS127: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR SMITH

1. THAT Council, pursuant to Regulation 59. (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to amend the Local Development Plan (Spencer Street Albany) subject to the following:

a) It is recommended that the following proposed provision is deleted. Until such time that a Building Permit is issued to demolish a building, it is not appropriate to suggest that existing buildings may be demolished.

~~9. Provided Provisions 2, 6 and 7 are addressed, there is scope for demolition of the existing buildings on Lots M1 and M2, with details to be set out in a Development Application and a Demolition Permit.~~

b) It is recommended that amendments are made to the following proposed provisions, to ensure that enough car parking is provided to accommodate commercial activity at proposed sites M1 and M2, whilst ensuring the building façade at M2 is maintained:

~~40. The four existing on-street car parking spaces in Spencer Street, adjoining the LDP site, provide an off-set for on-site car parking on Lots M1 and M2. In particular, the off-set is two car parking spaces for Lot M1 and two car parking spaces for Lot M2.~~

42. Two car parking spaces are provided in the common property, **to the south of Lot M2**, to support development on Lot M2. The City will consider tandem parking in the common property, to the south of Lot M2, where suitable arrangements have been made **at the Development Application stage to the satisfaction of the City.**

43. Car parking design is to ensure that cars can enter and exit the driveway/common property, located between Lots M1 and M2, in a forward gear.

~~43. The City will consider varying the car parking standards for the non-residential component on Lots M1 and M2 if suitable arrangements are made for reciprocal parking.~~

~~44. The City will consider a variation of up to 10% of the car parking standards on Lots M1 and M2 given the site's city centre location.~~

~~45. Development proposals generating additional car parking requirements may be required to make a cash-in-lieu payment for car parking.~~

4745. Further to LPS1 Schedule 2 for AU12 and Condition 2(a), dDevelopment of Lots M1 and M2 is to incorporate commercial land uses such as 'office' and 'shop' on the ground floor for the section of the buildings fronting Spencer Street. A minimum of 60m² of commercial floorspace **net lettable area (NLA) is required per Lot.**

46. Without demolition of any part of the existing building on Lot M1, floor space limitations exist due to limited available space to develop car parking. The following scenarios may apply:

- Combination of commercial on ground floor and residential on second floor. Maximum commercial floorspace of 60m² NLA along with two car parking spaces for residential use to address the R-Codes.**
- Commercial floorspace and no residential. Maximum commercial floorspace is 120m² NLA.**

4847 ~~With demolition of parts of the existing buildings on Lots M1 and M2, are to be used for office accommodation or other non-residential use approved by the City. Car parking has been~~ **may be** provided on the LDP for a maximum of ~~270~~**150**m² gross floor area (NLAGFA) of non-residential use on Lot M1 **(if there is no residential component)** and a maximum of ~~210~~**150**m² of NLA GFA of non-residential use on Lot M2 **(if there is no residential component)**. **Should the residential component be greater, the commercial floorspace is required to correspondingly be reduced to address LPS1 car parking requirements.** Any increase in GFA will require the provision of additional car parking or other arrangements to the satisfaction of the City. ~~Alternatively, satisfactory arrangements to expand the non-residential GFA on either Lot M1 or M2 can be considered if a smaller non-residential GFA is being used on the other Mixed Use lot and access to car parking bays can be secured to the satisfaction of the City.~~

c) It is recommended that the following condition is included to address security concerns:

As a condition of development approval, a security gate is to be developed in the 'service corridor', on the eastern side of proposed car parking bays.

d) It is recommended that the following amendments are made to the local development plan map:

Text **(in red)** and illustrated amendments are shown on the following plan to ensure:

- Building façade on Lot M1 is retained;
- Carparking is designed to ensure cars can enter and exit the site in forward gear; and
- The façade on Lot M2 being rationalised.



2. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.

CARRIED 12-0

DIS127: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR WELLINGTON
SECONDED: COUNCILLOR MOIR

THAT the Responsible Officers Recommendation be ADOPTED.

