

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

22 FEBRUARY 2011

- NOTES:**
1. This Meeting makes Recommendations to the Manager Planning & Development. Services
 2. Should any Elected Member wish to discuss the content of any item included as part of the attached agenda, please contact Peter Prendergast, Manager Planning & Development Services. Contact should be established as soon as possible after the publication of the agenda to the City of Melville website. Contact details are as follows: peter.prendergast@melville.wa.gov.au or Tel 9364 0626.
 3. Should an Elected Member propose that an item on this agenda be referred to Council for determination, a request to that effect must be made to the Chief Executive Officer (CEO). This request must be received by the CEO by midday on the Friday following the publication of the Development Advisory Unit (DAU) agenda to the City's web site.
 4. Should any applicant or adjoining property owner object to any proposal included as part of this DAU agenda, then an opportunity exists to request that the application be determined by Council. All such requests are subject to the discretion of the CEO, and must be received by him no later than midday on the Friday following the publication of the DAU agenda to the City's web site.
 5. In the absence of any referral request, a decision on any application included as part of this DAU agenda can take place under delegated authority to the Manager Planning & Development Services, after midday on the Friday after the publication of the agenda to the City's website.

DISTRIBUTED: 28 FEBRUARY 2011



**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,
BOORAGOON, COMMENCING AT 9:00 AM ON TUESDAY, 22 FEBRUARY 2011.**

PRESENT

P Prendergast (Presiding Member)	Manager Planning & Development Services
T Capobianco	Principal Building Surveyor
A Templeton	Planning Services Coordinator
H Shigeyoshi	Senior Planning Officer
L Anderson	Senior Planning Officer
R Bailey	Special Projects Officer (Engineering Design)
M Snell	Senior Team Leader Landscape Construction

APOLOGIES

IN ATTENDANCE

OBSERVERS

DISCLOSURES OF INTEREST

ELECTED MEMBERS' ATTENTION

Nil

DELEGATED AUTHORITY – PLANNING AND RELATED MATTERS DA-020

The following items are recommendations to the Manager Planning & Development Services for decision.

DISCLOSURE OF FINANCIAL INTERESTS LOCAL GOVERNMENT ACT 1995

Members' interests in matters to be discussed at meetings to be disclosed

S.5.65 (1) A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

Meeting to be informed of disclosures

S.5.66 If a member has disclosed an interest in a written notice given to the Chief Executive Officer before a meeting then before the meeting -

- (a) the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

Disclosing members not to participate in meetings

S.5.67 A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for 2 years.

Please refer to your Handbook for definitions of interests and other detail.

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U11/321- (MS) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 22 FEBRUARY 2011

No.	LOCATION	TREE/BACKGROUND	RECOMMENDATION
1	19 Olding Way Melville Relates to DA- 2010-1162	Mature Callistemon viminalis in moderate health.	Allow the removal of the tree and replacement with two semi mature trees. All associated costs are to be borne by the Applicant as per City of Melville Street Tree Policy – CP-029



U11/0321- (MS) - STREET TREE REMOVAL REQUESTS RELATIVE TO DEVELOPMENT PROPOSALS AT DAU MEETING 22 FEBRUARY 2011

No.	LOCATION	TREE/BACKGROUND	RECOMMENDATION
2	85 Birdwood Circus East, Bicton Relates to DA-2010-948	Mature Queensland Box Tree (Lophostemon conferta) in good health.	Refuse the request to remove the tree as there is sufficient room on the verge to construct a crossover whilst providing a 1 metre clearance from the base of the tree.



**U11/0322 PROPOSED TWO STOREY ANCILLARY ACCOMMODATION ON LOT 73 (58)
HARRIS STREET, BICTON (REC) (ATTACHMENT)**

Ward	:	Bicton/Attadale
Category	:	Operational
Application Number	:	DA-2010-787
Property	:	Lot 73 (58) Harris Street, BICTON WA 6157
Proposal	:	ANCILLARY ACCOMMODATION
Applicant	:	Mr T P McGellin
Owner	:	Mr T P McGellin
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	:	Peter Prendergast Manager Planning and Development Services
Previous Items	:	Not Applicable

AUTHORITY / DISCRETION

Definition

	Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
	Executive	<i>the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
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	Review	<i>when Council review decisions made by Officers.</i>
✓	Quasi-Judicial	<i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, application for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

**U11/0322 PROPOSED TWO STOREY ANCILLARY ACCOMMODATION ON LOT 73 (58)
HARRIS STREET, BICTON (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Planning approval is sought for the construction of a two storey structure, proposed to be used as ancillary accommodation, at 58 Harris Street, Bicton.
- The proposed ancillary accommodation is sited within the rear garden area.
- The proposed development satisfies the Acceptable Development provisions of the Residential Design Codes (R-Codes) with the exception of floor area and privacy.
- The application has been advertised to surrounding land owners with three objections being received. The objections mainly relate to visual privacy, building bulk and overdevelopment of the site.
- A condition of approval is recommended to require compliance with the Acceptable Development criteria of the R-Codes relating to visual privacy.
- Otherwise, the proposed development satisfies the Performance Criteria of the R-Codes relating to ancillary accommodation subject to a condition requiring the finished floor level to be dropped by 500mm.
- The application is recommended for conditional approval.



