



Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 1 February 2024; 9.30am
Meeting Number: RJDAP/131
Meeting Venue: Electronic Means

This DAP meeting was conducted by electronic means (Zoom) open to the public rather than requiring attendance in person

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Tony Arias
Presiding Member, Regional JDAP



Attendance

DAP Members

Tony Arias (Presiding Member)
Lindsay Baxter (A/Deputy Presiding Member)
John Syme (A/Third Specialist Member)
Mayor Greg Stocks (Local Government Member, City of Albany)
Cr Paul Terry (Local Government Member, City of Albany)

Officers in attendance

Josh Dallimore (City of Albany)
Dylan Ashboth (City of Albany)
Jan van der Mescht (City of Albany)
Joanne Wardell-Johnston (City of Albany)
Paul Camins (City of Albany)

Minute Secretary

Tenielle Brownfield (DAP Secretariat)

Applicants and Submitters

Item 8.1

Dan Lees (element)
Jacqueline VanBuren – *written submission – Item 8.1*

Item 8.2

John Lysaught (Advance Housing Ltd)
Andy Knowles (Advance Housing Ltd)
Julie de Jong (H and H Architects)
Crispen Travers (Albany Historical Society)
Andrew Eyden (Albany Historical Society)
Michael Nind (The History Council of WA)
Kelly Ridley
Jill Moir
John Dowson (The Fremantle Society) – *written submission – Item 8.2*

Members of the Public / Media

There were 12 members of the public in attendance.

John Dobson from ABC Great Southern and Isabel Vieira (Business News) was in attendance.

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1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.37am on 1 February 2024 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

2. Apologies

Kanella Hope (Deputy Presiding Member)
Justin Page (Third Specialist Member)

3. Members on Leave of Absence

Nil

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

5. Declaration of Due Consideration

The Presiding Member noted an addendum to the responsible authority report was published in relation to Item 8.2, received on 24 January 2024 and 25 January 2024.

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.1, received on 31 January 2024.

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.2, received on 31 January 2024.

All members declared that they had duly considered the documents.

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6. Disclosure of Interests

DAP Member, Justin Page, declared an indirect pecuniary interest in item 8.1. Justin is employed by Element who have been appointed by the landowner as the Applicant for the proposed hotel development in City of Albany.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed a indirect pecuniary interest, was not permitted to participate in the discussion and voting on the item.

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Mayor Greg Stocks and Cr Paul Terry, declared that they had participated in a prior Council meeting in relation to the application at item 8.1 and 8.2. However, under section 2.1.2 of the DAP Code of Conduct 2017, Mayor Stocks and Cr Terry acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the members listed above, who have disclosed an impartiality interest, are permitted to participate in the discussion and voting on the items.

7. Deputations and Presentations

7.1 Dan Lees (element) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 Jacqueline VanBuren was noted as providing a written submission in relation to Item 8.1.

7.3 The City of Albany addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentations at Item 7.1 – 7.2 were heard prior to the application at Item 8.1.

7.4 Kelly Ridley addressed the DAP in support of the recommendation for the application at Item 8.2.

7.5 Jill Moir addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.6 Crispin Travers (Albany Historical Society) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.7 Michael Nind (The History Council of WA) addressed the DAP in support of the recommendation for the application at Item 8.2.

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- 7.8 John Lysaught (Advance Housing Ltd) and Julie de Jong (H and H Architects) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.9 John Dowson (The Fremantle Society) was noted as providing a written submission in relation to Item 8.1
- 7.10 The City of Albany addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.4 - 7.10 were heard prior to the application at Item 8.2.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 10 Flinders Parade, Middleton Beach

Development Description: Hotel (Serviced Apartments), tavern and shop
Applicant: element
Owner: Pacifica Ausglobal Albany Pty Ltd
Responsible Authority: City of Albany
DAP File No: DAP/23/02576

REPORT RECOMMENDATION

Moved by: Lindsay Baxter

Seconded by: John Syme

That the Regional JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/23/02576 is appropriate for consideration as a "Hotel (Serviced Apartments), Tavern & Shop" land uses and compatible with the provisions of the Special Use Zone in accordance with Schedule 4 – Special use zones in Scheme Area, Table 11 – Special Use provisions of the *City of Albany Local Planning Scheme No. 2*
2. **Approve** DAP Application reference DAP/23/02576 and accompanying plans DWG No 21009/A1002 dated 22 October 2023 being – Site Plan, Ground Floor Plan, Level 1 Plan, Level 2 Plan, Level 3 Plan, Level 4 Plan, Level 5 Plan, Level 6 Plan, Level 7 Plan, Roof Plan, Elevations, Sections, 3D Views and supporting documentation contained under the Planning Application Report (Ref: 21-377 dated October 2023) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of *City of Albany Local Planning Scheme No. 2*, subject to the following conditions:

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Conditions

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. All development shall occur in accordance with the stamped, approved plans, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.

Prior to commencement of development

3. At least 30 days prior to the commencement of development, a Construction Management Plan shall be submitted to the City of Albany for approval. All construction works shall be undertaken in accordance with the approved Construction Management Plan, to the satisfaction of the City of Albany. Any changes proposed to the approved Construction Management Plan, shall be submitted to the City for approval in writing, prior to implementation of any changes.
4. Prior to commencement of development, suitable arrangements shall be made with the City of Albany for the construction of the canopy structures extending into the public realm, in accordance with the submitted plans. Thereafter the canopies shall be maintained in perpetuity to the satisfaction of the City of Albany, unless otherwise agreed to in writing.
5. Prior to commencement of development, a Stormwater Management Plan consistent with the *Stormwater Management Manual for Western Australia (Department of Water 2004-2007)* including details and calculations shall be prepared and submitted to the City of Albany for approval. The requirements outlined under the approved Stormwater Management Plan shall be implemented prior to final occupation, and maintained in perpetuity to the satisfaction of the City of Albany.
6. Prior to the commencement of development, a Vehicular Parking and Access Plan shall be submitted for approval by the City of Albany. Requirements outlined under the approved Vehicular Parking and Access Plan shall be implemented and maintained in perpetuity, to the satisfaction of the City of Albany.
7. Prior to commencement of development, a Goods Delivery and Loading Plan shall be submitted for approval to the City of Albany. Requirements outlined under the approved Goods Delivery and Loading Plan shall be implemented and maintained in perpetuity, to the satisfaction of the City of Albany.
8. Prior to commencement of development, a Landscaping and Reticulation Plan shall be prepared, approved, and fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter, to the satisfaction of the City of Albany.

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9. Prior to commencement of development, a public art proposal to the value of 1% of the estimated cost of development (or payment of cash-in-lieu) in accordance with the *City of Albany Public Art Policy*, shall be submitted to the City of Albany for approval. Prior to occupancy of the development, the details approved for the public art proposal shall be implemented, completed and thereafter maintained, to the satisfaction of the City of Albany.
10. Prior to commencement of development, notwithstanding the submitted detail as shown on the approved plans, a final schedule of materials and colours to be used on the buildings/structures hereby approved shall be submitted for approval to the satisfaction of the City of Albany. Prior to final occupation, the approved schedule of materials and colours shall be implemented and maintained thereafter to the satisfaction of the City of Albany.
11. Prior to commencement of development, a condition survey shall be undertaken of the footpaths and/or existing infrastructure within the road reserve, verge and public realm immediately abutting the development site, and submitted to the City of Albany for approval. Prior to occupation, the developer shall make good any damage to footpaths and/or existing infrastructure that results from the construction of the development to the satisfaction of the City of Albany.
12. Prior to commencement of development, suitable arrangements shall be made with the Public Transport Authority of Western Australia in consultation with the City of Albany to relocate the existing bus stop and pull in on Flinders Parade to an alternative location, or modify the existing bus stop, to facilitate the use of this area as guest pull-in associated with the Hotel (Serviced Apartments). The approved arrangements shall be implemented and completed by the proponent, prior to final occupation of the development, to the satisfaction of the City of Albany, in consultation with the Public Transport Authority.
13. Prior to commencement of development, suitable arrangements shall be made with the City of Albany for the funding and construction of the public realm works / alfresco dining area outside of property boundaries. Prior to occupation, the public realm works / alfresco dining area shall be constructed in accordance with the plans referenced P2200001, to the satisfaction of the City of Albany.
14. Prior to commencement of development, suitable arrangements shall be made with, and to the satisfaction of the City of Albany, for payment of the cash-in-lieu contribution to compensate for the shortfall of 116 on-site car parking bays.
15. Prior to commencement of development, a Traffic Management Plan shall be prepared by a suitably qualified professional for the proposed car parking area (including associated access and egress) and submitted to the City of Albany for approval. Prior to final occupation, the requirements outlined under the approved Traffic Management Plan shall be implemented, and maintained thereafter in perpetuity to the satisfaction of the City of Albany.

