



Swan and Canning Rivers Management Act 2006

PART 5

DETERMINATION OF DEVELOPMENT APPLICATION

FILE NUMBER	:	2021/2423
APPLICANT	:	GHD Pty Ltd, on behalf of Moonlighting Enterprises Pty Ltd
LANDOWNER	:	State of Western Australia (Department of Planning, Lands and Heritage)
LAND DESCRIPTION	:	Lot 7563 on Deposited Plan 172085 (No. 110 Riverside Road) East Fremantle.
DEVELOPMENT	:	Change of use from restaurant to tavern
VALID FORM 1 RECEIVED	:	22 September 2021
DETERMINATION	:	APPROVAL WITH CONDITIONS

The application to commence development in accordance with the information received on 22 September 2021 is APPROVED subject to the following conditions:

1. Approval to implement this decision is valid for two (2) years from the date of this approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.
2. Prior to the commencement of the proposed use, the applicant shall prepare a Waste Management Plan to the satisfaction of the Department of Biodiversity, Conservation and Attractions (**Advice Notes 2 and 3**).
3. Prior to the commencement of the proposed use, the applicant shall prepare a Landscape Management Plan to the satisfaction of the Department of Biodiversity, Conservation and Attractions (**Advice Note 4**).
4. Prior to the commencement of the proposed use, the applicant shall provide evidence that an additional accessible carparking bay is made available on site (**Advice Note 5**).
5. Prior to the commencement of the proposed use, the applicant shall provide five bicycle parking bays for use by patrons and employees with details of the bicycle parking submitted to and approved by the Department of Biodiversity, Conservation and Attractions (**Advice Note 6**).
6. Maximum seating for the tavern, combining internal and external seating, shall not exceed 269 persons.
7. The opening hours of the tavern shall be restricted to Monday to Sunday 11am to 12am.

8. The commercial buildings are to be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism is to be remedied within 24 hours to the satisfaction of the Town of East Fremantle.
9. The applicant shall ensure that no damage to the foreshore, riverbank, or waterway (including vegetation and infrastructure) occurs beyond the scope of this approval. If any inadvertent damage occurs, the applicant is required to notify the Department of Biodiversity, Conservation and Attractions within 48 hours of the damage occurring and rectify the damage at its expense (**Advice Note 7**).

ADVICE TO APPLICANT

1. Notification of commencement of work and the submission of documents required as a condition of this approval can be emailed to rivers.planning@dbca.wa.gov.au.
2. Regarding **Condition 2**, to reduce the amount of waste generated and associated environmental impact, the Waste Management Plan shall demonstrate that no single-use plastics will be used in association with the approved use, consistent with Western Australia's Plan for Plastics and the Plastic Free Riverpark initiative.
3. Regarding **Condition 2**, the Waste Management Plan shall be consistent with the Aquarama Marina Environmental Management System Manual (May 2019), and shall include the following:
 - protection of the river from rubbish or other deleterious material; and
 - management and location of bin storage areas.
4. Regarding **Condition 3**, the Landscape Management Plan shall include, unless otherwise agreed in writing:
 - measures to improve safe pedestrian access through the site;
 - planting of green spaces with locally native species; and
 - maintenance of proposed and existing vegetation.
5. Regarding **Condition 4**, the applicant is encouraged to transition accessible carparking bays to two ACROD bays to make the site more universally accessible.
6. Regarding **Condition 5**, at least 30 days prior to the submission of an application for a building licence, the applicant is to demonstrate to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the Town of East Fremantle, that the provision of bicycle racks will be incorporated into the development in accordance with AS2890.3:2015 Bicycle Parking Facilities Requirements.
7. Regarding **Condition 9**, in case of damage or pollution events, the Department of Biodiversity, Conservation and Attractions can be contacted on 9278 0981 (Riverpark Duty Officer) or 9480 9924 (Marine Pollution Response).
8. The application is for a 'Tavern Restricted Licence' only. No sale of liquor for consumption off the licensed premises is permitted.
9. The applicant is advised that this approval does not include any proposals for signage for the proposed uses. All applications for proposed signage are to be approved by the Department of Biodiversity, Conservation and Attractions on advice from the Town of East Fremantle.
10. The applicant is advised that this approval does not include any TAB service and should such a service be proposed, a further application should be submitted to and determined by the Department of Biodiversity, Conservation and Attractions.

11. This decision does not include acknowledgement or approval of any unauthorised development which may be on the site.
12. The applicant is advised that this approval does not apply to building works. Works on site will be subject to the submission of an application for a building permit. A copy of the approved plans and the application for a Building Permit is to conform with the approved plans unless otherwise approved by the Department of Biodiversity, Conservation and Attractions.
13. The applicant is advised that this approval does not negate the need to obtain any other necessary approval from relevant agencies, or from the Department of Biodiversity, Conservation and Attractions.
14. The applicant is advised to discuss matters relating to the Liquor Licence with the Environmental Health Officer and the Regulatory Services Department at the Town of East Fremantle.



Hon Reece Whitby MLA
MINISTER FOR ENVIRONMENT

Date: 1/2/2022

DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS REPORT

PROPOSAL	: Change of use from restaurant to tavern
LOCATION	: Lot 7563 on Deposited Plan 172085 (No. 110 Riverside Road) East Fremantle.
COST	: N/A
APPLICANT	: GHD Pty Ltd, on behalf of Moonlighting Enterprises Pty Ltd
LANDOWNER	: State of Western Australia (Department of Planning, Lands and Heritage)
LOCAL GOVERNMENT	: Town of East Fremantle
MRS CLASSIFICATION	: Parks and Recreation
LG CLASSIFICATION	: No zoning
DECISION TYPE	: Part 5, <i>Swan and Canning Rivers Management Act 2006</i> , Ministerial Determination
ATTACHMENTS	: 1. Location map (1 page) 2. External referral responses – a. Town of East Fremantle (2 pages) b. Department of Transport (2 pages) c. Department of Planning, Lands and Heritage (2 pages) d. Department of Water and Environmental Regulation (1 page) 3. Site photos (6 pages) 4. Conditional Grant of a Tavern Restricted Licence (4 pages) 5. Application and site plans (9 pages)
RECOMMENDATION	: APPROVAL WITH CONDITIONS

REPORT**1.0 INTRODUCTION**

- 1.1 The Department of Biodiversity, Conservation and Attractions (DBCA) has received an application from GHD Pty Ltd, on behalf of Moonlighting Enterprises Pty Ltd, for the change of use from a restaurant to a tavern.
- 1.2 The current venue (formerly trading as 'Eat Greek') is located at Lot 7563 on Deposited Plan 172085 (No. 110) Riverside Road, East Fremantle (**Attachment 1**). The subject land is reserved for Parks and Recreation under the Metropolitan Region Scheme. The subject lot is vested with the Department of Planning, Lands

and Heritage, leased to Quayside Marinas Pty Ltd (trading as Aquarama Marina) and subleased to Moonlighting Enterprises Pty Ltd (trustee for Salinovich Trust).

- 1.3 The proposal constitutes development under the *Swan and Canning Rivers Management Act 2006* (SCRM Act) as the works will result in a material change in the use of land. The proposed development is to occur on a lot wholly within the Swan Canning development control area (DCA) and therefore requires approval under Part 5 of the SCRM Act.
- 1.4 The Director General of DBCA has prepared this final report in accordance with section 76 of the SCRM Act.

2.0 CONSULTATION

Town of East Fremantle

- 2.1 The proposed development was considered by the Town of East Fremantle (the Town) Council on 19 October 2021. Following consideration by Council, the Town advised that it supports the proposal subject to conditions and advice (**Attachment 2a**).
- 2.2 Regarding the Town's recommended **Condition 2**, a proposal to operate a TAB service has not been detailed within this development application. Furthermore, the applicant has confirmed that the request to operate a TAB service has been withdrawn at present. This condition is not considered relevant to this application and therefore cannot be applied as a condition of development. It is recommended that it is incorporated into an advice note.

Department of Transport

- 2.3 The Department of Transport (DoT) advised that the change of use may present additional risk to the river system from rubbish and other materials entering the water. DoT further advised that the Lessee should consider such risk and how it will be mitigated in accordance with the Environmental Management System Manual associated with the river reserve lease. A condition relating to waste management has been recommended to address this matter.
- 2.4 DoT's full comments are provided in **Attachment 2b**.

Department of Planning, Lands and Heritage

- 2.5 The Department of Planning, Lands and Heritage (DPLH) advised that it has no objections to the change of use application on the basis that the proposal is not intensifying the land use (**Attachment 2c**).
- 2.6 DPLH further advised that on-site parking and adjacent public parking bays will be sufficient in accommodating parking demands.
- 2.7 DPLH has stated that, consistent with *Development Control Policy 5.3 – Use of Land Reserved for Parks and Recreation and Regional Open Space*, public access should be maintained through the site to the adjoining reserve.

Department of Water and Environmental Regulation

2.8 The Department of Water and Environmental Regulation (DWER) advised that it has no objections or comments on the proposal (**Attachment 2d**).

3.0 PUBLIC CONSULTATION – SUBMISSIONS ON DRAFT REPORT

3.1 In accordance with the requirements of Part 5 of the SCRM Act, a copy of the draft report and proposed recommendation was provided to the applicant and the relevant stakeholders being DWER, DPLH, DoT and the Town. A copy was also published on the DBCA website for a period of 24 days between 13 December 2021 and 6 January 2022, with an invitation for public submissions.