**U11/0322 PROPOSED TWO STOREY ANCILLARY ACCOMMODATION ON LOT 73 (58)
HARRIS STREET, BICTON (REC) (ATTACHMENT)**

BACKGROUND

The subject area is located directly opposite Bicton Primary School and within walking distance of Melville Plaza shopping Centre. The subject site rises approximately three metres from front to rear and contains an existing single storey dwelling.

Scheme Provisions

MRS Zoning : Urban
 CPS 5 Zoning : Living Area
 R-Code : R17.5
 Use Type : Residential
 Use Class : P-Use – use is permitted

Site Details

Lot Area : 839sqm
 Retention of Existing Vegetation : Not Applicable
 Street Tree(s) : Not Applicable
 Street Furniture (drainage pits etc) : Not Applicable
 Site Details : Refer to photo above
 U11_0322_February_2011.pdf_A copy of the plans forms part of the attachments to the Agenda, which were distributed to Members of the Council on Monday 28 February 2011

DETAIL

Development Requirements

The proposal satisfies all of the relevant provisions set out within Community Planning Scheme No. 5 (CPS5), the R-Codes and Council policies with the exception of the following:

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Floor area	60sqm	120sqm	Does not Comply	MPDS	
Balcony Cone of Vision	7.5m	5.7m (north) 3.6m (east)	Does not Comply	MPDS	

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Informal advertising in accordance with the R-Codes
 Neighbour's Comment Supplied: Yes
 Reason: Non-compliance with the Acceptable Development provisions of the R-Codes
 Support/Object: Two objections and one stating no objection

**U11/0322 PROPOSED TWO STOREY ANCILLARY ACCOMMODATION ON LOT 73 (58)
HARRIS STREET, BICTON (REC) (ATTACHMENT)**

Affected Property	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
<p>60 Harris Street</p> <p>7 Fifth Street</p>	<p>Concerned the ancillary accommodation will have an adverse impact upon privacy.</p> <p>The two storey building creates an imposing and unattractive structure. The floor levels should be lowered to reduce the overall impact of the dwelling.</p> <p>There is nothing that will prevent the owners from renting out the dwelling, increasing traffic, noise and reducing amenity and therefore resale value of their home.</p> <p>The dwelling will remove the existing vistas to the south west of their property.</p>	<p>Objection</p>	<p>A condition is recommended to require the balcony is modified or screened. In that way it will satisfy the Acceptable Development criteria relating to visual privacy.</p> <p>Impacts of bulk are considered in the Comment section below. A condition of approval is however recommended to require the floor level be dropped by 0.5m to alleviate impacts of bulk on adjoining properties.</p> <p>A standard condition is recommended which limits occupation of the ancillary accommodation to family members from the main residence only. This includes a notification on the Certificate of Title.</p> <p>The proposal is compliant with height and setback requirements.</p>	<p>Condition</p> <p>Condition</p> <p>Condition</p> <p>Not uphold</p>

**U11/0322 PROPOSED TWO STOREY ANCILLARY ACCOMMODATION ON LOT 73 (58)
HARRIS STREET, BICTON (REC) (ATTACHMENT)****REFERRALS TO GOVERNMENT AGENCIES**

No referrals to external agencies are required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City resolve to refuse the proposal, the application may be the subject of review at the State Administrative Tribunal.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this proposal.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

There are no anticipated strategic or risk management implications

POLICY IMPLICATIONS

There are no policy implications as a result of this development

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This application is recommended for approval under delegation through the DAU process. Should Elected Members, or interested third parties have an alternative view, the DAU 'call-up' procedures provide opportunity to call the matter up for formal Council consideration.

COMMENTS

As outlined above, it is proposed to construct a two-storey ancillary accommodation dwelling at 58 Harris Street, Bicton.

The proposal satisfies all of the relevant requirements set out within CPS5, the R-Codes and the Council policies with the exception of those matters assessed below.

