

**2.4: DEVELOPMENT APPLICATION – COMMUNITY PURPOSE BUILDING
(DAYTIME COUNSELLING AND NIGHT TIME SHELTER) AT 320 ALBANY
HIGHWAY, CENTENNIAL PARK**

Land Description	: 320 Albany Highway, Centennial Park
Proponent	: Jim Dijkstra
Owner	: BA Berryman (in possession of National Australia Bank)
Business Entity Name	: Shalom Inc – Directed by Board and Committee made up of members of the Free Reformed Churches of Albany
Attachments	: Planning application and supporting information and submissions.
Appendices	: Nil
Councillor Workstation	: Nil
Responsible Officer(s)	: Acting Executive Director Planning & Development Services (Simon Lenton)

Maps and Diagrams:



CEO:	RESPONSIBLE OFFICER:
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IN BRIEF

- The use proposed is for a Community Purpose Building which would operate as a counselling and 'drop in' centre during the day and shelter for homeless men overnight.
- This use is not listed under the use classes in the Zoning Table in Town Planning Scheme 1A (TPS1A), however, Council can exercise its discretion in deciding if a use is suitable in any zone.
- The use was advertised and the neighbourhood consulted with one objection lodged.

RECOMMENDATION

**ITEM 2.4 RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLY MAJORITY**

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for a 'Community Purpose Building (day time counselling and night shelter for homeless men)' at 320 Albany Highway, Albany subject to the following conditions:

- 1. No more than 6 people shall be accommodated within the building between the hours of 5:00pm and 8:00am unless otherwise agreed to in writing by the City of Albany;**
- 2. No signs are to be erected on the lot without City of Albany approval, in accordance with the City of Albany's Signs Policy and Bylaws;**
- 3. A Management Plan outlining the operation of the facility is to be prepared and implemented to the satisfaction of the City of Albany prior to commencement of the use hereby approved. Once approved, any amendments to the Management Plan will require further approval from the City of Albany;**
- 4. The crossover is to be upgraded to the City of Albany's specifications, levels and satisfaction in accordance with drawing nos. 97024 1/3 – 97024 3/3. A permit from the City of Albany is required prior to any work being carried out within the road reserve;**
- 5. The access-way is to be constructed and drained at the Developer's cost to the satisfaction of the City of Albany;**
- 6. Vehicular parking, manoeuvring and circulation areas indicated on the approved plan are to be designed in accordance with AS2890, constructed, properly drained and sealed to the satisfaction of the City of Albany. Vehicles leaving the property must be able to leave in forward gear;**
- 7. The disposal of stormwater from existing and new buildings is to be designed and managed in accordance with the City of Albany's subdivision and Development Guidelines, at the Developer's cost; and**
- 8. Approval for the use 'Community Purpose Building (day time counselling and night shelter for homeless men) is granted exclusively to the applicant and is not transferrable to a third party or to an alternate site.**

BACKGROUND

1. The subject site is a 2564m² lot zoned Residential within TPS1A that fronts Albany Highway and is in close proximity to the 'main roundabout' – a high traffic area.
2. The house and outbuilding on this lot are currently used for private residential use. The lot is for sale and the applicant is applying to purchase the land subject to approval of this change of use.
3. This residential lot is located between two differently zoned lots. To the north is a Church on land zoned 'Other Commercial' and to the south a Motel on land zoned 'Tourist Residential'.
4. Albany Highway separates this lot from mixed uses within the 'Other Commercial' zone and 'Residential' lots opposite.
5. The proposed use of 'Community Purpose Building' is not listed in the Scheme and has been advertised, in accordance with the Scheme requirements with an objection being submitted by an adjoining landowner.

DISCUSSION

6. This application is for a change to the existing residential use. The proposed use is not described in the Zoning Table of TPS1A and as such required consultation with the neighbourhood and community. The proposal is to provide a service to the community in the form of a night shelter for homeless men; to provide a safe place where socially disadvantaged people can gather for companionship, advice and meals, as well as access to facilities to assist personal development (such as personal hygiene, arts & crafts, laundry service, internet access and training courses). The facility is to be directed and financed by a board with a committee that will oversee the day to day operations. The Board and Committee will be comprised of members of the Free Reformed Churches of Albany. A paid, suitably qualified coordinator and a group of volunteers will provide the daily management of the centre. The facility is to be known as 'Shalom House'.
7. Included in the matters that must be addressed by Council when considering this application is the compatibility of the use with its setting and any social issues that may have an effect on the amenity of the locality. The lot is surrounded by a variety of different zones and mixed uses and it is considered that the area is quite busy with no one use being predominant. The location of this lot on a highway, with a Church on one side and a Motel on the other provides a bit of a buffer to surrounding residential areas. There is a residential lot to the rear; however, the subject lot is large enough to provide a large setback (approx 60m) and subsequent buffer to this lot also.
8. The rules to be applied to the shelter are intended to protect both the visitors and the neighbourhood, including:
 - The visitors will be required to be at the shelter between 5pm and 7.30pm;
 - Doors are locked at 7.30pm and no one will be admitted after this time;
 - Lights out at 10.30pm; and
 - Men will be checked out by 8.00am next morning.

