

2.1: PLANNING AND DEVELOPMENT COMMITTEE VERSION TWO

Proponent : City of Albany
Responsible Officer(s) : Executive Director Planning and Development Services

**ITEM 2.1: COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the minutes of the Planning and Development Committee meeting held on 26 June 2012, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.



PLANNING AND DEVELOPMENT COMMITTEE

MINUTES

for the meeting held on Tuesday 26 June 2012,
in the Margaret Coates Boardroom, City Office, North Road, Albany

(File Ref: FM.MEE.1 / AM1224779)

1.0 ATTENDANCE

Councillors:	
D Wellington	Mayor
G Stocks (Acting Chair)	Councillor
R Sutton	Councillor
S Bowles	Councillor
C Holden	Councillor - Observer
Committee Members:	
Staff:	
Executive Director Planning and Development Services	D Putland
PA to Executive Director Planning and Development Services.	J Cobbold
Manager Planning Services	S Lenton
Senior Planning Officer	J Van Der Mescht
Senior Planning Officer	T Wenbourne
Planning Officer	C McMurtrie
Guest	
	D Bassejou
	Barry Panizza
Apologies/Leave of Absence:	
D Dufty	Councillor
R Hammond	Councillor
Faileen James	Chief Executive Officer
Rod Harris	Member

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION:

**MOVED: MAYOR WELLINGTON
SECONDED: CR BOWLES**

THAT the unconfirmed minutes of the Planning and Development Committee Meeting, held on 22 May 2012, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

Carried:4-0

3.0 DISCLOSURE OF INTEREST - NIL

4.0 ITEMS FOR DISCUSSION

4.1 Councillor Bowles requested information regarding Public Open Space/Cash In Lieu of Public Open Space from a State Government and Local Government perspective.

ITEM 4.1: RECOMMENDATION

Adrian Nichols is in the process of writing an Open Space Strategy and will present at next meeting.

4.2 Development Application – Single House Lot 478 (No15) Berliner Street, Bayonet Head

ITEM 4.2: OFFICER RECOMMENDATION SUPPORTED

**MOVED:MAYOR WELLINGTON
SECONDED: CR SUTTON**

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for a Single House at Lot 478 (15) Berliner Street, Bayonet Head subject to the following conditions:

- a) Development shall be carried out in accordance with the approved plans, including any details and/or amendments marked in red.**
- b) Stormwater disposal shall be designed and installed in accordance with the 'City of Albany's Subdivision and Development Guidelines'.**
- c) The new crossover shall be constructed to the City of Albany specifications, levels and satisfaction in accordance with the 'City of Albany's Subdivision and Development Guidelines'. A 'Permit' from the City of Albany is required prior to any work being carried out within the road reserve.**
- d) The windows in the west elevation shall be maintained with obscure glazing to a minimum height of 1.65m above internal floor level to the satisfaction of the City of Albany.**

CARRIED: 4-0

4.3 Development Application – Tourist Accommodation – 35 Karrakatta Road, Goode Beach

ITEM 4.3: OFFICER RECOMMENDATION SUPPORTED

MOVED: CR SUTTON

SECONDED: MAYOR WELLINGTON

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for a 'Tourist Accommodation' at 35 Karrakatta Road, Goode Beach subject to the following conditions:

Conditions to be complied with prior to the commencement of the use

1. Prior to the commencement of the land use hereby approved, the building shall be insulated to prevent the emission of sound above the level normally expected in a residential area, so as to avoid nuisance, and to ensure compliance with the Environmental Protection (Noise) Regulations 1997, and maintained in perpetuity to the satisfaction of the City of Albany.
2. The management plan shall be updated to include the following to the satisfaction of the City of Albany;
 - i. Contact details of a nominated local caretaker
 - ii. A clear statement that only the parking bays provided shall be used and parking on the street is not permitted.
 - iii. A Statement requiring all visitors to at all times respect the privacy of the adjoining residential properties and that the Caretaker should be contacted for any onsite assistance.