CARRIED 9-0

DIS127: RESPONSIBLE OFFICER RECOMMENDATION

1. THAT Council, pursuant to Regulation 59. (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to amend the Local Development Plan (Spencer Street Albany) subject to the following:
 - a) It is recommended that the following proposed provision is deleted. Until such time that a Building Permit is issued to demolish a building, it is not appropriate to suggest that existing buildings may be demolished.
 - ~~9. Provided Provisions 2, 6 and 7 are addressed, there is scope for demolition of the existing buildings on Lots M1 and M2, with details to be set out in a Development Application and a Demolition Permit.~~
 - b) It is recommended that amendments are made to the following proposed provisions, to ensure that enough car parking is provided to accommodate commercial activity at proposed sites M1 and M2, whilst ensuring the building façade at M2 is maintained:
 40. The four existing on-street car parking spaces in Spencer Street, adjoining the LDP site, provide an off-set for on-site car parking on Lots M1 and M2. In particular, the off-set is two car parking spaces for Lot M1 and two car parking spaces for Lot M2.
 42. Two car parking spaces are provided in the common property, to the south of Lot M2, to support development on Lot M2. The City will consider tandem parking in the common property, to the south of Lot M2, where suitable arrangements have been made at the Development Application stage to the satisfaction of the City.
 43. Car parking design is to ensure that cars can enter and exit the driveway/common property, located between Lots M1 and M2, in a forward gear.
 - ~~43. The City will consider varying the car parking standards for the non-residential component on Lots M1 and M2 if suitable arrangements are made for reciprocal parking.~~
 44. The City will consider a variation of up to 10% of the car parking standards on Lots M1 and M2 given the site's city centre location.
 45. Development proposals generating additional car parking requirements may be required to make a cash in lieu payment for car parking.
 4745. Further to LPS1 Schedule 2 for AU12 and Condition 2(a), dDevelopment of Lots M1 and M2 is to incorporate commercial land uses such as 'office' and 'shop' on the ground floor for the section of the buildings fronting Spencer Street. A minimum of 60m² of commercial floorspace net lettable area (NLA) is required per Lot.
 46. Without demolition of any part of the existing building on Lot M1, floor space limitations exist due to limited available space to develop car parking. The following scenarios may apply:
 - Combination of commercial on ground floor and residential on second floor. Maximum commercial floorspace of 60m² NLA along with two car parking spaces for residential use to address the R-Codes.
 - Commercial floorspace and no residential. Maximum commercial floorspace is 120m² NLA.

4847 ~~With demolition of parts of the existing buildings on Lots M1 and M2, are to be used for office accommodation or other non-residential use approved by the City. Car parking has been may be provided on the LDP for a maximum of 270150m² gross floor area (NLAGFA) of non-residential use on Lot M1 (if there is no residential component) and a maximum of 210150m² of NLA GFA of non-residential use on Lot M2 (if there is no residential component). Should the residential component be greater, the commercial floorspace is required to correspondingly be reduced to address LPS1 car parking requirements. Any increase in GFA will require the provision of additional car parking or other arrangements to the satisfaction of the City. Alternatively, satisfactory arrangements to expand the non-residential GFA on either Lot M1 or M2 can be considered if a smaller non-residential GFA is being used on the other Mixed Use lot and access to car parking bays can be secured to the satisfaction of the City.~~