**U11/0322 PROPOSED TWO STOREY ANCILLARY ACCOMMODATION ON LOT 73 (58)
HARRIS STREET, BICTON (REC) (ATTACHMENT)**Floor Area

The Acceptable Development provisions relating to Ancillary Accommodation allow a maximum floor area of 60sqm whereas a floor area of 120sqm is proposed.

The proposed ancillary accommodation will contain a single car garage, utility area, living room and kitchen on the ground floor and one bedroom and a bathroom on the upper floor. The small habitable area of the dwelling is considered to limit the accommodation of the dwelling to one or two people.

The Applicant has stated that he intends to occupy the proposed dwelling to provide assistance to his aging parents. A condition of approval is recommended to ensure that only family members of the primary residence occupy the ancillary accommodation. This condition includes a requirement that a notification as such be imposed on the Certificate of Title. This is accepted standard practice in such cases.

The proposal is set back sufficiently from boundaries to satisfy the Acceptable Development provisions relating to setbacks. Furthermore, the proposal satisfies the height provisions set out within CPS5. Notwithstanding, due to the sloping nature of the site and the proposed two storey construction, a condition of approval is recommended to reduce the floor level of the dwelling by 0.5m to ameliorate the bulk of the building as viewed from the adjoining properties.

Overall, the proposal is considered to satisfy the Performance Criteria of the R-Codes relating to ancillary accommodation.

Privacy

A balcony is proposed along the northern side of the upper floor level accessed via the bedroom. However the balcony does not satisfy the Acceptable Development criteria of the R-Codes relating to visual privacy towards the adjoining properties to the north and east.

The balcony would allow views over the rear garden areas of the eastern and northern adjoining properties, contrary to the Performance Criteria. The provision of screening, or another measure to alter the balcony, will bring it into compliance. As such a condition of approval is recommended to require the balcony be altered or screened in accordance with the Acceptable Development criteria of the R-Codes.

Clause 7.8 of CPS5 Considerations

The proposed development has been assessed in accordance with the amenity provisions outlined by Clause 7.8 of CPS5. It is concluded that the details of the proposal are acceptable in this context, notwithstanding the variations sought.

CONCLUSION

It is considered that the application (subject to appropriate conditions) suitably addresses the provisions and requirements of CPS5 and the R-Codes. Accordingly, it is recommended that the application be approved, subject to the imposition of conditions as outlined.

**U11/0322 PROPOSED TWO STOREY ANCILLARY ACCOMMODATION ON LOT 73 (58)
HARRIS STREET, BICTON (REC) (ATTACHMENT)****OFFICER RECOMMENDATION (U11/0322)****(APPROVAL)**

- A) That the proposed two-storey ancillary accommodation unit on Lot 73 (58) Harris Street, Bicton be approved subject to the following conditions:

SPECIAL CONDITIONS:

1. Prior to the occupation of the ancillary accommodation hereby approved, the northern and eastern elevations of the balcony (as marked in red on the approved plans) must be permanently screened with visually impermeable and fixed material to a minimum height of 1.6m above the finished floor level, or an alternative measure that satisfies Clause 6.8.1 (A1) of the Residential Design Codes must be employed. Amended plans detailing the modifications required to satisfy this condition are to be submitted to and approved by the City prior to the issue of a Building Licence.
2. The finished floor level of the ancillary accommodation is to be set at 500mm below that indicated on the plans hereby approved. Amended plans to this effect must be submitted to, and approved by the City, prior to the issue of a Building Licence.
3. A notification under section 70A of the Trans required fer of Land Act 1893 is to be prepared and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot prior to commencement of the development. This notification is to read as follows:
“The occupation of the ancillary accommodation is limited to family members of the occupants of the main dwelling”.
The notification is to be prepared by the City with any legal or other fees being at the owner’s expense.

STANDARD CONDITIONS:

4. All Stormwater and drainage run off to be contained on site. An onsite stormwater drainage system with a capacity to contain a 1:100 year storm of a twenty-four (24) hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Planning and Development Services. All downpipes to be connected to soakwells. The proposed stormwater drainage system is required to be shown on the Building Licence submission for approval prior to the commencement of construction.
5. Roofing materials shall not be highly reflective (e.g. Zinc, white or Surfmist colour metal roofing may only be permitted through special planning consent).
6. Prior to the commencement of any construction the Council requires the provision of a suitable receptacle for the containment of windblown rubbish. The receptacle (generally a wire mesh cage) should have maximum openings of 100mm; have a base of 4m² and a height of 1m and a hinged lid. The receptacle should not be allowed to overflow.