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16. Prior to the commencement of development, an updated Waste Management Plan shall be submitted for approval by the City of Albany, with the requirements outlined under the approved Waste Management Plan to be implemented prior to formal occupation and maintained thereafter in perpetuity to the satisfaction of the City of Albany.
17. Prior to commencement of development, a Screening Plan detailing the type and colour of material to screen any water heaters, aerials, antennas, masts or the like shall be submitted to the City of Albany for approval. Prior to occupancy of the development, the details approved for the Screening Plan shall be implemented, completed and thereafter maintained, to the satisfaction of the City of Albany.
18. Prior to the commencement of development, the Bushfire Management Plan and Bushfire Emergency Evacuation Plan shall be amended to reflect advice from the Department of Fire and Emergency Services (attached), peer reviewed and signed off by a Level 3 Bushfire Practitioner and submitted for approval by the City of Albany.
19. Prior to the commencement of development, a Signage Strategy shall be submitted for approval by the City of Albany and implemented thereafter to the satisfaction of the City of Albany.

Prior to occupancy of use

20. Prior to occupancy of development, a notification A notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan).

The notification is to state as follows:

"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."

21. Prior to occupancy of the development, the premises shall be connected to the Water Corporation sewerage system.
22. Prior to occupancy of the development, the measures and actions identified in the approved Bushfire Management Plan and Bushfire Emergency Evacuation Plan, shall be implemented and maintained in perpetuity, to the satisfaction of the City of Albany.
23. Prior to occupancy of the development, the measures (Council / Development Requirements) included in the Initial Sustainability Assessment dated 17th July 2023 by Full Circle Design Services shall be implemented and maintained thereafter to the satisfaction of the City of Albany.
24. Prior to occupancy of the development, the measures identified under the Acoustic Report: DA Stage dated 7th August 2023 by Lloyd George Acoustics Pty Ltd shall be implemented and maintained thereafter to the satisfaction of the City of Albany.

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25. Prior to occupancy of development, suitable arrangements shall be made with the City of Albany for signage to be placed at a visible location adjacent the carpark entry point on Marine Drive advising that the area contains no public parking and access is limited to hotel guests and ACROD parking.

General conditions

26. The proposal is to comply with any details and/or amendments marked in red on the stamped, approved plans.
27. The loading and unloading of goods shall:
- be undertaken in a manner so as to cause minimum interference with other vehicular traffic; and
 - occur entirely within the site and shall not, either temporarily or permanently, occur within parking or landscape areas, accessways or areas required for pedestrian or vehicle manoeuvrability, unless otherwise agreed in writing by the City of Albany.
28. No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas, accessway or areas required for pedestrian or vehicle manoeuvrability, unless otherwise agreed in writing by the City of Albany.
29. Appropriate outdoor lighting is to be provided to the pedestrian paths, parking and access areas and building entries. Exterior lighting is to minimise skyward light spill. All lighting is to be robust and themed to complement the development as a whole.
30. Notwithstanding the submitted detail, signage shall not be erected on the lot without the prior approval of the City of Albany.
31. Mounting of large satellite dishes or the like on the roof of the development is not permitted.
32. Air conditioning units and/or associated condensers shall be located in the dedicated plant room and screened from public view.
33. The development hereby approved shall be constructed in accordance with National *Construction Code* requirements for 'Construction in Bushfire Prone Areas'.
34. The bulk storage of 'high-risk' materials is not permitted within the subject site unless otherwise approved by the City of Albany.
35. The Level 2 landscaped terrace as marked in red on the approved plans, shall be available for guest use only, unless otherwise agreed to in writing by the City of Albany.
36. The solar photovoltaic panels proposed on the roof top shall be installed to parallel to the angle of the roof.

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37. Plant and/or pump room exhaust, mechanical ventilation or the like shall be designed so as not to expel emissions directly onto the adjacent public footpath at ground level.

Advice Notes

1. With respect to the Construction Management Plan:
The Construction Management Plan shall detail how the construction of the development will be managed including details of the following:
 - public safety and site security;
 - hours of operation,
 - noise and vibration controls;
 - air and dust management;
 - stormwater, groundwater and sediment control;
 - waste and material disposal;
 - Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures;
 - Parking Management Plan prepared by an accredited personnel;
 - the parking arrangements for contractors and sub-contractors;
 - on-site delivery times and access arrangements;
 - measures to mitigate impact to existing City infrastructure and property, including the adjacent local heritage listed Norfolk Island Pine Trees;
 - the storage of materials and equipment on site (no storage of materials on the verge will be permitted); and
 - any other matters likely to impact upon the surrounding properties or road reserve.

2. With respect to the proposed canopies:
 - a) The Acoustic Report indicates the need for a solid canopy roof above the alfresco dining area to ensure required levels of acoustic amenity for guests is maintained.
 - b) Developments are required to provide pedestrian shelter along active street frontages under the Middleton Beach Activity Centre Design Guidelines.
 - c) A permit is required to erect a structure on local government property under the *City of Albany Local Government Property Local Law 2011*.

3. With respect to the Stormwater Management Plan:
 - a) Soil capability testing and confirmation of groundwater levels will be required to determine the suitability of infiltration for stormwater disposal for the site.
 - b) The stormwater management system is to be designed and certified by a practicing Civil Engineer to the satisfaction of the City of Albany.
 - c) The stormwater management approach should include a description of storm events to be managed including strategies to address water quality.
 - d) The stormwater disposal system should be designed to be consistent with any previous Urban Water Management Plan.

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4. With respect to the Vehicular Parking and Access Plan:
 - a) The plan shall demonstrate car parking and access in accordance with *Australian Standard 2890*.
 - b) The plan (and subsequent construction when approved) shall clearly indicate the intended use of all parking bays (e.g. disabled bays, loading bays), access areas, line marking, kerbing and sealing.
 - c) All obstructions require an additional minimum 0.3m clearance to the parking dimensions. This applies to all walls, including blind aisles. The blind aisles therefore require a 1m extension for turnaround plus 0.3m clearance.

5. With respect to the Goods Delivery and Loading Plan:
 - a) Four (4) delivery bays are required under *RTA Guide to Traffic Generating Development*, with two (2) being provided. It is therefore essential that a thorough and detailed goods delivery and loading plan is provided given the delivery area non-compliance and the tight manoeuvrability within the parking area.
 - b) The Goods Delivery and Loading Plan shall clearly indicate that no loading / unloading outside of lot boundaries shall occur.
 - c) Delivery vehicles must be able to access and egress the site without impacting guest or staff vehicle manoeuvrability or the provision of car parking.
 - d) Delivery and service vehicles should be limited to 8m in length to ensure they are able to access the delivery areas and enter and exit the property in a forward direction.
 - e) Delivery vehicles shall be limited to a height of 2.9m to ensure access.
 - f) A pull-in for all loading and unloading activities, including waste collection will be required.
 - g) Deliveries to the north shall partially reverse into the vacant space behind the kitchen / back of house to ensure no carparks are obstructed and there is space available to allow passenger vehicles to pass the parked service vehicle.

6. With respect to the Landscaping Plan and Reticulation Plan:

The Landscaping and Reticulation Plan shall:

 - a) Detail the size, species and location of trees/shrubs to be planted in all landscaping areas identified on the approved plans including terraces and areas adjacent public realm.
 - b) Ensure deep soil areas are provided in sufficient volume for intended species.
 - c) The Landscape Plan is to include relevant details from the Stormwater Management Plan approved for the development.
 - d) Any species which fail to establish within the first two planting seasons following implementation must be replaced in consultation with and to the satisfaction of the City of Albany.

