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# AGENDA

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## **DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING**

**Wednesday 15 April 2020**

6.00pm

City of Albany Council Chambers

**CITY OF ALBANY  
COMMUNITY STRATEGIC PLAN (ALBANY 2023)**

**VISION**

Western Australia's most sought after and unique regional city to live, work and visit.

**VALUES**

All Councillors, Staff and Volunteers at the City of Albany will be...

**Focused: on community outcomes**

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

**United: by working and learning together**

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

**Accountable: for our actions**

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

**Proud: of our people and our community**

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

## TERMS OF REFERENCE

(1) **Functions:** The Committee is responsible for:

Development Services:

The delivery of the “*Liveable Environmental Objectives*” contained in the City of Albany Strategic Plan:

- Advocate, plan and build connected, liveable communities.
- Create a community that supports people of all ages and backgrounds.
- Create vibrant neighbourhoods which are safe yet retain our local character and heritage.

Infrastructure Services:

The delivery of the “*Clean and Green Objectives*” contained in the City of Albany Strategic Plan:

- To protect and enhance our pristine natural environment.
- To promote environmental sustainability.
- To promote our region as clean and green.

(2) **It will achieve this by:**

- (a) Developing policies and strategies;
- (b) Establishing ways to measure progress;
- (c) Receiving progress reports;
- (d) Considering officer advice;
- (e) Debating topical issues;
- (f) Providing advice on effective ways to engage and report progress to the Community; and
- (g) Making recommendations to Council.

(3) **Membership:** Open to all elected members.

(4) **Meeting Schedule:** Monthly

(5) **Meeting Location:** Council Chambers

(6) **Executive Officers:** Executive Director Infrastructure and Environment, Executive Director Development Services

(7) **Delegated Authority:** None

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**1. DECLARATION OF OPENING**

**2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**

*“Heavenly Father, we thank you for the peace and beauty of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”*

*“We would like to acknowledge the Noongar people who are the Traditional Custodians of the Land.*

*We would also like to pay respect to Elders both past and present”.*

**3. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

Mayor D Wellington

**Councillors:**

Member	P Terry
Member	J Shanahun
Member	S Smith
Member	M Benson-Lidholm JP
Member	C Thomson
Member	R Hammond
Member	R Sutton – Deputy Chair
Member	R Stephens
Member	A Goode JP
Member	T Sleeman
Member	G Stocks

**Staff:**

Chief Executive Officer	A Sharpe
Executive Director Infrastructure, Development & Environment	P Camins
Manager Planning and Building Services	J van der Mescht
Manager Major Projects	A McEwan
Meeting Secretary	A Paulley

**Apologies:**

**Leave of Absence:**

Cr Emma Doughty - Chair

**4. DISCLOSURES OF INTEREST**

<b>Name</b>	<b>Committee/Report Item Number</b>	<b>Nature of Interest</b>

**5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**6. PUBLIC QUESTION TIME**

**7. PETITIONS AND DEPUTATIONS**

**8. CONFIRMATION OF MINUTES**

**COMMITTEE RECOMMENDATION**

**THAT the minutes of the Development and Infrastructure Services Committee meeting held on 11 March 2020 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**9. PRESENTATIONS**

**10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

## **DIS204: BIBBULMUN TRACK AND MUNDA BIDDI TRAIL - SOUTHERN TRAILS TERMINUS**

<b>Land Description</b>	: Lot 1374 239 – 259 York Street - Alison Hartman Gardens
<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Southern Trails Terminus Concept Drawings (DBCA)
<b>Supplementary Information on the Hub only</b>	: 1. DBCA Presentation to Elected Members 11 March 2020 2. Community Engagement Alison Hartman Gardens 3. Alison Hartman Gardens Concept Plan Package 4. GSCORE Regional Strategy
<b>Report Prepared By</b>	: Manager Major Projects (A McEwan)
<b>Responsible Officers:</b>	: Executive Director Infrastructure, Development and Environment (P Camins)

