

Development Application

Lot 1 & 2 Frenchman Bay
Road, Frenchman Bay

Document Information

Application for Development Approval

Lot 1 & 2 Frenchman Bay Road,
Frenchman Bay

Frenchman Bay Albany Pty Ltd

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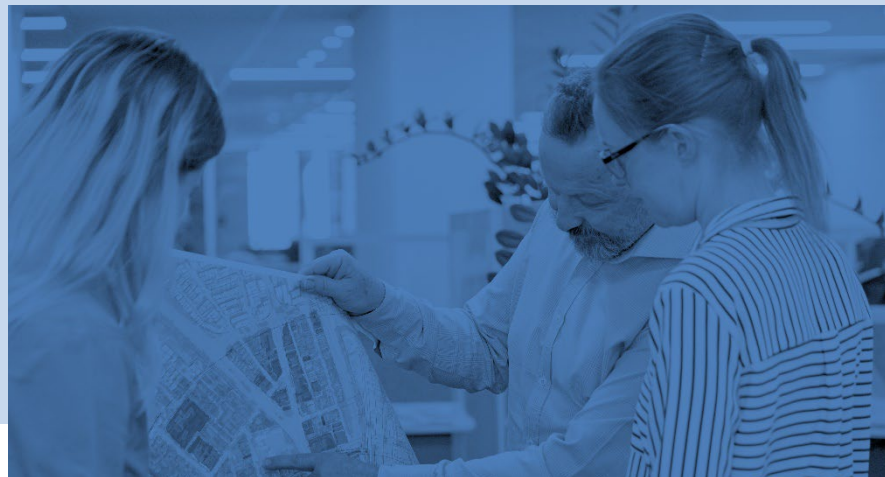
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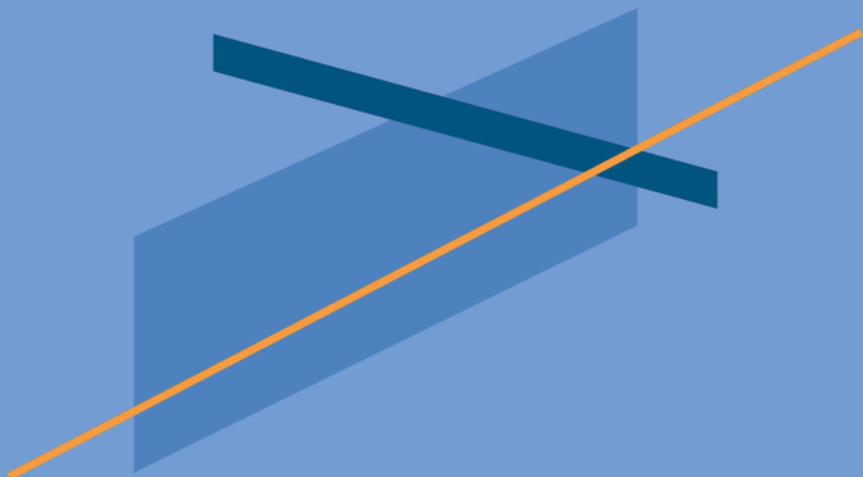
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1.0



Introduction



1.0 Introduction

1.1 Introduction

Taylor Burrell Barnett, acting on behalf of our Client, Frenchman Bay Albany Pty Ltd, has prepared this Report in support of an Application for Development Approval for Holiday Accommodation comprising pod units, glamping tents, and other incidental uses on Lots 1 & 2 (No. 1832) Frenchman Bay Road, Frenchman Bay (the subject land).

This Report demonstrates how the proposal responds to various standards and requirements stipulated within the relevant planning framework, which primarily comprises the *City of Albany Local Planning Scheme No. 1* (LPS1) and relevant State Planning Policies and Local Planning Policies.

1.2 Legal Description

The subject land comprises two lots, approximately 3.26 hectares in total area. The site details and ownership are shown in **Table 1**, and copies of the Certificate of Titles are included in **Appendix A**.

The subject land is located on Frenchman Bay Road, Frenchman Bay. The site is bounded by Whalers Beach to the north, Frenchman Bay Road to the east, and vegetation to the west and south.

Table 1 Land Ownership Details

Lot No.	Volume / Folio	Plan Number	Area (m2)	Ownership
1	1883/426	77269	18,987	Frenchman Bay Albany Pty Ltd
2	1883/427	77269	13,610	Frenchman Bay Albany Pty Ltd

1.3 Project Team

A multi-disciplinary expert team has been involved in the preparation, design and planning of the proposed Holiday Accommodation development. Project Team roles are outlined in **Table 2**.

Table 2 Project Team

Discipline	Company
Proponent	Frenchman Bay Albany Pty Ltd
Project Management	Hub Property Group
Design	Tyson Harris
Town Planning	Taylor Burrell Barnett
Bushfire Management	Western Environmental Pty Ltd
Landscape Architect	Plan E
Traffic Management	Urbii
Waste Management	Urbii
Environmental Consultant	Aurora Environmental Pty Ltd
Civil & Structural Engineer	Pritchard Francis
Coastal Engineer	MP Rogers & Associates
Surveying	Developed
Building Surveyor	Resolve Group Pty Ltd
Service Engineer	Forth

2.0

Background



2.0 Background

2.1 Site History

Frenchman Bay has been a popular seaside holiday retreat in the Great Southern Region from as early as the 1890's and is renowned as a place where tourists can relax on the white sandy beach, swim, snorkel, and enjoy views over the Flinders Peninsula.

In 1936, a hostel and tea rooms were constructed on the subject site to accommodate tourists. The site was subsequently developed into a caravan park in 1959, and operated for almost 50 years before closing down in 2006. During this period, the site was largely cleared to facilitate the growth of the caravan park. **Figure 1 & 2** showcases the extent of vegetation clearing undertaken previously on the site.



Figure 1 Historical Aerial (1977)



Figure 2 Historical Aerial (1988)

From a heritage perspective, the site is in close proximity to the remains of the Norwegian Whaling Station in Frenchman Bay. Located on Lot 300 north of the subject site, the station operated during a significant era in the whaling industry and had a large, albeit short, economic impact on the Western Australian economy and Albany in particular.

For over 10 years the site has remained vacant, during which time discussions have progressed between the City of Albany and landowners regarding options to redevelop the site. During this period, regrowth of remnant vegetation has occurred throughout the site.

2.2 Previous Approvals

2.2.1 JDAP Approval (DAP/17/01347)

The subject land has been subject to a recent Joint Development Assessment Panel (JDAP) decision on 11 June 2018 (DAP/17/01347), whereby the Southern JDAP resolved to approve Holiday Accommodation comprising 24 units and a Caretaker's Dwelling subject to conditions.

The approval was set to expire on 11 June 2022. However, as a result of Clause 78H exemptions granted by the Minister on 30 April 2020, the approval is subject to a two-year extension and is currently **valid until 11 June 2024**.

Key features of the approved development include the following:

- Twenty-four (24) two-storey holiday accommodation units, each unit comprising three-bedrooms, two bathrooms, and a double carport;
- Caretaker's dwelling incorporating café, kiosk, shop and reception;
- Playground area;
- An internal driveway servicing all holiday accommodation units;
- 74 onsite car parking bays;
- Separate boat parking area; and
- Central landscaped open space area.



Figure 3 Development Site Plan - Approved Development (11 June 2018)

It is important to note that the proposed development contained within this application for development approval is fundamentally a smaller-scale development in comparison to the approved development depicted in **Figure 3**. The proposed development incorporates significant reductions in the number of accommodation units, and therefore car parking spaces and visitors thus embodying the eco-tourism development vision for the site.

Furthermore, Clause 67(2)(w) of the Deemed Provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015* lists “the history of the site where the development is to be located” as a matter to which the decision maker is to give due regard. The history of the site includes previous and current approvals on the site. **The previous approval is therefore a relevant consideration to be given due regard in this assessment, particularly noting the approval is still valid and can be acted on at any time.**

2.2.2 Tourist Development (Storage and Maintenance Shed) Approval

On 19 May 2023, the City of Albany granted conditional approval for a Tourist Development (Storage and Maintenance Shed) on Lot 2 Frenchman Bay Road, Frenchman Bay. The 240m² maintenance shed was approved for the purposes of providing a storage facility for a future tourist development and was set to be located in the western portion of site, along the boundary of the Vancouver Springs Setback.

The City of Albany approval is valid for a period of 5 years and will expire on 19 May 2028.

This development application seeks approval of the maintenance shed in a revised location having regard to the revised layout. The shed will be provided for the storage of machinery and other materials required for the continuous upkeep of the tourist development. Further details of the maintenance shed are detailed in **Table 7** and **Appendix B**.

2.3 Preliminary Consultation

The project has benefited from several discussions with planning officers at the City of Albany (the City) and the Department of Planning Lands and Heritage (DPLH) during the preparation phase of the development application as detailed below.

Table 3 Pre-lodgement Engagement

Date	Who	Notes / Outcomes
October / November 2023	City of Albany	Various email / phone correspondence regarding development proposal including consultant reporting to accompany development application.
23 – 24 November 2023	DWER	Various phone / email correspondence regarding groundwater licencing, drinking water requirements, bore monitoring and effluent disposal.
26 September 2023	City of Albany	<p>Discussion regarding draft concept plans.</p> <ul style="list-style-type: none"> • General support for the layout and design approach, • Bushfire matters including potential clearing along Frenchman Bay Road verge. • Servicing (water supply) discussed. • Foreshore access and management discussed. • Parking shortfall discussed with no in-principle objection raised. • Boundary realignment discussed with further information requested regarding response to Coastal Hazards. <p>Meeting minutes provided via email 11 October 2023.</p>
27 June 2023	Department of Planning, Lands and Heritage	Email/phone correspondence regarding boundary realignment.

3.0

Site Analysis



3.0 Site Analysis

3.1 Regional Context

The Great Southern Region is made up of eleven local government authorities including the City of Albany and ten Shires. The subject land is located within the City of Albany (the City) municipality, in the seaside locality of Frenchman Bay. Located approximately 9.1km south of Albany and 435km southeast of Perth, Frenchman Bay is on the southern side of King George Sound. Originally, Frenchman Bay referred to a larger area that included Goode Beach and Vancouver Peninsula which has since split over time as these areas grew in popularity.



Figure 4 Regional Context Map

3.2 Local Context

The subject land is located on Frenchman Bay Road, a major tourist route south of Albany which terminates in a loop road nearby. The site is located 9.3km southeast of the Albany Town Centre and 20km via Frenchman Bay Road. Locally, the site is approximately 1km southeast of Goode Beach and 1km west of the Albany's Historic Whaling Station. Located on the eastern side of Vancouver Peninsula, the subject site is sheltered from tides and winds by Waterbay Point.