**U11/0322 PROPOSED TWO STOREY ANCILLARY ACCOMMODATION ON LOT 73 (58)
HARRIS STREET, BICTON (REC) (ATTACHMENT)**

- 7. A 1.8 metre high fence to be provided from the highest retained ground level. All fencing to be provided in accordance with the Dividing Fences Act and be constructed as a minimum standard of fibre cement.**
 - 8. Ground levels may not be changed other than approved as part of this approval.**
 - 9. Nothing in this Planning Approval authorises any works outside the surveyed boundaries of the lot the subject of this Planning Approval.**
- B) That the affected adjoining landowners be advised of A) above.**

U11/0323 ADDITIONS TO THE EXISTING MELVILLE AQUATIC CENTRE AT 521 MARMION STREET, BOORAGOON (REC) (ATTACHMENT)

Ward	:	City
Category	:	Operational
Application Number	:	DA-2010-1535
Property	:	Melville Aquatic Centre, 521 Marmion Street, BOORAGOON WA 6154
Proposal	:	ADDITIONS AND ALTERATIONS
Applicant	:	City of Melville
Owner	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	:	Peter Prendergast Manager Planning Development Services
Previous Items	:	N/A

AUTHORITY / DISCRETION

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U11/0323 ADDITIONS TO THE EXISTING MELVILLE AQUATIC CENTRE AT 521 MARMION STREET, BOORAGOON (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought for additions and alterations to the Melville Aquatic Centre.
- As a Local Open Space Reserve, there are no special development requirements for the site under Community Planning Scheme No. 5 (CPS5).
- Clause 3.4 of CPS5 requires that development on a Local Reserve should have regard to the ultimate purpose intended for the reserve.
- The additions result in a five bay car parking shortfall on-site however this is supported due to the nature of the centre, the location of the site close to public transport and the proximity of the site to surrounding residential properties which allow people to walk or bike.
- It is considered that the proposal will not result in any significant adverse impacts upon the amenity of the area and the use of the reserve.
- It is recommended that the proposal be approved subject to conditions.



U11/0323 ADDITIONS TO THE EXISTING MELVILLE AQUATIC CENTRE AT 521 MARMION STREET, BOORAGOON (REC) (ATTACHMENT)**BACKGROUND**

In September 2000, planning approval was granted for the construction of the Melville Aquatic Centre.

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Local Reserve – Local Open Space
R-Code	: N/A
Use Type	: N/A
Use Class	: N/A

Site Details

Lot Area	: 88063m ²
Retention of Existing Vegetation	: Removal of on site trees
Street Tree(s)	: N/A
Street Furniture (drainage pits etc)	: N/A
Site Details	: See above photo

U11_0323_February_2011.pdf A copy of the plans forms part of the attachments to the Agenda, which were distributed to Members of the Council on Monday 28 February 2011.

DETAIL

The proposal is for additions and alterations to the existing Melville Aquatic Centre. This entails the addition of a new fitness room, reception area and a water playground in conjunction with other internal alterations to reconfigure the existing internal areas.

The proposed additions will allow an increase in the number of patrons the centre can accommodate by 300 persons to a total of 2030 people.

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required:	No
Neighbour's Comment Supplied:	N/A
Reason:	N/A
Support/Object:	N/A

REFERRALS TO GOVERNMENT AGENCIES

Required:	No
Reason:	N/A
Support/Object:	N/A

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory and legal implications of the proposal as the Council is the applicant.

U11/0323 ADDITIONS TO THE EXISTING MELVILLE AQUATIC CENTRE AT 521 MARMION STREET, BOORAGOON (REC) (ATTACHMENT)**FINANCIAL IMPLICATIONS**

There are no specific financial implications relative to the determination of this application. The wider financial implications of this proposed development have already been considered by Council at its meetings in May 2010 and February 2011.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

There are no anticipated strategic or risk management implications

POLICY IMPLICATIONS

Council's policies do not apply to developments on reserves however; an assessment of the car parking has been undertaken, and this was informed by the guidance provided by Council's Non-Residential Car parking policy.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This application is recommended for approval under delegation through the DAU process. Should Elected Members, or interested third parties have an alternative view, the DAU 'call-up' procedures provide opportunity to call the matter up for formal Council consideration.

COMMENTSUse of Reserve:

The subject site is a Local Open Space Reserve under CPS5. There are no applicable development provisions pertaining to reserves within CPS5, however Clause 3.4 states that Council in determining an application for planning approval on a reserve shall have regard to the ultimate purpose of the reserve.

In addition to the above, Clause 3.4 also requires that Council has regard to the matters outlined within Clause 7.10, however this clause pertains to the Time for Determination provisions of CPS5. It is considered that this is a textual error and Clause 3.4 should instead refer to Clause 7.8: Matters to be considered by Council, which pertains to impacts upon amenity. This anomaly will be removed once the existing CPS No 5 is replaced with the new Town Planning Scheme.

