

Swan and Canning Rivers Management Act 2006

PART 5

DETERMINATION OF DEVELOPMENT APPLICATION

FILE NUMBER	:	SRT4410
APPLICANT	:	Maylands Yacht Club
APPLICANT'S ADDRESS	:	4 Fourth Avenue East Maylands WA 6051
LANDOWNER	:	City of Bayswater
LAND DESCRIPTION	:	Lot 20 (4) Fourth Avenue, Maylands
DEVELOPMENT	:	Removal of existing timber ground level doors and addition of new colorbond and roller doors to enclose the overhanging area of the existing building
VALID FORM 1 RECEIVED	:	2 March 2012
PLANS	:	2 March 2012
DETERMINATION	:	APPROVAL WITH CONDITIONS

The application to commence development in accordance with the plans received 2 March 2012 is APPROVED subject to the following conditions:

Prior to the commencement of works

1. Approval to implement this decision is valid for two (2) years from the date of the approval. If the development has not been substantially commenced within this period, a new approval will be required before commencing or completing the development.
2. The applicant shall notify the General Manager, Swan River Trust, in writing not less than fourteen (14) days prior to the commencement of works. At that time, the proponent should identify the proposed colour of construction materials, for approval by the General Manager, Swan River Trust.
3. A construction management plan shall be submitted to, and approved by the Swan River Trust, prior to the commencement of works (*see Advice Note 3/4*).

During works

4. The proposed works shall not prevent public access along the foreshore reserve unless closure is necessary for safety purposes and has been approved by the Swan River Trust.
5. No soil, building materials, rubbish or any other deleterious matter shall be allowed to enter the river as a result of the works
6. The applicant shall ensure that no damage to the foreshore, riverbank, or waterway (including infrastructure and vegetation) occurs as a result of the works. Should any inadvertent damage occur, the applicant is required to notify the Swan River Trust within 48 hours.

Post works

7. Upon completion of the works all waste materials (including excess soil, building materials, rubbish and any other deleterious matter) shall be removed from the site and any damaged turf reinstated.

ADVICE TO APPLICANT

1. The applicant is advised that it is an offence under the *Swan and Canning Rivers Management Regulations 2007* to destroy, pull up, cut back or injure any tree, shrub, aquatic plant or other perennial plant that is in the Swan River Trust Development Control Area, except with the approval of the Trust.
2. The applicant is advised that the proposed works are located within a high to moderate acid sulfate soil (ASS) risk area. If any ASS is exposed during the works the Department of Environment and Conservation should be contacted for further advice or the soils managed in accordance with *Treatment and management of soils and water in acid sulfate soil landscapes* (DEC, 2011) and the Swan River Trust notified.
3. To allow sufficient time for the Trust to consider and approve the plan required under *Condition 3*, it should be submitted to the Trust no later than 30 days prior to the expected commencement date.
4. The construction management plan required under *Condition 3* shall address, but not be limited to:
 - a. on-site storage and bunding of materials, equipment, chemicals and fuel (including an aerial photograph with locations marked);
 - b. public access and safety;
 - c. site access;
 - d. waste management;
 - e. protection of existing vegetation;
 - f. temporary structures;
 - g. machinery;
 - h. protection of the waterway from inputs of deleterious matter;
 - i. hours of operation, timeframes and responsibility for tasks identified; and
 - j. complaints and incidents
5. In regard to *Condition 2*, the applicant is advised that the selected colour scheme for the development should be of a low reflective standard, and harmonise with the river environment.
6. The Swan River Flood Study shows the general area is affected by flooding during major flows with the 100 year ARI flood level estimated to be 3.6 m AHD. The applicant is advised to consider the likelihood of flood events when choosing appropriate construction materials for the site.

Bill Marmion

Hon Bill Marmion
Minister for Environment; Water

Date: 22nd July 2012

FILE No. : SRT4410

TRUST MEETING : 12 June 2012

SWAN RIVER TRUST REPORT

PROPOSAL : Removal of existing timber ground level doors and addition of new colorbond and roller doors to enclose the overhanging area of the existing building.