3.2 No submissions were received.

4.0 RELEVANT POLICIES AND PLANS

- ◆ State Planning Policy 2.10 – *Swan-Canning River System*
- ◆ Corporate Policy Statement No. 42 – *Planning for Land Use, Development and Permitting Affecting the Swan Canning Development Control Area (Policy 42)*
- ◆ Corporate Policy Statement No. 46 – *Planning for Commercial Operations in the Swan Canning Development Control Area (Policy 46)*

5.0 ENVIRONMENTAL AND PLANNING CONSIDERATIONS

- ◆ Amenity
- ◆ Public access and safety
- ◆ Waste management

6.0 BACKGROUND

6.1 The subject venue is located within the Aquarama Marina that also consists of areas for wet and dry boat storage, slipways, refuelling, boat sales office, and boat management and maintenance facilities (**Attachment 3**). It is understood that the previous restaurant (Eat Greek) has not been operating since early 2019.

6.2 It has been noted that the name of the venue has recently been changed from Eat Greek to 8 Knots. It is understood that 8 Knots is currently operating under the existing restaurant approval.

6.3 The applicant has advised that the intent of the land use change from a restaurant to a tavern is to:

- allow for private and corporate functions, with attendees able to consume liquor whilst standing; and
- allow patrons to consume liquor without having to consume a meal.

6.4 The proposal does not include the sale of liquor for consumption off site.

6.5 No external works are proposed in addition to the land use change. However, it is understood that the following internal works have recently been undertaken:

- removal of existing bar;
- construction of two new bars;
- formalisation for a food take-away area; and

- installation of a new cool room.
- 6.6 The recently completed internal works were undertaken in relation to the existing approval for a restaurant. Therefore, this report does not consider the recently completed internal works and only relates to the proposed change of use from a restaurant to a tavern.
- 6.7 A Conditional Grant of a Tavern Restricted Licence was issued by the Department of Local Government, Sport and Cultural Industries on 19 October 2021 (**Attachment 4**). It is noted that the activities permitted under a Tavern Restricted Licence do not obviate the need for the proposal to also obtain planning approval for the proposed change of use.

7.0 DISCUSSION

Amenity

- 7.1 The applicant has advised that the proposed tavern trading hours will be consistent with the previous restaurant operations, trading from Monday until Sunday, 11am until 12am. The applicant has advised that it does not seek to change the existing approved maximum occupancy of 269 occupants.
- 7.2 It is recommended that two conditions are applied to ensure that the existing approved maximum occupancy and operating times are not altered as part of this approval.
- 7.3 The closest residence is located approximately 400 metres from the proposed tavern, with Leeuwin Barracks located between each land use, providing an additional noise buffer. With no noise sensitive land uses within 400 metres of the proposed tavern, no undue noise or nuisance to nearby residents is anticipated.
- 7.4 With regard to visual amenity, as stated above, no external works are proposed and will therefore not impact the visual appearance of the venue or site.

Public access and safety

- 7.5 The subject site consists of 66 existing car parking bays that are shared by other land uses within the facility.
- 7.6 With regard to the application of TPS3, both DPLH and the Town have confirmed that additional car parking provision is not warranted in this instance. Both consider the existing car parking arrangements on-site and the adjacent public parking bays as sufficient to satisfy parking demands.
- 7.7 Policy 46 states that parking requirements for food and beverage services should equate to one car bay per four-person seating capacity and one car bay per two staff, or in accordance with the requirements of the local planning scheme, whichever is more appropriate for the location. Where alternative transportation is available or verge parking is appropriate, a reduced car parking provision may be considered.
- 7.8 It is anticipated that car parking demands will be generally accommodated as:
- 66 private parking bays are available on site;
 - a further 25 public parking bays are available along Riverside Road, within approximately 150 metres of the venue;

- peak parking demands of other operations within the facility are unlikely to conflict with the peak parking demand of the proposed tavern;
 - there is no increase in patronage; and
 - a tavern often attracts patrons who intend to consume alcohol which would require an alternative mode of transportation to site.
- 7.9 To decrease parking demand and assist providing an alternative option for transport to the subject site, a condition is recommended to require provision of bicycle parking on-site.
- 7.10 Noting the above, the existing on-site parking provisions are considered appropriate to cater for the subject change of use.
- 7.11 The subject lot currently contains one accessible carparking space. *Disability (Access to premises – Buildings) Standards 2010* states that one accessible carparking space should be available for every 50 carparking spaces or part thereof. It is therefore recommended that a condition is applied to ensure that an additional accessible carparking space is made available.
- 7.12 A cycling path and a pedestrian footpath traverse along Riverside Road adjacent to the site's south boundary. A pedestrian footpath adjacent to the foreshore also runs through the subject site (defined as a public access way). Policy 42 seeks to ensure that provisions are made to further enhance public access and enjoyment of the Swan Canning river system including its foreshores in a manner consistent with the multiple use of the DCA and the preservation of the values of the land itself. Where proposals may jeopardise the safety of others utilising the Swan Canning river system and its foreshores, the proponent must demonstrate how the conflict can be resolved.
- 7.13 It is not considered that the proposal will adversely impact access and movement to the foreshore. However, it is recommended that a condition is applied to ensure additional measures are put in place to clearly delineate the public accessway through the site.

Waste management

- 7.14 Policy 46 states that proposed food and beverage facilities should demonstrate they are enhancing or minimising and managing effects on the ecological health of the Swan Canning river system.
- 7.15 Due to the venue's proximity to the water, it is recommended that a condition of approval is applied to ensure that a Waste Management Plan is developed and implemented with respect to the existing Environmental Management Plan associated with the river reserve lease (as recommended by DoT).
- 7.16 Western Australia's Plan for Plastics seeks to develop new plastics regulation to reduce plastics entering the environment. DBCA plays an important role in the Plan for Plastics and is implementing the Plastic Free Riverpark initiative to phase out single-use plastic use by businesses operating within and surrounding the Swan Canning Riverpark.
- 7.17 Consistent with the State Government's development of single use plastic legislation and the Plastic Free Riverpark initiative, riverfront businesses should avoid using single use plastic straws, cups, bottles, plates, cutlery and thick plastic bags in their operations. The Waste Management Plan should include the requirement for no single-use plastic to be used by the proposed tavern.

8.0 SWAN RIVER TRUST

- 8.1 In accordance with section 75(3A) of the SCRM Act, the Swan River Trust considered DBCA's draft report at its meeting of 23 November 2021 and resolved to advise the Director General of DBCA that it supports the report and recommendation.
- 8.2 The Swan River Trust queried if the condition which advised that 'no sale of liquor for consumption off the licenced premises is permitted' was required, given it is regulated by the 'Tavern Restricted Licence'.
- 8.3 Noting that the condition related to an approval that is granted under other legislation (*Liquor Control Act 1988*), the imposing of the condition is not necessary. The condition has therefore been made an advice note (see **Advice Note 8**).

9.0 CONCLUSION

- 9.1 It is considered that the proposed change of use from a restaurant to a tavern will provide for improved patronage of the site; increasing opportunity for the community and visitors to enjoy the foreshore and Riverpark. Subject to application of appropriate conditions, the proposed change of use will not result in adverse impacts to the DCA. It is therefore recommended the application be approved subject to conditions.

10.0 RECOMMENDATION – APPROVAL WITH CONDITIONS

That the Director General of DBCA recommends to the Minister for Environment that GHD Pty Ltd's proposal (on behalf of Moonlighting Enterprises Pty Ltd) for a change of use from a restaurant to a tavern located at Lot 7563 on Deposited Plan 172085 (no. 110 Riverside Road) East Fremantle, as described in the application received on 22 September 2021, be approved, subject to the following conditions:

CONDITIONS

1. Approval to implement this decision is valid for two (2) years from the date of this approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.
2. Prior to the commencement of the proposed use, the applicant shall prepare a Waste Management Plan to the satisfaction of the Department of Biodiversity, Conservation and Attractions (**Advice Notes 2 and 3**).
3. Prior to the commencement of the proposed use, the applicant shall prepare a Landscape Management Plan to the satisfaction of the Department of Biodiversity, Conservation and Attractions (**Advice Note 4**).
4. Prior to the commencement of the proposed use, the applicant shall provide evidence that an additional accessible carparking bay is made available on site (**Advice Note 5**).
5. Prior to the commencement of the proposed use, the applicant shall provide five bicycle parking bays for use by patrons and employees with details of the bicycle parking submitted to and approved by the Department of Biodiversity, Conservation and Attractions (**Advice Note 6**).
6. Maximum seating for the tavern, combining internal and external seating, shall not exceed 269 persons.

7. The opening hours of the tavern shall be restricted to Monday to Sunday 11am to 12am.
8. The commercial buildings are to be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism is to be remedied within 24 hours to the satisfaction of the Town of East Fremantle.
9. The applicant shall ensure that no damage to the foreshore, riverbank, or waterway (including vegetation and infrastructure) occurs beyond the scope of this approval. If any inadvertent damage occurs, the applicant is required to notify the Department of Biodiversity, Conservation and Attractions within 48 hours of the damage occurring and rectify the damage at its expense (**Advice Note 7**).