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7. With respect to the public art proposal:
 - a) The significant work already undertaken on the public art is acknowledged and appreciated however, it should be ensured that the commissioning and implementation of the public art proposal is undertaken in accordance with *City of Albany Percent for Art Developer Guidelines*.
 - b) The City recommends commencing discussions with the City of Albany's Visual Arts team as soon as possible.
 - c) *The City of Albany Percent for Art Local Planning Policy* caps the required percent for art contribution to \$200, 000. The proponent may spend more than this amount if they choose to however, this is not a requirement.

8. With respect to the final schedule of materials and colours:
 - a) The schedule should be lodged for approval prior to the building permit application and shall include details of all external elements of the development.
 - b) The State Design Review Panel advised that the proposal as presented demonstrated it attained 'Design Excellence'. The incorporation of high-quality materials across the development is a key aspect of this, in accordance with *State Planning Policy 7*. To ensure the proposal continues to demonstrate attainment of Design Excellence, it is therefore important that the incorporation of high-quality materials continues to be met through the design and construct phases. Key materiality in this regard includes, but is not limited to:
 - a) Timber batten rooftop, pergolas and awnings
 - b) Linear grooved/hammered and sandblasted concrete
 - c) Feature concrete fins
 - d) Perforated bronze powder coat and reclaimed jarrah
 - e) Bronze louver screen for carpark and mechanical ventilation
 - f) Galvanised balustrades
 - g) Large areas of glazing with perforated window shrouds
 - c) To ensure consistency of information across design and construction phases, the schedule of materials/finishes should be submitted to the City for approval prior to the building permit application and shall include details of all external elements of the development.
 - d) Should amendments be proposed to deviate from the materials presented at Design Review, this may necessitate an amended development application and referral to the State Design Review Panel.

9. With respect to the relocation of the existing bus stop and associated pull-in bay on Flinders Parade:
 - a) It is considered the ability to use this area as guest pull-in bays only is fundamental to the operation of the Hotel (Serviced Apartments) and must be progressed to ensure guest check-in operates in a satisfactory manner to minimise potential conflict with other road and footpath users.
 - b) Modifications to the existing bus stop and pull-in bay to create a shared arrangement that allows for use by both guests and busses could be considered, however this is not the City's preferred option, unless it can be demonstrated that potential conflicts between users can be mitigated and a high amenity outcome achieved.

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- c) At this stage it is expected that all costs resulting from the required relocation (or modification) of the existing bus stop and pull-in bay will be borne by the proponent.
10. With respect to the public realm works / alfresco dining area:
- a) Although required to be addressed under a separate development application, the Hotel (Serviced Apartments), Tavern and Shop would be unable to function in a safe and efficient manner, nor achieve Design Excellence without the completion of these accompanying works, as proposed.
- b) The City has sourced an independent costing estimate from a quantity surveyor for the proposed works (see Attachment 16) which estimates the cost of the works to be \$1,567,700. Please note this amount does not include the following factors which will also need to be added to the total:
- i. Escalation
 - ii. Unknown ground conditions
 - iii. Site services upgrades
 - iv. City of Albany management costs
 - v. Loose furniture and equipment
 - vi. Canopy structure; and
 - vii. Any associated works related to the hotel development interface, such as coordination of services and infrastructure etc.
- c) The City would accept cash-in-lieu payment for the amount identified in the quantity survey plus additional factors listed under points i – vii above. .
- d) The City would prefer to undertake the management of these works given our existing network of suppliers and knowledge and to ensure materiality and construction standards are consistent with the existing Middleton Beach Public realm.
11. With respect to the cash-in-lieu of car parking payment:
- a) Based on current construction costs, the cash-in-lieu contribution is determined to be \$4,500 per bay and includes:
- a) Earthworks;
 - b) Drainage;
 - c) Kerbing;
 - d) Bitumen;
 - e) Line marking; and
 - f) Miscellaneous (surveys, traffic control, site facilities, drawings etc).
- b) Please note land value is not included in the cash in-lieu contribution amount.
- c) This amount is consistent with contributions received from other businesses in the immediate vicinity.
- d) Alternatively, the City would be happy to arrange an independent valuation for cash-in-lieu payments at the applicants request.

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12. With respect to the Traffic Management Plan:
- a) The Traffic Management Plan should include the recommendations contained within the Traffic Impact Statement dated October 2023 by KCTT.
 - b) The Traffic Management Plan should also detail how safe access for pedestrians entering the 'shared' zone at the vehicle entrance to the Hotel (Serviced Apartments) will be provided, including any potential modification to the 'shared zone'.
 - c) Turning circles provided for service / delivery vehicles and waste collection vehicles indicate these vehicle will require the use of entire:
 - o internal aisles
 - o external access leg; and
 - o access and egress points (to both the proposed development and Marine Drive).

This subsequently ensures no other vehicles (passenger or otherwise) are capable of using the external access leg or ground floor carpark whilst loading / unloading occurs. It is therefore expected that the Traffic Management Plan includes some form of traffic control to restrict access by other vehicles at times when loading / unloading is occurring.
 - d) Early collection of waste and/or deliveries should not be relied upon as a means to avoid additional traffic controls due to Middleton Beach's popularity as an early morning destination and the many nature-based tourist attractions in Albany and surrounds typically being most popular / attractive to tourists in the early morning.
 - e) The Traffic Management Plan shall put in place measures to ensure the carpark entry gate is automatic and closed at all times loading / unloading (including waste collection) is occurring and when vehicles are not entering / exiting the car park.
13. With respect to the Waste Management Plan:
- a) The City does not support the use of land outside of lot boundaries for the collection of waste given the likely amenity impacts on the adjacent busy children's playground, alfresco dining, designate ACROD bays and the public realm.
 - b) Updates to the Waste Management Plan shall address:
 - i. Organic waste disposal
 - ii. Internal transfer of waste
 - iii. Inconsistencies with traffic impact statement
 - iv. Loading in hotel deliveries area including confirmation the local waste contractor is willing to move individual bins from the bin store to the hotel deliveries area to load waste onto the vehicle during collection.
 - v. Collection vehicle size limitations.
 - vi. Collection timing.
 - vii. Stakeholder responsibilities.
 - viii. Updates to the refuse storage area to ensure it is able to accommodate the required number and size of bins consistent with the collection ability of the local waste contractor at the time of submission and it is;
 - of sufficient size to accommodate all receptacles used on the premises;
 - screened from public view

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- constructed of brick, concrete or other material deemed suitable by the City of Albany;
 - have walls a minimum of 1.5m high, access way a minimum of 1m wide and fitted with a self closing gate;
 - contain a smooth, impervious, non-slip floor a maximum of 75mm thick and evenly graded to the sewerage system;
 - easily accessible; and
 - provided with a tap and connected to an adequate water supply.
14. With respect to the Screening Plan:
- a) This condition seeks to address any plant, mechanical and/or servicing infrastructure that may not have been addressed or considered in detail with the development application.
 - b) The addition of any further plant, mechanical and/or servicing infrastructure to the rooftop is unlikely to be supported by the City of Albany given the prominence of the rooftop in views of significance and the contribution of the rooftop design in the attainment of Design Excellence.
15. With respect to the requirement for an updated and peer reviewed Bushfire Management Plan and Bushfire Emergency Evacuation Plan:
- a) The proposed land use is considered a 'Vulnerable Land Use' under *State Planning Policy 3.7 Planning in Bushfire Prone Areas* and associated Guidelines version 1.4. This means the Bushfire Management Plan (BMP) and associated Bushfire Emergency Evacuation Plan (BEEP) should be completed by a Level 3 Bushfire Practitioner.
 - b) The Level 3 Bushfire Practitioner may require amendments to the documentation which may necessitate an amended Development Application and or additional referrals to the Department of Fire and Emergency Services.
16. With respect to the Signage Strategy:
- a) The signage strategy shall include:
 - o Clear illustrative details, including a site plan and elevation details to demonstrate where sign/s are proposed to be sited and displayed.
 - o Clear sign dimensions.
 - o Details of any existing signage proposed to be retained.
 - o Details of any proposed illumination.
 - b) Development approval will not be required for signage that is consistent with the approved signage strategy.
 - c) Once a signage strategy is approved, all signage on site shall be consistent with this document unless otherwise approved by the City under separate development approval.
17. With respect to the Initial Sustainability Assessment:
- a) The *City of Albany Local Planning Scheme No. 2* requires all development within the Middleton Beach Activity Centre to '*incorporate sustainable technologies and design including best practice with regard to energy efficiency, water sensitive urban design and fire safety.*'
 - b) Sustainability is also included as one of the principles of good design under *State Planning Policy 7: Design of the Built Environment* and measures proposed assisted in the development achieving 'Design Excellence' following the State Design Review Panel processes.