Council initially approved an application for the development of the aquatic centre complex in 2000, with construction taking place soon after. The proposed additions to the building now proposed are designed to expand upon the existing functions of the centre as an aquatic and recreational centre for the community. This is considered to be consistent with the nature and intent of the reserve, as required in Clause 3.4 of CPS5.

Reserve Trees

Approximately 9 trees will be removed as a result of the development proposed. No issues relating to the removal of these trees have been identified by officers of the Councils Technical Services Directorate, and there will remain extensive tree and landscape cover across the reserve, notwithstanding the development now proposed. The removal of the trees is supported on that basis.

U11/0323 ADDITIONS TO THE EXISTING MELVILLE AQUATIC CENTRE AT 521 MARMION STREET, BOORAGOON (REC) (ATTACHMENT)

Clause 7.8 Considerations

The additions to the aquatic centre will enhance the facility, enabling an increase to the numbers of patrons that can be accommodated at it, and improving the quality and range of facilities on offer. The Aquatic Centre is a well used and highly regarded community resource. The improvements to the facility now proposed will enhance this community benefit.

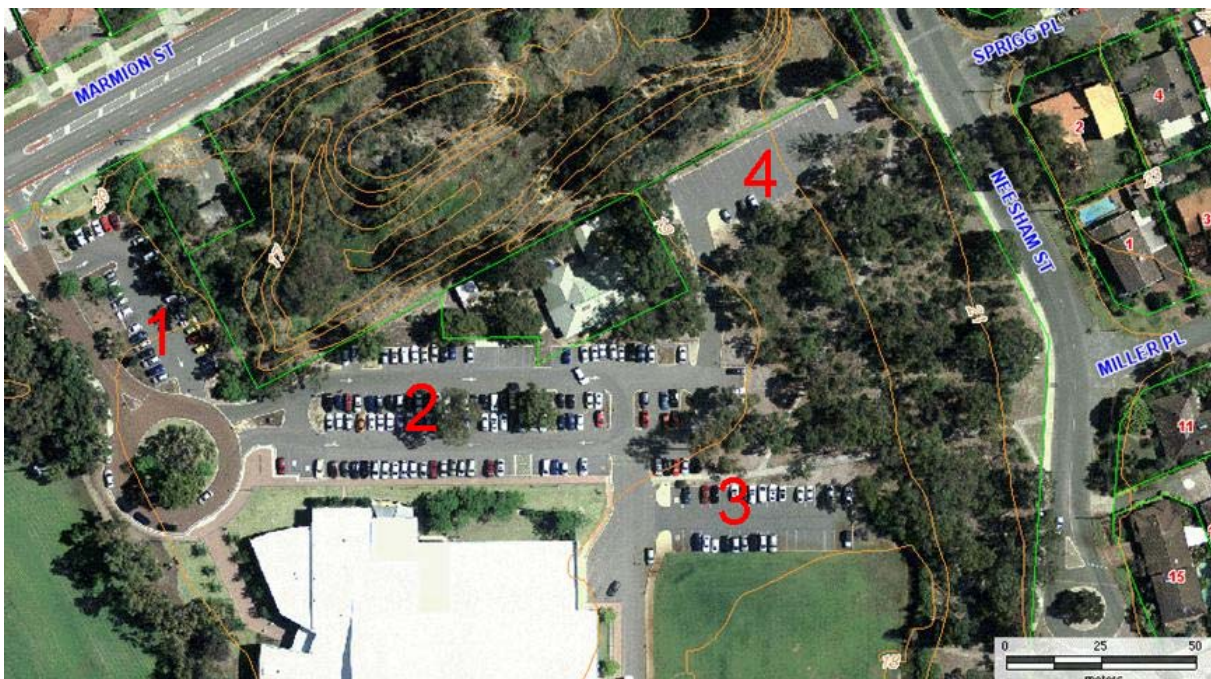
The proposed extensions are sited predominantly along the southwest and southern side of the centre. Due to the location of the centre within the centre of Len Shearer reserve and the vegetation surrounding it, the additions will not be highly visible from the surrounding area. In addition, the additions will not impair the use of the reserve by sporting teams and other community groups. As such it is considered that the proposed development is acceptable in the context of Clause 7.8 of CPS5, and should be supported on that basis.

Car Parking

A Car Parking Assessment has been undertaken in accordance with the guidance contained within Councils Non-Residential Car Parking policy.