ADVICE TO APPLICANT

1. Notification of commencement of work and the submission of documents required as a condition of this approval can be emailed to rivers.planning@dbca.wa.gov.au.
2. Regarding **Condition 2**, to reduce the amount of waste generated and associated environmental impact, the Waste Management Plan shall demonstrate that no single-use plastics will be used in association with the approved use, consistent with Western Australia's Plan for Plastics and the Plastic Free Riverpark initiative.
3. Regarding **Condition 2**, the Waste Management Plan shall be consistent with the Aquarama Marina Environmental Management System Manual (May 2019), and shall include the following:
 - a. protection of the river from rubbish or other deleterious material; and
 - b. management and location of bin storage areas.
4. Regarding **Condition 3**, the Landscape Management Plan shall include, unless otherwise agreed in writing:
 - a. measures to improve safe pedestrian access through the site;
 - b. planting of green spaces with locally native species; and
 - c. maintenance of proposed and existing vegetation.
5. Regarding **Condition 4**, the applicant is encouraged to transition accessible carparking bays to two ACROD bays to make the site more universally accessible.
6. Regarding **Condition 5**, at least 30 days prior to the submission of an application for a building licence, the applicant is to demonstrate to the satisfaction of the Department of Biodiversity, Conservation and Attractions, on advice from the Town of East Fremantle, that the provision of bicycle racks will be incorporated into the development in accordance with AS2890.3:2015 Bicycle Parking Facilities Requirements.
7. Regarding **Condition 9**, in case of damage or pollution events, the Department of Biodiversity, Conservation and Attractions can be contacted on 9278 0981 (Riverpark Duty Officer) or 9480 9924 (Marine Pollution Response).
8. The application is for a 'Tavern Restricted Licence' only. No sale of liquor for consumption off the licensed premises is permitted.
9. The applicant is advised that this approval does not include any proposals for signage for the proposed uses. All applications for proposed signage are to be approved by the Department of Biodiversity, Conservation and Attractions on advice from the Town of East Fremantle.

10. The applicant is advised that this approval does not include any TAB service and should such a service be proposed, a further application should be submitted to and determined by the Department of Biodiversity, Conservation and Attractions.
11. This decision does not include acknowledgement or approval of any unauthorised development which may be on the site.
12. The applicant is advised that this approval does not apply to building works. Works on site will be subject to the submission of an application for a building permit. A copy of the approved plans and the application for a Building Permit is to conform with the approved plans unless otherwise approved by the Department of Biodiversity, Conservation and Attractions.
13. The applicant is advised that this approval does not negate the need to obtain any other necessary approval from relevant agencies, or from the Department of Biodiversity, Conservation and Attractions.
14. The applicant is advised to discuss matters relating to the Liquor Licence with the Environmental Health Officer and the Regulatory Services Department at the Town of East Fremantle.

FINAL REPORT ENDORSED

Signed: *Mark Webb* Date: 18/11/2022
Mark Webb
Director General



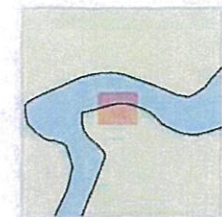
Location Map

Legend

- Swan Carrying Development Control Area Cadastre
- Cadastre SCOS - State (GOB)

1:1,000 (A3)

Geographic Projection
Datum: GOASH



Produced by MF,
Department of Biodiversity,
Conservation and Attractions



Job Ref: 2021/2423
Produced at 06:21 AM on October 27, 2021

The Department of Biodiversity, Conservation and Attractions does not guarantee that this map is without flaw of any kind and disclaims all liability for any errors, loss or other consequence which may arise from relying on any information depicted. Roads and tracks on land managed by DBCA may contain unmarked hazards and their surface condition is variable. Exercise caution and drive to conditions on all roads.

A1



OUR REF: P70/21
 YOUR REF:
 ENQUIRIES: 9339 9339

25 October 2021

Rivers and Estuaries Branch
 Department of Biodiversity, Conservation and Attractions
 17 Dick Perry Avenue, Kensington WA 6151

To whom it may concern,

110 Riverside Road, East Fremantle – Change of Use - Restaurant to Tavern – 8 Knots – Referral Letter

On 19 October 2021 the full Council of the Town of East Fremantle made the following recommendation:

That Council recommend support for the proposed change of use from restaurant to tavern to the Department of Biodiversity Conservation and Attractions at No. 110 (Lot 7563) Riverside Road, East Fremantle, in accordance with the information received 18 August 2021, subject to the following conditions:

1. The application is for a "Tavern Restricted Licence" only. No sale of liquor for consumption off the licensed premises is permitted, without a further application being submitted to and determined by Council.
2. The application does not include any TAB service, should such a service be proposed a further application should be submitted to and determined by Council.
3. This application does not include any proposals for signage for the proposed uses. All applications for proposed signage are to be submitted to the Town for the consideration of the Council and to comply with the requirements of the Town's Local Planning Policy Design Guidelines – Signage and subsequent referral to the Department of Biodiversity Conservation and Attractions.
4. The proposed change of use does not give approval for any works on site. Works on site will be subject to the submission of an application for a building permit.
5. The commercial buildings are to be kept clean and free of graffiti and vandalism at all times and any such graffiti or vandalism to be remedied within 24 hours to the satisfaction of the Chief Executive Officer.
6. The proposed use is not to be commenced until all conditions attached to this planning approval have been finalised to the satisfaction of the Chief Executive Officer in consultation with relevant officers.
7. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
8. This planning approval to remain valid for a period of 24 months from date of this approval.

Footnote:

The following are not conditions but notes of advice to the applicant/owner:

- (i) *this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- (ii) *a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*



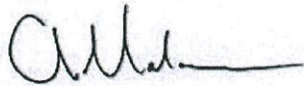
(iii) *the applicant is to discuss matters relating to the Liquor License with the Environmental Health Officer and the Regulatory Services department at the Town of East Fremantle.*

A link to the Council minutes from the meeting is provided below;

<https://www.eastfremantle.wa.gov.au/council-meetings/ordinary-council-meeting/council-meeting/367/documents/ocm-minutes-191021-unconfirmed.pdf>

If you have any queries regarding this matter contact Andrew Malone (Executive Manager Regulatory Services) on 9339 9339 or via email at admin@eastfremantle.wa.gov.au .

Yours sincerely



ANDREW MALONE for
GARY TUFFIN
Chief Executive Officer

Marshall Farrell

From: de Mello, Herman <Herman.DeMello@transport.wa.gov.au>
Sent: Thursday, 21 October 2021 9:53 AM
To: Marshall Farrell
Cc: Rivers Planning; Adnaan Abrahams; Sean Renner
Subject: RE: Referral for Comment - Part 5 - 2021/2423 - Change of use from restaurant to tavern - Lot 7563, 110 Riverside Road, East Fremantle - GHD Pty Ltd
Attachments: RE: Referral for Comment - Part 5 - 2021/2423 - Change of use from restaurant to tavern - Lot 7563, 110 Riverside Road, East Fremantle - GHD Pty Ltd

[External Email] This email was sent from outside the department – be cautious, particularly with links and attachments.

Hi Marshall,

I referred this to DoT's Maritime Planning Team for comment. Their response is attached together with my comments.

In essence DoT has no objections to the proposal proceeding but from DoT Coastal Operation's perspective there should possibly be an Advice Note that given the added patronage of a change to Tavern use there is likely to be additional risk to the river system from rubbish and other materials entering the water and in that regard the Lessee should address any such risk and how it will be mitigated in their associated Environmental Management Plan (EMP) which is required for their associated river reserve lease.

Regards

Herman de Mello
Harbour Manager | Maritime | Department of Transport
 14 Capo D'Orlando Drive, Fremantle WA 6162
 Tel: (08) 94311023 | Mob: 0418928340
 Email: Herman.DeMello@transport.wa.gov.au | Web: www.transport.wa.gov.au



From: Rivers Planning <rivers.planning@dbca.wa.gov.au>
Sent: Wednesday, 20 October 2021 3:20 PM
To: de Mello, Herman <Herman.DeMello@transport.wa.gov.au>
Cc: Marshall Farrell <marshall.farrell@dbca.wa.gov.au>
Subject: Referral for Comment - Part 5 - 2021/2423 - Change of use from restaurant to tavern - Lot 7563, 110 Riverside Road, East Fremantle - GHD Pty Ltd

CAUTION: This email originated from outside of DOT. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon,

PART 5 – LOT 7563, 110 RIVERSIDE ROAD, EAST FREMANTLE – CHANGE OF USE FROM RESTAURANT TO TAVERN – GHD PTY LTD

The Department of Biodiversity, Conservation and Attractions (DBCA) has received an application for the above mentioned development. The application can also be downloaded from our website here <https://www.dbca.wa.gov.au/node/462>. Your department is invited to provide comments and recommendations considered relevant to this proposal.

Prior to the report being prepared, the application has been referred to relevant agencies for comments and advice. Accordingly, please provide a response to this office within **42 days** of receipt of this email. Should you not be able to respond within this time, please notify the department as soon as possible, outlining the reasons for the delay and a date when a response may be available.

In preparing your response, please be aware that it may be made available for viewing by the public, unless otherwise requested.

Please forward your response via email to rivers.planning@dbca.wa.gov.au. Should there be any queries regarding this matter, please contact Marshall Farrell, Planning Officer, on 9278 0900. In all correspondence please quote the reference number 2021/2423.