### **STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme:** Community Health & Participation
  - **Objective:** To create interesting places, spaces and events that reflect our community's identity, diversity and heritage
  - **Community Priority:** Maintain infrastructure and deliver programs that promote Albany's unique heritage, engender civic pride and leave a lasting legacy

#### **In Brief:**

- The Department of Biodiversity, Conservation and Attractions (DBCA) Parks & Wildlife Service have identified Alison Hartman Gardens (area surrounding the Norfolk Island trees) as the preferred location for a Southern Trail Terminus (Bibbulmun Track & Munda Bididi trails).
- DBCA have completed a detailed design package and have confirmed available funding within their 19/20 budget for the projects implementation.
- DBCA have requested that the City of Albany consider approval of the project's implementation and provide in-kind support, in the form of project management and administration.

### **COVID-19 IMPACT**

- May be some delay in construction dependant on levels of restriction.

### **RECOMMENDATION**

#### **DIS204: RESPONSIBLE OFFICER RECOMMENDATION**

##### **THAT:**

1. **The concept designs developed by the Department of Biodiversity, Conservation and Attractions for the Southern Trails Terminus, located in Alison Hartman Gardens be ADOPTED.**
2. **City of Albany staff providing in-kind support to project manage the construction of the Southern Terminus, subject to the project being funded by the Department of Biodiversity, Conservation and Attractions be APPROVED.**

### **BACKGROUND**

2. The Department of Biodiversity, Conservation and Attractions, Parks & Wildlife have completed detailed design development for the Southern Trails Terminus within Alison

Hartman Gardens and have confirmed available funding within their 2019/20 budget for the projects implementation.

3. The Department of Biodiversity, Conservation and Attractions Parks & Wildlife has requested that the City of Albany provide in-kind support in the form of project management for the project's implementation.

## **DISCUSSION**

4. Alison Hartman Gardens is a keystone in the Albany City Hub precinct being located on York Street between the historic education site and Albany Tourism & Information Hub. Redevelopment of the Gardens has been undertaken to identify, celebrate and promote our local community, history, culture, environment, and visitor economy.
5. The recent enhancement of Alison Hartman Gardens has included some limited recognition of the Bibbulmun Track through signage. A key benefit of the garden's recent enhancement was its increased capacity to host, link and promote local and regional trails.
6. The current southern terminus of the Bibbulmun Track & Munda Biddi trails is located on Proudlove Parade (near the old visitor centre) and does not meet user or DBCA expectations due to its distance from the new visitor centre and poor amenity. The creation of a new Southern Trails Terminus at Alison Hartman Gardens would involve the decommissioning of this current trail terminus.
7. As part of this project, DBCA will coordinate, facilitate and pay for any required trail realignment, associated signage, marketing and promotion.
8. The relocation and promotion of a Southern Trails Terminus within the City Centre strategically draws on Albany's comparative advantage to contribute to the social, recreational and economic sustainability of the City, and leverage investment into future growth industries such as cultural and adventure tourism.

## **GOVERNMENT & PUBLIC CONSULTATION**

9. The Southern Trails Terminus project proposal was presented to Elected Members by Kerstin Stender (Coordinator, Recreation & Trails Unit, DBCA) on 11 March 2020.
10. The Alison Hartman Gardens Enhancement project promoted improving accessibility and precinct links within a local hub for community, culture and trails of local and regional significance.
11. Relevant Government departments consulted for this project included: Department of Planning, Lands and Heritage / Heritage Council of Western Australia; Department of Education; Department of Environmental Regulation; Department of Aboriginal Affairs; and Department of Conservation, Biodiversity and Attractions.
12. Consultation with the local Aboriginal community revealed strong support for greater recognition and interpretation of key cultural values and stories in the broader Town Square Civic Precinct and Alison Hartman Gardens, subsequently achieved in the completed Enhancement Project public art and interpretation components centred around the Visitor Centre and Mokare Statue nodes.
13. The Department of Planning, Lands and Heritage have advised that no additional Aboriginal Heritage consultation is required for the Southern Trails Terminus project due to the minimal proposed impact on the area of land, the physical dimensions of the project, and its location on top of an already disturbed / redeveloped area.
14. The Southern Terminus project closely aligns with GSCORE's Regional Strategy - to build on the Albany Trail Hub Strategy to identify a regional network of trail towns and trail centres.