COST : \$5,000

LOCATION : Lot 20 (4) Fourth Avenue, Maylands

APPLICANT : Maylands Yacht Club

OWNER : City of Bayswater

LOCAL GOVERNMENT : City of Bayswater

MRS ZONE : Parks and Recreation

LG ZONE : Parks and Recreation

DECISION TYPE : Part 5, *Swan and Canning Rivers Management Act 2006* – Ministerial Determination

ATTACHMENTS : Attachment 1 - Floor plans
Attachment 2 - Elevations
Attachment 3 - Site photographs
Attachment 4 - City of Bayswater referral response.

RECOMMENDATION : **APPROVAL WITH CONDITIONS**

REPORT

1.0 INTRODUCTION

- 1.1 The Swan River Trust (the Trust) has received an application from the Maylands Yacht Club for the removal of existing timber ground level doors and addition of new colorbond and roller doors to enclose the overhanging area of the existing building at Lot 20 (4) Fourth Avenue, Maylands (**Attachment 1 and 2**).
- 1.2 The proposal will expand the enclosed boat storage area, providing 46m² more space without expanding the building footprint. The existing wooden doors are in poor condition and are currently a safety hazard and a security risk. The new roller doors and cladding will match the existing doors of the storage shed which adjoins the clubhouse (**Attachment 3**).
- 1.3 The location of the proposed development is on a lot that is wholly within the Swan River Trust Development Control Area (DCA). The application is therefore being processed pursuant to Part 5 of the *Swan and Canning Rivers Management Act 2006*. The Swan River Trust will provide a recommendation on the proposal to the Minister for Environment.

2.0 CONSULTATIONS

Department of Water – Swan Avon Region

2.1 The Department of Water (Swan Avon Region) advises no objections to the proposal.

Department of Water – Floodplain Management

2.2 The Department of Water (Floodplain Management) advised that whilst the proposal is located within the floodway and will be affected by major flooding, the obstruction caused by the proposed development is not considered to significantly impact the general flooding regime of the area.

2.3 Given that the proposed development is for wet storage of boats and that the development is expected to have protection from approximately 20 year average recurrence interval floods, the development is considered acceptable.

City of Bayswater

2.4 The City of Bayswater (the City) advises support for the proposal subject to conditions as described in the council resolution which can be found in **Attachment 4**.

Public Comment – Submissions of Draft Report

2.5 In accordance with the requirements of Part 5 of the *Swan and Canning Rivers Management Act 2006* a copy of the draft report and proposed recommendation has been provided to the applicant and other consultant agencies and a copy published on the Trust website for a period of three weeks from 18 June 2012 to 9 July 2012, with an invitation for public submissions.

3.0 RELEVANT POLICIES AND PLANS

- ◆ State Planning Policy 2.10 – *Swan-Canning River System*
- ◆ SRT/EA1 – *Conservation, Land Use and Landscape Preservation*
- ◆ SRT/E3 – *Flood Prone Land*

4.0 ENVIRONMENTAL AND PLANNING CONSIDERATIONS

- ◆ Visual Amenity
- ◆ Foreshore Protection
- ◆ Acid Sulfate Soils
- ◆ Contaminated Land
- ◆ Public Access and Safety
- ◆ Flood Prone Land

5.0 BACKGROUND

- 5.1 Maylands Yacht Club (The Club) has used the site at Fourth Avenue since the 1940's, and has leased the land and existing building from the City of Bayswater since 1971.
- 5.2 The building consists of two levels, the bottom level being boat storage and the upper level club rooms, with an additional boat storage shed to the south east. The building is a cream coloured brick construction with a red tiled roof.
- 5.3 The boat storage shed to the south east; approved by the Trust in June 2000, saw the installation of two cream coloured roller doors to the front of the building, facing the river.
- 5.4 The Trust issued a permit for the removal and replacement of the existing doors on the ground level boat storage area on 11 October 2011 (P10528 SRT3933).

The existing doors are brown wooden material, and were to be replaced with matching cream coloured roller doors. The applicant has amended the proposal to expand the internal floor space of the building by, instead of replacing the existing doors, installing new roller doors and cladding to the edge of the overhanging veranda. As such, the works proposed and approved under P10528 will not be enacted.

- 5.5 The current design of building with the overhang/veranda causes a shadow/dark spots (potential for hiding places) and the degraded timber doors have many gaps in them. The proposed works will address the Club's security concerns and increase their storage space.