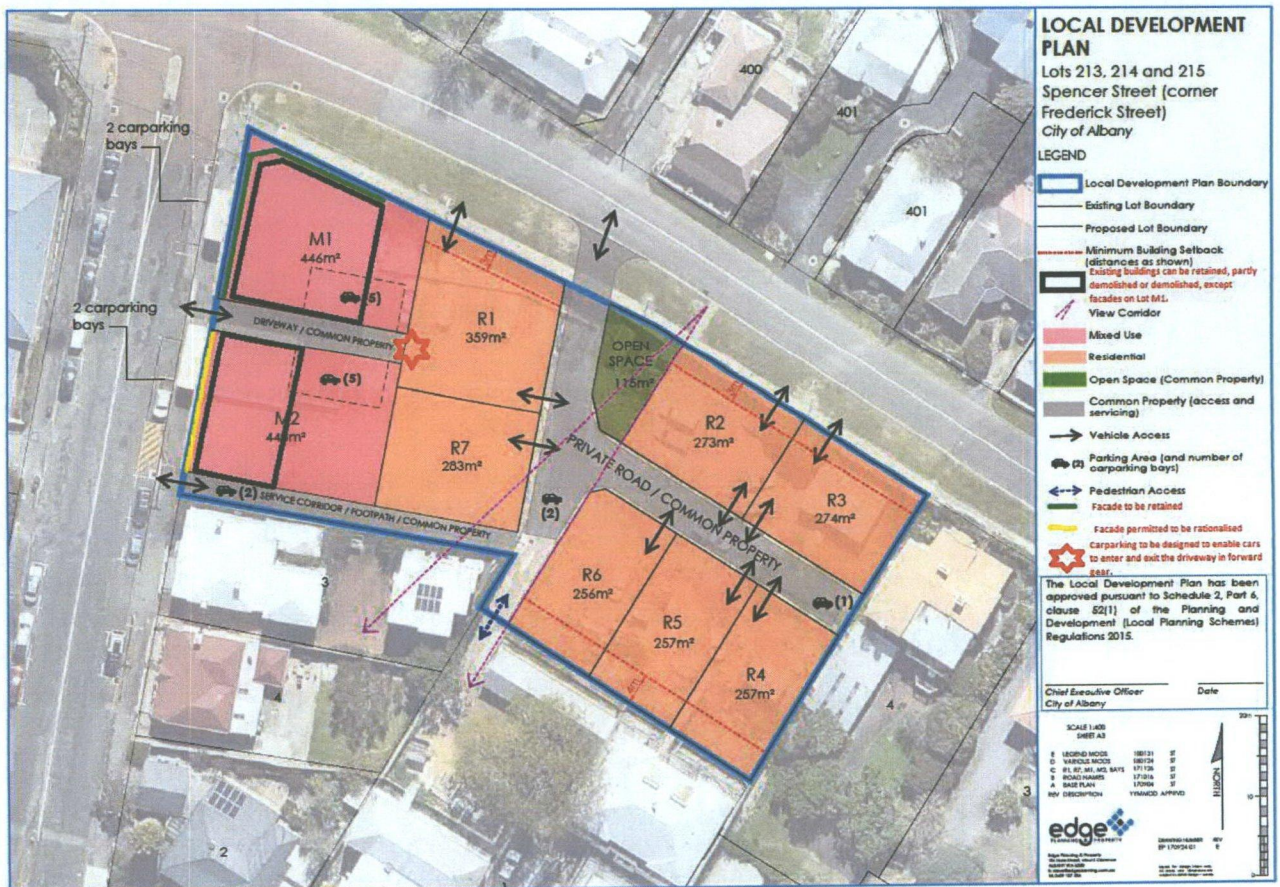
c) It is recommended that the following condition is included to address security concerns:

As a condition of development approval, a security gate is to be developed in the 'service corridor', on the eastern side of proposed car parking bays.

d) It is recommended that the following amendments are made to the local development plan map:

Text (in red) and illustrated amendments are shown on the following plan to ensure:

- Building façade on Lot M1 is retained;
- Carparking is designed to ensure cars can enter and exit the site in forward gear; and
- The façade on Lot M2 being rationalised.



2. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.