Immediately adjoining the subject site is the following:

- To the north, an informal beach parking area that provides access to Whalers Beach otherwise known as Frenchman Bay Beach. Due to the site's elevated position, the site is provided with views over the wider Frenchman Bay.
- To the west, east and south, is Whaler's Beach Lookout, Stony Hill and Peak Head in the Torndirrup National Park.
-

3.3 Existing Site Condition

The subject land is currently vacant and is gently sloping from a high point of 26 AHD on the southern boundary down to 14m AHD at the north-eastern boundary. Development of the former caravan park has resulted in broad flat areas separated by banks ranging between one and three metres.

Immediately adjacent to the northern boundary, the land falls steeply from 15m AHD to the foreshore at 1m AHD offering the subject site with picturesque views of Frenchman Bay.

Vegetation has regrown where the previous caravan park activity existed as identified in Figure 5 below.

Figure 5 provides an aerial view of the subject site.



Figure 5 Existing site condition



Figure 6 View from Southern Boundary facing North



Figure 7 Subject Site - Sloping Topography



Figure 8 Southern Lot Boundary looking West



Figure 9 North-Eastward View from Northern Lot Boundary

4.0

Development Proposal




4.0 Development Proposal

4.1 Proposal

The proposal seeks approval to develop the subject land for the purposes of the Frenchman Bay Retreat being a holiday accommodation development.

The design has carefully considered the location and siting of buildings and access ways to ensure the development integrates into the natural environment and minimises the extent of clearing and visual impact from Frenchman Bay Road and to respond to the climatic conditions by orientating north over Frenchman Bay. **Table 4** provides details regarding the extent of buildings onsite. A number of ancillary aspects such as water tanks are also shown in the site plan.

Table 4 Proposed Building Properties and Footprint

Building Types	Description
Lodge	<p>High quality accommodation offering for guests comprising four bedrooms, each with private ensuites as well as a kitchen, dining and living space. Accommodates up to eight guests.</p> 
Garage	Parking for staff, with incidental storage in the mezzanine space above.
Alfresco	Located between the lodge and the function room, the alfresco space will be used as a mix of outdoor space for the lodge guests, but doubles as an outdoor function space.
Function Room	Provides a space for functions of up to 100 persons including staff. Function packages will be available in conjunction with accommodation bookings.

Building Types

Description




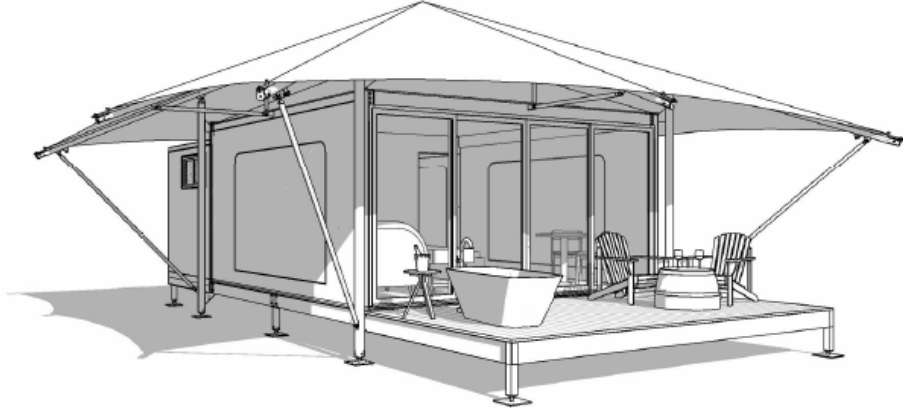
Function room – Intended look and feel

Six x two-storey units located in the eastern portion of the site. The prefabricated units are 5.5m x 5.5m with a small front deck facing Frenchman Bay. Each unit has a living space downstairs and a bedroom upstairs.

Two-storey Pods



Example of proposed two storey pods

Building Types	Description
Bespoke Barn Retreat	<p>Four x single storey accommodation units, designed in a 'studio apartment' style. Each unit has a 3m x 4.5m front deck facing Frenchman Bay.</p>  <p><i>Proposed BBR units.</i></p>
Shed	<p>240m² shed used for machinery and general storage purposes. Has previously been approved in the western portion of the site.</p>
Glamping Tents	<p>Six glamping tents located in the western portion of Lot 2. Each tent provides a bedroom and bathroom.</p> 
Refuge / Studio	<p>Located on Lot 1, the refuge is situated in a part of the site that meets relevant bushfire requirements. The refuge will double as a studio space for activities such as yoga.</p>

The proposal also reflects the proposed realignment of lot boundaries to ensure that all short-stay accommodation units are contained within Lot 2. The lot boundary realignment is being addressed via a concurrent subdivision application.

Functions / Events

The proposal will be used for functions/events such as weddings. It will be a pre-requisite that events are for those occupying the accommodation plus a limited number of additional guests. The total number of persons at any one time (including staff) will be limited to 100.

The proponent has confirmed that any events that involve attendance by people not staying at the site will be serviced by a shuttle bus or similar.

4.2 Design Outcomes

The design team has given careful consideration to the site's natural characteristics including landform, vegetation, interface/edge conditions and orientation, in formulating an appropriate design response.

Understanding the vernacular along the Albany coastline, the materials and colour palette have been carefully curated to provide a modernised design that leverages dark cladding and concrete to unearthy textures and tones that harmonise with the landscape. Refer to **Figure 10** for the material palette inspiration.

The development seeks to cater to a variety of demographics via a range of accommodation typologies. The design will also offer guests an opportunity to experience housing options that are unique to the locality such as Eco tents which offer an opportunity to be immersed in the natural landscape, and pre-fabricated two-storey pods with picturesque views north over Frenchman Bay.



Figure 10 Material Palette

Refer to Section 5.3.3 for details regarding design decisions and the proposal's compliance with State Planning Policy 7.0 – Design of the Built Environment.

4.3 Traffic, Access and Car Parking

A Transport Impact Statement (TIS) has been prepared by Urbii to support this development application and is included in **Appendix E**.

4.3.1 Traffic and Access

The site has two-points of vehicular access via Frenchman Bay Road, providing sufficient access and circulation for passenger and service vehicles.

The TIS indicates that the traffic generation associated with the proposed development will not increase traffic flows on any roads adjacent to the site beyond the threshold of WAPC's Transport Impact Assessment Guidelines for Development (2016) and is therefore acceptable.

The proposed site plan has been reviewed in relation to service vehicle access, egress and circulation which confirmed that the proposed internal network is capable of supporting service vehicle turning movements to ensure access and egress in forward gear onto Frenchman Bay Road can be achieved.

Service Vehicles are provided several options to circulate within the site including:

- Via the loop road system at the western end of the site around the water tanks:
- Small delivery vehicles can enter the site and parking in the car bays provided; and
- Via a smaller loop road system that traverses Lot 1 and utilises the northern access point onto Frenchman Bay Road.

This design response ensures minimal disturbance to guests.

4.3.2 Parking

The development proposes a total of 34 car parking bays onsite for the shared use by staff, guests and visitors, which includes two ACROD bays and a double garage for staff parking. The proposed parking provision includes one parking space per bed, a visitor parking allowance of 1 space per 4 beds and four staff to park on site. The proposed parking provisions can accommodate the operational requirements of the site.

4.4 Landscaping

The proposed landscaping has been designed to retain and enhance the site's coastal vernacular and strikes a balance between visual amenity, environmental integrity and bushfire considerations.

The development's landscape draws upon inspiration from various existing local natives and wildflowers.

A key objective of the landscape design is to maximise the retention of significant trees and native vegetation where possible. The proposed development will retain 22 significant trees informed by the Habitat Assessment & Tree Retention Report undertaken by Aurora Environmental.

Landscaping near habitable rooms will comprise of turfed areas, low-lying shrubs, groundcovers, and trees and will be maintained and irrigated in accordance with the requirements of the Bushfire Management Plan prepared by Western Environmental.

Refer to **Appendix C** Landscaping Plan, prepared by Plan E for further details on the proposed landscape strategy.

4.5 Waste Management

A Waste Management Plan (WMP) has been prepared by Urbii to support the proposed development and is included in **Appendix F**.

Based on the waste generation rates sourced by WALGA Guidelines, the waste generation calculation for the entire development is expected to be:

- General Waste: around 2,880L per week.
- Recyclables: around 1,440L per week.

Each accommodation unit/room will be supplied with a small bin for waste, whilst outdoor waste bins will be distributed across the site. Employed cleaners will empty bins regularly and transfer the waste to the bin store located next to the site entrance. The location of the bin store is detailed in **Figure 11** below.



Figure 11 Proposed Bin Store Location

The centralised bin storage area is located towards the primary street and is positioned such that it is appropriately screened by vegetation and out of view from guests and the public. The bin store will contain the following bins for waste collection:

- 6 x 240L General Waste
- 3 x 240L Co-mingled recycling

Urbii has also undertaken a swept path analysis which demonstrates that service vehicles can appropriately access and egress the site in forward gear, refer to **Figure 11** for further detail.

As indicated in the WMP, the proposal provides sufficient bin storage and an adequate number of bins to service the site for general waste and recyclables, based on the estimated waste generation volumes for the development.

5.0

Technical Considerations



5.0 Technical Considerations

5.1 Bushfire

As the proposed development is a tourism development, State Planning Policy 3.7 – Planning in Bushfire Prone Areas classifies the development as a vulnerable land use which requires the preparation of a Bushfire Management Plan (BMP) and Bushfire Emergency Evacuation Plan (BEEP) to be submitted with the application.

To support the application, a Level 3 Bushfire practitioner from Western Environmental Pty Ltd has been engaged to prepare the BMP and BEEP. Copies of the BMP and BEEP are provided in **Appendix D**.

Further information relating to bushfire management and compliance is contained in **Section 6.4.2** of this report.

5.2 Environment

5.2.1 Tree Retention and Fauna Management

In support of the proposed development, a Fauna Management Plan (FMP) has been prepared by Aurora Environmental to guide fauna management during development activities to satisfy Condition 9 of the Local Development Plan applicable to the site.

In 2017, Biodiverse Solutions undertook a Fauna Survey and Habitat Assessment on the site which identified that:

- **Black Cockatoos:** Some foraging habitat trees were present onsite, however, there was no evidence or recent feeding or roosting activity onsite.
- **Western Ringtail Possums (WRP):** WRP were observed onsite with most activity located at the centre of the site. Three trees had active hollows/dreys.
- **Quenda:** There was evidence of quendas onsite but activity was located in vegetation that was connected to remnant vegetation outside of the lot boundaries.
- **Habitat Trees:** Twenty-three possible habitat trees were identified due to their size and as a result had the potential to be used as foraging habitat, although there was no evidence of this.

The site plan incorporates findings from the FMP, with particular focus on the retention of significant trees. The FMP acknowledges that the retention of all significant trees onsite is likely not possible. However, the proposed development seeks to retain twenty-two of the twenty-three significant trees to allow for foraging habitat and wildlife activity to prosper whilst tourism operations occur.

Management actions to ensure appropriate protection of fauna includes:

- Pre-clearing checks for fauna;
- Relocation of animals proximate to the clearing footprint;
- Monitoring of works – during clearing;
- Monitoring of works – during construction; and
- Reporting and record keeping.