6.0 DISCUSSION

Visual amenity

- 6.1 Trust Policy *Conservation, Land Use and Landscape Preservation* (SRT/EA1) indicates that development should seek to enhance and protect the character and landscape setting of the river through the protection of tree lines and avoidance of stark and discordant colours, forms and bulk.
- 6.2 State Planning Policy SPP 2.10: *Swan-Canning River System* (SPP2.10) indicates that development should maintain and enhance the quality and setting of the river, with the selection and use of external finishes and materials generally based on materials and hues naturally occurring or predominantly used in the local area.
- 6.3 The lot directly adjacent to Lot 20, facing the river, is Reserve 39675 – Maylands Yacht Club Reserve. This demonstrates the long term, integrated nature of the yacht club. Users of the reserve are well aware of its use by the Club and related infrastructure is expected.
- 6.4 The removal of the existing aged wooden doors and cladding will improve the appearance of the building and the proposed new doors will match those used to the front of the storage shed adjoining the south east of the building.

Foreshore protection

- 6.5 Trust policy SRT/EA1 seeks to maintain and enhance the quality and amenity of the river environment.
- 6.6 The existing Yacht Club building is located approximately 40 metres from the Swan River, so there is little risk of detrimental impacts to the river or foreshore area at the site. Between the existing building and the river is an open lawn area (**Attachment 1**).
- 6.7 The works will not require the removal or pruning of any vegetation. However, there are some trees in the area adjacent to the building that should be protected during the building works. A condition of approval requesting a construction management plan will address this issue.
- 6.8 Provided the works are carried out in a responsible manner, and the site is kept in a clean and tidy state, there is unlikely to be any negative impact on the river or the foreshore.

Acid sulphate soils

- 6.9 SPP2.10 identifies the risks of acid sulphate soils (ASS) and states that measures should be taken to minimise risks associated with such soils.
- 6.10 The site is located within a high to moderate acid sulphate soil risk area. The proposed development will not require a significant amount of excavation, however, an advice note informing the applicant of this issue is appropriate.

Contaminated land

- 6.11 Trust policy SRT/EA1 promotes the protection of the river and associated ecosystems. Any development in the vicinity of the river, known to be located at a contaminated site, should identify the risks of disturbing the soils and measures should be taken to minimise the possible risks associated with its exposure.
- 6.12 The subject site is registered with the DEC Contaminated Sites Branch as 'Possibly contaminated – investigation required'. The site was historically used as a sanitary landfill. The works will not require excavation or dewatering. Nevertheless, an advice note can inform the applicant of the potential for intersection of an area of waste materials in soils at the site. This advice has been included.

Public access and safety

- 6.13 Trust policy SRT/EA1 indicates that construction works should not restrict public access to the foreshore unless necessary for safety reasons. The renovation works are not expected to restrict public access to the foreshore.
- 6.14 The 'Tony Di Scerni' pathway runs from Banks reserve through to Bardon Park. Just before the site, as it reaches the yacht club it directs pedestrians onto Fourth Avenue or East Street, behind the club house, to continue on past Berringa Reserve. Pedestrians and users of the reserve are unlikely to walk in front of the club house between the proposed works and the river if following the path. Any proposed closure of access will require approval prior to commencement of works. This issue can be addressed in the requested Construction Management Plan.

Flood prone land

- 6.15 SPP2.10 and Trust policy *Flood Prone Land (SRT/EA3)* states that development should not be permitted where it will restrict the flow of water during flood events. SRT/EA3 requires all development proposed within the flood fringe to incorporate design features to minimise flood damage during major flood events.
- 6.16 The development is located within the 1:100 year floodway and will be impacted on by major floods at an intensity greater than 1 in 20 year average recurrence interval. The downstairs boat storage area should be designed to ensure that in a major flood event the structural integrity of the building is not harmed. The existing doors being removed as part of these works are heavily rusted, indicating the need for all materials to be appropriate for the location. It is considered appropriate to advise the applicant to consider flood waters when choosing building materials.

Conclusion

- 6.17 It is considered that the proposal will be an improvement to the facility, improving its function and attractiveness. Provided the works are managed according to the conditions and advice included, there is unlikely to be any negative impact to the river or the foreshore reserve.