## **STATUTORY IMPLICATIONS**

15. The voting requirement of council is to be **Simple Majority**.



**POLICY IMPLICATIONS**

16. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Finance</b> <i>Risk: Expectations of funding body not being reached.</i>	Possible	Moderate	Medium	Implement the project in accordance with approved concept and engage regularly with DBCA key staff.
<b>Reputation</b> <i>Risk: Community benefit not realised by the project not being implemented and not being consistent with expectations.</i>	Possible	Moderate	Medium	Concept plans are approved enabling works to be scheduled
<b>Opportunity:</b> To implement infrastructure enhancements which contribute to a more vibrant and sustainable City Centre and promote local and regional trails.				

**FINANCIAL IMPLICATIONS**

- 18. The project cost has been estimated by DBCA to be in the order of \$100,000 to \$120,000.
- 19. DBCA has stated that it will provide \$100,000 from its 2019/20 budget.
- 20. There is not proposed to be any cash contribution for the City for this project.
- 21. The project will be value managed in accordance with the available budget or staged accordingly to fit the DBCA budget allowance.
- 22. It is proposed that the City of Albany will provide an in-kind contribution to project manage the implementation of the project. This includes; project approval, procurement (request for quotations), contract award, contract management, commissioning and handover.
- 23. Should the project be supported, expenditure of DBCA funds will be subject to the preparation of grant agreement to the satisfaction of both parties.
- 24. Should the project be supported, the ongoing management of the asset will be subject to a maintenance and management agreement to be prepared between both parties.

**LEGAL IMPLICATIONS**

25. Should the project be supported, a grant agreement will be prepared by both parties for the expenditure of DBCA funds and ongoing asset maintenance.

**ENVIRONMENTAL CONSIDERATIONS**

26. The Department of Water and Environmental Regulation has confirmed the site has not been reported to DWER as a known or suspected contaminated site, either prior to or after the commencement of the Contaminated Sites Act 2003.

**ALTERNATE OPTIONS**

- 27. Council may elect not to approve the concept designs or provide in-kind project management support.
- 28. External funding may be impacted and the project would not proceed.

**CONCLUSION**

29. The concept plans prepared by DBCA are at a stage for the City to implement for approval, quotation and implementation.
30. To ensure that the project is completed in a timely manner and in accordance with the current available funding, it is recommended that council adopt the concept design for the Southern Trails Terminus Project.
31. This project ties in with City of Albany’s long-term strategy for City Centre revitalisation and enhancement as well as key objectives to improve and promote regional trails.

<b>Consulted References</b>	:	City of Albany Community Strategic Plan Albany 2030
<b>File Number (Name of Ward)</b>	:	PR.DEC.33 (Frederickstown Ward)
<b>Previous Reference</b>	:	<p>Elected Members Briefing by DCBA – 11 March 2020. DIS110 Minutes AHG July 2018. OCM - 24 October 2016 - PD143. Development &amp; Infrastructure Services Committee Briefing 15 February 2017.</p> <p>Elected Members Briefing Note - 8 May 2017 - Lotterywest Funding Submission - Town Hall and Alison Hartman Gardens. OCM - 27 June 2017 - CCCS035. Elected Members Strategic Briefing 19 June 2018 – Albany City Centre Projects.</p>