The proposed development has been designed to maximise the retention of onsite significant trees and it is considered the implementation of the FMP will allow for biodiversity to continue thriving on the subject site.

Refer to **Appendix H** for the Fauna Management Plan.

5.2.2 Water Management

Two natural springs, the Vancouver Spring and Small Spring, are located approximately 65m and 40m from the north-west corner of the site in the adjacent National Park.

To maintain the protection of the natural water sources, Condition 4 of Special Use 13 in the City of Albany Local Planning Scheme No. 1 requires a 65m setback to development from the western lot boundary unless supporting technical information can provide suitable justification for encroachment within the setback.

The proposed development seeks approval of the installation of three water tanks and access track within the Vancouver Springs 65m setback area. In support of this, Aurora Environmental have prepared a technical note detailing that development will not adversely impact the spring catchment area.

Refer to **Appendix I** for further information.

5.3 Servicing

5.3.1 Water

Reticulated water is not considered a reasonable or workable solution for the site. As this area has not been planned to be serviced with reticulated water, upgrading the existing scheme headworks may be required. Given the scale of development, and the likely cost associated with achieving reticulated water is not considered a reasonable or workable solution for the site.

Engineering advice has suggested that there would need to be a new tank installed at the Goode Beach supply tank compound, as well as an upgrade to the pipework from the compound to our site. Estimated costs exceed \$500,000 and would result in the project being unviable.

The intended water sources will be abstracted from drilling a new bore on Lot 2. Two bores will be located along the southern entry road to the site, refer to Hydraulic Services Site Plan prepared by Forth in **Appendix N**. The proponent will apply for the relevant regulatory approvals from the Department of Water and Environmental Regulation under the *Rights in Water and Irrigation Act 1914*.

Further details and justification are provided in the Pritchard Francis letter, refer to **Appendix O**.

5.3.2 Wastewater

Wastewater is proposed to be collected by a 900m² flatbed leech drainage system located east of the 'Great Room', south of the 'eco tents' and north of the 'pods', refer to Hydraulic Services Site Plan prepared by Forth in **Appendix N** for further details.

A sanitary drainage run is provided that will distribute wastewater to the flatbed leech drainage system ensuring wastewater is appropriately collected. It is considered that onsite wastewater drainage system is appropriately located and will operate sufficiently.

5.3.3 Power

Power and telecommunication infrastructure is supplied within the vicinity of the site and were previously connected to the former caravan park. It is intended these services will be reconnected to the proposed development.

5.4 Stormwater Management

In support of the proposed development, Pritchard Francis has prepared the stormwater drainage design for the site in accordance with the City of Albany requirements to store pre-to-post development flow for a 1:5 ARI of 6 minutes duration storm event and relevant Australian Standards.

As the development area is approximately 3.2681 hectares in size, the City of Albany require a minimum of 37.5m³ of stormwater to be solely retained onsite. As such, utilising the water tanks across the site, it is proposed that 11m³ will be stored in onsite water tanks for reuse, with a further 26.5m³ of stormwater to be detained by drainage swales.

All pre-development flow will be released towards Frenchman Bay Beach until such time where four throttled discharges are placed onsite.

Further information regarding Stormwater Management is detailed in **Appendix N**.

5.5 Coastal Hazards

A Coastal Hazard Management and Adaptation Plan (CHRMAP) has been prepared by MP Rogers & Associates to support the proposed development and to provide guidance regarding the risks posed by coastal hazards. Refer to **Appendix G** for the CHRMAP.

Informed by a Coastal Hazard Assessment completed by MRA in January 2022, **Figure 12** demonstrates the Coastal Erosion Hazard lines relative to the proposed development. The key assets of the development are situated landward of the coastal erosion hazard lines up to 2061 and, therefore, are assessed to have an insignificant level of consequence to coastal erosion.

From a review of the historical movement of the shoreline fronting the site, it is obvious that Frenchman Bay Beach has experienced very little gross movement over the last half a century. This demonstrates the apparent stability of the shoreline and highlights that the results of the coastal hazard assessment are likely to be conservative for the location.

Being a tourism development located on the coast, the upgrading and replacement of facilities will be continually required over time to maintain its luxury aesthetic and the requirement for a coastal risk mitigation strategy will be informed by the design life of infrastructure onsite. It is envisaged that the design life of structures will be limited to around 40 years due to coastal impacts. As such, the proposed coastal management strategy should be focused on a 40-year timeline when considering the initial construction of the retreat.

As the eco tents are the closest asset to the ocean and are likely to be impacted first. If the impact of erosion begins to occur in close proximity to the eco-tents, the highly adaptable nature of the asset enables relocation to occur with minimal work required. All other development is proposed beyond 2061 erosion hazard line, therefore avoiding the risk of coastal erosion hazards over the design life of the structures.

Although development avoids coastal risk within the next 40 years, *State Planning Policy 2.6 – State Coastal Planning Policy* requires the development of an adaptation strategy that extends to the 100-year planning horizon, refer to **Figure 13** for a summary of the Coastal Management Strategy.

Given the proposed management strategy contained within the CHRMAP, it is considered that the proposed development is capable of appropriately responding to risks posed by coastal hazards in the short, medium and long term.

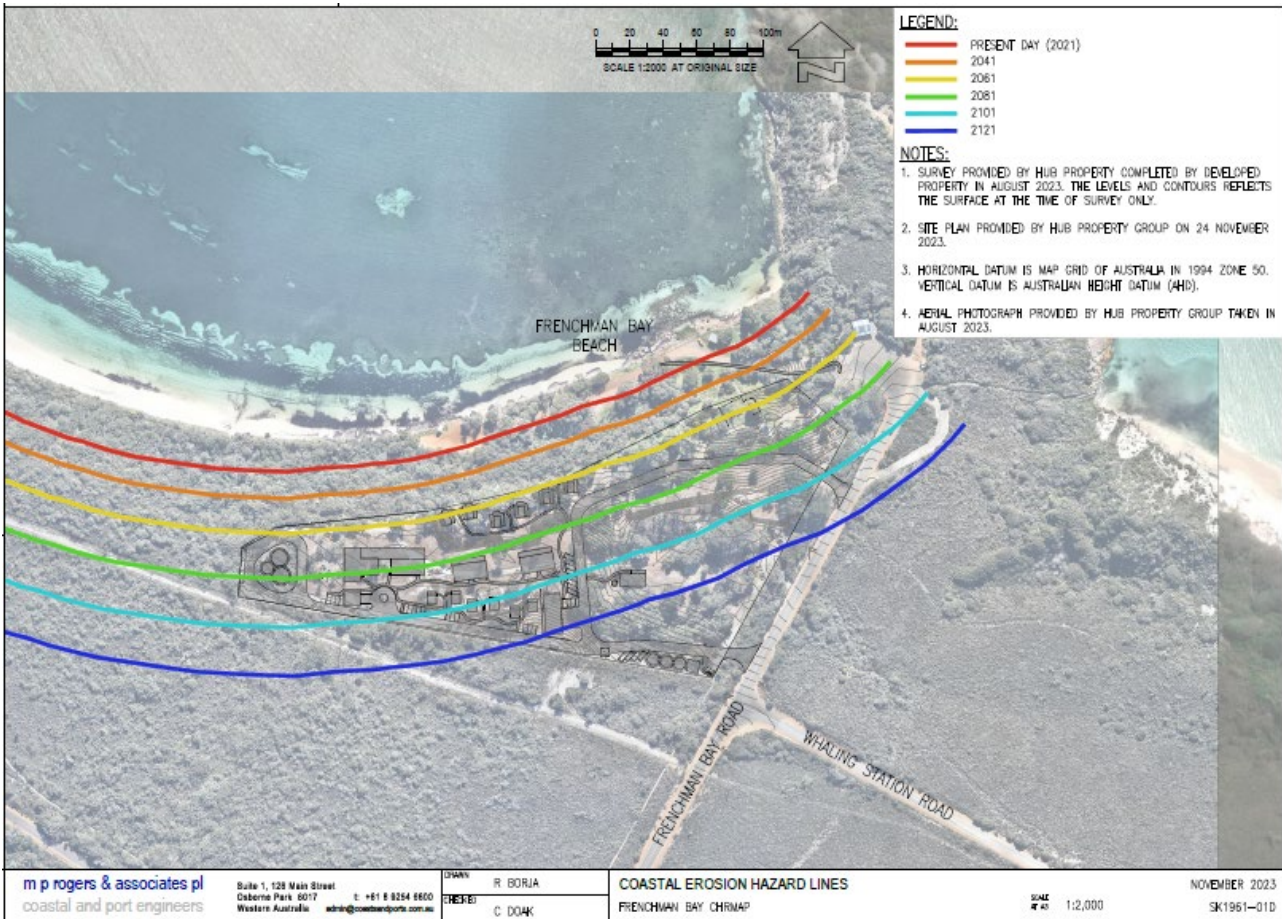


Figure 13 Coastal Erosion Hazard Lines

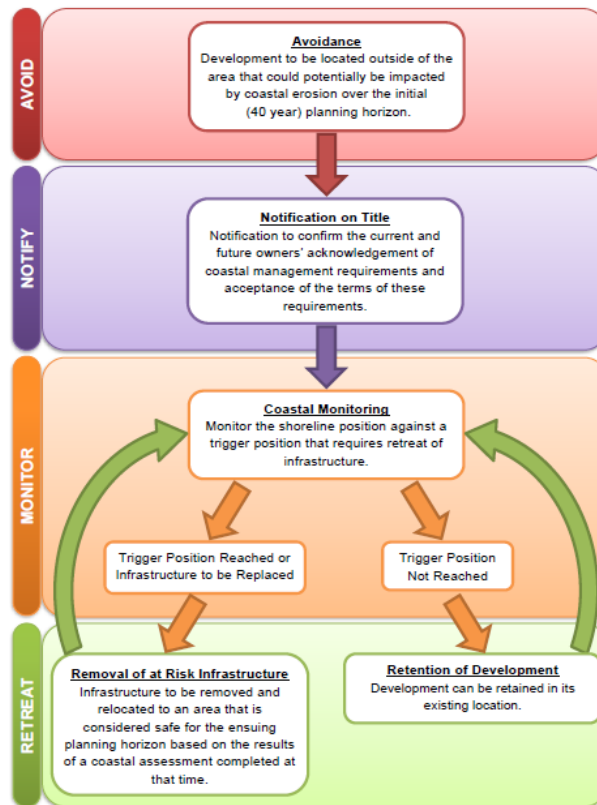


Figure 12 Coastal Management Strategy

6.0

Planning Framework



6.0 Planning Framework

6.1 City of Albany Local Planning Strategy

The City of Albany’s Local Planning Strategy was endorsed by the Western Australian Planning Commission on 23 April 2023. The Local Planning Strategy sets out the long-term planning directions for the City of Albany and seeks to guide land use planning over the next 10-15 years through zoning, land use and development controls in the City of Albany Local Planning Scheme.