7.0 RECOMMENDATION – APPROVAL WITH CONDITIONS

That the Trust advises the Minister for Environment that it recommends approval for works to ground floor of boat storage and clubrooms - enclosure of existing building overhang at Maylands Yacht Club, Lot 20 (4) Fourth Avenue, Maylands as described in plans received by the Trust on 2 March 2012, subject to the following conditions:

Prior to the commencement of works

1. Approval to implement this decision is valid for two (2) years from the date of the approval. If the development has not been substantially commenced within this period, a new approval will be required before commencing or completing the development.
2. The applicant shall notify the General Manager, Swan River Trust, in writing not less than fourteen (14) days prior to the commencement of works. At that time, the proponent should identify the proposed colour of construction materials, for approval by the General Manager, Swan River Trust.
3. A construction management plan shall be submitted to, and approved by the Swan River Trust, prior to the commencement of works (*see Advice Note 3/4*).

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7. Upon completion of the works all waste materials (including excess soil, building materials, rubbish and any other deleterious matter) shall be removed from the site and any damaged turf reinstated.

ADVICE TO APPLICANT

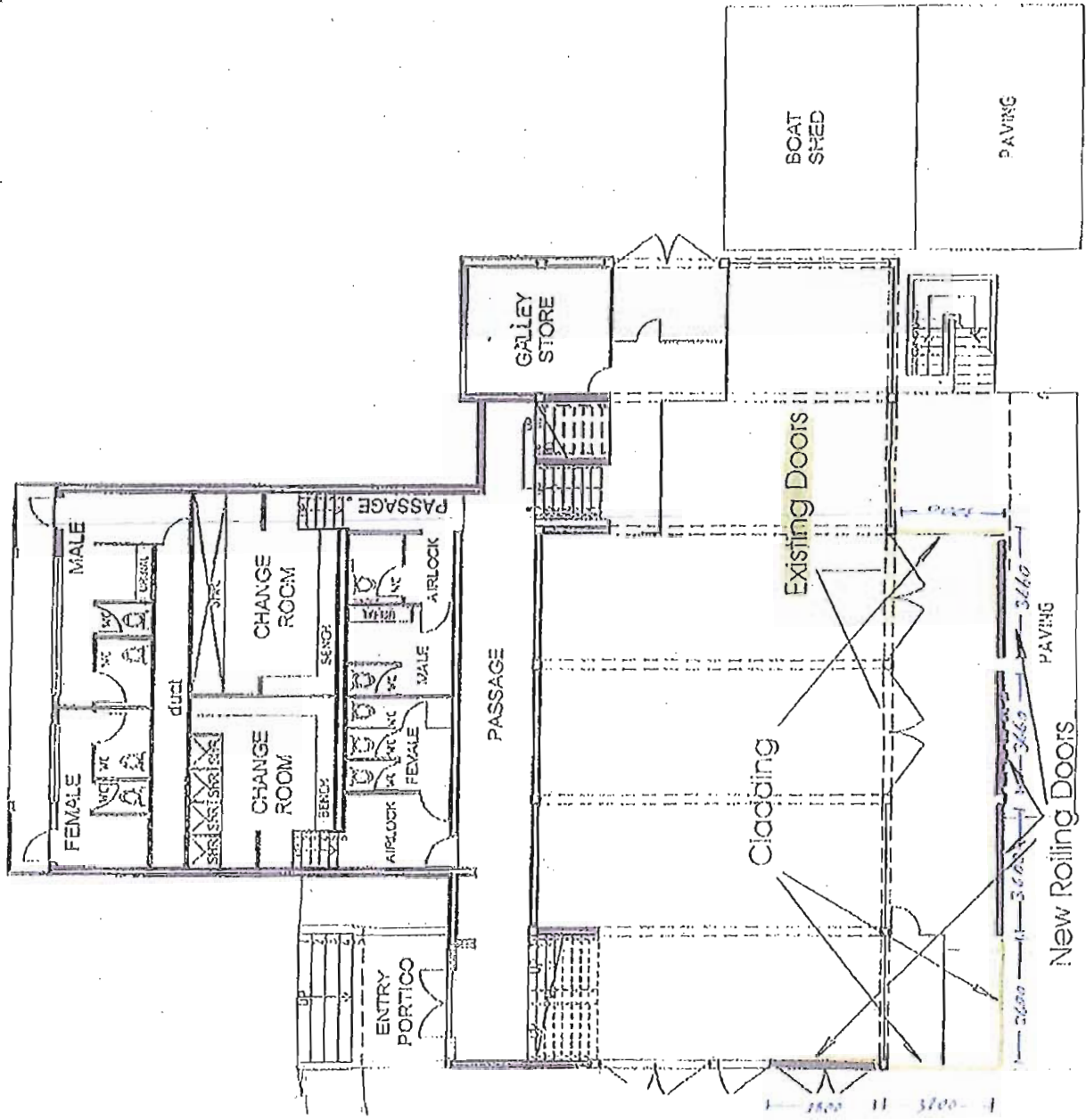
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 - e. protection of existing vegetation;
 - f. temporary structures;
 - g. machinery;
 - h. protection of the waterway from inputs of deleterious matter;
 - i. hours of operation, timeframes and responsibility for tasks identified; and
 - j. complaints and incidents
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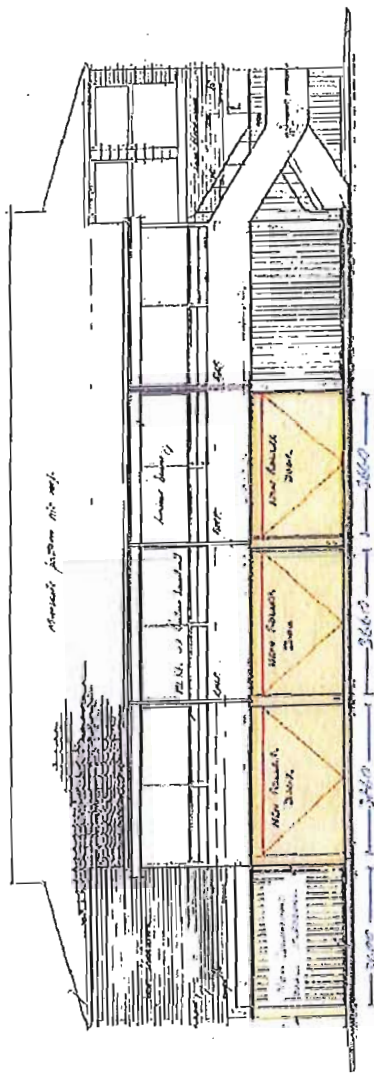
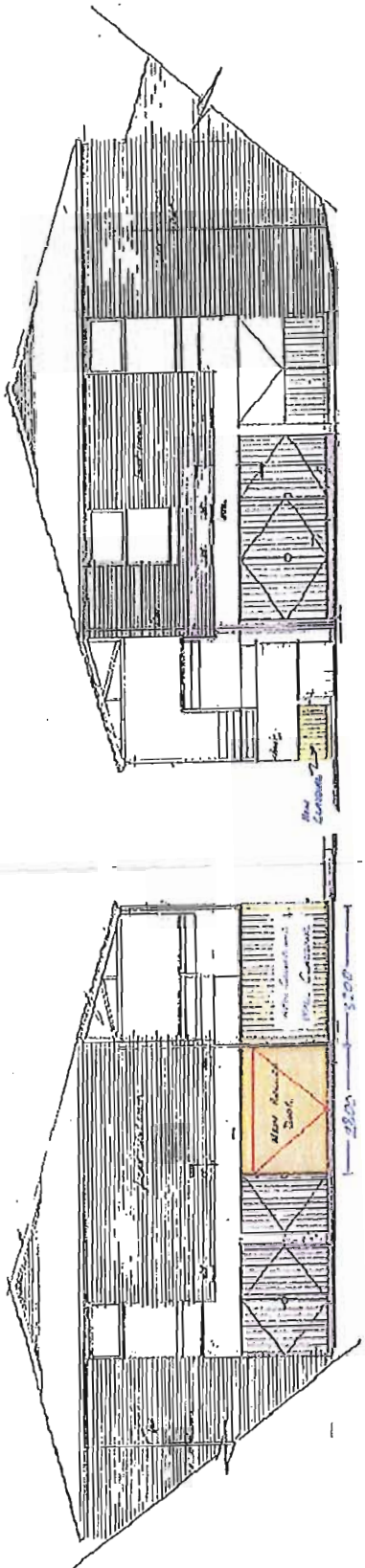
FINAL REPORT ENDORSED

Signed:  Date: 12 JULY 2012
Rod Hughes
General Manager

Attachment 1 – Floor plans



Attachment 2 – Elevations



Attachment 3 – Site Photographs



New roller doors and cladding
enclose area up to this pillar.