This concludes that the centre currently has a public building certificate which allows a maximum capacity of 1730 persons. The original planning approval for the centre required the provision of 163 bays, which were subsequently provided in areas '3' and '4' marked on the aerial photograph below.

Since the completion of the aquatic centre, two additional car parking areas have been created; these are marked as '1' and '2' on the photograph below and are in addition to the bays required by the development approval.



U11/0323 ADDITIONS TO THE EXISTING MELVILLE AQUATIC CENTRE AT 521 MARMION STREET, BOORAGOON (REC) (ATTACHMENT)

The proposed additions will allow an additional 300 persons to be accommodated within the building resulting in a maximum capacity of 2030. Under the Councils Non-Residential Car Parking policy, the additional 300 patrons require the provision of 75 additional car parking bays.

The two additional car parking areas (1 and 2 above) contain 70 bays. Therefore, the proposed additional patronage of the centre arising from the additions results in a five bay shortfall of that required by the policy.

The five bay shortfall is supported for the following reasons:

- It is anticipated that people residing within the surrounding area will walk or bike to the centre;
- The centre is utilised by a large number of young people who are often dropped off and picked up by their parents;
- Frequent bus services operate along Marmion Street and a bus stop is located in very close proximity;
- It is considered unlikely that the swimming pool will reach the 547 person capacity allowed for under the Public Building certificate; and
- There are approximately 70 additional existing car parking bays on the south-western side of Len Shearer reserve which could be utilised by centre patrons should parking ever reach its capacity.

CONCLUSION

Overall, the proposal is considered to be consistent with the orderly and proper planning for this locality and the reserve classification of the site, given the existing use. On this basis, and given that the proposed additions and alterations will unlikely result in any significant adverse impacts upon other reserve users or property owners within the surrounding area, it is recommended that approval is granted.

OFFICER RECOMMENDATION (U11/0323)**(APPROVAL)**

THAT THE ADDITIONS AND ALTERATIONS TO THE MELVILLE AQUATIC CENTRE AT 521 MARMION STREET, BOORAGOON BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. PRIOR TO THE OCCUPATION OF THE ADDITIONS, THE EXTERNAL ELEVATIONS OF THE ADDITIONS ARE TO BE TREATED WITH AN ANTI-GRAFFITI AGENT TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 2. ALL STORMWATER AND DRAINAGE RUN OFF TO BE CONTAINED ON SITE.**

U11/0324 INSTALLATION OF A FLYING TRAPEZE STRUCTURE AT MELVILLE BOWLING CLUB, 596 CANNING HIGHWAY, ALFRED COVE (REC) (ATTACHMENT)

Ward	:	Bicton/Attadale
Category	:	Operational
Application Number	:	DA-2010-1275
Property	:	Melville Bowling Club, 596 Canning Highway, ALFRED COVE WA 6154
Proposal	:	Installation of a Flying Trapeze Rig
Applicant	:	Sky High Trapeze Pty Ltd
Owner	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	:	Peter Prendergast Manager Planning Development Services
Previous Items	:	N/A

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U11/0324 INSTALLATION OF A FLYING TRAPEZE STRUCTURE AT MELVILLE BOWLING CLUB, 596 CANNING HIGHWAY, ALFRED COVE (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought for the installation of a Flying Trapeze rig at Melville Bowling Club.
- The Western Australian Planning Commission (WAPC) has referred the application to the City for comment.
- The land to be occupied by the trapeze is to be sub-leased from the Melville Bowling Club.
- Classes are proposed to operate on Mondays, Wednesdays, Fridays, Saturdays and Sundays.
- The subject site is a reserve under the Metropolitan Region Scheme and as such there are no specific development requirements for such proposals however an assessment of the merits of the application can be made.
- The proposal is not anticipated to result in any significant impacts upon the amenity of the surrounding area, however to ensure that this is the case, and to enable a period within which the impacts of the use can be monitored, it is recommended approval be granted for a temporary period of two years
- It is recommended that the WAPC be advised that the City of Melville has no objection to the application subject to that restriction, and to the imposition of other relevant conditions.



U11/0324 INSTALLATION OF A FLYING TRAPEZE STRUCTURE AT MELVILLE BOWLING CLUB, 596 CANNING HIGHWAY, ALFRED COVE (REC) (ATTACHMENT)

BACKGROUND

Temporary approval for the installation of the trapeze rig was granted in October 2010 on Len Shearer reserve adjacent to the Melville Aquatic Centre.