The Local Planning Strategy recognises that the Great Southern region has a comprehensive range of high-value tourism assets, including the region’s natural beauty; diverse attractions and accommodation types but acknowledges that the tourism sector is faced with issues regarding investment, lack of four-star accommodation and population density.

The proposed development seeks to address two of the issues raised within the Strategy via the investment in a high-quality eco-tourism product that will deliver a four-star quality accommodation within a remote location of the local government area. As the site can be suitably accessed off Frenchman Bay Road and has uninterrupted access to Whaler’s Beach, the proposed development is considered a unique development that is consistent with the objectives of the Local Planning Strategy.

6.2 City of Albany Local Planning Scheme No. 1

The local planning scheme applicable to the subject site is the City of Albany Local Planning Scheme No. 1 (LPS1). The subject site is zoned ‘Special Use’ and is subject to Special Use Zone 13 (SU13). SU13 sets out the permissible land uses and conditions applicable to the subject site.

The following uses are permissible on the site subject to the discretion of the decision maker:

- Caravan Park;
- Caretaker’s Dwelling;
- Holiday Accommodation; and
- Shop.

The proposed development seeks approval of the Holiday Accommodation land use and therefore is capable of approval by the decision maker. The proposed lodge, function room and studio/bushfire refuge are to be used in conjunction with the holiday accommodation and are not considered separate land uses. All facilities on the site will be limited to use by guests and their visitors, meaning the uses are incidental to the predominate holiday accommodation use.

Table 5 Special Use 13 - Compliance with Conditions

No.	Condition	Proposed Development
1	All land use and development shall be consistent with a Development Guide Plan prepared by the landowner and adopted by the Local Government.	The proposed development has duly considered the requirements and conditions set out in the Frenchman Bay Local Development Plan No.1 (LDP1) - which replaced the Development Guide Plan. Further detail regarding the proposal’s compliance with LDP1 is located in Table 9 of this report.
2	Despite anything contained within the Zoning Table, Shop, Office and Restaurant may only be permitted by the Local Government subject to that land use being incidental to an approved Caravan Park or Holiday Accommodation use.	The development does not seek approval of a Shop, Office or Restaurant land use being incidental to the Holiday Accommodation land use.

3	All development on the land is to be setback a minimum of 75 metres from the horizontal setback datum (HSD). A greater setback may be required if recommended by any relevant public authority or in an applicable policy.	The proposal seeks approval of six (6) glamping tents located within the 75m setback area. The minor encroachment into the 75m setback area is considered to be acceptable as the glamping tents are temporary and removable structures.
4	All development on the land is to be setback a minimum of 65 metres from the western boundary (which setback corresponds with the catchment associated with the catchment associated with the Vancouver Springs) unless, having regard to technical information concerning the potential impact of development on the Vancouver Springs catchment, a lesser distance is supported by the relevant public authority and approved by the Local Government.	<p>All habitable development is setback a minimum of 65m from the western lot boundary to ensure sufficient distancing between the holiday accommodation and the Vancouver Springs catchment.</p> <p>The proposed development incorporates some minor components of the development within setback area such as fire tanks and parking bays. However, these elements are innocuous and would not cause visual impacts to the Vancouver Springs or other heritage elements. Vegetation screening will be incorporated for the proposed tanks.</p> <p>Aurora Environmental has undertaken a more detailed analysis of development within the setback area to Vancouver Springs (refer Appendix I).</p>
5	A Foreshore Management Plan shall be prepared in accordance with the WAPC SPP 2.6 State Coastal Planning Policy to the satisfaction of the Local Government. The Foreshore Management Plan must designate the extent of the foreshore reserve and such land shall be ceded to the Crown free of costs.	<p>It is understood that the City of Albany is currently preparing a Foreshore Management Plan which will provide guidance for coastal hazard protection for Frenchman Bay Beach. In the absence of the Foreshore Management Plan, coastal hazard protection has been reviewed and considered through the Local Development Plan that has been endorsed by the City of Albany.</p> <p>The LDP deals with coastal hazards through time limited approvals, with Clause 27 of the LDP stating:</p> <p><i>Development approval will be time limited (temporary planning approval) and shall cease to have effect when any of the following situations occur:</i></p> <ol style="list-style-type: none"> a. <i>Shoreline retreat reaches 33m from any asset;</i> b. <i>The most landward part of the HSD is within 15m of the most seaward part of the lot boundary;</i> c. <i>Public road is no longer available or able to provide legal access to the property; or</i> d. <i>Water, sewerage or electricity to the lot is no longer available as they have been removed/decommissioned by the relevant authority due to coastal hazards.</i>
6	A memorial is to be placed on the Certificate of Title for the land advising that the land is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.	A Section 70A notification has been submitted to the City of Albany for review and acceptance. The notification on title addresses that the site is subject to coastal hazards and inundation over the next 100 years.
7	All development on the Land shall be connected to the reticulated sewerage/wastewater system provided by a licensed reticulated sewerage/wastewater disposal and treatment provider unless an alternative treatment system appropriate for the scale of the proposed development acceptable to the relevant State Government authority can be provided to the satisfaction of the local government.	<p>In 2022, Biodiverse Solutions undertook a Site and Soil Evaluation which deemed the site suitable for on-site effluent disposal. In support of the application, Aurora Environmental have assessed the current proposal against the minimum requirements for all on-site wastewater disposal systems and design specific standards. Findings from the assessment indicate the site meets the requirements for on-site effluent disposal and satisfies condition 14 of the LDP.</p> <p>Please refer to the Aurora Environmental report (Appendix J) for further detail.</p>

8	All development on the Land shall be connected to reticulated water supplied by a licensed reticulated water provider.	<p>Reticulated water is not considered a reasonable or workable solution for the site. As this area has not been planned to be serviced with reticulated water, upgrading the existing scheme headworks may be required.</p> <p>Engineering advice has suggested that there would need to be a new tank installed at the Goode Beach supply tank compound, as well as an upgrade to the pipework from the compound to our site. Estimated costs exceed \$500,000 and would result in the project being unviable.</p> <p>Refer to Pritchard Francis letter in Appendix O for further details on the inability to provide reticulated water. Engineering designs for the new bore and water system are also included in Appendix N.</p>
9	A Fauna Management Plan is to be prepared the satisfaction of the relevant State Government authority as a condition of development approval. The plan is to include management to minimise impact on fauna, measures to address injury to fauna, translocation of fauna under permit from the site where necessary, and identification of approved translocation sites for fauna.	A Fauna Management Plan has been prepared by Aurora Environmental (refer to Appendix H). Black Cockatoo foraging habitat was present onsite, although no evidence of recent roosting activity was sited. Western Ringtail Possums were observed onsite, and three trees had active hollows. The FMP identified 22 significant trees onsite that had the potential to provide suitable nesting hollows and foraging habitat with majority located on Lot 1.
10	A Fire Management Plan is to be prepared in accordance with Western Australian Planning Commission Planning for Bush Fire Protection Guidelines in consultation with the relevant State Government authorities with regard to the Torndirrup National Park, and approved by the Local Government prior to development.	A Bushfire Management Plan (BMP) and Bushfire Emergency Evacuation Plan (BEEP) has been prepared by Western Environmental Pty Ltd in support of the proposed development. The BMP and BEEP outline that the proposed development is compliant with SPP3.7 and the Guidelines and provides guidance regarding measures to be implemented onsite to minimise potential bushfire threat.
11	The public coastal reserve is to be clearly identified from the private land by a clear demarcation.	<p>The LDP considers an alternative approach to a public coastal reserve.</p> <p>As no coastal foreshore reserve is proposed to be given up at this stage, this element is not applicable to the proposal.</p>
12	All development to comply with any Local Government Policy applicable to the Land.	<p>The proposed development demonstrates compliance with all City of Albany Local Planning Policies.</p> <p>Further detail regarding compliance is detailed under Section 6.4 of this report.</p>
13	<p>Development within the eastern portion of the Land having an area of approximately 3000m² and which is shown more particularly in COA Frenchman Bay Plan 14-10-11 Site Constraints Plan, shall conform to the following requirements in addition to those preceding –</p> <p>A) All development within 75 metres of the HSD shall not be developed otherwise than in accordance with a Foreshore Management Plan adopted by the Local Government, and in any case shall not be used for car parking or developed with any substantial structure (i.e. no structure that requires a building licence).</p> <p>B) In the area immediately to the south of the land affected by the Foreshore Management Plan, a 15-metre-deep section will only be capable of development at a single storey height above natural ground level. Any commercial facilities permissible under the scheme must be developed in this section, and are not permitted elsewhere.</p> <p>C) Development to a maximum height of two storeys above natural ground level may be permitted behind (to the south of) the section which is limited to single storey development.</p>	<p>a) Development located within the 75m of the HSD is limited to six Glamping Tents and portion of the Lodge and Great Room which is supported by the Coastal Hazard Risk Management and Adaptation Plan prepared by MP Rogers & Associates. The Glamping Tents are considered to be a 'tolerable loss' and therefore is deemed to be suitable within its proposed location.</p> <p>b) Only single storey development is proposed within the 15m deep section of the lot.</p> <p>c) The six (6) two-storey accommodation units onsite are appropriately setback 15m behind the 75m HSD area and are considered compliant with the requirements of SU13.</p>

As outlined in **Table 5**, proposed development is considered to be generally consistent with the SU13 conditions within LPS1.

6.2.1 Land Use Permissibility

The proposed development is most accurately described as the ‘Holiday Accommodation’ land use definition in LPS1.

‘Holiday Accommodation’ is defined under LPS1 as follows:

*“**Holiday Accommodation** means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.”*

The development is proposed to operate several self contained units for the purposes of collectively providing a tourism retreat for short-stay accommodation use. As such, the proposed development is consistent with the ‘Holiday Accommodation’ land use definition in LPS1.

6.2.2 LPS1 Car Parking Requirements

A total of 34 car parking spaces, including two ACROD bays, are provided onsite for shared use by staff, guests and visitors.

In accordance with *Table 6 – Car and Bicycle Parking Requirements* in LPS1, the proposed ‘Holiday Accommodation’ land use is required to provide a total of 46 car parking bays onsite, refer to **Table 6** below for the car parking calculation.

Table 6 Parking Requirements

Parking Type	Parking Standard	Required Bays	Provided Bays
Holiday Accommodation	1 bay per employee + 1 bay per bedroom or 2 bays per unit whichever is greater	42 parking bays + 1 bay (4) employees = 46 bays required (2 bays x 21 units)	34 parking bays

Noting the proposed shortfall of 12 car parking bays, it is considered the carparking shortfall is justifiable due to the following reasons:

Firstly, the proposed accommodation units are either single bedroom or studio style accommodation units. They are able to be occupied by two people who are expected to be travelling together. Therefore, the practical requirement for these units is one bay per unit. In principle, this should alter the required parking to 24 bays for guests. The 10 remaining bays are considered sufficient to cater for any staff and visitors. If a rate of one bay per four beds is applied, this would generate up to six visitors. The four remaining bays are considered sufficient for staff.