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18. With respect to the Acoustic Report:
 - a) Noise modelling should occur as the design progresses with regard to noise from the ground floor, food and beverage and mechanical plant. The City should be advised of the outcomes of this noise modelling and any further noise mitigation measures required.
 - b) Acoustic privacy and noise pollution are addressed under the *Middleton Beach Design Guidelines*.
19. With respect to the loading and unloading of goods:
 - a) The City does not support the use of any land outside of lot boundaries for delivery, collection or waste loading.
20. With respect to outdoor lighting:
 - a) 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.
21. With respect to air conditioning units:
 - a) The applicant has advised that all air conditioning is a central variable refrigerant flow system, with all condensers to be located within a dedicated plant room, off the car park, entirely screened from public view. This arrangement is supported by the City.
22. With respect to *National Construction Code* requirements for Construction in Bushfire Prone Areas:
 - a) To ensure compliance with condition 37, the development hereby approved shall be constructed in accordance with the construction requirements for BAL-29, as per the “AS 3959 BAL Contour Map” dated 15/08/2021 by Element Advisory Pty Ltd.
23. With respect to bulk storage of high-risk materials:
 - a) A high-risk material is considered any material, which may lead to the potential ignition, prolonged duration and/ or increased intensity of a bushfire.
 - b) For more information on what may be considered ‘bulk storage’ or a ‘high-risk material’ contact Planning Services at the City of Albany.
24. With respect to the Level 2 landscaped terrace as marked in red on the approved plans:
 - a) Public use of this area has not been proposed.
 - b) The City has no in-principle concerns with this area being accessible to the general public however, this would add substantially to car parking calculations and associated cash-in-lieu requirements.
 - c) This City may consider one-off events and the like in this area.
25. With respect to the solar photovoltaic panels:
 - a) The visually appealing rooftop made a notable contribution to the attainment of Design Excellence at the State Design Review Panel.
 - b) Placing the solar photovoltaic panels on an angle on the rooftop may mitigate the excellent design outcome.

Tony Arias

Tony Arias
Presiding Member, Regional JDAP



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26. With respect to the plant and/or pump room exhaust:
- a) The plant and pump rooms are adjacent a well-used pedestrian pathway from the Marine Drive carpark to the beach.
 - b) It is considered that having plant and/or pump room exhaust or the like expelling onto pedestrians using this pathway would unreasonably impact pedestrian amenity.
27. With respect to the carpark entry gate:
- a) The City has previously advised the applicant that a high-quality carpark entry door would be required should use of the Marine Drive accessway be proposed (Structure Pla variation), given the need to screen views from the beach, the adjacent children's playground and alfresco dining area and to ensure existing amenity is not compromised. It is considered this entry door (as proposed) achieves this criterion.
 - b) It is important the carpark entry door remains automatic as proposed to ensure loading areas, activities and the carpark are appropriately screening from the public realm.
 - c) Ensuring the door remains closed will ensure the acoustic and visual amenity of the locality, including the children's playground and 3 Anchors alfresco dining area is maintained.
 - d) Given the limited difference between the roof height of the internal carpark and the height of the waste collection vehicles it is recommended that a sliding gate be installed to ensured waste collection vehicles are not obstructed by roof mounted doors.

General Advice:

1. The proponents will require a 'Permit to Operate an Outdoor Eating Facility' under the *City of Albany Activities on Thoroughfares and Public Places and Trading Local Law 2011* and the City of Albany Trading in Public Places Council Policy before operating the alfresco dining area.
2. The proponents will require a 'Permit for use of Local Government Property' under the *City of Albany Local Government Property Local Law 2011* to construct the required canopies / pedestrian shelters surrounding the development.
3. The City of Albany has no obligation to protect against coastal hazards, and is not liable for any harm caused by coastal hazards.
4. All setbacks shall be taken from the legal lot boundary, as set out by a licensed surveyor.

Tony Arias

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AMENDING MOTION 1

Moved by: Lindsay Baxter

Seconded by: John Syme

The following amendments were made en bloc:

- (i) That Condition No. 20 be amended to read as follows:

Prior to occupancy of development, a notification ~~A notification~~, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan).

- (ii) That Advice Note No. 8 c) be amended to read as follows:

With respect to the final schedule of materials and colours:

- a) *The schedule should be lodged for approval prior to the building permit application and shall include details of all external elements of the development.*
- b) *The State Design Review Panel advised that the proposal as presented demonstrated it attained 'Design Excellence'. The incorporation of high-quality materials across the development is a key aspect of this, in accordance with State Planning Policy 7. To ensure the proposal continues to demonstrate attainment of Design Excellence, it is therefore important that the incorporation of high-quality materials continues to be met through the design and construct phases. Key materiality in this regard includes, but is not limited to:
 - a) *Timber batten rooftop, pergolas and awnings*
 - b) *Linear grooved/hammered and sandblasted concrete*
 - c) *Feature concrete fins*
 - d) *Perforated bronze powder coat and reclaimed jarrah*
 - e) *Bronze louver screen for carpark and mechanical ventilation*
 - f) *Galvanised balustrades*
 - g) *Large areas of glazing with perforated window shrouds**
- c) *To ensure consistency of information across design and construction phases, the schedule of materials/finishes should be submitted to the City for approval prior to the building permit application and shall include details of all external elements of the development.*
- d) *Should amendments be proposed to deviate from the materials presented at Design Review, this may necessitate an amended development application and referral to the State Design Review Panel.*

- (iii) That Advice Note No. 19 be amended to read as follows:

With respect to the loading and unloading of goods;

- a) ~~*The City does not support the use of any land outside of lot boundaries for delivery, collection or waste loading.*~~

Tony Arias

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- (iv) That Advice Note No. 20 be amended to read as follows:

With respect to outdoor lighting;

- a) ~~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.~~

- (v) That Advice Note No. 21 be amended to read as follows:

With respect to air conditioning units;

- a) ~~The applicant has advised that all air conditioning is a central variable refrigerant flow system, with all condensers to be located within a dedicated plant room, off the car park, entirely screened from public view. This arrangement is supported by the City.~~

- (vi) That Advice Note No. 22 be amended to read as follows:

With respect to National Construction Code requirements for Construction in Bushfire Prone Areas;

- a) ~~To ensure compliance with condition 373, the development hereby approved shall be constructed in accordance with the construction requirements for BAL-29, as per the "AS 3959 BAL Contour Map" dated 15/08/2021 by Element Advisory Pty Ltd.~~

- (vii) That Advice Note No. 27 be amended to read as follows:

With respect to the carpark entry gate:

- a) ~~The City has previously advised the applicant that a high-quality carpark entry door would be required should use of the Marine Drive accessway be proposed (Structure Plan variation), given the need to screen views from the beach, the adjacent children's playground and alfresco dining area and to ensure existing amenity is not compromised. It is considered this entry door (as proposed) achieves this criterion.~~
- b) ~~It is important the carpark entry door remains automatic as proposed to ensure loading areas, activities and the carpark are appropriately screened from the public realm.~~
- c) ~~Ensuring the door remains closed will ensure the acoustic and visual amenity of the locality, including the children's playground and 3 Anchors alfresco dining area is maintained.~~
- d) ~~Given the limited difference between the roof height of the internal carpark and the height of the waste collection vehicles it is recommended that a sliding gate being installed to ensure waste collection vehicles are not obstructed by roof mounted doors.~~

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To correct typographical and grammatic errors.

Tony Arias

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Presiding Member, Regional JDAP



AMENDING MOTION 2

Moved by: Tony Arias

Seconded by: Mayor Greg Stocks

That Condition No. 13 be amended to read as follows:

*Prior to commencement of development **the issue of a building license**, suitable arrangements shall be made with the City of Albany for the funding and construction of the public realm works / alfresco dining area outside of property boundaries. Prior to occupation, the public realm works / alfresco dining area shall be constructed in accordance with the plans referenced P2200001, to the satisfaction of the City of Albany.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Given the significance and need to resolve arrangements for the funding and construction of the public realm works / alfresco dining area the timing “Prior to the issue of a building license” was considered more appropriate.