Scheme Provisions

MRS Zoning : Parks and Recreation Reserve
 CPS 5 Zoning : Regional Parks and Recreation
 R-Code : N/A
 Use Type : Recreation
 Use Class : N/A

Site Details

Lot Area : 63989m²
 Retention of Existing Vegetation : N/A
 Street Tree(s) : N/A
 Street Furniture (drainage pits etc) : N/A
 Site Details : See above photo

U11_0324_February_2011.pdf A copy of the plans forms part of the attachments to the Agenda, which were distributed to Members of the Council on Monday 28 February 2011

DETAIL

The application is for the set up of a flying trapeze rig for lessons by qualified staff. 'Sky High Trapeze' is the company operating the rig under Director James Holt. Sky High's outdoor rigs require an area of 20 metres in width, 40 metres in length and a height of approximately 10m to set up adequately. Hours of operation are depicted below:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Beginners 10am-12pm	Beginners 1730 – 1930	No Classes	Int – Adv 1730 - 1930	No Classes	Beginners 1730 – 1930	Beginners 10am-12pm
Beginners 1330 - 1530						Beginners 1330 - 1530
Intermediate 1530 - 1730						Intermediate 1530 - 1730

A maximum of 14 people per class is allowed. The class ratio (staff relevant to number of students) is 3 trainers to 14 beginners and 2 trainers for intermediate and advanced classes. Sky High has arranged to purchase \$20million public liability insurance subject to confirmation of the Melville Bowling Club.

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: No
 Neighbour's Comment Supplied: N/A
 Reason: N/A
 Support/Object: N/A

U11/0324 INSTALLATION OF A FLYING TRAPEZE STRUCTURE AT MELVILLE BOWLING CLUB, 596 CANNING HIGHWAY, ALFRED COVE (REC) (ATTACHMENT)**REFERRALS TO GOVERNMENT AGENCIES**

Required: Not required as the WAPC is the determining body therefore the responsibility for consultation rests with them.
Reason: N/A
Support/Object: N/A

STATUTORY AND LEGAL IMPLICATIONS

Should the City resolve to refuse the proposal, the application may be the subject of review at the State Administrative Tribunal.

FINANCIAL IMPLICATIONS

The reserve which is proposed to be used as a base for the business is owned by the City of Melville. A portion of this reserve is leased to Melville Bowling Club however the Applicant proposes to sub-lease a portion of the club area for this business.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

There are no anticipated strategic or risk management implications

There is minimal risk to the Council given the activities (in part) are proposed to be undertaken on land owned by the City. As such the applicant has indicated that public liability insurance cover be arranged, and a condition to require this is recommended, as is the preparation of a Risk Management Plan.

POLICY IMPLICATIONS

Council's policies do not apply to developments on Metropolitan Region Scheme reserves however, an assessment of the car parking is undertaken below taking guidance from the relevant provisions of Council's Non-Residential Car Parking policy.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

It is recommended that the City raise no objections to the conditional approval of the proposed development. This recommendation is proposed under delegation through the DAU process. Should Elected Members, or interested third parties have an alternative view, the DAU 'call-up' procedures provide opportunity to call the matter up for formal Council consideration.

U11/0324 INSTALLATION OF A FLYING TRAPEZE STRUCTURE AT MELVILLE BOWLING CLUB, 596 CANNING HIGHWAY, ALFRED COVE (REC) (ATTACHMENT)**COMMENTS**Use of the Reserve

The subject site is reserved under the Metropolitan Region Scheme (MRS) for the purposes of Parks and Recreation. There are no provisions within CPS5 or Council Policies against which to assess the proposal. Despite this, it is incumbent on the City to ensure that the proposal is considered in the context of orderly and proper planning, and that development proposed upon it is consistent with the intent of the MRS reservation.

The proposed trapeze training is considered to be a recreation pursuit which requires open space. Accordingly, the proposal to utilise part of the bowling club grounds for the manner proposed is considered to be consistent with the Parks and Recreation reservation of the land. Furthermore, the installation of the rig and operation of the trapeze lessons are considered to be consistent with the Western Australian Planning Commission's (WAPC) Development Control Policy 5.3: Use of Land Reserved for Parks and Recreation.

The location of the business within the bowling club lease area is preferable as it allows both groups to utilise the existing clubrooms and facilities.

Notwithstanding this, a temporary consent period of 2 years is recommended. This will enable a more accurate consideration of the long term impacts of the proposal to be made, before permanent approval is granted.

Car Parking

As outlined above, there are no development requirements on a Local Open Space Reserve pertaining to car parking. The bowling club has a substantial amount of car parking immediately abutting the club (95 bays) which very rarely operates at capacity according to the City's Technical Services officers. On the rare occasion the bowling club car park is used to capacity there is additional car parking within walking distance located at the Tompkins park club rooms.