Additionally:

- The site offers several opportunities for informal car parking are available throughout the site with several cleared areas existing;
- The public carpark north of the subject site is often underutilised and provides sufficient overflow carparking opportunities where informal parking is unavailable;
- The TIS supports the proposed parking supply based on the estimated traffic generation of the development.

Events

On occasion, the proposal will be used for functions/events such as weddings. It will be a pre-requisite that events are for those occupying the accommodation plus a limited number of additional guests. The total number of persons at any one time (including staff) will be limited to 100.

The proponent has confirmed that any events that involve attendance by people not staying at the site will be serviced by a shuttle bus or similar.

6.3 State Planning Policies

6.3.1 State Planning Policy 2.6 – State Coastal Planning Policy

State Planning Policy 2.6 – State Coastal Planning Policy (SPP2.6) seeks to provide guidance for land use and development decision making within the coastal zone including managing development and land use change; establishment of coastal foreshore reserves; and to protect, conserve and enhance coastal values.

MP Rogers & Associates has prepared a Frenchman Bay Coastal Hazard Risk Management & Adaptation Plan (CHRMAP) to assess the risks to the development from coastal hazards and provide guidance on required adaptation and management actions associated with the proposed development.

The results of the CHRMAP show that the shoreline fronting the site could be vulnerable to change caused by a combination of storm erosion and sea level rise. In this regard, it is prudent to consider the potential shoreline changes and the possible impacts on the tourism development over time. An assessment of the historical movement of the shoreline fronting the site over the last half century suggests that the beach has experienced very little movement, likely caused by the redundant historical seawall. This demonstrates that the shoreline itself is resilient and the impacts of the coastal hazard assessment are likely to be conservative for this location.

The approach to coastal hazard management has been considered in the Local Development Plan. This applies an events-based trigger to potential land ceding and removal/relocation of development. This is discussed further in **Section 4.10** of this report.

6.3.2 State Planning Policy 3.7 – Planning in Bushfire Prone Areas

State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7) seeks to implement effective risk-based and land use planning and development to improve the protection of property and infrastructure from bushfire impacts. The policy provides the framework and foundation for addressing bushfire risk management through the implementation of land use planning and construction practices.

The Department of Fire and Emergency Service's *Map of Bushfire Prone Areas* indicates that the subject site is located within a bushfire prone area. As such, a Bushfire Management Plan (BMP) has been prepared by Western Environmental Pty Ltd in support of the proposed development (refer **Appendix D**).

In the preparation of the BMP, a Method 1 Bushfire Attack Level (BAL) Assessment has been undertaken for the proposed development to identify the BAL ratings applicable to the development. As detailed in **Figure 14** below, all proposed buildings post development, with the exception of the garage, multipurpose shed and glamping tents will be subject to BAL-29 or lower.

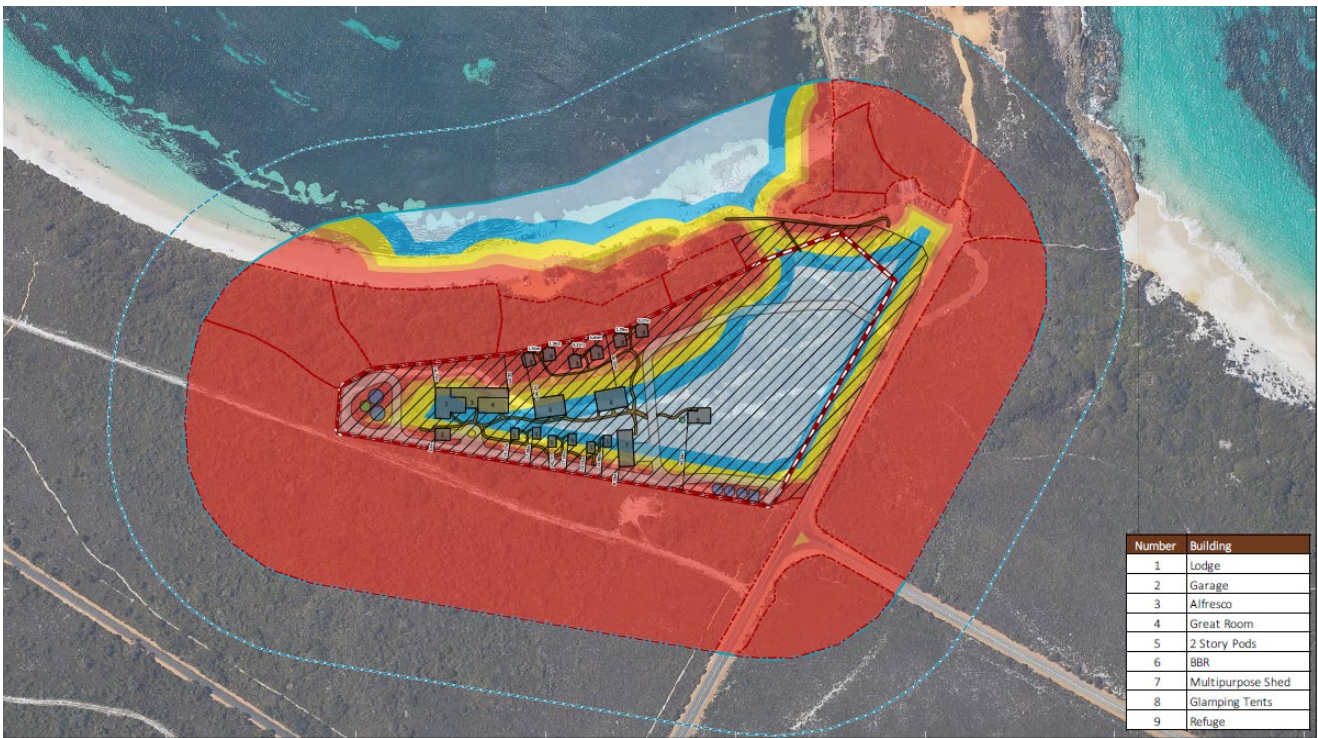


Figure 14 BAL Contour Map

The garage, multi-purpose shed and glamping tents are all subject to a BAL-FZ rating. However, the BMP considers the siting and location of these buildings to be acceptable for the following reasons:

- The garage is acceptable given the building is a Class 10 structure and is appropriately separated from the lodge by a distance greater than 6m.
- The multi-purpose shed is a non-habitable building thus the BAL-FZ rating is considered acceptable.
- All six proposed glamping tents are considered to be a 'tolerable loss' and therefore their siting within the BAL-FZ zone is permitted.

An on-site shelter (refuge building) is proposed to serve as a refuge of last resort in the event of a bushfire emergency and access to an off-site safer location is not possible. The siting of the refuge is located on Lot 1 which has been informed by a BAL method 2 assessment with the appropriate refuge area indicated on the development site plan. The refuge building will be designed and constructed in accordance with the *National Construction Code and the Australian Building Codes Board Information Handbook: Design and Construction of Community Bushfire Refuges*. The building is to be serviced via an easement from Lot 2.




As the subject site is situated at the end of Frenchman Bay Road, effectively a long cul-de-sac, there are limited options for safe egress from the site in an emergency event. Therefore, in addition to the BMP, Western Environmental Pty Ltd have prepared a Bushfire Emergency Evacuation Plan (BEEP) in accordance with the WAPC's 'A Guide to developing Bushfire Emergency Evacuation Plan' document.



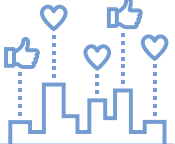

The BEEP outlines procedures for both evacuation and shelter-in-place emergencies to assist operators of the tourism facility to protect life and property. The BEEP will be continuously updated with all necessary material and information prior to the occupation of the subject site.




6.3.3 State Planning Policy 7.0 – Design of the Built Environment

State Planning Policy 7.0 (SPP7.0) provides the overarching framework for a range of supporting SPP's to provide design quality guidance for specific types of planning and development proposals. In accordance with the requirements SPP7.0, **Table 7** demonstrates how the proposed development has sensitively and intelligently addressed the 10 Principles of Good Design.

Table 7 10 Principles of Good Design

	<p>Context and Character</p> <p>The development has been designed to complement the surrounding coastal environment and fit in with the character of the Frenchman Bay locality. Noting Frenchman Bay's sense of remoteness, the design seeks to provide sufficient distancing and vegetation between buildings to enhance privacy and offer integration with the natural environment.</p> <p>A combination of dark cladding, board form concrete, and gabion walls will provide earthy colours and blend with the textures of the coastline and surrounding native vegetation.</p> <p>The buildings are articulated with cladding, floor to ceiling windows and paint finish vertical cladding, which in combination with the pitched and flat Colorbond roof, creates an attractive well-articulated building.</p> <p>Glamping tents positioned in proximity to the foreshore aim to generate a sense of beachside camping, whilst maintaining strong connections with the bay and natural environment.</p>
	<p>Landscape Quality</p> <p>The proposed development has been designed to complement the natural landscape as much as possible, with the development being designed around the retention of significant onsite trees and management of localised vegetation. This occurs in two parts:</p> <ol style="list-style-type: none"> 1. 22 significant trees to be retained across Lots 1 & 2, with the proposed design integrating the significant trees in proximity to the glamping tents which enhances the natural aesthetic of the development. 2. Provision of a variety of turfed areas including a mix of garden beds, low-lying shrubs and groundcovers to minimise bushfire threat and deliver a visually attractive site. <p>The retention of these trees will assist in the protection of the natural existing environmental ecosystems onsite, whilst also improving its visual appeal to the staff and visitors utilising the site. In addition, the retention of these trees and the implementation of additional landscaping throughout the design will enhance the local environmental context, mitigate potential bushfire risk, and to provide significant shade to visitors and staff.</p> <p>Soft landscaping is to be complemented by quality paving materials for the hard-landscaped areas (pedestrian footpaths). Footpaths are designed to be organic and free-flowing, in keeping with the rural and coastal theme. The combination of paving materials and soft landscaping is designed to facilitate ease of long-term management and maintenance, whilst also enhancing the visual appeal of the tourism facility.</p>
	<p>Built Form and Scale</p> <p>The scale of development is deliberately consistent with the height requirements for the site, detailed in LPS1 and LDP1, with single storey development proposed across majority of the site to minimise visual intrusion from the coastline.</p> <p>Two-storey development is proposed in the form of two-storey pods. These pods are located furthest from the foreshore, with views to be achieved across the entire bay.</p> <p>The development is of a low scale that will allow it to blend into the natural landscape.</p>