BACKGROUND

8. A Local Development Plan was adopted by the City in 2012 to encourage and guide the development of a mixture of land uses at the subject Lot 215 Spencer Street.
9. Planning for the site has not managed to attract investment or development. It has been argued that the main access off Spencer Street is too narrow (4m) for vehicles to enter and exit and that market demand for high density lots is limited.
10. A new plan has been submitted to the City to show modifications, including alternative access off Frederick Street and an increase in lot sizes from 170m² to 270m².

DISCUSSION

11. The subject site adjoins the Albany City Centre and a range of uses including residential, tourist accommodation, commercial and community. The historic Norman House and Cheyne's Cottage are located to the south of the site, along with new student accommodation, at 28 Stirling Terrace.
12. The new Local Development Plan map and provisions propose to replace the existing (2012) Local Development Plan. The following is a list of key modifications:
 - a) Reducing the amount of residential allotments from 10 to 7;
 - b) Creating a new access road and additional crossovers from Frederick Street;
 - c) Removing a vehicular right of access based on in-principle agreement with the owner of 28 Stirling Terrace, with instead a pedestrian link connecting Spencer Street with 28 Stirling Terrace;
 - d) Modifying car parking; and
 - e) Replacing existing provisions and map with a new set of provisions and map.
13. The modifications propose to respond to market demand by supporting larger lots. Specific and detailed plans have been provided to show attractive design outcomes considerate of new proposed provisions. Provisions seek to ensure:
 - a) Design, scale and form consistent with surrounding development including historic listed buildings;
 - b) 25° roof pitch, for all new dwellings;
 - c) Materials and colours consistent with surrounding development;
 - d) Building height in accordance with standards applicable to residential lots in the locality. Dwellings fronting Frederick Street are to be single storey in height at the street frontage (northern boundary);
 - e) Maintaining a view corridor from Frederick Street to the Penny Post building and existing oak tree on adjoining Lot 212 (No. 28) Stirling Terrace.
 - f) Adequate standard of light, winter sun, privacy and amenity; and
 - g) Passive surveillance where possible to the public domain through the provision of major openings and habitable rooms.
14. The proposed changes comply with *Local Planning Scheme No.1* provisions, which include limiting commercial uses to buildings fronting Spencer Street, ensuring original building parts and facades fronting Spencer and Frederick Streets are retained and ensuring car parking is provided to reflect land use characteristics.
15. Landholders in the locality submitted comment asserting that:
 - a) The proposed plan is needed to promote development of the site;
 - b) Views from Frederick Street should be protected;

- c) The plan should consider heritage impacts;
 - d) Access off Frederick Street should not be permitted;
 - e) A walkway on the southern boundary should be gated for security;
 - f) Housing design should reflect the character of existing development;
 - g) Additional parking is necessary for the offices fronting Spencer Street.
16. The following paragraphs discuss the comments received in more detail.

Support

17. There are a number of submissions submitted recommending support for the new Local Development Plan for various reasons including:
- a) The site is currently an eyesore;
 - b) Development will add to the housing choice in Albany's CBD;
 - c) The proposed plan considers heritage and promotes infill;
 - d) The plan is realistic and seeks to conform to surrounding land use.

Views

18. It was commented that the City should develop a local law to protect views and that an existing car parking area should not be replaced by a dwelling which will take away views.
19. It is recommended that comments pertaining to views be dismissed.
20. Development on land zoned residential is governed by the State of Western Australia's 'R-Codes'. The R-codes support development subject to compliance with height limitations, regardless of loss of views. Views to prominent landscape features may be taken into consideration where development seeks to vary from height limits. The proposed Local Development Plan seeks to ensure that development does not exceed height limits set by the R-Codes.

