

## ALTERNATE MOTION BY COUNCILLOR TERRY

ITEM NUMBER: DIS308

ITEM TITLE: RECREATION-PRIVATE (TREEHOUSE)

DATE & TIME RECEIVED: THURSDAY 14 JULY 2022 AT 3.57PM

DIS308: ALTERNATE MOTION BY COUNCILLOR TERRY  
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council resolves to ISSUE a notice of determination granting development approval with conditions for Recreation-Private (Treehouse) at Lot 201, 6 Bridges Street, Albany.

Conditions:

1. All development shall occur in accordance with the stamped, approved plans referenced P2220146 and dated **XX XXXXX 2022**, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.
2. The proposal is to comply with any details and/or amendments marked in red on the stamped, approved plans.
3. The approval of Recreation – Private (Treehouse) is valid for a period of 12 months **from #### [dd/mm/yyyy]**. At the end of this period the Recreation – Private (Treehouse) shall cease, unless a new development approval has been granted to continue operating past this time.
4. *The operation of events at the Recreation – Private (Treehouse) shall be restricted to a maximum duration of one and a half hours per session, and subject to the following:*
  - *Monday – Friday: 10am – 5pm (1 session per day, maximum of 2 sessions Monday-Friday)*
  - *Saturday: 10am – 2pm (maximum 2 sessions)*
  - *No events permitted on Sundays or Public Holidays*
5. The maximum capacity of the Recreation- Private (Treehouse) shall not exceed the maximum capacity detailed within the approved Management Plan, or the maximum capacity determined under the *Health (Public Building) Regulations 1992*, whichever is lesser.
6. Prior to commencement of use, a screen with a minimum height of 1.6m from natural ground level shall be erected, as shown on the plans, between the southern edge of the car park and the southern lot. The screen shall be implemented and maintained to the satisfaction of the City of Albany.
7. Prior to commencement of operations of the development, stormwater management plans and details shall be submitted to the City of Albany for approval. Prior to formal occupation of the development, the approved stormwater management plans and details shall be implemented, completed and maintained thereafter to the satisfaction of the City of Albany.

Advice:

- *Stormwater management is to be designed in accordance with the 'City of Albany's Subdivision and Development Guidelines'.*
- *All car parking areas to be drained and attenuation outflows directed to existing drain on Bridges Street. Stormwater not to impact adjacent properties.*

- *Stormwater management plans shall include other relevant information and details as required by other conditions and amendments to the approved Management Plan (such as the location of toilet facilities and provision of on-site car parking areas).*

8. Prior to commencement of operations, a Vehicle Parking and Access Plan shall be submitted to the City of Albany for approval. Prior to formal occupation of the development, the approved Vehicle Parking and Access Plan, shall be implemented, completed and maintained thereafter to the satisfaction of the City of Albany.

*Advice:*

- *All required car parking contained on-site.*
- *Car parking and access is to be designed in accordance with the Australian Standard 2890.*
- *Parking bays and access driveway to be constructed with appropriate materials to the satisfaction of the City of Albany.*
- *The Vehicle Parking and Access Plan shall:*
  - *Indicate the intended use of all parking bays (eg disabled bay, loading bay etc), access areas and line marking.*
  - *A turnaround/reversing area shall be provided on site to allow vehicles to enter the street in forward gear.*
- *The Vehicular Parking and Access Plan is to include other relevant information and details as required by other conditions and amendments to the approved Management Plan (such as the location of toilet facilities).*

9. Prior to formal occupation of the development, the existing crossover shall be upgraded and constructed to the specifications, levels and satisfaction of the City of Albany.