	<p>Functionality and Build Quality</p> <p>Designed to accommodate a diverse range of visitors, the development proposes a mix of building typologies to provide versatility and functionality. Four separate building typologies are proposed, consisting of differing bedroom mixes, floor space and storeys, catering for a diverse range of price points and visitor groups.</p> <p>The use of extensive cladding and stonework will provide longevity to the development offering protection against the prevailing sea breezes, whilst maintaining a sleek and modern outlook.</p> <p>Incidental to the tourist facility, the design proposes an event space in order to accommodate private functions. The building design, particularly the alfresco and great room, maximises functional space including efficient shared use areas, services and amenities wherever possible.</p> <p>As outlined in the Materials Palette included within Appendix B – Development Plans, a mix of hardy building materials and finishes consisting of dark profiles and textures are proposed which is complemented by extensive soft and hard landscaping throughout.</p> <p>The development also seeks to relocate the previously approved maintenance shed onsite to a new location for storage purposes which is essential for the continual upkeep of turfed areas, vegetation and general onsite maintenance. The maintenance shed is consistent with the approved design and material palette which will complement the proposed development.</p>
	<p>Sustainability</p> <p>The orientation of all buildings onsite, and the extensive use of openings on all sides ensures optimal natural cross ventilation and passive solar opportunities.</p> <p>This is further enhanced with the focus on tree retention, as outlined in the landscaping principle above.</p>
	<p>Amenity</p> <p>The buildings and landscape design has been sensitively considered and arranged to minimise amenity impacts on surrounding areas.</p> <p>Internally, building designs have considered light filled and open plan living, each with direct access to views of the coastline and opportunities for cross-ventilation. The tourism facility is appropriately setback from all lot boundaries, street frontage and the foreshore ensuring the amenity of adjoining public areas is not compromised.</p> <p>Visitors will have uninterrupted access to the foreshore and beach either via the public carpark staircase north of the site or the informal beach access on Lot 1. The future upgrade of the public staircase will allow for seamless movement between the tourism facility and the beach.</p> <p>A fruit and vegetable garden is proposed onsite, with visitors permitted to utilise the garden as they please. Maintenance of the fruit and vegetable garden will be the responsibility of the onsite operator.</p>
	<p>Legibility</p> <p>The site entry is clearly visible from Frenchman Bay Road, with minimal vegetation clearing proposed, the entrance will provide visitors with a private and secluded feel.</p>

	<p>Footpaths throughout the site meander between turfed areas and revegetated plants. The design caters for pedestrian movements, with clear distinction between the road and footpath. Visitors will have direct access to all key amenity features onsite and car parking via pedestrian footpaths.</p> <p>Passenger and service vehicles are provided with sufficient turnaround areas to allow forward gear egress to occur.</p>
	<p>Safety</p> <p>Safety and security are critical considerations for this type of tourism facility, with particular emphasis on bushfire safety.</p> <p>All access to the site will be monitored by reception, with all visitors linked to a unit. The only time non-booked visitors are permitted onsite is during a function event. Suitable measures will be in place to ensure that the safety and amenity of other patrons is upheld to a high standard.</p> <p>The landscape design also seeks to implement suitable buffers between individual units onsite to ensure all visitors feel comfortable during their stay.</p>
	<p>Community</p> <p>The proposal has significant community benefit as it will drive tourism to surrounding local areas such as Goode Beach and Frenchman Bay. Investment into the upgrade of the community staircase north of the site will provide functionality to the wider community and offer greater access to foreshore.</p> <p>The proposed retention of significant trees as a part of the development will ensure the natural leafy character of the area is maintained which is of the benefit of the local community.</p>
	<p>Aesthetics</p> <p>The proposal provides a design that is well-articulated and will seamlessly integrate into the surrounding landscape. It incorporates a high-quality palette of colours to ensure the development harmonises with the environment whilst maintaining a touch of modernity. In addition to this, the roof has included a pitched and skillion roof element to ensure a visually appealing yet character complimentary roof form.</p>

6.3.4 Heritage

The ‘Frenchman Bay Whaling Station (ruin)’ is a State Heritage listed site and is located on Lot 300 north of the subject site. In addition to the State Heritage listed site, the ‘Vancouver Spring’ is a local heritage listed site which is located within the Frenchman Bay Whaling Station area.

With regard to the Whaling Station ruins, the proposed development is generally limited to Lot 2. It is not in proximity of the ruins or the concrete stairway.

With regard to Vancouver Springs, the majority of the proposed development is set back behind the 65m setback line, established on the LDP map. The proposed development incorporates some minor components of the development within setback area such as fire tanks and parking bays. However, these elements are innocuous and would not cause visual impacts to the Vancouver Springs or other heritage elements. Vegetation screening will be incorporated for the proposed tanks.

6.4 Local Planning Policies

6.4.1 Local Planning Policy – Significant Tourist Accommodation Sites Policy

The City of Albany adopted the Tourist Accommodation Planning Strategy in July 2010 to act as the strategic planning document to provide direction to Council regarding tourism development issues. The City of Albany endorsed the Significant Tourist Accommodation Sites Policy to guide and coordinate sustainable tourist development from a land use planning perspective with emphasis on 32 specific sites within the local government municipality.

The subject site is identified as *Site 9 – Former Frenchman Bay Caravan Park* under the Local Planning Policy – Significant Tourism Accommodation Sites Policy and is classified as a ‘Local Strategic’ tourism site.

Table 2 of the policy provides a recommendation for the future development of Site 9. As detailed in **Figure 15**, the City of Albany supports the development of the subject site for ‘Hotel / Tourist Resort’ purposes.

Site No.	Site	Recommended Tourist Development	Permanent Residential Component Recommended
1	Former Esplanade Hotel	Hotel	Refer Appendix 1.
2	Albany Waterfront Project	Hotel / Serviced Apartments	Nil
4	Middleton Beach Holiday Park	Caravan Park	Nil
9	Former Frenchman Bay Caravan Park	Hotel / Tourist Resort	Nil
10	Former Albany Golf Club House Site	Serviced Apartments	Nil

Figure 15 LPP - Table 2 Extract

6.4.2 Local Planning Policy 1.6 – Holiday Accommodation Policy

Local Planning Policy 1.6 – Holiday Accommodation Policy (LPP1.6) seeks to encourage good quality, well managed holiday accommodation for use by short-term visitors generally in locations that will enhance the tourism experience whilst minimising impacts on adjoining residents.

A ‘Holiday Accommodation Management Plan’ (HAMP) has not been prepared to support the application. It is requested that the preparation of a HAMP is imposed as a condition of development approval.

6.4.3 Local Planning Policy – Frenchman Bay Tourist Development Site Policy

The City of Albany has adopted *Local Planning Policy – Frenchman Bay Tourist Development Site* to ensure that the future development of the subject site is consistent with four objectives relating to the surrounding landscape and environment. It is considered the proposed design appropriately addresses all four objectives with justification provided in **Table 8** below.

Table 8 LPP - Frenchman Bay Tourist Development Site Policy Objectives

LPP Objectives		Applicant Response
1.	<i>To ensure development conserves the outstanding natural and environmental values of the area.</i>	During the design phase, significant consideration has been given to maintaining the environmental values of the locality. A tree survey was undertaken for the site which identified 22 significant trees onsite, all of which are proposed to be retained. In order to enhance the environmental values of the site, the landscape design seeks to revegetate the site with a variety of native low-lying scrubs, small trees and wildflowers.
2.	<i>To encourage innovative tourism development appropriate to the local natural environment and the visual amenity of the area and provide an incentive to reduce the footprint of development.</i>	The proposed development is a reduction in intensity and footprint in comparison to the previously approved development in 2018. The proposal seeks to implement a mix of accommodation types ranging including the lodge, self contained units and glamping tents which will appeal to a variety of demographics, whilst maintaining a modernised feel. The dark materials will allow the development to

		blend into the surrounding environment and maintain the existing visual amenity.
3.	<i>To ensure that the impacts of any areas of higher development on the natural topography are minimised.</i>	The proposed development complies with the appropriate building height setbacks set out in LDP1 with all development proposed to be single storey except for the two-storey pods along the southern boundary.
4.	<i>To ensure development on the site is not seen from the beach other than in the area immediately in front of the eastern parking area.</i>	All buildings onsite are located on Lot 2 and are positioned approximately 19.5 AHD or higher from the beach foreshore. The glamping tents are closest to the northern boundary and will be 4.7m in height. Giving consideration to the slope to the beach, the proposed building height and the thickness of vegetation, it is highly unlikely the development will be visible from the beach.

6.4.4 Local Planning Policy 1.9 – Waste Management

The City of Albany adopted *Local Planning Policy 1.9 – Waste Management* (LPP1.9) on 26 April 2023 to provide guidance to ensure proposed developments are designed, constructed and operated to maximise waste avoidance and resource recovery.

As the proposal seeks approval of more than four holiday accommodation units, a Waste Management Plan has been prepared by Urbii to support the development and fulfill the requirements of LPP 1.9, refer to **Appendix F**. Further details regarding the waste collection, management and operation onsite is contained within **Section 4.5** of this report.

6.4.5 Local Planning Policy 1.10 – Percent for Art

Local Planning Policy 1.10 – Percent for Art (LPP 1.10) requires private development with an value of \$1.5 million or more to pay a 1% contribution to the City of Albany for the purposes of delivering public artwork that reflects or enhances the local cultural identity.

The proposed development has an estimated development cost of \$5 million thus triggering the requirement for a contribution of \$50,000 to be allocated to public artwork. The proponent intends to provide a functional and unique piece of public art that will enhance the public realm and pay tribute to the history of the area.

It is understood that the City of Albany are investigating the potential upgrade of the community stair path between the foreshore and public carpark north of the subject site. Acknowledging the staircase itself, along with the surrounding area, has historical ties to the Frenchman Bay Whaling Station, it is proposed that the public art contribution associated with the proposed development may be utilised to provide an attractive staircase that enhances the heritage of the area and ties into the proposed Frenchman Bay Heritage Trail.

6.5 Local Development Plan

6.5.1 City of Albany Local Development Plan No. 1 – Provision for Lots 1 and 2 Frenchman Bay Road, Frenchman Bay

Local Development Plan No. 1 (LDP1) was approved by the City of Albany on 9 January 2023 to guide the future development of the subject site for tourism development purposes.

LDP1 sets out provisions that are required to be addressed in order to facilitate the development of the subject site. **Table 9** below demonstrates this proposal's compliance with the LDP provisions.