Yours sincerely

Carolyn Pearce

Administration Officer

Rivers and Estuaries Branch

Department of Biodiversity, Conservation and Attractions

Phone: 08 9278 0921

17 Dick Perry Avenue, Kensington WA 6151

Email: carolyn.pearce@dbca.wa.gov.au Web: www.dbca.wa.gov.au

We acknowledge the Whadjuk people as the Traditional Owners of this land



Department of Biodiversity,
Conservation and Attractions



*We're working for
Western Australia.*

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From: [Appleby, Iain](#)
To: [de Mello, Herman](#)
Cc: [Adams, Larry](#)
Subject: RE: Referral for Comment - Part 5 - 2021/2423 - Change of use from restaurant to tavern - Lot 7563, 110 Riverside Road, East Fremantle - GHD Pty Ltd
Date: Thursday, 21 October 2021 7:37:29 AM
Attachments: [image003.png](#)
[image001.png](#)

Hi Herman

Maritime Planning has no objection to the proposal proceeding

cheers

Iain Appleby
Senior Planning Project Officer | Maritime | Department of Transport
5 Newman Court, Fremantle WA 6160
Tel: (08) 94357532 | Mob: 0457532306
Email: Iain.Appleby@transport.wa.gov.au | Web: www.transport.wa.gov.au

Dept. of Transport



From: de Mello, Herman <Herman.DeMello@transport.wa.gov.au>
Sent: Wednesday, 20 October 2021 4:20 PM
To: Appleby, Iain <Iain.Appleby@transport.wa.gov.au>
Cc: Adams, Larry <Larry.Adams@transport.wa.gov.au>
Subject: FW: Referral for Comment - Part 5 - 2021/2423 - Change of use from restaurant to tavern - Lot 7563, 110 Riverside Road, East Fremantle - GHD Pty Ltd

Hi Iain,

The Referral for Comment relates to the Aquarama Marina site (land based site only) which proposes a change in use from Restaurant to Tavern. There are no substantial changes effectively proposed other than to allow the service of alcohol without a meal or whilst standing. The existing capacity is 269 persons and operating hours are limited to 11.00 am to midnight, 7 days per week as at present, so no change to this is being sought.

Whilst this application has no direct impact on the associated River Reserve Lease to Quayside Marina Pty Ltd (Aquarama - tenant), DBCA are seeking DoT's comments, if any, being provided prior to the end of next week ending 29 October 2021 to meet the 42 day public consultation deadline. DoT Coastal Facilities has no in principle objections to the change in use however, it is unlikely that the existing restaurant would be at capacity 7 days a week but a change to tavern including for private and corporate functions is likely to achieve such capacity or close to that capacity.

Should that be the case, there is likely to be an increase of rubbish as well as other materials with the potential to enter the river system, given its proximity to the water, that impacts the health of the

Carolyn Pearce

Administration Officer

Rivers and Estuaries Branch

Department of Biodiversity, Conservation and Attractions

Phone: 08 9278 0921

17 Dick Perry Avenue, Kensington WA 6151

Email: carolyn.pearce@dbca.wa.gov.au Web: www.dbca.wa.gov.au

We acknowledge the Whadjuk people as the Traditional Owners of this land



Marshall Farrell

From: Yasmin Harris <Yasmin.Harris@dph.wa.gov.au>
Sent: Monday, 1 November 2021 9:44 AM
To: Rivers Planning; Marshall Farrell
Cc: Delia Neglie
Subject: FW: Referral for Comment - Part 5 - 2021/2423 - Change of use from restaurant to tavern - Lot 7563, 110 Riverside Road, East Fremantle - GHD Pty Ltd
Attachments: Part 5 - 2021-2423 - GHD - Change of use from restaurant to tavern.pdf

[External Email] This email was sent from outside the department – be cautious, particularly with links and attachments.

Hi Marshall,

Thank you for referring the change of use application at Lot 7563 (No.110) Riverside Road, East Fremantle (subject site) from a restaurant to a tavern, to the Department of Planning, Lands and Heritage (Department).

The subject site is reserved Parks and Recreation under the Metropolitan Region Scheme (MRS) and the lot is wholly located within the Swan River Trust Development Control Area.

Under Clause 32A of the MRS, determination from the Western Australian Planning Commission is not required where a proposal is wholly in the Swan Development Control Area and no part of the development is proposed on land or waters wholly or partly outside the Development Control Area.

The Department has no objections to the change of use application on the basis that the proposal is not intensifying the land use. Further, the proposed reciprocal parking arrangements on-site and the adjacent public parking bays will sufficiently satisfy parking demands and minimise the impact on the locality. Consistent with *Development Control Policy 5.3 – Use of Land Reserved for Parks and Recreation and Regional Open Space*, public access should be maintained through the site to the adjoining reserve.

Kind Regards,

Yasmin Harris | Senior Planning Officer | Land Use Planning
 140 William Street, Perth WA 6000
 6551 9666 |
www.dph.wa.gov.au



The Department is responsible for planning and managing land and heritage for all Western Australians – now and into the future

The Department acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of this land and we pay our respects to their Elders, past and present.

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From: Rivers Planning <rivers.planning@dbca.wa.gov.au>
Sent: Wednesday, 29 September 2021 2:41 PM
To: DPI Referrals <Referrals@dph.wa.gov.au>
Cc: Marshall Farrell <marshall.farrell@dbca.wa.gov.au>

Subject: Referral for Comment - Part 5 - 2021/2423 - Change of use from restaurant to tavern - Lot 7563, 110 Riverside Road, East Fremantle - GHD Pty Ltd

Good afternoon,

PART 5 – LOT 7563, 110 RIVERSIDE ROAD, EAST FREMANTLE – CHANGE OF USE FROM RESTAURANT TO TAVERN – GHD PTY LTD

The Department of Biodiversity, Conservation and Attractions (DBCA) has received an application for the above mentioned development. The application can also be downloaded from our website here <https://www.dbcwa.wa.gov.au/node/462>. Your department is invited to provide comments and recommendations considered relevant to this proposal.

Prior to the report being prepared, the application has been referred to relevant agencies for comments and advice. Accordingly, please provide a response to this office within **42 days** of receipt of this email. Should you not be able to respond within this time, please notify the department as soon as possible, outlining the reasons for the delay and a date when a response may be available.

In preparing your response, please be aware that it may be made available for viewing by the public, unless otherwise requested.

Please forward your response via email to rivers.planning@dbcwa.wa.gov.au. Should there be any queries regarding this matter, please contact Marshall Farrell, Planning Officer, on 9278 0900. In all correspondence please quote the reference number 2021/2423.

Yours sincerely

Carolyn Pearce

Administration Officer

Rivers and Estuaries Branch

Department of Biodiversity, Conservation and Attractions

Phone: 08 9278 0921

17 Dick Perry Avenue, Kensington WA 6151

Email: carolyn.pearce@dbcwa.wa.gov.au Web: www.dbcwa.wa.gov.au

We acknowledge the Whadjuk people as the Traditional Owners of this land



Department of Biodiversity,
Conservation and Attractions



*We're working for
Western Australia.*

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This notice should not be removed.

Marshall Farrell

From: Corey Boivin <Corey.Boivin@dwer.wa.gov.au>
Sent: Friday, 22 October 2021 10:50 AM
To: Marshall Farrell
Cc: edward.oconnell@ghd.com
Subject: Development Application 2021/2423 - Lot 7563 Riverside Road

[External Email] This email was sent from outside the department – be cautious, particularly with links and attachments.

Hi Marshall,

The Department of Water and Environmental Regulation has assessed development application **2021/2423** for a change of use from Restaurant to Tavern at lot 7563 Riverside Road, East Fremantle and has no comments to provide.

Feel free to contact me if you have any further questions.