*Advice:*

- *A 'Permit for Vehicle Crossover Construction' from the City of Albany is required prior to any work being carried out within the road reserve, which shall be in accordance with drawing nos. STD-05-01 – STD-05-03 (refer to the City of Albany's Subdivision and Development Guidelines).*
- *Existing Heritage rock-lined open stormwater drain to be protected at all times. Engineering details to be provided for crossover slab and supports traversing the drain.*

10. Prior to occupancy of the development the premises shall be connected to the Water Corporation sewerage system.

11. The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.

Sign(s) shall not be erected on the lot without the prior approval of the City of Albany

*Advice: Please refer to the City of Albany Local Planning Policy – Signs for further information.*

12. Prior to commencement of use, a revised Management Plan shall be submitted to City of Albany for approval, incorporating the requirements as outlined in the above conditions and taking into account the following:

- *The requirement for a manager to be present on site for the duration of an event, and a minimum of 30 minutes before and after the event*
- *Any further restrictions or limitations to the permitted number of events per week and maximum capacity of the use*

- Car parking contained on-site
- Screening requirements to southern edge of the car park
- Any further amendments to details and information as a result of the requirements of this approval including capacity, site layout such as location of toilet facilities, car parking and vehicle access.

13. The development shall be operated and maintained in perpetuity, in accordance with the relevant measures and actions as detailed under the approved Management Plan, to the satisfaction of the City of Albany.

**Advice:**

- *The approved Management Plan shall be reviewed and updated at the time of any change of ownership or management, in consultation and to the satisfaction of the City of Albany.*
- *The complaints response procedure shall include current contact details of the business manager/operator.*
- *The operator shall ensure that the complaints response procedure is updated and maintained when required and made available to current adjoining landowners for the life of the development.*
- *It is the responsibility of the operator to distribute an approved management plan to surrounding landowners/adjoining properties, prior to commencement of operations. The approved management plan shall be implemented and complied with at all times, whilst the approved use is in operation.*

**General advice:**

- *The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.*
- *The premises must comply with the Health (Public Building) Regulations 1992.*
- *Prior to commencement of use, a verge development application is to be submitted for approval by the City for all works within the road reserve.*
- *Prior to commencement suitable arrangements being made of an accessible unisex toilet facility to be installed onsite and connected to the Water Corporation sewerage system. .*
- *An annual inspection & report by Kidsafe WA is to be provided to the City of Albany to ensure ongoing compliance with AS 4685.*

**Councillor Reason:**

Whilst I recognize the quite valid reasons for the Officer Recommendation in relation to only permitting Private use of the Treehouse, due to the nature of structure I feel that we as a Community should come to an agreement as to how to make this facility available to the wider community whilst recognizing the unique characteristics of the neighbourhood and being mindful of the impact of the structure on neighbouring properties.

As a result of the submissions received from neighbouring properties the proponent has tightened up a number of conditions in relation to use of the structure and has also agreed to reduce the number of events that more closely align with the request from the neighbor immediately to the south of the site. The reduction in the number of events will reduce the amenity impacts on the immediate neighbours and hopefully placate some, not all, of their concerns.

The list of conditions attached to the approval for Recreation – Private (Treehouse) are achievable and not overly onerous on the proponent bearing in mind that the proponent proposes to build 3 “Loft Houses” on the property in time.

I feel that the Zealtopia Treehouse will be a wonderful asset to the community and we should find a way to ensure the Community has access to it that is acceptable to the immediate neighbours.

**Officer Comment (A/ED Infrastructure Development and Environment):**

In response to the alternate recommendation, staff remain of the position that use of the Treehouse as Recreation-Private should be refused. Were the use to be approved, even in a further limited form, it is unlikely that the potential detrimental impacts from the use to directly affected properties and within Bridges Street could be reasonably addressed through further limitations aiming to mitigate the impacts.

However, should Council resolve to support the use of the Treehouse as Recreation-Private, appropriate conditions and general advice as outlined in the alternate recommendation should be applied, to ensure a decision is made that seeks to address and mitigate outstanding operational and management matters raised within the report.

If approved, the City's powers are limited to only ensuring that the conditions of operation are adhered to. Monitoring on an ongoing basis would require an unsustainable use of limited resources.