Table 9 LDP 1 Provision Compliance

No.	Condition	Advice Notes	Assessment
Heritage			
1	Future development of the LDP1 area needs to ensure that the heritage significance of the site and adjacent heritage-protected places Frenchman Bay Whaling Station (ruin) (P16612) and Kep Mardjit / Vancouver Spring & Dam (P15602) is retained.		<p>The proposed development acknowledges the heritage significance of the Frenchman Bay Whaling Station (ruin) and Kep Mardjit / Vancouver Spring & Dam through design and careful siting of the development.</p> <p>With regard to the Whaling Station ruins, the proposed development is generally limited to Lot 2. It is not in proximity of the ruins or the concrete stairway.</p> <p>With regard to Vancouver Springs, the majority of the proposed development is set back behind the 65m setback line, established on the LDP map. The proposed development incorporates some minor components of the development within setback area such as fire tanks and parking bays. However, these elements are innocuous and would not cause visual impacts to the Vancouver Springs or other heritage elements. Vegetation screening will be incorporated for the proposed tanks.</p> <p>Aurora Environmental has undertaken a more detailed analysis of development within the setback area to Vancouver Springs (refer Appendix I).</p>
2	Any proposed works within the curtilage of adjacent heritage-protected places shall require submission of a development application, including formal referral to the Heritage Council of WA for consideration.		<p>It is noted that the application will require referral to the Heritage Council of WA. Please refer to comments above regarding heritage response.</p>
3	Future development in the LDP1 area adjacent to the heritage-protected places Frenchman Bay Whaling Station (ruin) (P16612) and Kep-Mardjit / Vancouver Spring & Dam (P15602) should consider any relevant policies and recommendations outlined in the Archaeological Management Plan for Frenchman Bay Whaling Station (ruin) (Archae-aus, 2022).		<p>It is considered the proposed development does not inhibit the objectives or recommendations of the Archaeological Management Plan.</p> <p>As outlined above, the proposed development the subject of this development application is generally on Lot 2 and is not within proximity of the Whaling Station ruins or the remnants of the whaling station such as the stairway. These elements would be appropriately considered during subsequent stages of the development.</p> <p>It is proposed that a new stairway would be constructed alongside the existing ramp to the beach. However, this is shown for indicative purposes only and does not form part of this development application other than for supporting information. The intent of the new stairway</p>

No.	Condition	Advice Notes	Assessment
			would be to provide a safe and convenient access point to the beach for guests and the general public.
Land Use			
4	The Local Development Plan shall be updated to replace reference to 'Bar/Kitchen/Shop' with 'Restaurant/Shop'.	The LDP should not reference land uses that are unable to be considered under the City of Albany LPS1	<p>The development does not seek approval of any bar, restaurant or shop use.</p> <p>The lodge, function room and yoga studio / bushfire refuge are all directly related to the short stay accommodation and are only available for use of guests and their visitors.</p> <p>The uses are therefore incidental and do not require separate land uses to be approved.</p>
5	No building is permitted to be used/occupied as a caretaker's dwelling until such time as a tourist development on the same lot has commenced operations.		The proposal does comprise of a 'caretaker's dwelling', however, the caretaker's dwelling will be constructed with the tourist development and will not be functional until the short-stay accommodation is operational.
6	<p>More than one caretaker's dwelling as part of facilities for the management of a tourist development in the LDP1 area may be considered, subject to the following:</p> <ul style="list-style-type: none"> Where separate owned and managed tourist developments operating within the LDP1 area demonstrate that on-site caretaker's dwelling is required to support management of the facilities, and cannot otherwise be addressed through alternative arrangements; A caretaker's dwelling shall be on the same lot as the tourist development it is directly associated with; If further subdivision or amalgamation of the lots within the LDP1 area occurs, a caretaker's dwelling shall remain to be contained on the same lot as the tourist development it is directly associated with; Should any of the tourist developments operating within the LDP1 area amalgamate with another tourist development within the LDP1 area or cease operations, any approved caretaker's dwelling directly associated with the tourist development shall also cease and be required to be removed, or converted to form part of the tourist development. 		<p>The proposed development only seeks approval of one onsite caretaker dwelling.</p> <p>The caretaker dwelling is appropriately positioned on Lot 2 to ensure all development associated with the proposed land use is situated on the same lot.</p>
Car Parking			
7	Car parking shall be provided in accordance with Local Planning Scheme requirements and AS 2890.		<p>A carparking shortfall is proposed. Justification is provided in Section 4.3 of this report.</p> <p>All parking and accessways are designed in accordance with AS2890. Please refer to the Transport Impact Statement (Appendix E) for further details.</p>

No.	Condition	Advice Notes	Assessment
Water			
8	All development shall be connected to a reticulated water supply, unless evidence of a viable alternative source can be provided with a development application and subsequently agreed to in writing by the City of Albany, following consultation with appropriate authorities.		<p>Reticulated water is not considered a reasonable or workable solution for the site. As this area has not been planned to be serviced with reticulated water, upgrading the existing scheme headworks may be required. Engineering advice has suggested that there would need to be a new tank installed at the Goode Beach supply tank compound, as well as an upgrade to the pipework from the compound to our site. Estimated costs exceed \$500,000 and cause the project to be unviable.</p> <p>The intended water sources will be abstraction from drilling a new bore on Lot 2. The proponent will apply for the relevant regulatory approvals from the Department of Water and Environmental Regulation under the <i>Rights in Water and Irrigation Act 1914</i>.</p> <p>Two bores are located in the southern portion of site along the southern entry road.</p> <p>Further details and justification are provided in the Pritchard Francis letter (refer Appendix O).</p>
Environmental			
9	A Fauna Management Plan is to be prepared and implemented, consistent with the requirements of the Department of Biodiversity Conservation and Attractions, to manage threatened species during each stage of development works.		A Fauna Management Plan has been prepared by Aurora Environmental in support of the proposed development (refer Appendix H). Possible onsite habitat has been assessed with recommendations provided to ensure that the significant onsite trees are retained to allow habitat for Black Cockatoos and Western Ringtail Possums.
10	Prior to the commencement of any tourist development, surface and groundwater monitoring shall be undertaken in accordance with the approved Surface Water and Ground Water Monitoring Plan.		<p>A Surface Water and Groundwater Monitoring Plan was completed by Biodiverse Solutions to develop a Monitoring Program that guides groundwater and surface water monitoring throughout the pre-development and post-development phases.</p> <p>Refer to Appendix M for the Surface Water and Groundwater Monitoring Plan.</p>
11	Development water cycle management shall be in accordance with the approved Local Water Management Strategy.		<p>A Local Water Management Strategy was submitted with the Local Development Plan in 2022. The principles set out in the LWMS remain applicable to the proposed development.</p> <p>A Stormwater Management Plan has been prepared by Pritchard Francis, refer to Appendix N. The plan has been prepared in accordance with the Local Water Management Plan and will be capable of retaining stormwater on Lot 2.</p>
12	All necessary approvals shall be obtained prior to any clearing of vegetation outside of lot boundaries.	The applicant should contact the City of Albany Reserves to commence obtaining approvals. State / Federal clearing may be required.	Minor clearing is proposed outside of the lot boundaries in order to minimise the bushfire threat associated with the site. The extent of clearing is limited to the Frenchman Bay Road verge, extending around to the verge of the car park on the northern side of the site. The extent of clearing is indicated on the vegetation map within the Bushfire Management Plan contained within Appendix D . The verge will form part of the Asset Protection Zone (APZ) to ensure the

No.	Condition	Advice Notes	Assessment
			<p>development maintains suitable separation from bushfire risk. Significant trees will be retained, which remains permissible within the APZ.</p> <p>Environmental advice has confirmed that clearing for bushfire prevention purposes is exempt from clearing permits.</p>
13	Prior to submitting any development application for the tourist development, in-situ soil infiltration testing shall be undertaken to the satisfaction of the Department of Water and Environmental Regulation. If required, the Site and Soil Evaluation Report shall be updated to reflect amended land application areas and shall be submitted to the City of Albany for approval.		Aurora Environmental has undertaken a review of the Site and Soil Evaluation completed by Biodiverse Solutions (2022) which included infiltration testing at two locations onsite. Findings are that the infiltration rates previously identified are suitable for infiltration of treated wastewater. Refer to Appendix K for further details.
14	All on-site wastewater systems are to comply with relevant Health Regulations, Government Sewerage Policy 2019, and Health (Miscellaneous Provisions) Act 1911 Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974. Land application areas must be located a minimum of 100m from the Vancouver Spring Catchment Area.		<p>Aurora Environment has undertaken a review of the proposal and its on-site effluent disposal, refer to Appendix J.</p> <p>As the development will be staged, the technical note advises that effluent disposal can be entirely contained on Lot 2 whilst addressing the minimum requirements for on-site wastewater disposal systems and relative design specific standards. The ATU will be located in the north-eastern portion of Lot 2, between the BBR's and glamping tents. A plan showing the location of sub-soil effluent disposal systems is provided in Appendix N.</p>
Amenity			
15	All dwellings, outbuildings and other structures (such as water tanks) shall be designed and constructed of material which allows them to blend into the landscape of the site. The use of natural materials such as stone and timber will be encouraged.		The development proposes non-reflective materials and a dark colour palette comprising of a mix of greys to blend into the surrounding heavy vegetation and minimise its visibility from the foreshore and ocean.
16	In order to protect visual amenity and reduce glare from a building (including water tanks) the use of reflective materials and white/off-white colours shall not be permitted.		As mentioned above, the use of non-reflective materials will be utilised across all buildings and structures onsite. Refer to detailed designs for further information regarding colour schemes and materials proposed.
Built Form			
17	Building heights within the 'single storey development setback' shall generally be consistent with the maximum heights (from natural ground level) established within Table 3: Maximum Building Heights – Category A of SPP3.7 – Residential Design Codes Volume 1.		<p>All development across the site is limited to single storey with the exception of the two storey 'pod units' which are situated close to the rear boundary, well beyond the single storey development area.</p> <p>The 'Lodge' and 'Great Room' are positioned within the 'single storey development setback', and slightly exceed the maximum building height for a 'gable roof' (5m) stipulated under <i>Table 3: Maximum Building Height - Category A</i> of the R-Codes. Proposed building heights are detailed below:</p>

No.	Condition	Advice Notes	Assessment
			<p>Lodge & Great Room:</p> <ul style="list-style-type: none"> - Wall Height (3.0m) - Height to Pitch (6.2m) <p>It is understood the intent of Condition 17 and the single storey development setback is to ensure development does not unduly protrude above the existing landscape.</p> <p>Although the heights exceed the Category A requirements of the R-Codes, the development remains single storey and with its darker colour scheme will blend into the natural landscape.</p> <p>Please note the height measurements are considered against the gable wall requirements of the R-Codes. However, if the development sought approval of a hipped roof, the building would be permitted to a height of 7m (0.8m higher than the proposed development). A gable or hipped roof is relevant to adjoining neighbours, but not in the context of how the development may be viewed several hundred metres away.</p> <p>It is considered the Lodge and Great Room is generally consistent with desired outcome for the site and therefore warrants approval.</p>
18	Building heights outside the 'single storey development setback' shall generally be consistent with the maximum heights (from natural ground level) established within Table 3: Maximum Building Heights – Category B of SPP3.7 – Residential Design Codes Volume 1.		All buildings located outside the 'single storey development setback' are designed in accordance with the maximum height limit stipulated under Category B of the R-Codes.
Bushfire			
19	Prior to the lodgement of any development application for the site, a written declaration shall be submitted to the City of Albany by a Level 3 bushfire consultant, confirming that a suitable area for on-site shelter, with radiant heat flux not exceeding 10kW/m ² can be provided on-site to support all proposed future development (lodge, chalets, restaurant, day spa and associated caretaker's dwellings).		<p>Western Environmental has prepared a written declaration within the BMP that the proposed location of the onsite Refuge is situated appropriately (Appendix D).</p> <p>The BMP details that the refuge building is subject to a radiant heat flux of less than 10kW/m² and is capable of supporting the proposed development.</p>
20	Prior to lodgement of a development application for any tourism development, an updated Bushfire Management Plan and Bushfire Emergency Evacuation Plan, demonstrating compliance with State Planning Policy 3.7- Planning in Bushfire Prone Areas, shall be submitted for endorsement by the City of Albany, in consultation with relevant state government agencies, with the requirements implemented thereafter.		<p>Western Environmental has prepared a Level 3 Bushfire Management Plan and Bushfire Emergency Evacuation Plan and has submitted a draft to the City of Albany prior to the lodgement of this development application.</p> <p>Refer to Appendix D for the BMP and Bushfire Emergency Evacuation Plan.</p>