**DIS205: STRATA LOT 1, 256 COSY CORNER RD, KRONKUP – SHOP, CONSULTING ROOM & SMALL BAR**

<b>Land Description</b>	: Strata Lot 1, 256 Cosy Corner Road, Kronkup WA 6330
<b>Proponent</b>	: CC Rooney
<b>Business Entity Name</b>	: NIL
<b>Attachments</b>	: 1. Copy of Application 2. Schedule of Submissions
<b>Report Prepared By</b>	: Senior Planning Officer - (T Gunn)
<b>Responsible Officers:</b>	: Executive Director Infrastructure, Development and Environment (P Camins)

**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed development application, Council is obliged to draw conclusion from its adopted *Community Strategic Plan – Albany 2030*.
  - a) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).
3. The item relates to the following Strategic Objectives of the Albany Local Planning Strategy (ALPS):
  - a) *Plan for sustainable rural villages as viable community hubs with a diverse economic base.*
  - b) *Enable tourist growth and diversification through land use planning mechanisms.*

**Maps and Diagrams:** Lot 1, 256 Cosy Corner Road, Kronkup



**In Brief:**

- The City of Albany has received a development application at Strata Lot 1, 256 Cosy Corner Road to expand and improve the existing shop and café to include a small bar, additional café floor area and a consulting room.
- The application was advertised for public comment. Through this process eight (8) responses were received. The responses are discussed in detail throughout the report.

- Having considered the proposal against the applicable statutory framework, Staff recommend the proposal be supported subject to conditions, which are considered to mitigate the concerns raised through the public advertising processes.

#### COVID-19 IMPLICATIONS:

- Planning and Building application processes are not likely to be affected. There may be some construction and operational impacts.

#### RECOMMENDATION

##### DIS205: RESPONSIBLE OFFICER RECOMMENDATION

**THAT Council resolves to ISSUE a notice of determination granting development approval, subject to the following conditions, for Shop, Consulting Room & Small Bar at Strata Lot 1, 256 Cosy Corner Road, Kronkup:**

##### **Conditions:**

1. All development shall occur in accordance with the stamped, approved plans referenced P2190311, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.
2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.
3. Stormwater management plans and details shall be submitted for approval, implemented and constructed to the satisfaction of the City of Albany.

##### **Advice:**

- *Stormwater management is to be designed in accordance with the 'City of Albany's Subdivision and Development Guidelines'.*

4. A vehicular parking and access plan shall be submitted for approval, implemented and constructed to the satisfaction of the City of Albany.

##### **Advice:**

- *Car parking and access is to be designed in accordance with the Australian Standard 2890.*
- *The plan shall clearly indicate the intended use of all parking bays (eg disabled bay, loading bay etc), access areas, line marking, kerbing and sealing.*
- *Should any parking change or be removed, alternate arrangements (which may include a reduction in patron numbers) are to be made to the satisfaction of the City of Albany.*

5. The applicant/landowner is responsible for any maintenance requirements for any parking and access areas approved by the City of Albany within any Road Reserves, however if required, the City reserves the right to develop/modify the parking areas with no obligation to replace any parking that is lost.
6. Prior to commencement of use, the operator shall prepare and submit for approval detailed Management Plans for the premises, detailing practices and controls to minimise amenity impacts and noise emissions, to the satisfaction of the City of Albany.
7. Prior to commencement of development a Bushfire Management Plan (including Bushfire Emergency Evacuation Plan) for the subject site is to be prepared in accordance with State Planning Policy 3.7 – *Planning in Bushfire Prone Areas*, to the satisfaction of the City of Albany.

8. **The premises shall be operated in accordance with any approved Management, Bushfire Management and Bushfire Emergency Evacuation Plans, to the satisfaction of the City of Albany.**
9. **Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.**  
**Advice:**
  - ***Please refer to the City of Albany Local Planning Policy – Signs for further information.***
10. **The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.**
11. **The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.**
12. **The loading and unloading of goods shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.**
13. **No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas or in access driveways, unless otherwise agreed in writing by the City of Albany.**
14. **The parking areas shall be illuminated when they are in use, or may be sought to be used by patrons during hours of darkness, to the satisfaction of the City of Albany.**
15. **No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 2019 Control of the Obtrusive Effects of Outdoor Lighting.**
16. **A maximum of 90 patrons shall be on site at any one time, unless otherwise agreed in writing by the City of Albany.**
17. **The premises shall not be open for customers/patrons after 10.00pm but no later than 12.00am, more than twice in any calendar month, unless otherwise agreed in writing with the City of Albany.**