Heritage

21. It was commented that a Heritage Impact Assessment should occur to determine if development impacts on the historical characteristics of the area.
22. It is recommended that comments pertaining to heritage be dismissed.
23. The Local Development Plan proposes to conserve heritage assets by;
- a) Ensuring building design is in keeping or consistent with building characteristics of the area and the City of Albany Historic Town Design Policy;
 - b) Ensuring the facade of any building fronting Spencer Street is designed to complement the appearance of the existing buildings.
 - c) The existing facades of the building on Lot M1 are to remain unaltered with the exception of the removal of the later and intrusive verandah and window additions.
 - d) Ensuring restoration work to existing buildings is authentic and based on documentary and physical evidence.
24. It is recommended that the following provision is deleted as a demolition permit has not been issued.
- a) ~~Provided Provisions 2, 6 and 7 are addressed, there is scope for demolition of the existing buildings on Lots M1 and M2, with details to be set out in a Development Application and a Demolition Permit.~~

Access

25. It was commented that access to the subject site should not occur via Frederick Street because of transport safety concerns.

26. It is recommended that comments pertaining to access be dismissed.
27. Frederick Street is designed specifically to provide access to dwellings and as a link to higher order streets such as Marine Drive and York Street. The section of road fronting the subject lot is straight meaning satisfactory line of site for vehicles entering the street.
28. The following provision has been proposed to ensure an attractive street frontage:
 - a) *The proponent is responsible for installing street trees bordering the site for the Frederick Street frontage to the satisfaction of the City.*

Security

29. It was commented that the service corridor, which is located on the southern portion of the site should be gated for security reasons.
30. It is recommended that the following condition is included to ensure a gate is developed on the east side of proposed car parking bays, to address security concerns:
 - a) *As a condition of development approval, a security gate is to be developed in the 'service corridor', on the eastern side of proposed car parking bays.*

Housing Design

31. It was commented that development should be attractive.
32. It is recommended that comments pertaining to building design be noted.
33. The Local Development Plan proposes the following provisions to ensure development is appealing:
 - a) Built form, materials and colours should generally be consistent across Lots R1 - R 7 inclusive and complement surrounding and nearby buildings including historic listed buildings. External materials can include painted or rendered masonry, timber weatherboard or cement-cladding. Development should be sympathetic in form, size, bulk and setback to surrounding Frederick Street properties.
 - b) Use of unpainted or non-rendered face brick is not permitted.
 - c) Roof pitch for all new dwellings to be a minimum of 25 degrees with the roof ridges generally running north-south to optimise view corridors to the harbour. Small sections of flat roofs may be permitted if they facilitate 'good' design.
 - d) Unpainted 'Zincalume' roofing is required for all buildings. Roofing tiles are not permitted.
 - e) All dwellings on Lots R1-R7 inclusive are to be provided with a garage and/or carport constructed in materials to complement the dwelling.

Parking

34. It was commented that there appears to be limited car parking for proposed commercial areas (M1 and M2).
35. The proposed Local Development Plan seeks to utilise an existing car parking area for residential development. The existing car parks service the commercial buildings fronting Spencer Street. The Local Development Plan proposes that car parking is developed elsewhere on-site to service commercial activity.
36. The City is not confident that car parking can be provided to comply with Scheme standards due to vacant land availability and access constraints. The *Local Planning Scheme No.1* requires the development of 1 car park for every 30m² of office floor space and 1 car park for every 20m² of shop floor space. It is recommended that portions of the existing buildings are demolished to accommodate car parking and/or limitations are placed on the available amount of commercial floorspace.
37. The City discussed these issues with the proponent and the following amended provisions are recommended:

Without demolition of any part of the existing building on Lot M1, floor space limitations exist due to limited available space to develop car parking. The following scenarios may apply:

- *Combination of commercial on ground floor and residential on second floor. Maximum commercial floorspace of 60m² NLA along with two car parking spaces for residential use to address the R-Codes.*
- *Commercial floorspace and no residential. Maximum commercial floorspace is 120m² NLA.*

With demolition of parts of the existing buildings on Lots M1 and M2, office accommodation may be provided on the LDP for a maximum of 270m² NLA of non-residential use on Lot M1 (if there is no residential component) and a maximum of 210m² NLA of non-residential use on Lot M2 (if there is no residential component). Should the residential component be greater, the commercial floorspace is required to correspondingly be reduced to address LPS1 car parking requirements.