AMENDING MOTION 2

Moved by: Tony Arias

Seconded by: Mayor Greg Stocks

That Condition No. 14 be amended to read as follows:

Prior to commencement of development, suitable arrangements shall be made with, and to the satisfaction of the City of Albany, for payment of the cash-in-lieu contribution to compensate for the shortfall of 116 on-site car parking bays—in accordance with provisions of the local planning scheme.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide clarity regarding interpretation of the condition and an appropriate governance framework for the condition implementation.

AMENDING MOTION 3

Moved by: Tony Arias

Seconded by: Lindsay Baxter

That a new Advice Note No. 10 e) be added to read as follows:

The applicant is advised that the proposed development and works within the Public Open Space “public realm land” do not form part of this development application for “Hotel (Serviced Apartments), Tavern & Shop” land uses . The proposed development and works within the Public Open Space “public realm land” will be the subject of a separate application to be assessed and determined by the City in the future.

Tony Arias
Presiding Member, Regional JDAP



The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify that whilst the proposed development and works within the Public Open Space “public realm land” were shown on the applicants plans the Panel did not consider these items and that they will be the subject of a separate application to be assessed and determined by the City.

AMENDING MOTION 4

Moved by: Tony Arias

Seconded by: Lindsay Baxter

That General Advice Note No. 3 be amended to read as follows:

The City of Albany has no obligation to protect against coastal hazards, and is not liable for any harm caused by subject site is an area at risk of being affected by coastal processes. The City’s responsibility and liability in relation to impacts from coastal hazards is limited to the public realm.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To more accurately reflect the City’s obligations in relation to the subject land and coastal processes.

REPORT RECOMMENDATION (AS AMENDED)

That the Regional JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/23/02576 is appropriate for consideration as a “Hotel (Serviced Apartments), Tavern & Shop” land uses and compatible with the provisions of the Special Use Zone in accordance with Schedule 4 – Special use zones in Scheme Area, Table 11 – Special Use provisions of the *City of Albany Local Planning Scheme No. 2*
2. **Approve** DAP Application reference DAP/23/02576 and accompanying plans DWG No 21009/A1002 dated 22 October 2023 being – Site Plan, Ground Floor Plan, Level 1 Plan, Level 2 Plan, Level 3 Plan, Level 4 Plan, Level 5 Plan, Level 6 Plan, Level 7 Plan, Roof Plan, Elevations, Sections, 3D Views and supporting documentation contained under the Planning Application Report (Ref: 21-377 dated October 2023) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of *City of Albany Local Planning Scheme No. 2*, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Tony Arias
Presiding Member, Regional JDAP



2. All development shall occur in accordance with the stamped, approved plans, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.

Prior to commencement of development

3. At least 30 days prior to the commencement of development, a Construction Management Plan shall be submitted to the City of Albany for approval. All construction works shall be undertaken in accordance with the approved Construction Management Plan, to the satisfaction of the City of Albany. Any changes proposed to the approved Construction Management Plan, shall be submitted to the City for approval in writing, prior to implementation of any changes.
4. Prior to commencement of development, suitable arrangements shall be made with the City of Albany for the construction of the canopy structures extending into the public realm, in accordance with the submitted plans. Thereafter the canopies shall be maintained in perpetuity to the satisfaction of the City of Albany, unless otherwise agreed to in writing.
5. Prior to commencement of development, a Stormwater Management Plan consistent with the *Stormwater Management Manual for Western Australia (Department of Water 2004-2007)* including details and calculations shall be prepared and submitted to the City of Albany for approval. The requirements outlined under the approved Stormwater Management Plan shall be implemented prior to final occupation, and maintained in perpetuity to the satisfaction of the City of Albany.
6. Prior to the commencement of development, a Vehicular Parking and Access Plan shall be submitted for approval by the City of Albany. Requirements outlined under the approved Vehicular Parking and Access Plan shall be implemented and maintained in perpetuity, to the satisfaction of the City of Albany.
7. Prior to commencement of development, a Goods Delivery and Loading Plan shall be submitted for approval to the City of Albany. Requirements outlined under the approved Goods Delivery and Loading Plan shall be implemented and maintained in perpetuity, to the satisfaction of the City of Albany.
8. Prior to commencement of development, a Landscaping and Reticulation Plan shall be prepared, approved, and fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter, to the satisfaction of the City of Albany.
9. Prior to commencement of development, a public art proposal to the value of 1% of the estimated cost of development (or payment of cash-in-lieu) in accordance with the *City of Albany Public Art Policy*, shall be submitted to the City of Albany for approval. Prior to occupancy of the development, the details approved for the public art proposal shall be implemented, completed and thereafter maintained, to the satisfaction of the City of Albany.

Tony Arias

Tony Arias
Presiding Member, Regional JDAP



10. Prior to commencement of development, notwithstanding the submitted detail as shown on the approved plans, a final schedule of materials and colours to be used on the buildings/structures hereby approved shall be submitted for approval to the satisfaction of the City of Albany. Prior to final occupation, the approved schedule of materials and colours shall be implemented and maintained thereafter to the satisfaction of the City of Albany.
11. Prior to commencement of development, a condition survey shall be undertaken of the footpaths and/or existing infrastructure within the road reserve, verge and public realm immediately abutting the development site, and submitted to the City of Albany for approval. Prior to occupation, the developer shall make good any damage to footpaths and/or existing infrastructure that results from the construction of the development to the satisfaction of the City of Albany.
12. Prior to commencement of development, suitable arrangements shall be made with the Public Transport Authority of Western Australia in consultation with the City of Albany to relocate the existing bus stop and pull in on Flinders Parade to an alternative location, or modify the existing bus stop, to facilitate the use of this area as guest pull-in associated with the Hotel (Serviced Apartments). The approved arrangements shall be implemented and completed by the proponent, prior to final occupation of the development, to the satisfaction of the City of Albany, in consultation with the Public Transport Authority.
13. Prior to the issue of a building license, suitable arrangements shall be made with the City of Albany for the funding and construction of the public realm works / alfresco dining area outside of property boundaries. Prior to occupation, the public realm works / alfresco dining area shall be constructed in accordance with the plans referenced P2200001, to the satisfaction of the City of Albany.
14. Prior to commencement of development, suitable arrangements shall be made with, and to the satisfaction of the City of Albany, for payment of the cash-in-lieu contribution to compensate for the shortfall of 116 on-site car parking bays in accordance with provisions of the local planning scheme.
15. Prior to commencement of development, a Traffic Management Plan shall be prepared by a suitably qualified professional for the proposed car parking area (including associated access and egress) and submitted to the City of Albany for approval. Prior to final occupation, the requirements outlined under the approved Traffic Management Plan shall be implemented and maintained thereafter in perpetuity to the satisfaction of the City of Albany.
16. Prior to the commencement of development, an updated Waste Management Plan shall be submitted for approval by the City of Albany, with the requirements outlined under the approved Waste Management Plan to be implemented prior to formal occupation and maintained thereafter in perpetuity to the satisfaction of the City of Albany.

Tony Arias

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Presiding Member, Regional JDAP



17. Prior to commencement of development, a Screening Plan detailing the type and colour of material to screen any water heaters, aerials, antennas, masts or the like shall be submitted to the City of Albany for approval. Prior to occupancy of the development, the details approved for the Screening Plan shall be implemented, completed and thereafter maintained, to the satisfaction of the City of Albany.
18. Prior to the commencement of development, the Bushfire Management Plan and Bushfire Emergency Evacuation Plan shall be amended to reflect advice from the Department of Fire and Emergency Services (attached), peer reviewed and signed off by a Level 3 Bushfire Practitioner and submitted for approval by the City of Albany.
19. Prior to the commencement of development, a Signage Strategy shall be submitted for approval by the City of Albany and implemented thereafter to the satisfaction of the City of Albany.

Prior to occupancy of use

20. Prior to occupancy of development, a notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan).

The notification is to state as follows:

"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."