Conditions of an ongoing nature:

3. The Tourist accommodation hereby approved shall only be used for short stay accommodation, with any single tenant permitted to stay for no more than three months in any calendar year.
4. The operator or manager of the premises hereby approved for holiday accommodation are to provide and maintain a register of all people who utilise the holiday accommodation during the year to the satisfaction of the City of Albany. A receipt book must be kept.
5. No signs are to be erected on the lot without Council's approval, in accordance with the City Of Albany's Sign Bylaws.
6. A minimum of 2 parking spaces shall be provided to the satisfaction of the City of Albany and maintained in good repair thereafter no parking on the street is permitted.
7. The holiday/tourist accommodation hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust to any extent greater than what is to be expected within a residential zone.
8. The maximum number of persons residing in the holiday/tourist accommodation shall be restricted to 6 at any one time, exclusive of the owner/operator.

9. The operation of the holiday/tourist accommodation shall be in accordance with an approved management plan, which shall be reviewed and updated at the time of any change of ownership or management.

ADVICE TO THE APPLICANT:

It is recommended that an Acoustic Consultant be engaged in the sound proofing design aspect before any work is carried out.

Any breach of approval conditions or the management plan can be dealt with in accordance with the enforcement provisions of local planning schemes and/or may result cancellation of a registration.

All development is required to comply with the Building Regulations and the Building Code of Australia; particular regard should be paid to those matters outlined on the attached 'Preliminary Building Assessment';

Development is required to comply with all relevant Health regulations, particular regard should be paid to those matters outlined on the attached 'Environmental and Health Conditions'.

Please be advised that this approval is for a formal change of use from permanent residential to short stay holiday/tourist accommodation. If you would like to revert back to the permanent residential use after use as short stay holiday/tourist accommodation has commenced, Planning Scheme Consent will be required from the City of Albany.

CARRIED: 4-0

4.4 Development Application – Demolition – (Single House listed on Municipal Heritage Inventory) – Lot 49 (45) Seymour Street, Mira Mar

ITEM 4.4 OFFICER RECOMMENDATION SUPPORTED

THE MAYOR WILL PUT FORWARD AN ALTERNATE MOTION -

Lay on the Table until Council receives plans for redevelopment

MOVED: CR SUTTON

SECONDED: CR BOWLES

THAT Council resolves to ISSUE a Notice of Planning Scheme Refusal for Demolition - (Single House listed on Municipal Heritage Inventory) at lot 49 (45) Seymour Street, Mira Mar as:

- a) **The proposal does not comply with the requirements for the 'Demolition of Heritage Buildings' contained within Councils Local Planning Policy 2H – *Heritage Protection*.**
- b) **The development does not satisfy Town Planning Scheme No.1A, section 7.8A (Matters to be Considered by Council) Part (k) with regard to "*the cultural significance of any place or area affected by the development*" as the proposal would result in the loss of building that has cultural heritage significance.**
- c) **The development does not satisfy Town Planning Scheme No.1A, section 7.8A (Matters to be Considered by Council) Part (n) with regard to "*the preservation of the amenity of the locality*", as the proposal will have a detrimental impact on the amenity of the locality and on the streetscape.**

CARRIED:4-0

**4.5 Development Application – Change of Use – Tavern Lot 119 (No 1309)
Lower Denmark Road, Elleker**

ITEM 4.5: OFFICER RECOMMENDATION 2 SUPPORTED

**MOVED: CR BOWLES
SECONDED: CR SUTTON**

RECOMMENDATION 1:

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for a Tavern at Lot 119 (1309) Lower Denmark Road, Elleker subject to the following conditions after the Department of Racing, Gaming and Liquor issues a tavern liquor licence:

- a) The tavern must always be set up and presented for dining.
- b) Tables can't be removed or shifted in order to create dance floors.
- c) The kitchen must be open and operating at all times liquor is available and the regular full menu must be available at all times.
- d) Liquor may only be consumed by patrons seated at a dining table.
- e) Liquor for consumption on the premises shall be by table service only by staff, there shall not be bar service.

RECOMMENDATION 2:

THAT Council AUTHORISES the Executive Director of Planning and Development Services to ISSUE a Section 40 Certificate indicating that a Tavern is supported and planning scheme consent will be issued once a liquor licence is granted subject to the conditions above in Recommendation 1.

CARRIED: 4-0

4.6 Local Planning Scheme Policy – Special Residential Area No 11 (Lots 104 and 105 Willyung Road)

Presentation by Delma Bassejou and Barry Panizza. C McMurtrie answered Committee's questions.

