

DIS169: PROPOSED HOLIDAY ACCOMMODATION – 13-17 CUTHBERT STREET, ALBANY WA 6330

Land Description	: Lot 201, 13-17 Cuthbert Street, Albany WA 6330
Proponent	: Margaret Gibson
Attachments	: 1. Development Application 2. Management Plan 3. Schedule of Submissions
Report Prepared By	: Coordinator Planning Services (A Bott)
Responsible Officers:	: Acting Executive Director Development Services (J van der Mescht)

**DIS169: AMENDED RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council resolves to ISSUE a notice of determination granting development approval, subject to the following conditions, for holiday accommodation at Lot 201, 13-17 Cuthbert Street, Albany:

Conditions:

- 1. All development shall occur in accordance with the stamped, approved plans referenced P2190185 and dated XX XX 2019, 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. The operation of the holiday accommodation hereby approved shall be in accordance with the approved management plan which shall be reviewed and updated at the time of any change of ownership or management, to the satisfaction of the City of Albany.**
- 4. The holiday accommodation hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust to any extent greater than what is to be expected within a residential zone.**
- 5. The holiday accommodation hereby approved shall only be used for short stay accommodation, with any single tenant permitted to stay for no more than three months in any twelve month period.**
- 6. The operator or manager of the holiday accommodation hereby approved shall maintain an annual register of all guests to the satisfaction of the City of Albany. A receipt book must also be kept.**
- 7. Each bedroom using beds shall have a floor space of not less than four square metres per person; each bedroom using bunks shall have a floor space of not less than 2.5 square metres.**
- 8. Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.**

Advice Condition 8: Please refer to the City of Albany Local Planning Policy 2B – Signs for further information.

9. Prior to commencement of development 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.
- An updated parking and access plan is to be submitted showing the required four (4) bays. The plan should indicate parking signage, bay dimensions and any requirement to remove trees or obstructions. The parking area can remain as neatly mowed grass but the bay areas must be permanently defined. This may be by way of pavers defining the wheel paths. If the parking area is to be sealed, details regarding the stormwater management will need to be submitted for approval due to the increase in run-off generated and its potential to affect the downstream property.

10. Two tandem parking spaces shall be provided per approved holiday accommodation on the lot.

11. Vehicular parking must be contained within the lot boundaries at all times.

12. All vehicular parking and access areas shall be maintained as per the approved details and plans, to the satisfaction of the City of Albany.

13. A defined path for guests shall be established from the designated parking area through the southern garden to the rear holiday accommodation, consistent with the site plan and to the satisfaction of the City of Albany.

- ~~14. All access and egress to the proposed holiday accommodation shall occur solely through the access way to the south of the lot. The right of carriageway to the north of the lot shall not be used for either access or egress or parking for the proposed holiday accommodation.~~

Officer Reason (Acting Executive Director Development Services)

The amended motion balances the concerns raised by the adjoining landowner and the rights of use afforded to the landowner over the right of way.

It is considered that the amended motion will establish a defined access route via the preferred access route through the southern garden area to the rear holiday accommodation, while not impinging on the legal access rights which exist over the right of way, but also not endorsing this as a preferred route for guests.