Kind regards,

Corey Boivin

Natural Resource Management Officer
Planning Advice Section

Department of Water and Environmental Regulation

Swan Avon Region

7 Ellam St, Victoria Park, WA 6100

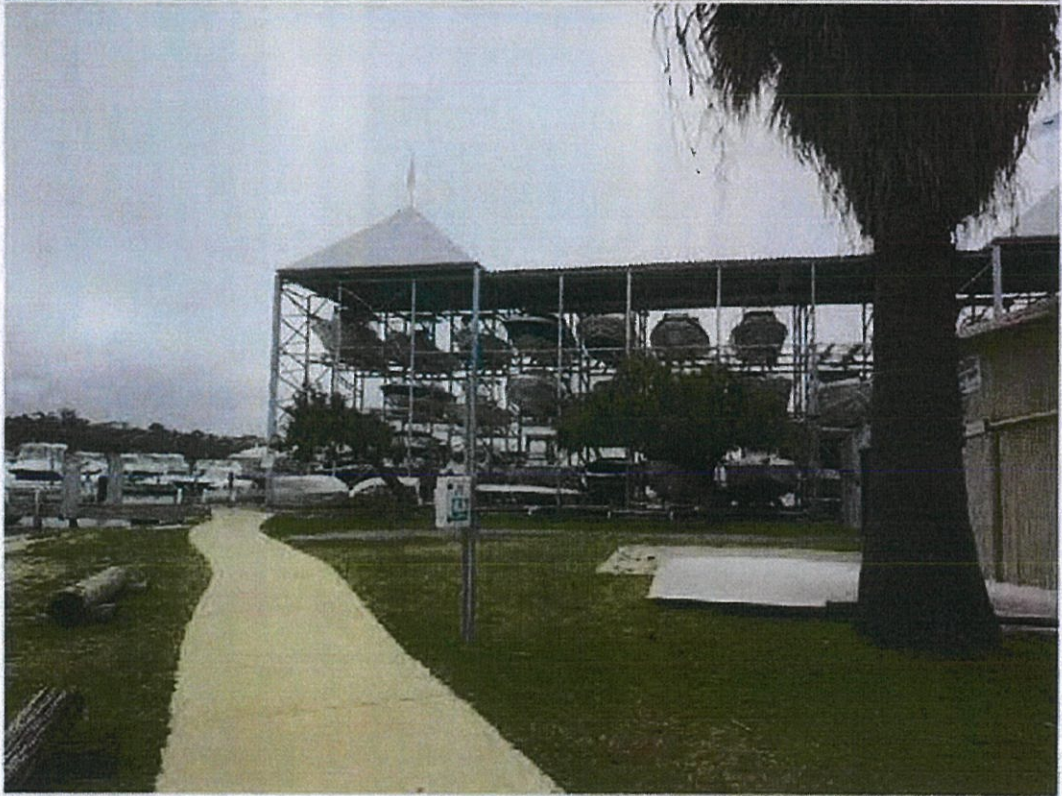
T: (08) 6250 8027 | F: (08) 6250 8050

E: corey.boivin@dwer.wa.gov.au | www.dwer.wa.gov.au

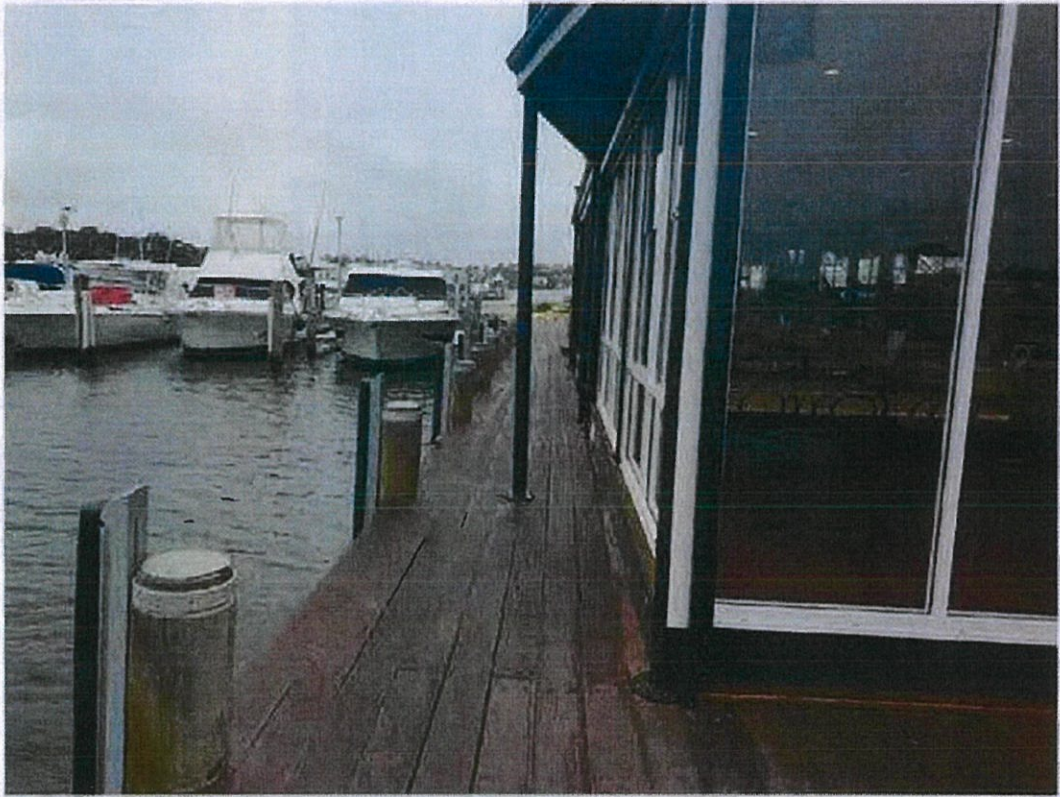
Twitter: [@DWER_WA](https://twitter.com/DWER_WA)

ATTACHMENT 3

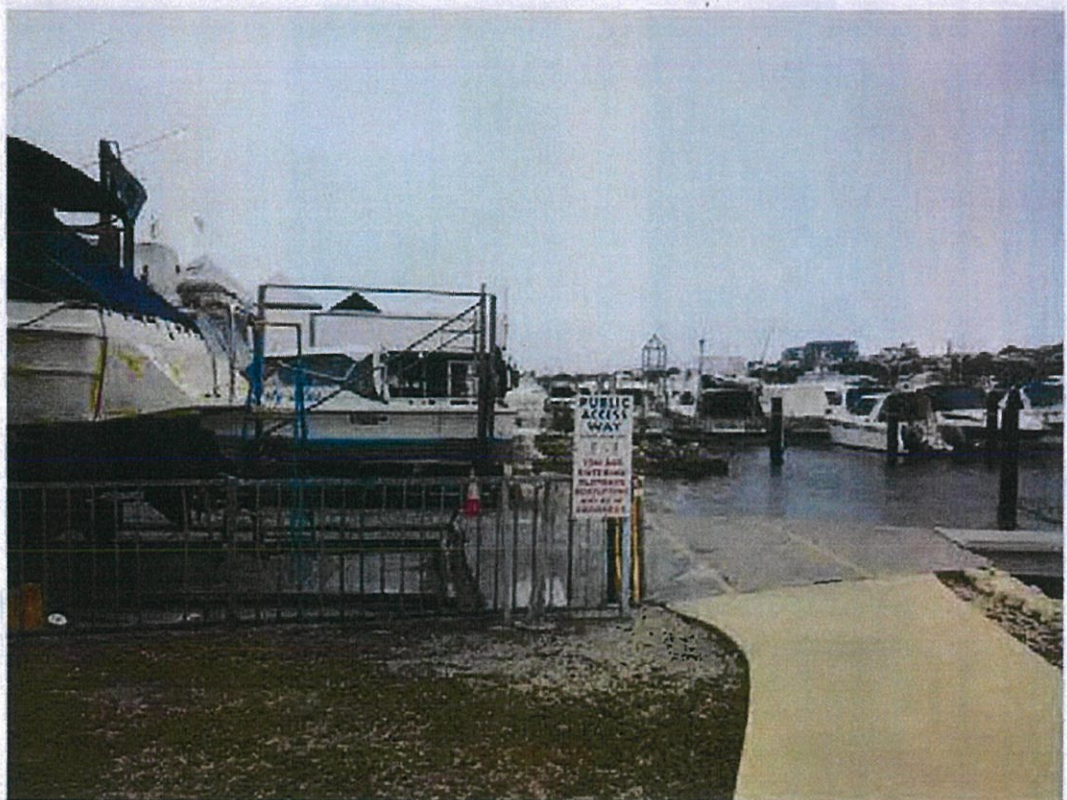














Department of
Local Government, Sport
and Cultural Industries

ATTACHMENT 4

Your Ref:

Our Ref: A936837337

Enquiries: Brett Snell
☎ (08) 6551 4983

Mr T Monaghan
Monaghan Lawyers
Level 8, 40 St Georges Terrace
PERTH WA 6000
tim@monlaw.com.au

Dear Mr Monaghan

8 Knots - Conditional Grant of a Tavern Restricted Licence - A936837337

I refer to the above application and advise that it has been approved and that the licence has been conditionally granted, subject to:

- certificates under ss 39 and 40 of the *Liquor Control Act 1988* (Act) being lodged before the operation of the licence;
- certificate of maximum occupancy issued by the local government authority being lodged before the operation of the licence;
- compliance with the *Local Government Act 1995*, *Health (Miscellaneous Provisions) Act 1911* and any written law relating to the sewerage and drainage of these premise;
- all work being completed within 12 months in accordance with the plans and specifications dated 5 July 2021;
- the recommendations of the Inspector of Licensed Premises on the Schedule of Requirements dated 27 August 2021 being satisfactorily completed and the Director of Liquor Licensing (Director) being notified in writing at least 21 days prior to applicant wishing to trade under the licence;
- a final inspection by an Inspector of Licensed Premises being conducted to ensure that all requirements have been satisfactorily completed;
- the surrender of restaurant licence number 6060003608 prior to the confirmation of the grant; and
- the Applicant seeking confirmation of the grant on or before 18 October 2022, pursuant to s 62(4)(c) of the Act.

On confirmation of the conditional grant, trading conditions will be imposed on the issue of the licence, as detailed in the attached schedule.

Gordon Stephenson House, Level 2, 140 William Street, Perth, WA, 6000
Postal Address: PO Box 8349, Perth Business Centre, WA, 6849
Tel: (08) 6551 4888 Facsimile: (08) 9325 1041 Country Callers: 1800 634 541
Email: rgt@dlgsc.wa.gov.au Web Site: www.dlgsc.wa.gov.au

Please note that the:

- prescribed licence fee must be paid prior to the operation of the licence; and
- sale and supply of liquor may not commence without the prior written approval of the licensing authority.

This notice has been issued pursuant s 18AA of the Act. Should you have any enquiries in respect of this matter or any condition of the licence, please contact me on telephone number (08) 6551 4983.

Yours sincerely


Brett Snell
DELEGATE OF THE DIRECTOR OF LIQUOR LICENSING

19 October 2021

[Enc]

cc: Liquor Enforcement Unit



**SCHEDULE OF TRADING CONDITIONS
TAVERN RESTRICTED LICENCE: 8 KNOTS**

TRADING HOURS

The permitted trading hours are those prescribed in s 98(1) of the Act for a hotel licence.