21. Prior to occupancy of the development, the premises shall be connected to the Water Corporation sewerage system.
22. Prior to occupancy of the development, the measures and actions identified in the approved Bushfire Management Plan and Bushfire Emergency Evacuation Plan, shall be implemented and maintained in perpetuity, to the satisfaction of the City of Albany.
23. Prior to occupancy of the development, the measures (Council / Development Requirements) included in the Initial Sustainability Assessment dated 17th July 2023 by Full Circle Design Services shall be implemented and maintained thereafter to the satisfaction of the City of Albany.
24. Prior to occupancy of the development, the measures identified under the Acoustic Report: DA Stage dated 7th August 2023 by Lloyd George Acoustics Pty Ltd shall be implemented and maintained thereafter to the satisfaction of the City of Albany.
25. Prior to occupancy of development, suitable arrangements shall be made with the City of Albany for signage to be placed at a visible location adjacent the carpark entry point on Marine Drive advising that the area contains no public parking and access is limited to hotel guests and ACROD parking.

Tony Arias

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General conditions

26. The proposal is to comply with any details and/or amendments marked in red on the stamped, approved plans.
27. The loading and unloading of goods shall:
 - a) be undertaken in a manner so as to cause minimum interference with other vehicular traffic; and
 - b) occur entirely within the site and shall not, either temporarily or permanently, occur within parking or landscape areas, accessways or areas required for pedestrian or vehicle manoeuvrability, unless otherwise agreed in writing by the City of Albany.
28. No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas, accessway or areas required for pedestrian or vehicle manoeuvrability, unless otherwise agreed in writing by the City of Albany.
29. Appropriate outdoor lighting is to be provided to the pedestrian paths, parking and access areas and building entries. Exterior lighting is to minimise skyward light spill. All lighting is to be robust and themed to complement the development as a whole.
30. Notwithstanding the submitted detail, signage shall not be erected on the lot without the prior approval of the City of Albany.
31. Mounting of large satellite dishes or the like on the roof of the development is not permitted.
32. Air conditioning units and/or associated condensers shall be located in the dedicated plant room and screened from public view.
33. The development hereby approved shall be constructed in accordance with National *Construction Code* requirements for 'Construction in Bushfire Prone Areas'.
34. The bulk storage of 'high-risk' materials is not permitted within the subject site unless otherwise approved by the City of Albany.
35. The Level 2 landscaped terrace as marked in red on the approved plans, shall be available for guest use only, unless otherwise agreed to in writing by the City of Albany.
36. The solar photovoltaic panels proposed on the roof top shall be installed to parallel to the angle of the roof.
37. Plant and/or pump room exhaust, mechanical ventilation or the like shall be designed so as not to expel emissions directly onto the adjacent public footpath at ground level.

Tony Arias

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Advice Notes

1. With respect to the Construction Management Plan:
The Construction Management Plan shall detail how the construction of the development will be managed including details of the following:
 - public safety and site security;
 - hours of operation,
 - noise and vibration controls;
 - air and dust management;
 - stormwater, groundwater and sediment control;
 - waste and material disposal;
 - Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures;
 - Parking Management Plan prepared by an accredited personnel;
 - the parking arrangements for contractors and sub-contractors;
 - on-site delivery times and access arrangements;
 - measures to mitigate impact to existing City infrastructure and property, including the adjacent local heritage listed Norfolk Island Pine Trees;
 - the storage of materials and equipment on site (no storage of materials on the verge will be permitted); and
 - any other matters likely to impact upon the surrounding properties or road reserve.

2. With respect to the proposed canopies:
 - a) The Acoustic Report indicates the need for a solid canopy roof above the alfresco dining area to ensure required levels of acoustic amenity for guests is maintained.
 - b) Developments are required to provide pedestrian shelter along active street frontages under the Middleton Beach Activity Centre Design Guidelines.
 - c) A permit is required to erect a structure on local government property under the *City of Albany Local Government Property Local Law 2011*.

3. With respect to the Stormwater Management Plan:
 - a) Soil capability testing and confirmation of groundwater levels will be required to determine the suitability of infiltration for stormwater disposal for the site.
 - b) The stormwater management system is to be designed and certified by a practicing Civil Engineer to the satisfaction of the City of Albany.
 - c) The stormwater management approach should include a description of storm events to be managed including strategies to address water quality.
 - d) The stormwater disposal system should be designed to be consistent with any previous Urban Water Management Plan.

4. With respect to the Vehicular Parking and Access Plan:
 - a) The plan shall demonstrate car parking and access in accordance with *Australian Standard 2890*.
 - b) The plan (and subsequent construction when approved) shall clearly indicate the intended use of all parking bays (e.g. disabled bays, loading bays), access areas, line marking, kerbing and sealing.
 - c) All obstructions require an additional minimum 0.3m clearance to the parking dimensions. This applies to all walls, including blind aisles. The blind aisles therefore require a 1m extension for turnaround plus 0.3m clearance.

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5. With respect to the Goods Delivery and Loading Plan:
 - a) Four (4) delivery bays are required under *RTA Guide to Traffic Generating Development*, with two (2) being provided. It is therefore essential that a thorough and detailed goods delivery and loading plan is provided given the delivery area non-compliance and the tight manoeuvrability within the parking area.
 - b) The Goods Delivery and Loading Plan shall clearly indicate that no loading / unloading outside of lot boundaries shall occur.
 - c) Delivery vehicles must be able to access and egress the site without impacting guest or staff vehicle manoeuvrability or the provision of car parking.
 - d) Delivery and service vehicles should be limited to 8m in length to ensure they are able to access the delivery areas and enter and exit the property in a forward direction.
 - e) Delivery vehicles shall be limited to a height of 2.9m to ensure access.
 - f) A pull-in for all loading and unloading activities, including waste collection will be required.
 - g) Deliveries to the north shall partially reverse into the vacant space behind the kitchen / back of house to ensure no carparks are obstructed and there is space available to allow passenger vehicles to pass the parked service vehicle.

6. With respect to the Landscaping Plan and Reticulation Plan:
The Landscaping and Reticulation Plan shall:
 - a) Detail the size, species and location of trees/shrubs to be planted in all landscaping areas identified on the approved plans including terraces and areas adjacent public realm.
 - b) Ensure deep soil areas are provided in sufficient volume for intended species.
 - c) The Landscape Plan is to include relevant details from the Stormwater Management Plan approved for the development.
 - d) Any species which fail to establish within the first two planting seasons following implementation must be replaced in consultation with and to the satisfaction of the City of Albany.

7. With respect to the public art proposal:
 - a) The significant work already undertaken on the public art is acknowledged and appreciated however, it should be ensured that the commissioning and implementation of the public art proposal is undertaken in accordance with *City of Albany Percent for Art Developer Guidelines*.
 - b) The City recommends commencing discussions with the City of Albany's Visual Arts team as soon as possible.
 - c) *The City of Albany Percent for Art Local Planning Policy* caps the required percent for art contribution to \$200, 000. The proponent may spend more than this amount if they choose to however, this is not a requirement.

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8. With respect to the final schedule of materials and colours:
 - a) The schedule should be lodged for approval prior to the building permit application and shall include details of all external elements of the development.
 - b) The State Design Review Panel advised that the proposal as presented demonstrated it attained 'Design Excellence'. The incorporation of high-quality materials across the development is a key aspect of this, in accordance with *State Planning Policy 7*. To ensure the proposal continues to demonstrate attainment of Design Excellence, it is therefore important that the incorporation of high-quality materials continues to be met through the design and construct phases. Key materiality in this regard includes, but is not limited to:
 - a) Timber batten rooftop, pergolas and awnings
 - b) Linear grooved/hammered and sandblasted concrete
 - c) Feature concrete fins
 - d) Perforated bronze powder coat and reclaimed jarrah
 - e) Bronze louver screen for carpark and mechanical ventilation
 - f) Galvanised balustrades
 - g) Large areas of glazing with perforated window shrouds
 - c) To ensure consistency of information across design and construction phases, the schedule of materials/finishes should be submitted to the City for approval prior to the building permit application and shall include details of all external elements of the development.
 - d) Should amendments be proposed to deviate from the materials presented at Design Review, this may necessitate an amended development application and referral to the State Design Review Panel.

9. With respect to the relocation of the existing bus stop and associated pull-in bay on Flinders Parade:
 - a) It is considered the ability to use this area as guest pull-in bays only is fundamental to the operation of the Hotel (Serviced Apartments) and must be progressed to ensure guest check-in operates in a satisfactory manner to minimise potential conflict with other road and footpath users.
 - b) Modifications to the existing bus stop and pull-in bay to create a shared arrangement that allows for use by both guests and busses could be considered, however this is not the City's preferred option, unless it can be demonstrated that potential conflicts between users can be mitigated and a high amenity outcome achieved.
 - c) At this stage it is expected that all costs resulting from the required relocation (or modification) of the existing bus stop and pull-in bay will be borne by the proponent.