## **BACKGROUND**

4. The City of Albany has received an application for development approval for a Shop, Consulting Room and Small Bar at Strata Lot 1, 256 Cosy Corner Road, Kronkup.
5. The subject site is located approximately 28km west of the Albany CBD and 1.3km to the north west of Cosy Corner Beach.
6. The subject site is 1198m<sup>2</sup> in area and zoned Special Use Zone 7 under Local Planning Scheme No.1 (LPS 1).
7. The tourist node is surrounded by Rural Residential land to the south and west and City of Albany and Crown reserves to the east. Priority Agriculture land is located over 150m to the north of the subject site.
8. The subject site was developed as a tourist node, and forms part of a strata subdivision which was initially planned for 15 short stay holiday accommodation chalets, managers

dwelling and corner store/deli and attached caretakers dwelling. In addition to the subject development, there are currently 12 chalets within the strata.

9. The subject site was originally developed as the shop and caretakers dwelling. Over time these uses have been converted into a café and shop. The applicant proposes to redevelop the site by expanding and improving the existing café, retaining and refocusing the shop, and adding a small bar and a room for visiting consultants.
10. The application was initially advertised for public comment for period of 26 days, with nearby landowners directly notified by letter. Through this process, a total of seven (7) responses were received; two (2) objections, three (3) letters of support and two (2) letters of support subject to modifications.
11. The original application detail was not explicitly clear on the permissible and regular opening hours. It was interpreted that the regular opening hours (which were significantly less than the permissible openings hours) were the hours that were being applied for. The applicant intended this to indicate both the potential openings hours, and the 'usual' opening hours. Further information and clarification in this respect was received. The application was subsequently readvertised for a period of 21 days. One (1) submission was received from a person whom initially objected to the proposal, and raised further concerns.
12. The comments, including the proponent's and staffs' recommendations are provided in the attached 'Schedule of Submissions'. The broad issues are identified and discussed further within the report.
13. Staff consider that the recommended conditions will manage and mitigate the issues raised within the public consultation period.
14. Council is now requested to consider the submissions received during the public advertising period and determine whether to grant development approval.

## **DISCUSSION**

15. The proposal consists of;
  - Removal of the existing caretakers residence;
  - Expansion of dining/bar area within the eastern side of the existing building;
  - Creation of a beer garden/outdoor dining area consisting of small tables and picnic tables;
  - Conversion of the existing carport to a storeroom;
  - Addition of an outdoor eating area including garden area and play space;
  - Retaining the existing carport driveway to create additional parking space for staff; and
  - Use of an existing room within the building to allow for visiting consultants that would offer services to the local community and adjacent tourist development. This may include massage, health services, financial services, etc. from Albany on an as needs basis.
16. The footprint of the existing building will remain largely unchanged, a minor extension for a cleaning store room and kitchen extension on the western side of the building is proposed.

The reconfiguration of the floor space results in an additional 27m<sup>2</sup> of public space (excluding store rooms and kitchen space).

17. The subject site operates as a service centre and meeting place for the Torbay Hill community, visitors to the adjacent tourism developments, beaches, trail users and campers and visitors from Albany. It is the only site in the immediate locality that provides goods and services to the area. The consulting room and small bar uses are considered incidental and complement the services one would expect from a vibrant tourist node and rural village local centre.
18. The applicant will be applying for a 'Small Bar' license in accordance with the *Liquor Control Act 1988*, which is defined as;  
  