9. Shalom House is also initially proposed to be open two mornings a week from 10:00am to 1:00pm for counselling, but ultimately it is envisaged that the facility will be open between 8:00am and 5:00pm daily.
10. There will be one permanent staff member (coordinator) and other local volunteer supervisors. A maximum of three car bays have been allocated to staff. The use is not expected to attract visitors who will own or drive a car. A total of five permanent bays have been provided to allow all vehicles to return to the street in forward gear, with ample occasional parking available within the boundaries of the lot. The parking appears sufficient for the proposed use.

GOVERNMENT CONSULTATION

11. Not required.

PUBLIC CONSULTATION / ENGAGEMENT

12. As Council's discretion is required for this use which is not listed in the Scheme, the community has been consulted, by way of letters to landowners in the surrounding neighbourhood; a sign on site and a notice in a local paper.
13. At the end of the consultation period the following comments were received:
 - One objection – from an adjacent neighbour (Raymond and Norma Croker, Ace Motor Inn); and
 - Two letters of support – one from a landowner three lots away (John Henson, Amaroo Village) and one from the Member for the South West Region, Legislative Council (Hon Robyn McSweeney).
14. The objection was based on the following concerns: "We believe the proposed application would create many issues for our guests. The majority of our guests are elderly and would be distressed to know that a Night Time Shelter is situated next door. The overseas visitors to Albany would also not be impressed to have such a facility next door to a Motel."

STATUTORY IMPLICATIONS

15. TPS1A states at Clause 3.6 that *"If a particular use is not mentioned in the list of use classes or is not included in the general terms of any of the use classes, such use shall, unless it is permitted by any other provisions of the Scheme, be deemed to be prohibited, provided that the Council may in its discretion permit such use or purpose to be carried out in any zone it considers appropriate and in granting such permission the Council may impose such conditions as it thinks necessary for the orderly and proper planning of the locality and the preservation of its amenities."*
16. Clause 7.8A of the Scheme details matters to be considered by Council and states:

7.8A The Council in considering an application for planning consent is to have due regard to such of the following matters as are in the opinion of the Council relevant to the use or development the subject of the application:

 - (i) the compatibility of a use or development with its setting;*
 - (j) any social issues that have an effect on the amenity of the locality;*

(n) the preservation of the amenity of the locality;

(o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;

(q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety; and

(y) any relevant submission received on the application.

STRATEGIC IMPLICATIONS

17. This item relates to the following areas of the Strategic Plan 2011-2021:

Key Focus Areas

Community focussed organisation.

Community Priorities

Support for community groups.

Proposed Strategies

Assist with improving access to suitable venues close to CBD that are affordable for community groups.

POLICY IMPLICATIONS

18. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Should Council decide not to follow the recommendation and refuse the proposal, the proponent may lodge an application for review to the State Administrative Tribunal.	Likely	Insignificant	Low	The decision is based on sound planning grounds

FINANCIAL IMPLICATIONS

20. The standard fee has been paid by the proponent for this application in accordance with the City's Schedule of Fees and Charges 2011-2012 and staff have processed the proposal within existing budget lines.

LEGAL IMPLICATIONS

21. Should Council not follow the recommendation and refuse the development the proponent has the ability to seek review of Council's decision at the State Administrative Tribunal. Such an appeal would be a Class 1 appeal which does not involve legal representation and therefore such costs would be mainly staff time.

ALTERNATE OPTIONS

22. Council has the ability at its discretion to approve or refuse the development.

SUMMARY CONCLUSION

23. This application is for a Community Purpose Building to be located on a residential lot. The use is not a use that is listed in the Town Planning Scheme 1A Zoning table and has been advertised to the community and as one comment has been received objecting to the use, Councils determination is requested.
24. The proponent states there is a need in the community for this service to be provided and the subject lot has been chosen as the location is suitable in terms of access for the members of the community who may need to use it and the lot is large enough to provide a buffer to and from the surrounding land uses.
25. Consideration must be made of the community's support for this use as well as the concern raised by the adjacent landowner. It should be noted that the proponent has considered the community's concerns and the 'Rules' that have been drafted are to put in place controls that should protect both the safety and comfort of the guests at the proposed building and the local neighbourhood.
26. Subject to the conditions listed, the proposal is considered acceptable in this location.

Consulted References	:	Town Planning Scheme 1A
File Number (Name of Ward)	:	A128880 (Frederickstown Ward)
Previous Reference	:	Nil