Tony Arias

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10. With respect to the public realm works / alfresco dining area:
- a) Although required to be addressed under a separate development application, the Hotel (Serviced Apartments), Tavern and Shop would be unable to function in a safe and efficient manner, nor achieve Design Excellence without the completion of these accompanying works, as proposed.
 - b) The City has sourced an independent costing estimate from a quantity surveyor for the proposed works (see Attachment 16) which estimates the cost of the works to be \$1,567,700. Please note this amount does not include the following factors which will also need to be added to the total:
 - i. Escalation
 - ii. Unknown ground conditions
 - iii. Site services upgrades
 - iv. City of Albany management costs
 - v. Loose furniture and equipment
 - vi. Canopy structure; and
 - vii. Any associated works related to the hotel development interface, such as coordination of services and infrastructure etc.
 - c) The City would accept cash-in-lieu payment for the amount identified in the quantity survey plus additional factors listed under points i – vii above.
 - d) The City would prefer to undertake the management of these works given our existing network of suppliers and knowledge and to ensure materiality and construction standards are consistent with the existing Middleton Beach Public realm.
 - e) The applicant is advised that the proposed development and works within the Public Open Space “public realm land” do not form part of this development application for “Hotel (Serviced Apartments), Tavern & Shop” land uses. The proposed development and works within the Public Open Space “public realm land” will be the subject of a separate application to be assessed and determined by the City in the future.
11. With respect to the cash-in-lieu of car parking payment:
- a) Based on current construction costs, the cash-in-lieu contribution is determined to be \$4,500 per bay and includes:
 - a) Earthworks;
 - b) Drainage;
 - c) Kerbing;
 - d) Bitumen;
 - e) Line marking; and
 - f) Miscellaneous (surveys, traffic control, site facilities, drawings etc).
 - b) Please note land value is not included in the cash in-lieu contribution amount.
 - c) This amount is consistent with contributions received from other businesses in the immediate vicinity.
 - d) Alternatively, the City would be happy to arrange an independent valuation for cash-in-lieu payments at the applicants request.

Tony Arias

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12. With respect to the Traffic Management Plan:
- a) The Traffic Management Plan should include the recommendations contained within the Traffic Impact Statement dated October 2023 by KCTT.
 - b) The Traffic Management Plan should also detail how safe access for pedestrians entering the 'shared' zone at the vehicle entrance to the Hotel (Serviced Apartments) will be provided, including any potential modification to the 'shared zone'.
 - c) Turning circles provided for service / delivery vehicles and waste collection vehicles indicate these vehicle will require the use of entire:
 - o internal aisles
 - o external access leg; and
 - o access and egress points (to both the proposed development and Marine Drive).

This subsequently ensures no other vehicles (passenger or otherwise) are capable of using the external access leg or ground floor carpark whilst loading / unloading occurs. It is therefore expected that the Traffic Management Plan includes some form of traffic control to restrict access by other vehicles at times when loading / unloading is occurring.
 - d) Early collection of waste and/or deliveries should not be relied upon as a means to avoid additional traffic controls due to Middleton Beach's popularity as an early morning destination and the many nature-based tourist attractions in Albany and surrounds typically being most popular / attractive to tourists in the early morning.
 - e) The Traffic Management Plan shall put in place measures to ensure the carpark entry gate is automatic and closed at all times loading / unloading (including waste collection) is occurring and when vehicles are not entering / exiting the car park.
13. With respect to the Waste Management Plan:
- a) The City does not support the use of land outside of lot boundaries for the collection of waste given the likely amenity impacts on the adjacent busy children's playground, alfresco dining, designate ACROD bays and the public realm.
 - b) Updates to the Waste Management Plan shall address:
 - i. Organic waste disposal
 - ii. Internal transfer of waste
 - iii. Inconsistencies with traffic impact statement
 - iv. Loading in hotel deliveries area including confirmation the local waste contractor is willing to move individual bins from the bin store to the hotel deliveries area to load waste onto the vehicle during collection.
 - v. Collection vehicle size limitations.
 - vi. Collection timing.
 - vii. Stakeholder responsibilities.
 - viii. Updates to the refuse storage area to ensure it is able to accommodate the required number and size of bins consistent with the collection ability of the local waste contractor at the time of submission and it is;
 - of sufficient size to accommodate all receptacles used on the premises;
 - screened from public view

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- constructed of brick, concrete or other material deemed suitable by the City of Albany;
 - have walls a minimum of 1.5m high, access way a minimum of 1m wide and fitted with a self closing gate;
 - contain a smooth, impervious, non-slip floor a maximum of 75mm thick and evenly graded to the sewerage system;
 - easily accessible; and
 - provided with a tap and connected to an adequate water supply.
14. With respect to the Screening Plan:
- a) This condition seeks to address any plant, mechanical and/or servicing infrastructure that may not have been addressed or considered in detail with the development application.
 - b) The addition of any further plant, mechanical and/or servicing infrastructure to the rooftop is unlikely to be supported by the City of Albany given the prominence of the rooftop in views of significance and the contribution of the rooftop design in the attainment of Design Excellence.
15. With respect to the requirement for an updated and peer reviewed Bushfire Management Plan and Bushfire Emergency Evacuation Plan:
- a) The proposed land use is considered a 'Vulnerable Land Use' under *State Planning Policy 3.7 Planning in Bushfire Prone Areas* and associated Guidelines version 1.4. This means the Bushfire Management Plan (BMP) and associated Bushfire Emergency Evacuation Plan (BEEP) should be completed by a Level 3 Bushfire Practitioner.
 - b) The Level 3 Bushfire Practitioner may require amendments to the documentation which may necessitate an amended Development Application and or additional referrals to the Department of Fire and Emergency Services.
16. With respect to the Signage Strategy:
- a) The signage strategy shall include:
 - o Clear illustrative details, including a site plan and elevation details to demonstrate where sign/s are proposed to be sited and displayed.
 - o Clear sign dimensions.
 - o Details of any existing signage proposed to be retained.
 - o Details of any proposed illumination.
 - b) Development approval will not be required for signage that is consistent with the approved signage strategy.
 - c) Once a signage strategy is approved, all signage on site shall be consistent with this document unless otherwise approved by the City under separate development approval.
17. With respect to the Initial Sustainability Assessment:
- a) The *City of Albany Local Planning Scheme No. 2* requires all development within the Middleton Beach Activity Centre to '*incorporate sustainable technologies and design including best practice with regard to energy efficiency, water sensitive urban design and fire safety.*'
 - b) Sustainability is also included as one of the principles of good design under *State Planning Policy 7: Design of the Built Environment* and measures proposed assisted in the development achieving 'Design Excellence' following the State Design Review Panel processes.

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18. With respect to the Acoustic Report:
 - a) Noise modelling should occur as the design progresses with regard to noise from the ground floor, food and beverage and mechanical plant. The City should be advised of the outcomes of this noise modelling and any further noise mitigation measures required.
 - b) Acoustic privacy and noise pollution are addressed under the *Middleton Beach Design Guidelines*.
19. With respect to the loading and unloading of goods, the City does not support the use of any land outside of lot boundaries for delivery, collection or waste loading.
20. With respect to outdoor lighting, 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.
21. With respect to air conditioning units, the applicant has advised that all air conditioning is a central variable refrigerant flow system, with all condensers to be located within a dedicated plant room, off the car park, entirely screened from public view. This arrangement is supported by the City.
22. With respect to *National Construction Code* requirements for Construction in Bushfire Prone Areas, to ensure compliance with condition 33, the development hereby approved shall be constructed in accordance with the construction requirements for BAL-29, as per the “AS 3959 BAL Contour Map” dated 15/08/2021 by Element Advisory Pty Ltd.
23. With respect to bulk storage of high-risk materials:
 - a) A high-risk material is considered any material, which may lead to the potential ignition, prolonged duration and/ or increased intensity of a bushfire.
 - b) For more information on what may be considered ‘bulk storage’ or a ‘high-risk material’ contact Planning Services at the City of Albany.
24. With respect to the Level 2 landscaped terrace as marked in red on the approved plans:
 - a) Public use of this area has not been proposed.
 - b) The City has no in-principle concerns with this area being accessible to the general public however, this would add substantially to car parking calculations and associated cash-in-lieu requirements.
 - c) This City may consider one-off events and the like in this area.
25. With respect to the solar photovoltaic panels:
 - a) The visually appealing rooftop made a notable contribution to the attainment of Design Excellence at the State Design Review Panel.
 - b) Placing the solar photovoltaic panels on an angle on the rooftop may mitigate the excellent design outcome.