*'A small bar license authorises the sale and supply of liquor for consumption on the licensed premises only (such as no packaged liquor sales). It is also subject to the condition that no more than 120 persons may be present on the licensed at any one time.'*
19. The applicant originally applied for a total capacity allowance of 120 patrons. However, for those reasons outlined further below (amount of parking, and concerns raised), staff recommend the application of a planning condition to limit the maximum number of patrons to 90 onsite at any one time.
20. The legal opening hours for a small bar licence issued by the Department of Racing Gaming and Liquor are as follows:
  - *Monday to Saturday from 6 a.m. to 12 midnight;*
  - *Sunday from 10 a.m. to 12 p.m.;*
  - *Christmas Day and Good Friday from 12 noon to 10 p.m. where the liquor is sold ancillary to a meal supplied by the licensee;*
  - *New Year's Eve (Monday to Saturday) from 6 a.m. to 2 a.m. on New Year's Day;*
  - *New Year's Eve (Sunday) from 10 a.m. to 2 a.m. on New Year's Day;*
  - *Anzac Day from 12 noon to 12 midnight.*
21. While the applicant seeks approval for the maximum hours permissible under a Small Bar Liquor License, the applicant advised the proposed regular operating hours will be;
  - Summer: All days - 7.00am to 7.00pm;
  - Winter: Monday, Tuesday and Wednesday – 7.30 am to 5.00pm; and
  - Winter: Thursday, Friday, Saturday and Sunday – 7.30am to 7.00pm.
22. Flexibility is sought to allow for later opening times to respond to demand and allow for local events and functions. In support of the opening hours the applicant has highlighted that:
  - These are likely to be utilised only on occasion and will not be the rule;
  - The management commitments (particularly around noise) in the Small Bar Management Plan should address any concerns with late night noise and or antisocial behaviour;
  - This is a rural area with limited numbers of permanent, residential neighbours that may be impacted by the occasional late-night opening;
  - That if tighter, unrealistic hours were implemented, then liquor licencing laws may become onerous; and
  - There is likely to be an expectation that a small bar would be open later into the evening, at least on weekends and when functions are proposed.

23. The site is within a tourist area development and is surrounded by short stay chalets and apartments. From an amenity perspective, it could be expected that noise and impacts on amenity is likely to be higher than that one would normally expect in a residential area.
24. Notwithstanding this, the potential risk for an increase in noise and disturbance to nearby landowners and occupiers does exist. Staff consider that the issues can be mitigated by the responsible management of the premises. The draft management plan that has been submitted with the application details various aspects of the operation of the premises, including: staff training, noise management and mitigations measures, and the process for dealing with complaints.
25. Staff recommend that planning conditions relating to noise management are applied, including the submission of finalised noise and management plans to the City for approval. Furthermore, that the premises is not open after 10.00pm more than twice in any calendar month, unless otherwise agreed in writing with the City of Albany. The operation of the venue would also be required to comply with the *Environmental Protection (Noise) Regulations 1997*.
26. Access to the property is via a crossover on Cosy Corner Road. Cosy Corner Road currently carries a significant amount of local and tourist traffic.
27. The existing café has 7 parking bays and a carport for the caretaker's residence. A revised parking layout and arrangement has been proposed, which includes:
  - An accessible bay;
  - Dedicated bicycle parking area and infrastructure;
  - 4 dedicated parking bays for staff (one of which is in a tandem arrangement);
  - 9 bays within the site (including the accessible bay).
  - An additional 7 bays partly within the adjacent Cosy Corner Road reserve. All costs (including maintenance) is to be borne solely by the developer.
28. The applicant originally proposed to use one of the strata lots for overflow parking, however given no vehicle access is permitted directly onto Cosy Corner Road and the concerns received, the applicant has withdrawn this proposal from the application.
29. The City's Assets Team are supportive of utilising the verge for parking. All associated costs with required upgrades and maintenance are to be borne by the developer. Staff recommend that conditions be applied in this respect, including the requirement for a final vehicular parking and access plan be applied.
30. In terms of parking requirements, Local Planning Scheme No.1 requires 1 bay per 4 persons the facility is designed to accommodate, plus 1 bay per employee for a 'Restaurant'. A 'Shop' requires 1 bay per 20m<sup>2</sup> of net lettable area. 'Consulting Rooms' require 3 bays per practitioner plus 1 bay per 3 employees. LPS 1 does not list a minimum car parking requirement for a 'Small Bar'.
31. Where a parking requirement is not specified, clause 4.8.5.3 of LPS 1 allows the local government to exercise its discretion in determining the parking bays required. Due to a number of factors, including the opening times and relatively moderate scale of the proposal, the premises is highly unlikely to operate in the same manner as a tavern, but is more akin to a restaurant in terms of parking generated.
32. Similar to patrons of the small bar/restaurant, a number of customers purchasing items from the shop are likely to be tourists staying within the adjacent apartments and chalets, who are expected to walk to the premise.