Safety and Risk

As safety is a potential cause of concern due to the nature of the structure and activity, it is recommended that the applicant be required to implement a Risk Management Plan. As such a condition of approval is recommended to the WAPC for this requirement to be addressed.

Noise

Due to the restricted hours of operation proposed and the distance of the site from surrounding residential properties, it is considered unlikely that there will be any significant adverse noise impacts as a result of the proposal. Notwithstanding, any noise emitted by the proposed business will need to comply with the provisions of the *Environmental Protection (Noise) Regulations 1997*. This is included as a recommended advice note.

U11/0324 INSTALLATION OF A FLYING TRAPEZE STRUCTURE AT MELVILLE BOWLING CLUB, 596 CANNING HIGHWAY, ALFRED COVE (REC) (ATTACHMENT)Amenity

The installation of the trapeze rig will diversify and increase the opportunities for recreational pursuits within the reserve. It is noted that the northernmost bowling green which is proposed to be occupied is in need of maintenance and this proposal will upgrade this area. Most importantly, the trapeze is available for use by the wider community (at a fee) and will provide a valued amenity.

The proposal is to be located along the northern-most side of the bowling club. The location of the trapeze is to be more than 150 metres away from the nearest residential properties, partially screened by the bowling club building to the south and further separated from surrounding properties by Canning Highway. Accordingly, it is anticipated that any amenity and noise impacts resulting from the proposal will be ameliorated.

CONCLUSION

In conclusion, it is considered that subject to a temporary consent only being issued at this stage, that the proposed facility is capable of being accommodated without detriment to the amenity offered by the reserve. Conditional support is therefore recommended.

OFFICER RECOMMENDATION (U11/0324)**(SUPPORT)**

THAT THE WAPC BE ADVISED THE CITY OF MELVILLE HAS NO OBJECTION TO THE PROPOSED INSTALLATION OF A FLYING TRAPEZE RIG AT MELVILLE BOWLING CLUB, 596 CANNING HIGHWAY, ALFRED COVE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. A TEMPORARY APPROVAL PERIOD OF 2 YEARS, AFTER WHICH AN APPLICATION FOR THE PERMANENT RETENTION OF THE FACILITY CAN BE CONSIDERED.**
- 2. PRIOR TO THE COMMENCEMENT OF OPERATIONS, A MANAGEMENT PLAN IS TO BE SUBMITTED TO THE CITY OF MELVILLE DETAILING THE FOLLOWING TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES:**
 - MANAGEMENT MEASURES FOR THE CONTROL OF LITTER;**
 - PREVENTION OF PUBLIC NUISANCE (INCLUSIVE OF PROHIBITIONS ON ALCOHOL CONSUMPTION, USE OF LOUD SPEAKERS AND STEREO EQUIPMENT, UNNECESSARY REVING OF ENGINES, COMPLIANCE WITH THE ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997 AND BEHAVIOUR OF STAFF AND CUSTOMERS);**
 - NON-OBSTRUCTION OF PUBLIC THOROUGHFARE OR PEDESTRIAN ACTIVITY; AND**
 - PARKING OF ALL VEHICLES ASSOCIATED WITH THE ACTIVITIES APPROPRIATELY WITHIN CONSTRUCTED PARKING BAYS AND NOT ON GRASSED AREAS.**

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U11/0324 INSTALLATION OF A FLYING TRAPEZE STRUCTURE AT MELVILLE BOWLING CLUB, 596 CANNING HIGHWAY, ALFRED COVE (REC) (ATTACHMENT)
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ONCE APPROVED, THE BUSINESS MUST BE OPERATED IN ACCORDANCE WITH THE MANAGEMENT PLAN TO THE ONGOING SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.

- 3. A SEPARATE PLANNING APPROVAL WILL BE REQUIRED FOR ANY SIGNAGE**
- 4. ALL STORMWATER AND DRAINAGE RUN OFF TO BE CONTAINED ON SITE. AN ONSITE STORMWATER DRAINAGE SYSTEM WITH A CAPACITY TO CONTAIN A 1:100 YEAR STORM OF A TWENTY-FOUR (24) HOUR DURATION IS TO BE PROVIDED PRIOR TO THE DEVELOPMENT FIRST BEING OCCUPIED AND THEREAFTER MAINTAINED TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. ALL DOWNPIPES TO BE CONNECTED TO SOAKWELLS. THE PROPOSED STORMWATER DRAINAGE SYSTEM IS REQUIRED TO BE SHOWN ON THE BUILDING LICENCE SUBMISSION FOR APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.**

ADVICE NOTES

PLEASE NOTE, ANY NOISE EMITTED BY THE BUSINESS IS TO COMPLY WITH THE PROVISIONS OF THE *ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997*.