No.	Condition	Advice Notes	Assessment
21	Total site capacity (guests, staff and caretakers) shall be limited to a maximum of 100 persons unless a greater capacity is supported under State Planning Policy 3.7 - Planning in Bushfire Prone Areas and associated Guidelines, and subsequently agreed to in writing by the City of Albany, and following consultation with relevant state government agencies.		The development will provide a total of 24 beds for a maximum of 48 guests, with between 4-6 staff members onsite at any time. Events such as weddings may be held onsite, with a maximum of 100 persons including staff.
22	On-site shelter shall be provided in accordance with an approved Bushfire Management Plan and shall be designed and constructed in accordance with the National Construction Code and the ABCB Community Shelter handbook, unless an alternative is supported under the State Planning Policy 3.7 - Planning in Bushfire Prone Areas and associated Guidelines, subject to agreement in writing by the City of Albany and following consultation with relevant state government agencies.		<p>The onsite refuge is positioned on Lot 1 and is designed in accordance with the National Construction Code and ABCB Community Shelter Handbook. Please note the handbook requires several installations and internal details which will be confirmed through the detailed design process.</p> <p>The location of the refuge has been informed by Western Environmental and is supported by the BMP. Refer to Appendix B for the Refuge Plans.</p>
23	Indicative tent area is permitted subject to compliance with State Planning Policy 3.7 - Planning in Bushfire Prone Areas.		The proposed tents are deemed a tolerable loss and are considered acceptable under SPP3.7. Further details are provided within the Bushfire Management Plan in Appendix D .
24	Strategic on-site water shall be provided in accordance with the State Planning Policy 3.7 - Planning in Bushfire Prone Areas and associated Guidelines.		<p>Dedicated firefighting water supply is provided onsite. The BMP indicates that water tanks with a total capacity of 100,000L is required. The proposal provides two 50,000L firefighting water tanks to the west of the proposed lodge, and an additional 10,000L firefighting water tank will be provided adjacent to the refuge building.</p> <p>Each tank will be constructed of metal or concrete, fitted with 50mm male camlock coupling, and located no further than 4m from hardstand turnaround area with 17.5m kerb radius.</p>
25	<p>Prior to lodgement of a development application for any tourism development, a notification pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate of Title of the proposed development lots advising of the existence of a hazard. The notification is to state as follows:</p> <p>“This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land.”</p>		A Section 70A notification has been submitted with the City of Albany for review and acceptance. Refer to Appendix P for details.

No.	Condition	Advice Notes	Assessment
Coastal			
26	The landowner is to undertake monitoring and review the coastal hazards every five years as identified in the Frenchman Bay Coastal Hazard Risk Management and Adaptation Plan. The landowner is to provide reporting to the Local Government on this matter to the satisfaction of the Local Government.		In support of this application, MP Rogers has undertaken a review of the Frenchman Bay Coastal Hazard Risk Management and Adaptation Plan prepared in April 2022 for LDP1 and has updated the report to reflect outcomes from recent coastal monitoring. Refer to Appendix G for the updated Frenchman Bay Coastal Hazard Risk Management and Adaptation Plan. It is understood a condition of development approval will require five yearly monitoring.
27	Development approval will be time limited (temporary planning approval) and shall cease to have effect when any of the following situations occur: a. Shoreline retreat reaches 33m from any asset b. The most landward part of the Horizontal Shoreline Datum is within 15 metres of the most seaward part of the lot boundary c. Public road is no longer available or able to provide legal access to the property; or d. Water, sewerage or electricity to the lot is no longer available as they have been removed/ decommissioned by the relevant authority due to coastal hazards.		Requirement is noted.
28	Once the development approval expires in accordance with the above, the development shall be removed and: a. The land shall be rehabilitated to its pre-development condition, to the specifications and satisfaction of the Local Government, at the landowners cost; and b. The affected area (processes area and foreshore) shall be ceded to the Crown, free of cost and without any payment of compensation by the Crown; and c. Should managed retreat be proposed, the landowner will need to apply to relocate the development to a safe position on the lot.	Horizontal Shoreline Datum means the active limit of the shoreline under storm activity, as defined in SPP2.6 – State Coastal Planning Policy (2013).	Noted.
29	Prior to lodgement of a development application for any tourism development, suitable arrangements shall be made with the City of Albany for pedestrian access from the subject site to the foreshore/beach.	<ul style="list-style-type: none"> • <i>Appropriate pedestrian access may be informed by results of the Foreshore Management Plan to be prepared by the City of Albany.</i> • <i>The existing vehicular access to the foreshore/</i> 	An indicative plan for access to the beach has been included in the drawings in Appendix B . The proposed location is along the southern kerb line of the vehicle ramp to the beach. This is considered the safest and most convenient location and is located in a manner where it can be used by guests as well as the general public with the top of the stairs adjacent to the public car park.

No.	Condition	Advice Notes	Assessment
		<p><i>beach is not safe for pedestrian access.</i></p> <ul style="list-style-type: none"> <i>Future access shall ensure the beach/foreshore is accessible to people with a disability.</i> 	<p>While disability access has been considered, the slope is too steep to comply with Australian Standards. The permissible gradient is 1:14 under AS1428. There is a level different of approximately 12.5m. This would require a ramp of 175m in length. This is not considered workable within the space available and it is considered the best solution for disability access is to provide disability parking in the lower car park. Noting this is public land, this is more appropriate handled through the City's foreshore management plan.</p>
30	<p>Prior to lodgement of a development application for any tourism development, a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate of Title of the proposed development lot advising of the existence of a hazard. The notification is to state as follows:</p> <p>"VULNERABLE COASTAL AREA - This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years from the date this notification is registered and is subject to conditions which require removal and rehabilitation of development to pre-development conditions at the landowners cost, and ceding of the land to the Crown, free of cost and without any payment of compensation by the Crown at the time the situations specified in the Local Development Plan occur.</p>		<p>Prior to the lodgement of this development application, a Section 70A notification has been submitted with the City of Albany for review and acceptance. Refer to Appendix P for details.</p>
31	<p>Prior to lodgement of a development application for any tourism development, the amalgamation of lots 1 & 2 should be progressed or suitable easements shall be arranged to address the following matters:</p> <ul style="list-style-type: none"> Reciprocal rights of access for Lot 1 over the Lot 2 (lodge) entry Access rights for emergency fire purposes in favour of the Local Government and public authority Access rights for strategic water supply for firefighting purposes Access rights to on-site shelter (if relevant); and Rights to use land outside of lot boundaries for effluent disposal application areas and associated maintenance. 		<p>TBB have sought advice from the City of Albany on this matter and agreed that the matter may be handled as a condition of development approval, rather than prior to the development approval being lodged.</p> <p>The proponent is currently undertaking a boundary realignment. This application has been lodged with the WAPC and will run concurrently with the application for development approval. Easements will be applied to the new titles following approval.</p> <p>Please note the proponent does not wish to amalgamate the two lots and it is considered the matter is adequately resolved through easements.</p>

7.0

Conclusion



7.0 Conclusion

This application seeks approval of a 24 unit short-stay holiday accommodation development for the purposes of constructing the Frenchman Bay Retreat. The proposed development appropriately meets the goals of the City of Albany Local Planning Strategy, the objectives of applicable City of Albany local planning policies and addresses the requirements of both the City of Albany Local Planning Scheme No.1 and Local Development Plan 1.

The proposed development will help achieve the City's long-term vision for the site, whilst delivering a high-quality design outcome that is a point of difference to nearby holiday accommodation's due to its remoteness, unparalleled location and modern design and typologies. To ensure minimal disruption along the Albany Coastline, the development has carefully curated materials evoke earthy tones and textures seamlessly integrate with the natural landscape.

Based on the information provided within this application and the accompanying reports, it is considered the proposed development warrants approval.

Appendix A

Application Forms & Certificate of Titles



Appendix B

Development Plans & Design Statement



Appendix C

Landscaping Plans



Appendix D

Bushfire Management Plan &
Bushfire Emergency Evacuation Plan



Appendix E

Transport Impact Statement



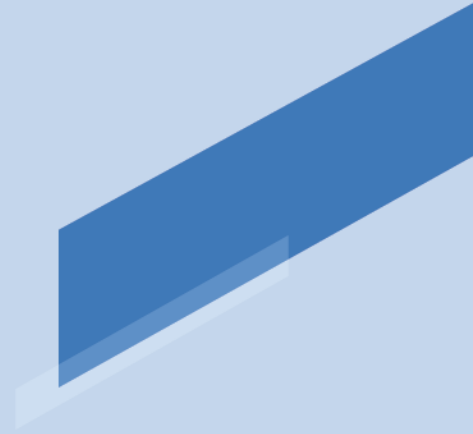
Appendix F

Waste Management Plan



Appendix G

Frenchman Bay Coastal Hazard Risk
Management & Adaptation Plan



Appendix H

Fauna Management Plan





Appendix I

Environmental Justification for Development
within Vancouver Springs Catchment

Appendix J

On-site Effluent Disposal Technical Note and Plan



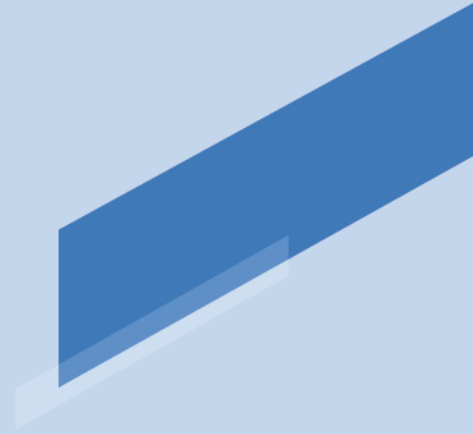
Appendix K

Soil Infiltration Testing Technical Note



Appendix L

Spider Orchid Survey



Appendix M

Surface Water & Groundwater Monitoring Plan



Appendix N

Stormwater Management Plan and Civil Design



Appendix O

Potable Water Supply Review



Appendix P

Section 70A Notifications