33. It is proposed that the Consulting Room will operate during standard daylight hours, outside of peak times for the restaurant/small bar. In accordance with clause 4.8.5.6 (a) of LPS 1, staff consider the parking would therefore be shared.
34. Due to the 24 short stay apartments and chalets directly adjacent to the proposal, staff recommend restricting patron numbers to no more than 90 on site at any one time. The applicant has agreed to this requirement.
35. The main concerns raised during the advertising period are discussed below. The applicable officer response and mitigation measures are also outlined below.

Summary of submissions	Officer comment
Use of the road reserve for car parking.	The City's Assets Team are supportive of utilising the verge for parking. All associated costs including the cost of maintenance are to be borne by the developer. Staff recommend that conditions be applied in this respect, including the requirement for a final vehicular parking and access plan be applied.
Parking on strata lot 7 and associated additional traffic on the common property.	As no direct vehicle access is permitted directly onto Cosy Corner Road, following discussions with the proponent the proposed parking on strata lot 7 has been withdrawn from the application.
Impacts on the amenity of the area including potential increase in noise and opening hours.	While the potential does exist for an increase in noise and disturbance, staff consider that the issues can be mitigated by responsible management of the premises. The draft management plan that has been submitted with the application details various aspects of the operation of the premises, responsibilities of staff and management, noise management plan and measures and the process for dealing with complaints. The venue manager also resides in the area. Staff recommend that planning conditions relating to noise management are applied, including the submission of finalised noise and management plans to the City for approval. Additionally, the premises is not open after 10.00pm more than twice in any calendar month, unless otherwise agreed in writing with the City of Albany. The operation of the venue would also be required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i> .
Concerns with the serving of alcohol and potential increase in anti-social behaviour.	The operators of the premises will be responsible for managing patrons in accordance with the approved management plans and the provisions of the <i>Liquor Control Act 1988</i> . However, anti-social behaviour, such as disorderly conduct or criminal damage would fall under the jurisdiction of Western Australia Police.
Use of the proposed consulting room.	The consulting room proposed is intended for visiting professionals bringing services to the local community and visitors to the adjacent holiday accommodation rather than necessitating a trip into Albany. Massage, Chiropractic, Physiotherapy, GP's etc. would be encouraged to use the space which would be let in response to demand.
Concerns with 120 patrons on site.	Due to the 24 short stay apartments and chalets directly adjacent to the proposal, staff and bicycle parking and 16 customers' bays, staff recommend restricting patron numbers to no more than 90 on site at any one time. The applicant has agreed to this requirement.

36. It is considered that the mitigation measures outlined above address the concerns raised during the public consultation process.
37. It is recommended that Council approve the proposed development, subject to the conditions recommended.

**GOVERNMENT & PUBLIC CONSULTATION**

38. The application was originally advertised for public comment for a period of 26 days, with nearby landowners directly notified by letter. A total of seven (7) responses were received; two (2) objections, three (3) letters of support and two (2) letters of support subject to modifications.
39. The application was readvertised for a period of 21 days. As mentioned above, one (1) submission was received from an individual whom initially objected, raising additional concerns.
40. The comments, including the proponent’s and staffs’ recommendations are provided in the attached ‘Schedule of Submissions’. The broad issues are summarised and discussed above.

	Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
First Round	Consult	Mail Out	27/11/2019 to 23/12/2019	7 Submissions received	No
Second Round	Consult	Mail Out	26/02/2020 to 18/03/2020	1 Submission received	No

**STATUTORY IMPLICATIONS**

41. The subject land is zoned Special Use Zone 7 under LPS 1.
42. Schedule 4 of LPS 1 sets out -
- (a) special use zones for specified land that are in addition to zones in the zoning table; and
  - (b) the classes of special use that are permissible in that zone; and
  - (c) the conditions that apply in respect of the special uses.
43. The following uses are listed for Special Use Zone 7 under Schedule 14 of LPS 1;
- Holiday Accommodation (Chalet/Cottage Units)
  - Caretaker’s Dwelling
  - Recreation - Private
  - Shop
  - Incidental Uses
44. The subject site is the only establishment in the immediate locality that provides goods and services to the area, which is identified as a “rural village” by the Albany Local Planning Strategy. The consulting room & small bar uses are considered incidental and complement the services provided.
45. The proposal complies with the relevant conditions listed under Schedule 14 of LPS 1 pertinent to the site.

46. Voting requirements for this item is **SIMPLE MAJORITY**.

**POLICY IMPLICATIONS**

47. The subject site is designated as bushfire prone as per the Western Australia State Map of Bush Fire Prone Areas, which triggers bushfire planning requirements under State Planning Policy 3.7 – *Planning in Bushfire Prone Areas* and associated guidelines.
48. Given the building is existing and already functions as a café and store, the single difference the application brings is the potential moderate increased in customers. As the proposal does not result in a significant intensification of use, a pragmatic approach has been undertaken for assessment against the Policy and Guidelines.
49. The most pertinent matters are vehicular access and evacuation considerations. The property has two directions of access/egress available, either north or south on Cosy Corner Road. Staff have recommended a condition be applied requiring a Bushfire Management Plan including Emergency Evacuation Plan to be prepared and implemented.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation.</b> <i>The approval may generate unacceptable impacts on the amenity on the area.</i>	Possible	Moderate	Medium	The application has been assessed against the relevant statutory framework. Potential impacts on local amenity can be mitigated by the application of appropriate planning conditions.
<b>Opportunity:</b> <i>Responds to community needs for tourism growth and creating viable community hubs in the municipality.</i>				

**FINANCIAL IMPLICATIONS**

51. There are no financial implications directly relating to this item.

**LEGAL IMPLICATIONS**

52. The proponent has the right to seek a review of the Council’s decision, including any conditions attached to an approval, conferred by the *Planning and Development Act 2005*. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

**ENVIRONMENTAL CONSIDERATIONS**

53. There are no environmental implications directly relating to this item.

**ALTERNATE OPTIONS**

54. Council has the following alternate options in relation to this item, which are:

- To resolve to refuse the proposal subject to reasons; and
- To resolve to approve the proposal subject to additional or modified conditions.

**CONCLUSION**

55. The proposal has been modified to address the concerns raised, including a reduction in the maximum number of customers, and modification to the parking arrangements.

56. The matters raised in the public submissions received during the advertising period have also been addressed and can be mitigated through the application of appropriate planning conditions.
57. It is therefore recommended that Council approve the proposed development, subject to the conditions provided.

<b>Consulted References</b>	:	1. Local Planning Scheme No. 1 2. Albany Local Planning Strategy 2010 3. Planning and Development (Local Planning Schemes) Regulations 2015 4. State Planning Policy 3.7 – <i>Planning in Bushfire Prone Areas</i>
<b>File Number (Name of Ward)</b>	:	A166636 West Ward
<b>Previous Reference</b>	:	Nil

- 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 12. MEETING CLOSED TO THE PUBLIC**
- 13. CLOSURE**