TRADING CONDITIONS

1. The licensee is authorised to sell and supply liquor in accordance with the provisions of s 41 of the Act as it relates to a tavern restricted licence.
2. During the permitted trading hours specified above, the licensee is authorised to sell and supply liquor for consumption on the licensed premises.
3. The sale of packaged liquor for consumption off the licensed premises is prohibited.
4. The maximum number of persons permitted to be on the licensed premises at any time will be the number assessed and contained in the premises maximum occupancy certificate to be issued by the Town of East Fremantle.
5. The licensed premises, during all trading hours, must be set up with tables and chairs to accommodate no less than 50% of the patrons that may be accommodated on the licensed premises, other than for prearranged private functions or special events.
6. Food must be available during trading hours.
7. The licensee shall not promote, advertise or employ incentives which encourage the excessive consumption of liquor by virtue of their 'emotive' titles such as (but not exclusive to) 'laybacks', 'shooters', 'slammers', 'test tubes' and 'blasters'.
8. Drink options that contain low alcohol liquor content as well as a range of non-alcoholic drink options must be available during trading hours.
9. Music played at the premises must be provided at a level that allows normal conversation to occur.
10. A CCTV video surveillance system must be in place and operational. The system must comply with the minimum requirements identified and be maintained in accordance with the Director's *Safety and Security at Licensed Premises* policy.

DRESS STANDARDS - OUTLAW MOTORCYCLE GANGS

1. The following dress standard applies during the permitted trading hours:
 - (a) Jackets or any other clothing or accessory, or any clearly visible body marking, bearing patches or insignia of any Outlaw Motor Cycle Gangs not limited to, but including, the following listed Outlaw Motor Cycle Gangs, are not permitted to be worn or to be visible on the licensed premises:
 - (i) Coffin Cheaters;
 - (ii) Club Deroes;
 - (iii) Gods Garbage;
 - (iv) Gypsy Jokers;
 - (v) Outlaws;
 - (vi) Finks;
 - (vii) Rebels;
 - (viii) Comancheroes;

- (ix) Hell's Angels;
 - (x) Rock Machine;
 - (xi) Mongols;
 - (xii) Lone Wolf;
 - (xiii) Bandidos; and
 - (xiv) Brothers 4 Life.
- (b) A notice is to be displayed at all entrances to the licensed area/event reflecting this condition.

ENTERTAINMENT CONDITION

1. A person resorting to, or on the premises, including the licensee or manager, or an employee or agent of the licensee or manager, shall not:
 - (a) be immodestly or indecently dressed on the licensed premises, and/or
 - (b) take part in, undertake or perform any activity or entertainment on the licensed premises in a lewd or indecent manner.

2. The licensee or manager, or an employee or agent of the licensee or manager, is prohibited from:
 - (a) exhibiting or showing, or causing, suffering or permitting to be exhibited or shown, on the licensed premises any "R 18+", "X 18+" or "RC" classified film or computer game or "Category 1 – Restricted" or "Category 2 – Restricted" publication, or extract therefrom; or
 - (b) causing, suffering or permitting any person employed, engaged or otherwise contracted to undertake any activity or perform any entertainment on the licensed premises to be immodestly or indecently dressed on the licensed premises; or
 - (c) causing, suffering or permitting any person to take part in, undertake or perform any activity or entertainment on the licensed premises in a lewd or indecent manner.

3. In this condition "licensed premises" includes any premises, place or area:
 - (a) which is appurtenant to the licensed premises; or
 - (b) in respect of which an extended trading permit granted to the licensee is for the time being in force,but does not include any part of the premises which is reserved for the private use of the licensee, manager or employees of the licensee and to which the public does not have access.

COMPLIANCE WITH HARM MINIMISATION POLICY

The licensee has lodged a copy of the House Management Policy, Code of Conduct and Management Plan developed for these premises in accordance with the Harm Minimisation Policy. These documents must be retained on the licensed premises and produced to any Authorised Officer if required.



Level 10, 999 Hay Street
Perth, WA 6000
Australia
www.ghd.com

Our ref: 12554957

10 September 2021

Chief Executive Officer
Town of East Fremantle
PO Box 1097
FREMANTLE WA 6959

Sent via email – admin@eastfremantle.wa.gov.au

LOT 7563 (NO. 110) RIVERSIDE ROAD, EAST FREMANTLE – APPLICATION FOR PLANNING APPROVAL FOR CHANGE OF USE 'RESTAURANT' TO 'TAVERN'

Dear Sir / Madam,

GHD Pty Ltd acts on behalf of Moonlighting Enterprises Pty Ltd, the lessees of Lot 7563 (No. 110) Riverside Road, East Fremantle (herein referred to as the 'subject site'). The subject application seeks planning approval for a change of use from 'Restaurant' to 'Tavern'.

For submission purposes, we provide the following information for the Shire's consideration:

- This submission providing details of the proposed use and an assessment against the applicable planning framework.
- Copy of the Department of Biodiversity Conservation and Attractions Form 1.
- Copy of Certificate of Title pertaining to the subject site.

Given that the subject site is a Crown Reserve, it is requested that the managing authority execute the application on behalf of Moonlighting Enterprises Pty Ltd, who are the lessees of the premises which is the subject of this application. A copy of the lease agreement is provided in Attachment 1.

1. Subject Site

The subject site is located in Aquarama Marina on the Swan River foreshore in East Fremantle. The site fronts the Swan River to the north and is adjacent to the Leeuwin Barracks to the south. Access and egress to the site is attained via Riverside Road.

An aerial view providing the context of the subject site is shown in Figure 1 below.

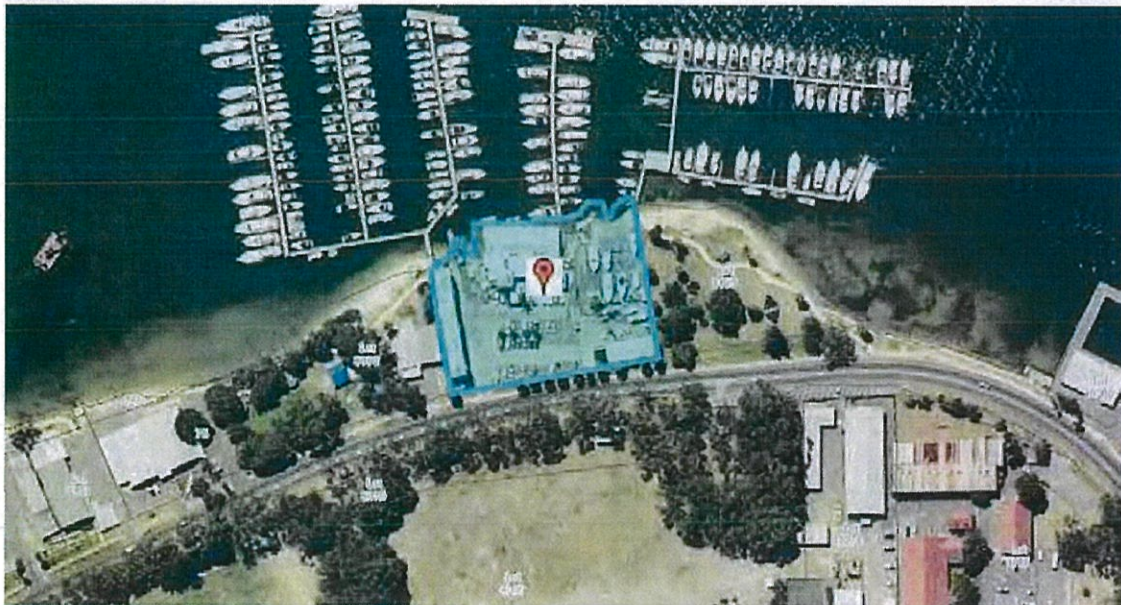


Figure 1 Subject Site

2. Nature of Proposed Business

The subject site's main building has been used as a licensed restaurant for several decades until the most recent tenant vacated the premises in March 2019. Moonlighting Enterprises Pty Ltd has entered into a lease agreement with the intention of re-activating the premises as a licensed hospitality venue.

The proposed venue will share the essential features of the site's previous use as a restaurant. However, the applicant is seeking the following additional operational flexibility:

- To allow for private and corporate functions, with attendees able to mingle and consume liquor whilst standing.
- To allow patrons to use the bar areas of the venue with the choice of consuming liquor either while seated or standing as desired, to enjoy drinks before and/or after their meal and general bar services.

Given that the existing 'Restaurant' land use and liquor licence approval do not permit the consumption of liquor while standing, this application seeks approval for a change of use to 'Tavern'. The application relates to land use only, with no works being proposed.

Particulars related to the relating to the proposed business operation are summarised as follows:

- Continue restaurant operations, including a full range of dining services for lunch and dinner seven days per week between 11:00am to midnight.
- Consumption of liquor either while seated or standing as desired.
- Substantial seating areas maintained throughout the premises, alongside two designated standing bar areas.
- Host private and corporate functions as required.
- Relaxed and comfortable ambiance, with no intensive forms of entertainment or amplified music.

- Internal refurbishment largely limited to cosmetic improvements, with no external works, landscaping or signage proposed.
- No change to the size or maximum accommodation of the premises.
- No sale of liquor to be consumed off-site.