All existing wooden cladding to be replaced

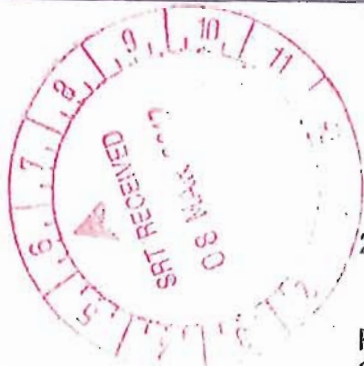


Hatching showing proposed
enclosed area.



New roller doors and cladding will enclose area up to this point.





SRT 4410
A 481825

Our Ref DA11-0727

Your Ref

Enquiries Dean Cracknell
9272 0643

28 February 2012

Paul Stephens
Swan River Trust
PO Box 6829
EAST PERTH WA 6829



Civic Centre

61 Broun Avenue
Morley WA 6062

Business Hours
8.30am to 4.30pm
(Galleria office 9.00am to 4.30)

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Website: www.bayswater.wa.gov.au
ABN: 61 054 006 131

Dear Mr. Stephens,

PROPOSED EXTENSIONS TO MAYLANDS YACHT CLUB CONSIDERATION BY COUNCIL LOT 20, 4 FOURTH AVENUE EAST MAYLANDS WA 6051

The City has received a proposal to construct extensions to the Maylands Yacht Club building at the above-mentioned address on 20 October 2011.

The Swan River Trust has already granted a building permit for the replacement of the existing roller doors on the building with new roller doors (Option 1).

The Maylands Yacht Club is now seeking approval to extend the ground floor storage area approximately 2.0 metres to the south-west, enclose the space with four (4) new cream coloured, roller doors to match an adjacent storage shed and install new colorbond wall cladding to enclose the western corner of the extended ground floor storage shed (Option 2).

The matter was considered at Council's Ordinary Meeting of 13 December 2011, where it resolved as follows:

1. "Council support development Option 1 - the proposed replacement of the existing old, wooden doors to the ground floor storage area with four (4) new cream coloured, roller doors.
2. Council support development Option 2 - the proposed enclosure of the existing building overhang space with four (4) colorbond roller doors and cladding provided that all necessary approvals are obtained and the works are completed to the satisfaction of the City.
3. If a development application is lodged with the Swan River Trust for the proposed development Option 2, the City recommend to the Swan River Trust that the following conditions be applied to any approval:
 - (a) The development/use subject of this approval must be **SUBSTANTIALLY COMMENCED** within a period of two (2) years of the date of this approval notice. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the

further approval of the City having first been sought and obtained.

- (b) The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.*
- (c) The development complying with any details marked in red on the approved plans.*
- (d) In accordance with the Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989, a building licence must be obtained prior to the commencement of any building works.*
- (e) On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition".*

In accordance with Council's resolution above, the City supports the proposal, subject to all necessary approvals being granted and in accordance with the conditions recommended in clause 3 of the resolution.

Should you have any queries, please contact Dean Cracknell in the City's Planning and Development Services on 9272 0643.

Yours faithfully,


DAMIEN MARTIN
MANAGER PLANNING SERVICES

Enc: Recommendation and Conditions

RECOMMENDATION

The Swan River Trust be advised that the City supports the proposal to extend and refurbish the ground floor storage area of the Maylands Yacht Club building at Lot 20, No. 4 Fourth Avenue East, Maylands in accordance with the application dated 20 October 2011 (DA11-0727), subject to the following conditions:

1. The development/use subject of this approval must be SUBSTANTIALLY COMMENCED within a period of two (2) years of the date of this approval notice. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.
2. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
3. The development complying with any details marked in red on the approved plans.
4. In accordance with the Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989, a building licence must be obtained prior to the commencement of any building works.
5. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition".



DAMIEN MARTIN
MANAGER PLANNING SERVICES