ITEM 4.6: OFFICER RECOMMENDATION 1 SUPPORTED

**MOVED: CR BOWLES
SECONDED: MAYOR WELLINGTON**

THAT Council adopts the draft Local Planning Scheme policy for Special Residential Area No. 11 (Lots 104 and 105 Willyung Road), for the purpose of public advertising, subject to the following modifications:

- i) Replacement of the words “7.5m from the front boundary” with “10m from street boundaries” in the “Development Envelope” notation on the subdivision guide plan;
- ii) Revision of the subdivision guide plan to illustrate 10m street setbacks on all lots, including the Greenwood Drive street setback on Lots 706, 716 and 828; and
- iii) Revision of the subdivision guide plan to illustrate a 15m street setback on the southern boundary of lot 701 (adjacent to Willyung Road).

CARRIED:4-0

ITEM 4.6: COMMITTEE RECOMMENDATION 2

**MOVED: CR SUTTON
SECONDED: CR BOWLES**

THAT – Manager of Planning draft a letter to consultants stating that they must supply all information with their initial applications, and CC the Developer.

CARRIED: 4-0

4.7 Final Adoption of Amendment – Locations 1609, 1828, 1947, 1990-1992, 2064, 2229 & 3102 Eden Road, Youngs Siding

ITEM: 4.7 RESOLUTION

**MOVED: CR BOWLES
SECONDED: MAYOR WELLINGTON**

THAT Council:

1. In pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 17(2) of the Town Planning Regulations 1967* **FINALLY ADOPTS WITH MODIFICATIONS** Amendment No.309 to Town Planning Scheme No. 3 for the purpose of:
 - i. Deleting existing clause 3.1 dot point two and replacing it with the following;

Caretaker's Accommodation (maximum floor area 150m2) to be located between the main residential house and the front gate, utilising shared access. In assessing applications and determining the location of Caretaker's Accommodation consideration is to be given to the objectives of the zone, clause 8.0 Vegetation and Habitat Protection, clause 11.0 Fire Protection and the aim to provide the greatest security and management benefit to the property and the peninsula.
 - ii. Deleting existing clause 4.1 and replacing it with the following;

The Development Area refers to the area within which all development on each lot (including sheds, water storage, low fuel areas and effluent disposal areas) must be confined and is not to exceed 1.0ha.
 - iii. Modifying clause 4.4 to include reference to the EPA's Guidance statement No. 56 - Terrestrial Fauna Surveys for EIA in WA.
2. **NOTES** the staff recommendations within the attached Schedule of Submissions and **ENDORSES** those recommendations.

CARRIED: 4-0

4.8 Final Adoption of Amendment – Lots 50 & 51 Middleton Road, Mt Clarence

<p>ITEM:4.8 RESOLUTION</p> <p>MOVED: CR SUTTON SECONDED: MAYOR WELLINGTON</p> <p>In pursuance of section 75 of the <i>Planning and Development Act 2005</i> and <i>Regulation 17(2)</i> of the <i>Town Planning Regulations 1967</i> FINALLY ADOPTS WITH MODIFICATIONS Amendment No.178 to Town Planning Scheme No.1A for the purposes of:</p> <p>1) Designating Lots 50 & 51 Middleton Road, Mt Clarence as a ‘Special additional use Site’ S47.</p> <p>2) Amending Appendix II – ‘Schedule of Special Sites’ to include the following:</p>					
	CODE NO.	PARTICULARS OF LAND	BASE ZONE	ADDITIONAL USE	CONDITIONS
S47	47	Lots 50 & 51 Middleton Road	Residential	Medical Clinic	<p>On site car parking to be Provided in accordance with Council’s car parking requirements.</p> <p>Car park shall be designed in such a way that access is restricted to Middleton Road.</p> <p>All Development on the subject lots shall be compatible with height bulk and scale of surrounding uses and developments</p>
<p>3) Amending the Scheme Maps accordingly.</p> <p style="text-align: right;">CARRIED: 4-0</p>					

5.0 ITEMS TO BE DISCUSSED AT FUTURE MEETINGS

6.0 GENERAL DISCUSSION

6.1 Dale Putland thanked Simon Lenton for his help at the Committee Meetings.

7.0 DATE OF NEXT MEETING:

24th July 2012

8.0 CLOSURE OF MEETING

The Chair declared the meeting closed at 7.00 pm.