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26. With respect to the plant and/or pump room exhaust:
- a) The plant and pump rooms are adjacent a well-used pedestrian pathway from the Marine Drive carpark to the beach.
 - b) It is considered that having plant and/or pump room exhaust or the like expelling onto pedestrians using this pathway would unreasonably impact pedestrian amenity.
27. With respect to the carpark entry gate:
- a) The City has previously advised the applicant that a high-quality carpark entry door would be required should use of the Marine Drive accessway be proposed (Structure Plan variation), given the need to screen views from the beach, the adjacent children's playground and alfresco dining area and to ensure existing amenity is not compromised. It is considered this entry door (as proposed) achieves this criterion.
 - b) It is important the carpark entry door remains automatic as proposed to ensure loading areas, activities and the carpark are appropriately screened from the public realm.
 - c) Ensuring the door remains closed will ensure the acoustic and visual amenity of the locality, including the children's playground and 3 Anchors alfresco dining area is maintained.
 - d) Given the limited difference between the roof height of the internal carpark and the height of the waste collection vehicles it is recommended that a sliding gate be installed to ensure waste collection vehicles are not obstructed by roof mounted doors.

General Advice:

1. The proponents will require a 'Permit to Operate an Outdoor Eating Facility' under the *City of Albany Activities on Thoroughfares and Public Places and Trading Local Law 2011* and the City of Albany Trading in Public Places Council Policy before operating the alfresco dining area.
2. The proponents will require a 'Permit for use of Local Government Property' under the *City of Albany Local Government Property Local Law 2011* to construct the required canopies / pedestrian shelters surrounding the development.
3. The subject site is an area at risk of being affected by coastal processes. The City's responsibility and liability in relation to impacts from coastal hazards is limited to the public realm.
4. All setbacks shall be taken from the legal lot boundary, as set out by a licensed surveyor.

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The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The Panel having considered the Responsible Authority Report (RAR) and all materials and information presented, was satisfied with the RAR recommendation but with the amended conditions and advice notes.

The Panel was satisfied that the proposed 'Hotel, Serviced Apartment, Tavern and Shop' uses are discretionary uses within the 'Special Use 5' zoning under the City's Local Planning Scheme No. 2 and capable of being approved. The proposed 'Hotel, Serviced Apartment, Tavern and Shop' development is also generally consistent with the Middleton Beach Activity Centre Structure Plan. The proposal was consistent with the planning framework and supported by the RAR.

The proposal for a Hotel (Service Apartments), Tavern and Shop development is considered to generally meet the requirements of the City's Local Planning Scheme, applicable Structure Plan, associated Design Guidelines and relevant local and state planning policies.

The Panel noted that the application has been assessed by the State Design Review Panel, which had stated that 'the proposal achieves an excellent design outcome' and attained 'Design Excellence'. It had also addressed the ten principles of good design established under SPP 7 – Design of the Built Environment. There was discussion on the proposed carparking deficit and use of cash-in-lieu payments to provide additional car parking facilities.

There was discussion on the proposed carparking deficit and use of cash-in-lieu payments to provide additional car parking facilities. The proponent and City provided detailed information which assisted the Panel to conclude that suitable carparking facilities and strategies were in place to address this issue.

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8.2 No.38 (Lots 213, 214 & 215) Spencer St & No.28 (Lot 212) Stirling Tce, Albany

Development Description: Proposed mixed use development (19 x two storey grouped dwellings, demolition of two storey heritage building and replacement new two storey residential building (6 x multiple dwellings) and partial demolition, alterations and additions to existing commercial buildings

Applicant: Advance Housing Ltd
Owner: Advance Housing Ltd
Responsible Authority: City of Albany
DAP File No: DAP/23/02546

REPORT RECOMMENDATION

Moved by: John Syme

Seconded by: Cr Paul Terry

It is recommended that the Regional JDAP resolves to:

1. **Defer** DAP Application reference DAP/23/02546 and accompanying plans (Attachments 1& 2) for up to 6 months (until 1 August 2024), in accordance with the reasons below.

Reasons

1. To enable the preparation and submission of revised plans and supporting documentation by the applicant for detailed assessment by the local government, to address following:
 - a) The new residential development component of the proposal located in the northeastern corner of Lots 213 & 215 being designed in accordance with the impending gazettal of the amended State Planning Policy 7.3 Residential Design Codes (Part C - Medium Density Code) expected second quarter 2024.
 - b) Other outstanding matters as outlined in the Responsible Authority Report below, specifically in regard to heritage considerations, stormwater management and vehicle access and manoeuvring.

AMENDING MOTION 1

Moved by: John Syme

Seconded by: Cr Paul Terry

The following amendments were made en bloc.

- (i) That Reason. 1 b) be amended to read as follows:

*Other outstanding matters as outlined in the Responsible Authority Report below, specifically in regards to heritage considerations, stormwater management and vehicle access and manoeuvring. **This includes the information contained in the heritage advice provided by Urbis and by Helen Munt.***

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(ii) That a new Reason. 1 c) be added to read as follows:

Investigation of retention of key heritage elements, including Norman House.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify the extent of matters that required further consideration prior to reconsideration of the application by the Panel.

REPORT RECOMMENDATION (AS AMENDED)

It is recommended that the Regional JDAP resolves to:

Defer DAP Application reference DAP/23/02546 and accompanying plans (Attachments 1 & 2) for up to 6 months (until 1 August 2024), in accordance with the reasons below.

Reasons

1. To enable the preparation and submission of revised plans and supporting documentation by the applicant for detailed assessment by the local government, to address following:
 - a) The new residential development component of the proposal located in the northeastern corner of Lots 213 & 215 being designed in accordance with the impending gazettal of the amended State Planning Policy 7.3 Residential Design Codes (Part C - Medium Density Code) expected second quarter 2024.
 - b) Other outstanding matters as outlined in the Responsible Authority Report below, specifically in regard to heritage considerations, stormwater management and vehicle access and manoeuvring. This includes the information contained in the heritage advice provided by Urbis and by Helen Munt.
 - c) Investigation of retention of key heritage elements, including Norman House.

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The Panel was advised that the Grouped Dwelling component of the development was designed in accordance with the provisions of the Medium Density Code and do not meet minimum requirements of the current version of the R-Codes. However, due to the pending endorsement of the Medium Density Code, it was considered that the application be deferred to enable the local government to undertake further assessment of the proposal, including potential revised plans. It was noted that the applicant had agreed to the recommended deferral.

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The Panel considered that the impacts on the significance of the heritage places Norman House, Reeve’s Timber Yard and Hardware and Cheyne’s Stables had not been adequately addressed in the application, noting the level of public interest on the proposal, and the concerns raised during consultation in relation to heritage matters. The Panel considered that the applicant should further address the works proposed to heritage protected places and the potential amendments to the proposal through the submission of revised plans.

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications –

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DP/14/00039 DR65/2020	Shire of York	Lots 4869 (2256), 5931, 9926 (2948) and 26934 Great Southern Highway, St Ronans	Construction and Use of Allawuna Farm for the purposes of a Class II Landfill	28 July 2020
DAP/21/02063 DR241/2021	Shire of Dardanup	Lot 2 Banksia Road, Crooked Brook	Cleanaway Dardanup Landfill Facility	5 November 2021
DAP/23/02479 DR146/2023	Shire of Capel	Lot 148 (No.168) Skippings Road, Boyanup	Extractive Industry Development Proposal	30 August 2023
DAP/23/02506 DR199/2023	Shire of Augusta-Margaret River	Lot 11 & 12 Fearn Avenue, Margaret River	Proposed Hotel and Restaurant	22 December 2023
DAP/23/02549 DR197/2023	City of Greater Geraldton	Lots 150 - 151 (205 and 181-195) Marine Terrace, Lot 152 (15) Fitzgerald Street and Lot 153 (222-228) Lester Avenue, Geraldton	Proposed Mixed Use Development	3 January 2024

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11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11.57am.

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