GOVERNMENT & PUBLIC CONSULTATION

38. In accordance with Clause 59 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the procedure for advertising an amendment to a Local Development Plan is the same as for making a Local Development Plan:-
- (1) *The local government must, within 28 days of preparing a local development plan or accepting an application for a local development plan to be assessed and advertised –*
- (a) *advertise the proposed Local Development Plan in accordance with subclause (2); and*
 - (b) *seek comments in relation to the proposed local development plan from any public authority or utility service that the local government considers appropriate.*
39. Local Development Plan No.6 was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
40. Ten (10) submissions were received from government agencies and members of the public. Submissions have been provided to the Councillors as an original and as summarised in the attached Schedule of Submissions.
41. Commentary on the submissions has been provided in this report item and in the attached Schedule of Submissions.

STATUTORY IMPLICATIONS

42. The *Planning and Development (Local Planning Schemes) Regulations 2015* identify the following statutory processes for amending a Local Development Plan that has been approved. A Local Government may amend a Local Development Plan as outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* as follows:-
59. *Amendment of local development plan*
- 1) *A local development plan may be amended by the local government.*
 - 2) *A person who owns land in the area covered by a local development plan may request the local government to amend the plan.*
 - 3) *The procedures for making a local development plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to a local development plan.*
 - 4) *Despite subclause (3), the local government may decide not to advertise an amendment to a local development plan if, in the opinion of the local government, the amendment is of a minor nature.*
 - 5) *An amendment to a local development plan does not extend the period of approval of the plan unless, at the time the amendment is approved, the local government agrees to extend the period.*

43. Voting requirement for this item is **SIMPLE MAJORITY**
44. Following endorsement of a Local Development Plan, a proposal to subdivide or develop the land may be undertaken.

POLICY IMPLICATIONS

45. There are no policy implications relating to the proposed modified Local Development Plan.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation.</i> <i>Development may not occur.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>If no development occurs, the proponent has a right to apply to amend the plan.</i>
<i>Opportunity: Increase opportunity for infill development.</i>				

FINANCIAL IMPLICATIONS

47. There are no financial implications pertaining to the proposed modified Local Development Plan.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

49. There are no environmental considerations that need to be taken into account for the subject site.

ALTERNATE OPTIONS

50. Council may consider alternate options in relation to the local development plan, including;
- a) Approving the proposed local development plan subject to no modifications or additional modifications; or
 - b) Not approving the proposed local development plan and giving reasons why.

CONCLUSION

51. Local Development Plan No.6 is proposing changes to an existing plan and provisions endorsed in 2012.
52. Modifications proposed include:
- a) Reducing the amount of residential allotments from 10 to 7;
 - b) Creating a new access road and additional crossovers from Frederick Street;
 - c) Removing a vehicular right of access based on in-principle agreement with the owner of 28 Stirling Terrace, with instead a pedestrian link connecting Spencer Street with 28 Stirling Terrace;
 - d) Modifying car parking; and
 - e) Replacing existing provisions and map with a new set of provisions and map.
53. The proposed local development plan modifications were advertised and comments were received pertaining to parking, access, heritage, views, security and building design.

54. This report item recommends that amendments are made to proposed provisions, to ensure compliance with Scheme provisions (e.g. car parking) can be achieved.
55. The Local Development Plan recognises the site's context and the site is both suitable and capable of accommodating a mixture of uses, including offices and residential development.
56. Implementation of the Local Development Plan will positively contribute to the area's amenity and provide an important supply of housing within the Albany central area.
57. Council is requested to consider submissions and agree to support the proposed Local Development Plan No.6, which proposes modifications to the 2012 endorsed Local Development Plan.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy (2010)</i>
File Number (Name of Ward)	:	LDP6 (Frederickstown Ward)
Previous Reference	:	Nil