It is noted that although a change of land use is proposed, the operations of the premises will remain largely unchanged, with no adverse impact on the amenity of the locality or service infrastructure capacity.

A copy of the proposed Development Plans is contained as **Attachment 2** of this submission.

3. Land Use & Permissibility

The subject site is not zoned or reserved under the provisions of the Town of East Fremantle Local Planning Scheme No. 3 (TPS3). Rather, it is reserved 'Parks and Recreation' under the provisions of the Metropolitan Region Scheme (MRS). As the site is also located within the Swan Canning Development Control Area, an application is made under the *Swan and Canning Rivers Management Act 2006*, with the Department of Biodiversity and Conservation (DEBCA) as the determining authority.

Based on the business operations described above, the proposal is considered to best fall under a land use definition of 'Tavern' which is defined under TPS3 as follows:

means premises the subject of a tavern licence granted under the Liquor Control Act 1988.

In this instance, a tavern - restricted licence is required under the Liquor Control Act 1988 to enable the consumption of liquor while standing.

Given that the subject site is reserved 'Parks and Recreation' under the MRS, no specific land use permissibility is designated for the subject site under TPS3. The application must therefore be considered on its general planning merits.

In this instance, the proposed land use is considered appropriate for the following reasons:

- The subject site has operated as a licensed restaurant for several decades. The proposal is generally in keeping with this existing use, while allowing for additional operational flexibility.
- The change of use does not seek to intensify operations in terms of capacity, servicing infrastructure or emission of light, noise, vibration, smell or other waste products. The proposal will therefore not detrimentally impact the existing amenity of the reserve or surrounding locality.
- The proposal aligns with the aims of TPS3 and the considerations of clause 10.2, having regard to the following:
 - The proposal will enhance the character and amenity of the Town by reactivating a licensed hospitality venue that has been vacant since 2019.
 - The change of land use will not detrimentally impact the natural environment attributes or cultural significance of the surrounding foreshore.
 - The proposal is compatible within its setting, given that a licenced hospitality venue has previously operated within the building for several decades.
 - The proposal is substantially separated from surrounding residential or other noise sensitive development.
- The proposed use is consistent with nearby venues located within the Swan River Foreshore 'Parks and Recreation' reserve, including The Left Bank which is located within 1.5km of the subject site.

- The proposal will not result in insufficient car parking available on site which is considered in further detail below.

4. Car Parking Considerations

Although the minimum car parking standards of TPS3 do not specifically apply to land reserved under the MRS, due regard is given to these standards to demonstrate the merits of the proposal. Schedule 10 of TPS3 prescribes the following minimum number of car bays for a 'Tavern':

1 space for every 2.5m² of bar area, plus

1 space for every 5m² of lounge or other seating area, including eating areas

Despite the parking standards above, the nature of the proposed 'Tavern' is to allow greater flexibility in the use of the premises and the consumption of alcohol. As such, patrons will be free to move around the premises. Notwithstanding, the use of the proposed tavern will generally be across two seated areas and two bar areas as per the layout illustrated in Figure 2 below.

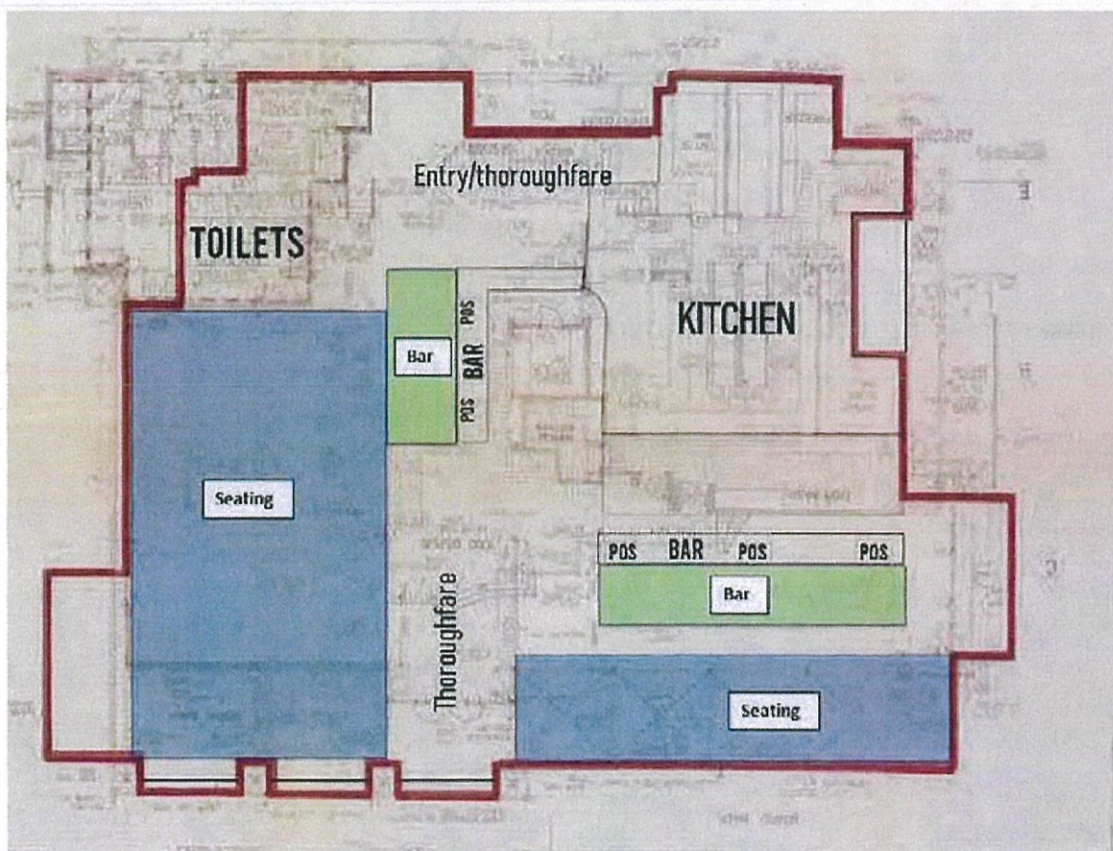


Figure 2 Indicative Tavern Layout Plan

This indicative layout plan has been assessed against the 'Tavern' parking standards in Table 1 below.

Parking Ratio	Tenancy Area	No. of bays required
1 space per 2.5m ² of bar area	55m ²	22

1 space per 5m² of seating area

230m²

46

Table 1 *TPS3 Car Parking Requirements*

The subject site currently provides approximately 66 parking bays which are shared between the restaurant, boat repair shops and general users of the Aquarama Marina. However, in addition to formal parking bays, the boat repair shops are provided with general servicing areas on the eastern portion of the lot.

Although proposal represents a minor shortfall if strictly assessed against the parking standards of TPS3, the extent of parking available on the site is considered sufficient to support the proposed change of use for the following reasons:

- The restaurant is currently licenced to accommodate up to 269 occupants. This application does not seek to change this maximum occupancy. It is reiterated that the purpose of this application is simply to allow patrons to consume alcohol while standard as desired.
- The subject site's tenancies complement each other with respect to parking demand. The proposed tavern will reach peak capacity during dinner service, at which point the boat servicing shops and general marina will be closed. Thus, excessive cumulative traffic capacity and parking demand is avoided.
- A 'Tavern' typically attracts patrons who wish to consume alcohol. As such, these patrons are often unfit to drive to the premises and will opt for alternate transportation, thereby reducing total parking demand.
- The Left Bank successfully operates in a comparable context to the subject site, with a significantly higher maximum occupancy allowance despite offering fewer on-site parking bays. Given that the proposed tavern will operate on a smaller scale, with more parking available, it is reasonable to conclude that sufficient parking capacity is available.
- 25 public parking bays are located on Riverside Road, within 100m of the subject site. These will complement the onsite bays and can suitably accommodate any overflow parking, should this occur.

5. Other Considerations – External Works and Signage

No external works or signage is being proposed as part of this application. Should any such works ultimately be required, this will be undertaken as part of a separate proposal.

6. Conclusion

In light of the above, we request the favourable consideration of the subject proposal by the Town of East Fremantle, the Department of Planning, Land and Heritage and the Department of Biodiversity and Conservation, based on the merits presented in the preceding sections of this submission.

Should you have further queries or seek clarification with regard to the matters raised above, please do not hesitate to contact the undersigned on 6222 8312.

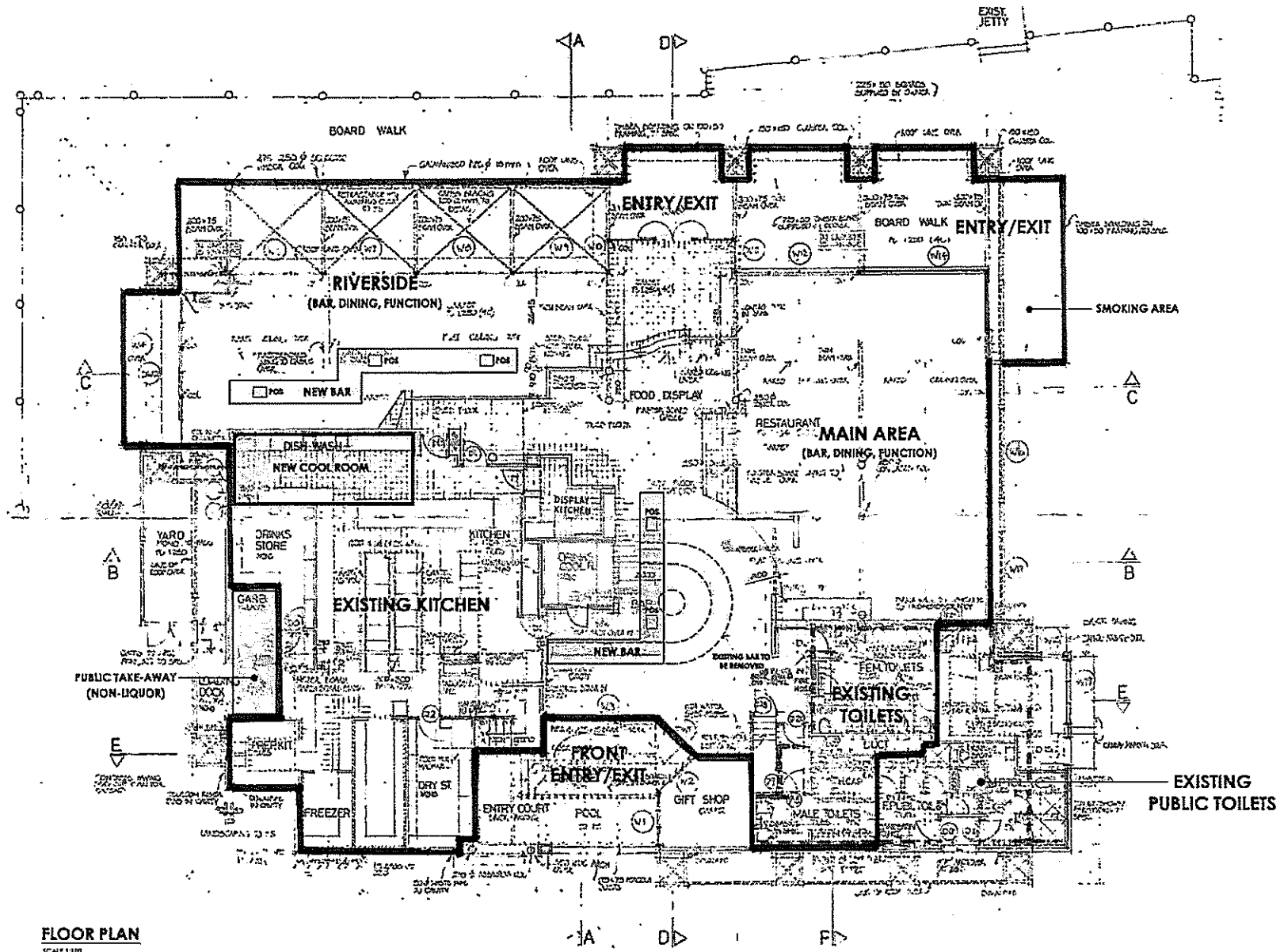
Regards



 The Power of Commitment

Edward O'Connell
Senior Planner
+61 8 6222 8312
Edward.Oconnell@ghd.com

→ The Power of Commitment



FLOOR PLAN
SCALE 1:100



PROJECT -
PROPOSED RENOVATIONS
 110 RIVERSIDE ROAD,
 EAST FREMANTLE

AMENDMENTS

DRAWN - MP
 DATE - 06/05/2021
 SCALE - 1:100 @ A2
SHEET 1 OF 1
 JOB No.

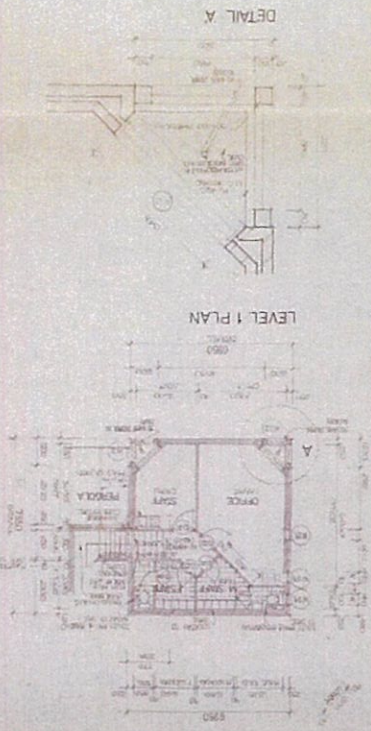
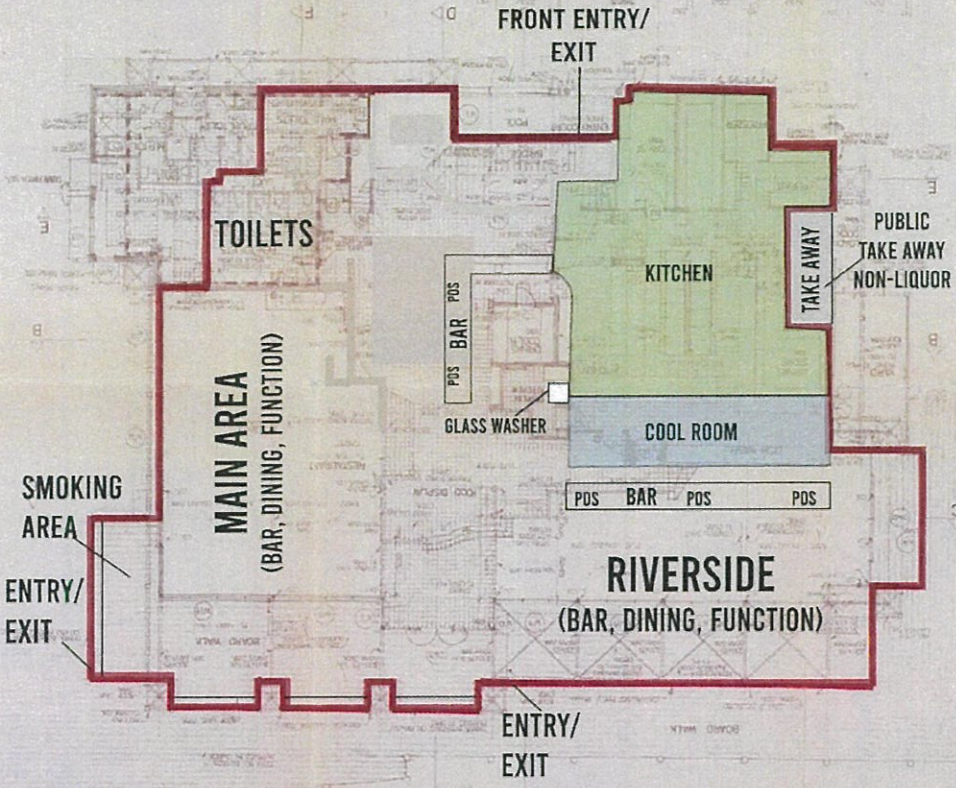


OVERMAN & ZUIDVELD
 ARCHITECTS
 RESTAURANT PLANS
 750-44
 1000
 1000

RIVERSIDE ROAD
 1000


GROUND FLOOR PLAN

1-11-54
 1-11-54
 1-11-54



RECEIVED
 19 JUN 1977
 Town Planning
 Division

B

	Extract of Minutes Swan River Trust
Meeting No:	10/2021
Date:	23 November 21
Time:	9am
Signed:	<i>[Signature]</i>



Meeting No. 10/2021

Tuesday 23 November 2021

EXTRACT

ITEM 5.2

5.2 Part 5 Development Application – Change of use from restaurant to tavern, Riverside Road, East Fremantle

Mr Greg Comiskey, Manager, Statutory Assessments Unit and Mr Marshall Farrell, Planning Officer, Statutory Assessments Unit provided the Trust with a general overview of the development proposal at Riverside Road, East Fremantle. The proposal is for a change of use from a restaurant to a tavern located at 110 Riverside Road, East Fremantle. The Trust considered the draft report and recommendations prepared on behalf of the Director General of DBCA in accordance with the SCRM Act.

The application does not include any external change to the outside of the building, however, internal renovations have been undertaken. The business is bound by the existing approved use and can only trade as a restaurant at this stage. There is no change in operating times or the number of patrons allowed.

Members discussed the proposal for bicycle parking and the potential for patrons to cycle while affected by alcohol. DBCA staff advised that the bicycle facilities would be provided for staff and those patrons not consuming alcohol and will address the minor shortfall of car parking available on site. The Trust noted that Condition 6 and advice note 5 may not be required.

RESOLUTION 56/2021

The Trust **RESOLVED** to advise the Director General of DBCA that it supports the report and recommendation as outlined in DBCA's draft report.

Desveaux, Nikki

From: MLU DBCA <mlu@dbca.wa.gov.au>
Sent: Tuesday, 18 January 2022 4:21 PM
To: Minister.Whitby
Cc: Thomas, Sandra
Subject: MIN76/22 - Development Application - Change of use from a restaurant to a tavern
- 110 Riverside Road, East Fremantle
Attachments: MIN76_22 DG Approved.pdf; MIN76_22 Attachment C.docx; MIN76_22 Attachment A.docx

Hi Nikki

Please find attached correspondence for the Minister's approval.

Jennifer Debono | Ministerial Liaison Officer | Office of the Director General
Department of Biodiversity, Conservation and Attractions | Ph. 9219 9944 | jennifer.debono@dbca.wa.gov.au



Department of **Biodiversity,
Conservation and Attractions**

*We're working for
Western Australia.*

